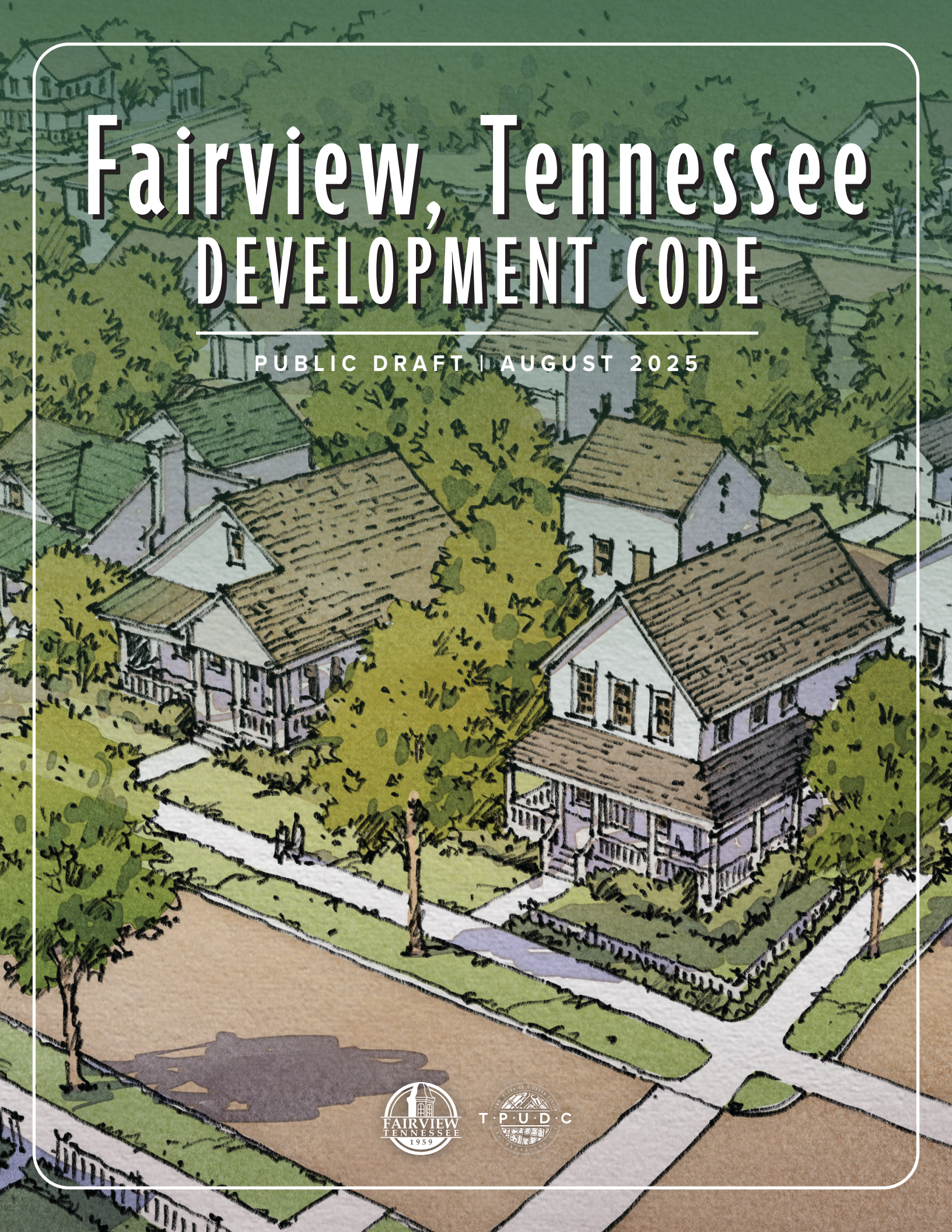
Fairview, Tennessee
DEVELOPMENT CODE

PUBLIC DRAFT | AUGUST 2025



FAIRVIEW TENNESSEE 1959

T·P·U·D·C

Fairview Tennessee Development Code

Public Draft | August 2025

City of Fairview Planning & Codes Department
Ethan Greer, City Planner
Devon Halliburton, Codes Enforcement Inspector
Tom Ponder, Building Inspector
Marisa Howell, Community Service Assistant
Maria Bruce, Permit Technician

Consultant
Town Planning & Urban Design Collaborative, LLC

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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 City of Fairview, Tennessee: to regulate within such Districts the location, Height, bulk, number of Stories and size of Buildings and other Structures, the percentage of Lot occupancy, the sizes of Yards and Open Spaces, the Density of population, and the Uses of land, Buildings, Structures for trade, industry, Residence, Recreation, public activities and similar purposes to include special districts for 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 and the official whose duty it shall be to enforce the provisions thereof; to provide procedures for land development approvals; to provide penalties for the violation of this ordinance; to provide for conflicts with other ordinances or regulations; and to repeal and replace Ordinance No. 2019-01, adopted March 7, 2019, as amended, being the Zoning Ordinance of the City of Fairview, Tennessee.

This ordinance, as the same may be amended from time to time, shall be known and may be cited as the "Fairview, Tennessee Development Code."

1.1.2 Short Title

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

SECTION 1.2 AUTHORITY & ENACTMENT

This Code 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 City, dated as of _____, 2025, providing as follows:

AN ORDINANCE TO REPEAL ORDINANCE NO. 2019-01, AND ALL AMENDMENTS THERETO, AND TO ADOPT THIS ORDINANCE NO. _____AS THE ZONING ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE, ALONG WITH A NEW OFFICIAL ZONING MAP

WHEREAS, Sections 13-7-201 through 13-7-210, of the Tennessee Code, empower the City 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 health, safety, morals, and general welfare of the City to enact such an ordinance, and

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 13-7-202, of the Tennessee Code, has appointed a Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein, and

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

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

WHEREAS, the Planning Commission has submitted its final report to the Board of Commissioners, and

WHEREAS, the Board of Commissioners has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held public hearings, and

WHEREAS, all the requirements of Sections 13-7-202 through 13-7-210, of the Tennessee Code, with regard to the preparation of the report of the Planning Commission and subsequent action of the Board of Commissioners have been met;

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 and report of the Planning Commission and subsequent action of the Board of Commissioners have been met;

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE THAT THIS ZONING ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE BE ENACTED INTO LAW:

SECTION 1.3 EFFECTIVE DATE; REPEAL

1.3.1 Effective Date

The Effective Date of this Development Code (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 Regulations

The existing zoning regulations of the City of Fairview (Ordinance No. 2019-01 as amended) are hereby repealed.

B. Conflicting Ordinances

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

C. Continuing Effect

Notwithstanding their repeal, the current zoning regulations and related amendments shall remain in effect to the extent necessary to implement the transitional provisions of Section 1.23 and the provisions of this Code. Binding rules, regulations, standards, requirements and procedures governing an Existing Planned Development District, Existing Planned Development, or Master Planned Development that existed prior to the Effective Date and were approved under prior zoning ordinances (collectively, "Existing Planned Developments") shall continue with respect to each such Existing Planned Development approval; however, expansions, changes of Use, and other modifications to an Existing Planned Development not explicitly contained in the rules, regulations, standards, requirements and procedures applicable to an Existing Planned Development shall be subject to the rules, standards, procedures, and requirements of this Code.

SECTION 1.4 COMPREHENSIVE PLAN

1.4.1 Adoption

By action of the Planning Commission, the City of Fairview, Tennessee (the "City") has adopted Fairview Forward -The 2040 Comprehensive Plan (2019) (collectively, the Comprehensive Plan").

1.4.2 Implementation

The Comprehensive Plan is intended to guide Development within the City; however, except as otherwise provided by this Code, the Comprehensive Plan. If any provision of this Code is inconsistent or in conflict with the Comprehensive Plan, the provision of this Code shall control.

SECTION 1.5 PURPOSES

1.5.1 General

This Code is being adopted for the following general purposes:

A. Protection & Promotion

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

B. Districts

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

C. Character & Stability

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

D. Light, Air, Privacy & Access

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

E. Open Space

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

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F. Building Lines & Locations
To establish Building lines and the location of Buildings designated for Residential, Business, Commercial, Industrial, manufacturing, or other Uses within such lines;

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

H. Prohibit Incompatible Character & Uses
To prohibit Uses, Buildings, or Structures which are incompatible with the character of Development or the permitted Uses within specified zoning Districts;

I. Restrict Noncomplying Changes
To restrict such additions to, and alterations or remodeling of, existing Buildings or Structures as would not comply with the restrictions and limitations imposed hereunder;

J. Congestion, Parking & Loading
To limit 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;

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

L. Prevent Overcrowding
To prevent overcrowding of land and undue concentration of Structures 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;

M. Preserve Value
To preserve the value of land and Buildings throughout the City;

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

O. Define Powers & Duties
To define and limit the powers and duties of the administrative officers and bodies as provided herein;

P. Beneficial Use of Property
To protect and in general allow for the beneficial Uses of property;

Q. 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;

R. Protection & Enhancement of Amenities
To protect and where appropriate, enhance the natural, man-made, and historical amenities of the City;

S. Residential Districts
The Residential Districts established in this Code are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space in appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the urban area, with due allowance to the need for a variety of choices in site selection.

2. To permit improved movement on the public ways and to effectively utilize existing public ways, and, as far as possible, to mitigate the effects of heavy traffic and more particularly all through traffic, in residential areas.

3. To protect Residential areas against flood, fire, explosions, toxic and noxious matter, radiation, and other dangers, and against offensive matter, heat, glare, humidity, and other objectionable influences.

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4. To protect Residential areas against undue congestion, as far as possible, by regulating the density of population, the intensity of activity, and the bulk of buildings in relation to the surrounding land and to one another, and by providing for off-street parking spaces for automotive vehicles.

5. To require the provision of open space in Residential areas whenever practicable in order to open up Residential areas to light and air, to provide open areas for rest and recreation, and to break up the monotony of continuous building bulk and thereby to provide a more desirable living environment.

6. To provide for access of light and air to windows and for privacy, as far as possible, by controls over the height of buildings and structures.

7. To provide appropriate space for public and private educational, religious, recreational, and similar facilities, and public utilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences, and to coordinate the intensity of residential land use with the appropriate community facilities.

8. To provide standards for sound development planning and development and building design.

9. To provide sufficient space in appropriate locations for Agricultural activities.

10. To promote the most desirable use of land and direction of development in accordance with a well-considered general plan to promote stability of residential development, to protect the character of the District and its peculiar suitability for particular uses, to conserve the value of land and Buildings, and to protect the community's tax revenues.

T. Commercial Districts

The Commercial districts established by this Code are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations in proximity to established Residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

2. To protect both retail and service Developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

3. To protect both retail and service Developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.

4. To provide sufficient and appropriate space, and in particular sufficient area, to meet the needs of the area's expected future need for planned Commercial floor space, including the need for off-street Parking space in areas where a large proportion of customers come by automobile, and to encourage the tendency of Commercial establishments to concentrate in integrated planned Developments, to the mutual advantage of both consumers and merchants.

5. To provide sufficient space in appropriate locations for Commercial districts to satisfy specific functional needs of the area, and in particular the need for medical services, and the needs of the general public traveling along major Thoroughfares.

6. To provide sufficient space in appropriate locations for the mixture of compatible Residential and restricted Commercial Developments where standards for Development will provide protection for the environmental essentials of either.

7. To provide appropriate locations for transitional uses intervening between Commercial Developments and Residential areas, and thereby alleviate the friction inherent between dissimilar activities.

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8. To provide sufficient space in appropriate locations for all types of Commercial and miscellaneous service activities.

9. To provide freedom of architectural design, in order to encourage the development of more attractive, efficient, and economic Building forms, within appropriate standards which ensure that Buildings are in character with their surroundings.

10. To promote the most desirable use of land and direction of Building development in accord with a well-considered plan, to promote stability of Commercial Development, to strengthen the economic base of the area, to protect the character of the Districts and their peculiar suitability for particular Uses, to conserve the value of land and Buildings.

U. Industrial Districts

The Industrial districts established by this Code are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.

2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.

3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Code restricts the emission of such nuisances, without regard to the industrial products and processes involved.

4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Code restricts the emission of such nuisances, without regard to the industrial products or processes involved.

5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.

6. To promote the most desirable use of land and direction of development, to promote stability of industrial and related development, to strengthen the economic base of the area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

7. To protect adjacent areas from any negative impacts attributable to sites devoted to industrial activities.

V. Mixed Use Districts

The Mixed Use districts established by this Code are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the goals applicable to Residential, Commercial, and Industrial districts under Sections 1.5.1.S - 1.5.1.U as related to the respective specific Use categories within such districts.

1.5.2 Other Purposes and Objectives

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

SECTION 1.6 APPLICABILITY

1.6.1 General

This Code, the Zoning Map, and the standards and requirements of this Code, are applicable to and shall govern all Development, re-Development, Improvements, land, Structures, Alterations,

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modifications, Construction, re-Construction, Buildings, Lots, Building Sites, Development Sites, and land Use within the jurisdiction of the City.

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 Code.

1.6.2 Exclusive & Mandatory

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

SECTION 1.7 DEVELOPMENT PLANS

This Code provides for Development Plans as follows:

1.7.1 Purpose

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

1.7.2 Condition to Zoning Permits

An approved Development Plan is a condition to issuance of a Building Permit, Grading Permit, Sign Permit, and Use and Occupancy 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 & AGREEMENTS

1.8.1 Effect of Chapter

It is not intended by this Code to interfere with or abrogate or annul any Easement, covenant or other agreement between parties; provided, however, that when this Code imposes a greater restriction upon Buildings, Structures, premises, Lots, Building Sites, Development Sites, 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 Code shall control.

1.8.2 No Encroachment

Except as otherwise expressly provided in this Code, 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 on any approved Development Plan.

SECTION 1.9 RELATIONSHIP TO OTHER LAWS, ETC

1.9.1 Precedence of Code

The provisions of this Code shall take precedence over those of other City codes, ordinances, regulations, and standards that may be in conflict with this Code. Except as provided in the preceding sentence, all Development, Construction, Buildings, Structures, and Uses are subject to all applicable federal, state, county, and City laws and regulations.

1.9.2 Compliance with Subdivision Regulations.

Reference is hereby made to the City Subdivision Regulations, as amended. Without limitation to any other means by which a violation of the City Subdivision Regulations may be enforced, any such violation shall constitute a violation of this Code and may be enforced as such under **Article 8 (Administration, Procedures, and Enforcement)**.

SECTION 1.10 COMPLIANCE WITH CODE

Except for Nonconformities allowed pursuant to Section 1.22 or as otherwise provided in this Code, all Development, re-Development, land, Lots, Building Sites, Development Sites, 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 Code, must comply with this Code and the applicable standards, requirements, and conditions of this Code, including

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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 Code, and (c) any applicable Plan approved or certified under this Code.

SECTION 1.11 DEVELOPMENT RESTRICTED WITHIN CERTAIN AREAS

Notwithstanding anything to the contrary contained or implied in this Code, 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 Major Thoroughfare Plan, the City Official Map, or other planning documents adopted by the Board of Commissioners.

SECTION 1.12 RESTORATIONS & REPAIRS

When any Building is declared unsafe by the Codes Enforcement Inspector, the City Codes Department, or the Building Inspector, nothing in this Code 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 Code are defined in **Article 9 (Definitions)** and elsewhere in this Code. Such definitions are integral to this Code. Uncapitalized terms and terms not so defined shall be accorded their commonly accepted meanings unless otherwise provided in this Code. In the event of conflicts between the definitions in this Code and the definitions of the Existing Local Codes, those of this Code shall take precedence as applied to this Code.

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 Code.

1.14.2 Effect of Graphical Material

A. Table Graphics

The diagrams, photographs and illustrations in **Tables 4.3.1-A - 4.3.1-J (District Standards)**, **Table 4.3.7.A (Private Frontage Types)**, **Table 4.3.8.A-1 (Principal Building Types Summary)**, **Table 4.3.8.A-2 (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.G-2 (Alley Assembly and Standards)**, **Table 5.2.4.B (Bikeway Types)**, **Table 5.2.6 (Public Lighting Types)**, **Table 5.2.5 (Public Planting)**, **Table 5.3.2-A (Civic Space Types - Summary)**, **Table 4.3.17.B (Private Lighting Standards)** and **Table 5.3.2-B (Civic Space Types - Specific Standards)** are provided only to indicate the general character or placement of and/or reference to the various Districts and Civic Spaces, and elements thereof, shown thereon, and they shall have regulatory force and effect only to that extent.

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

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

1.14.3 Conflict Between Metrics

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

SECTION 1.15 PREPARATION & ADOPTION OF ZONING MAP

1.15.1 Conformance with Article 2

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

1.15.2 Preparation

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

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SECTION 1.16 DETERMINATION OF STANDARDS

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

SECTION 1.17 ADMINISTRATION

Except as otherwise expressly provided herein, this Code 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 Site, 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), applicable state law, and this Code, and no Building Permit shall be issued unless and until all certifications and approvals required pursuant to this Code 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 is required for Ordinary Maintenance or Repair of an existing Structure.

SECTION 1.19 CONDITIONAL USES AND VARIANCES

1.19.1 Administrative Adjustments

To the extent expressly provided in this Code 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 Code.

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 Code, or otherwise applicable to any land, Lot, Building Site, Development Site, Improvement, Building, or Structure regulated under this Code.

SECTION 1.20 APPEALS

Appeals from decisions or determinations under this Code may be taken in accordance with Section 8.3.4.K or 8.5.17, as applicable.

SECTION 1.21 VIOLATIONS

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

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

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

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

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

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

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

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. 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

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thereof, ceases for any reason for any continuous period of 12 months, is changed to a conforming Use, or if the Structure in or on which such Nonconforming Use is conducted or maintained is removed or moved for any distance whatever, for any reason, the legal status of such Nonconforming Use shall cease and thereafter any future Use of the property must conform with the provisions of this Code.

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 Code.

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 City has the burden of proving an overt act of abandonment in such matter.

D. Damage or Destruction

1. Except as otherwise provided in Section 1.22.2.B.4, 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 Code; 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 Code and be consistent with the architectural context of the immediate and Adjacent Block faces. For purposes of this Section 1.22.2.D.1, the percentage of damage for Nonconforming Buildings shall be calculated by dividing the estimated cost of restoring the Building as nearly as possible to its condition prior to the occurrence, by the appraised fair market value of the Building (excluding the value of the land) immediately prior to the occurrence.

2. Except as otherwise provided in Section 1.22.2.D.5, a Nonconforming Structure shall not be intentionally

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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 Code 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 Code 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 Code 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 Code 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.

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 Code, 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

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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 Code.

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 Code, the Use of property as a Short-Term Rental Unit, which Use legally existed immediately prior to the enactment of this Code, any amendment hereto, or any Zoning Change, may be continued as a legal Nonconformity upon proof of compliance with T.C.A. Section 13-7-602(10) and Section 13-7-603(a) 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 Code, 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.

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 Code, may, without losing its legal status, be Developed in accordance with the Uses permitted in the applicable District under this Code, provided that the dimensional standards and minimum Open Space requirements that were applicable at the time of subdivision are met.

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

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

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

Two (2) or more legally existing Lots may be merged to create a Lot or Building Site that more closely meets the requirements of this Code, which resulting Lot shall be a legal Nonconforming Lot if it does not meet the requirements of this Code.

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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 Code; 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 City, County, or TDOT, and has either City water/sewer or approval for septic and/or well service; and

3. not part of Development in which a new Preliminary Plat, Final 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 Code 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 Code, shall continue as a legal Nonconforming Sign in accordance with this Code, subject to Sections 1.22.4.B-.D below.

B. Changes Resulting in Loss of Legal Status

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

1. Structural Alteration;

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

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

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

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

C. Changes Not Resulting in Loss of Legal Status

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

1. Minor repairs and maintenance;

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

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

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

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

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

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

1.23.1 Applicability

The following transitional regulations are applicable to the status of Applications, Plans, and permit requests that: (a) have been submitted or accepted for approval prior to the Effective Date of this Ordinance, but upon which no final action has been taken by the appropriate Decision-Making Authority; (b) have been determined by the Zoning Administrator as being complete as of the Effective Date of this Ordinance; and (c) have not established Vested Rights pursuant to Section 1.24.

1.23.2 Review of Applications, Plans, & Permits to which Section 1.23 is Applicable

Any Application that has been determined by the Zoning Administrator to be complete as of the Effective Date of this Code, 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 Code, shall be reviewed in accordance with the provisions of the City zoning ordinance in effect on the date the Application was determined to be complete.

1.23.3 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.

1.23.4 Re-application

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

1.23.5 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.

1.23.6 Timely Submission of Information

Applicants who have submitted Applications, Plans, or permit requests to which this Section 1.23 is applicable shall comply

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with all requests for further information and submit all necessary revisions of submitted Applications, Plans, and permit requests in a timely manner. A delay of more than ninety (90) days in submission of information or revisions requested shall constitute effective withdrawal of such Applications, Plans, and permit requests, with loss of all fees paid.

1.23.7 Approved Proposals

Approved or issued Applications, Plans, Variances, and permits, which are valid immediately prior to the Effective Date of this Ordinance, shall remain valid until their expiration date, where applicable.

1.23.8 Effect of Code on Existing Planned Development Districts and Existing Planned Developments

Any Existing Planned Development District, any Existing Planned Development, and any Use, Development Plan, Structure, or Lot that was lawfully approved for or within an Existing Planned Development District, Existing Planned Development, or portion thereof, with binding regulations and standards under the provisions of a previous zoning ordinance, shall continue as such subject to the conditions, limitations, standards, requirements, and regulations applicable to such Existing Planned Development, the Existing Planned Development District, and the related approved Development Plan, each as the same existed at the time of the approval of such Existing Planned Development and as may be amended from time to time.

1.23.9 Development Plan Requirement Waivers or Modifications

Development Plan requirements may be waived or modified by the Planning Commission without the necessity of approval by the Board of Commissioners in order to bring submissions into conformance with this Ordinance or to other ordinances adopted for environmental purposes.

SECTION 1.24 VESTED PROPERTY RIGHTS

1.24.1 Establishment of Vested Property Right

A. Certain Substantially Compliant Plans & Permit Submissions Establishing Right

1. A vested property right shall be established with respect to any property only upon submission in accordance with the requirements of this Ordinance of a Substantially Compliant Development Plan and Application or a Substantially Compliant Building Permit Application, as applicable, for approval or issuance of the following, as applicable:

a. a Development Plan

b. a Building Permit allowing construction of a Building where there is no requirement for prior approval a Final Development Plan for the Property on which that Building will be constructed.

2. Notwithstanding Section 1.24.1.A.1, a vested property right is not established unless the Development Plan and Application or the Building Permit Application, as applicable, is Substantially Compliant.

B. 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 the submission of the applicable Development Plan in accordance with Section 1.24.1.A, which established the vested property right, shall remain the Development standards and requirements 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

1. The vesting period applicable to a Substantially Compliant Development Plan and Application the submission of which established the vested property right pursuant to Section 1.24.1 shall begin on the date of submission of the Development Plan and shall remain in effect for a period of three (3) years; provided, that the

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Applicant obtains Decision-Making Authority approval of a Development Plan, secures any necessary permits, and commences site preparation, if applicable, within the vesting period. If the Applicant obtains such approval, secures any necessary permits, and commences site work preparation, if applicable, 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.

2. The vesting period applicable to an approved Construction project for which a Building Permit has been issued shall begin on the date of issuance of the Building Permit and shall remain in effect for the time period authorized by the approved Building Permit, including any approved renewal obtained by the Applicant prior to the expiration or termination of the permit to be renewed; provided that the Applicant pursues with reasonable diligence, if site preparation, if applicable, and construction.

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 submission of the Substantially Compliant Development Plan 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 applicable 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 submission 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 submission of the Plan the submission 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 applicable 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 the Plan or the issuance of the Building Permit; 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 permit 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 issuance of the Building Permit or intentionally and knowingly did not

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construct the Development in accordance with Plan or or Building Permit or any approved amendment thereof; or

d. Upon enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the City and that precludes Development as contemplated in the approved Plan or Building Permit, unless modifications to the Plan or Building Permit 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.

3. Notwithstanding anything to the contrary contained or implied in this Section 1.24.2, the vesting period for a project or plan established pursuant to this Section 1.24.2 shall not expire because of pending litigation challenging a permit, and instead, such vesting period shall be tolled during the pendency of such litigation.

1.24.3 When Vested Development Standards Do Not Preclude Enforcement

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

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

2. The Decision-Making Authority determines, in writing, that a compelling, countervailing interest exists relating specifically to the Plan or property which is the subject of the Building Permit that 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 Building Permit and which, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the Decision-Making Authority, by the Applicant using vested property rights;

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

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

1.24.4 Eminent Domain Unaffected

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

1.24.5 Zoning Authority Unaffected

This Section 1.24 shall not preclude, change, amend, alter, or impair the authority of City to exercise its zoning authority, except a vested property right, once established as provided for in this Section, precludes the effect of any zoning action by the City which would change, alter, impair, prevent, diminish, or otherwise delay the Development of the property, while vested, as described in the Plan or Building Permit as applicable.

1.24.6 Effect of Moratorium

In the event the City enacts a moratorium on Development or

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Construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

1.24.7 Amendment of Approved Plan or Building Permit

A. Amendment Subject to Approval

An amendment proposed by the Applicant, amending an approved Plan or Building Permit, 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 City expenditure necessary to implement or sustain the proposed Use.

B. Effect of Amendment Disapproval

If an amendment is denied by the Decision-Making Authority based upon a written finding pursuant to Section 1.24.7.A, then the Applicant may either proceed under the prior approved Plan or Building Permit with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new Application. 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 Building Permit.

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 Building Permit which established the vested property right, including any amendments thereto.

1.24.10 Terms Used in Section

As used in this Section 1.24:

A. "Applicant"

"Applicant" means a landowner or developer who is responsible for filing with the City an Application for approval or issuance of a Development Plan and Application or a Building Permit Application, as applicable, 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 a Plot Development Plan or a Site Development Plan;

D. "Development Standards"

"Development Standards" means all City-adopted or -enforced standards, regulations, requirements, or guidelines applicable to the Development of property, including, but not limited to, planning; local storm water requirements, layout, and design; City construction standards for Buildings, streets, alleys, curbs, sidewalks; zoning; 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

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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;

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.

F. "Substantial Compliance" or "Substantially Compliant"

"Substantial Compliance" or "Substantially Compliant" means a Development Plan and Application or an Application for Building Permit that meets all applicable standards and requirements of this Ordinance and all other applicable standards and requirements of any other applicable City Development ordinances and regulations, as determined by the Planning Commission after consultation with the Zoning Administrator and the City Building Department.

SECTION 1.25 PROFESSIONAL EXPENSES

1.25.1 Purposes

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

1.25.2 Consultant Reviews

A. Expense

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

B. Reimbursement

The Applicant shall reimburse the City for the cost of such services in accordance with the procedures described in 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 and Requirements

To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the Applicant shall post a performance bond, cash deposit, certified check, irrevocable letter of credit, or other security acceptable to the City to secure the Applicant's payment and performance of all obligations to the City and requirements under this Ordinance, maintenance of improvements and landscaping, and completion of all public or private on-site and off-site Improvements, (each, a "Performance Guarantee"), covering 125% of the City Engineer's estimate of the cost of such obligations, requirements, maintenance, and satisfactory completion, installation, payment, performance, and/or compliance. Such Performance Guarantee shall be deposited with the City Clerk as a condition to the approval of any Plan or issuance of any permit authorizing the activity or project, and shall be subject to approval by the City Attorney.

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Have performance bond be set prior to approval of final plat. -

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, performance and completion, within no more than two (2) years from the date on which the Development Plan or plat is approved, of all obligations to the City required for the approved Development, or by the approved Development Plan or plat in a manner satisfactory to the City, including without limitation all public and private on-site and off-site Improvements, and the proper functioning and maintenance of all such Improvements for a period of two (2) years from their completion. In default thereof, said Performance Guarantee shall be forfeited, and the City shall be entitled to the full amount thereof as necessary to satisfy all such obligations to the City, to complete the required public or private Improvements, and/or to replace or repair any Improvements that are not functioning properly. If any amount of money remains after the City has satisfied such obligations and requirements, 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 Performance Guarantee.

1.26.3 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 this Ordinance.

1.26.4 Period

The period within which all required Improvements must be completed shall be specified by the Planning Commission and incorporated in the Performance Guarantee, but shall not exceed three (3) years, subject to extension as provided in Section 1.26.6. The Performance Guarantee shall be reviewed as to progress at least once a year by the City Engineer.

1.26.5 Extension

The Planning Commission may extend the completion date set forth in the Performance Guarantee for no more than two (2) additional periods of one (1) year each. Any extension of the Performance Guarantee period may necessitate an increase in the Performance Guarantee amount.

1.26.6 Reduction or Release of Performance Bond or Security

A. Reduction

Upon written request of the Applicant, a Performance Guarantee may be reduced by the Planning Commission in its discretion one (1) time by up to fifty (50%) of the face amount thereof when at least fifty percent (50%) of the obligations and requirements secured thereby have been satisfied, completed, and met as determined by the Planning Commission; provided that no Performance Guarantee shall be reduced to less than thirty percent (30%) of its full face amount unless and until all secured obligations and requirements shall have been satisfied, completed, and met.

B. Release

The Performance Guarantee, and the security for it, may be released by the Planning Commission when all obligations and requirements shall have been satisfied, completed, and upon the City's inspection and acceptance of all required improvements.

C. Expenses

All expenses incurred in connection with any reduction or release of a Performance Guarantee, including engineering inspection fees, legal fees, etc., shall be borne by the Applicant, regardless of whether the request for reduction or release is granted.

D. Additional Phases

When additional phases exist within a Development, Applicants may bond unfinished Improvements with the next phase of the Development.

SECTION 1.27 AMENDMENT

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

SECTION 1.28 SEVERABILITY

In case any provision of this Code 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.

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If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code 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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Zoning Map

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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 Code

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 City offices and the City Planner 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 City boundary lines, all as shown on the Zoning Map. Where a District boundary line does not follow such a line, but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their center lines.

C. Discrepancy in Map and Physical Boundaries

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

D. Determination of Boundary Location

When the location of a District boundary line cannot be otherwise determined, the determination thereof shall be made by the City Planner 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:

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

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

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

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

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

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

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7. Where physical or cultural features existing on the ground are in conflict with those shown on the official zoning map, or in other circumstances not covered by Sections 2.1.5.E.1 - 2.1.5.E.5, the City Planner shall research and make a determination on the district boundaries.

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 City Planner's determination may be taken to the Board of Zoning Appeals, as provided in **Article 8 (Administration, Procedures & Enforcement)**.

G. Boundary Dividing Lot

Where a District boundary line divides a Lot which was in single ownership at the Effective Date of this Ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the Lot not to exceed five hundred (500) feet beyond the District line into the remaining portion of the Lot.

H. Lot or Parcel in More than One Jurisdiction

If any Lot or parcel of land is situated partially within the City and partially within one or more other jurisdictions, the portion of such Lot or parcel of land situated within the City must comply with the City 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 City Recorder, bear the Seal of the City under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 2 of the Development Code of the City of Fairview, Tennessee"

and bear the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Commissioners. No amendment to this Ordinance which involves any matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

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.

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 which shall be located in the City offices 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 in the City.

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 City may use the resolution process to address minor drafting, omissions, or other errors but must use the rezoning process described in Section 8.5.19 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 City Clerk, and bear the seal of the City under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____, 202_ by the City of Fairview, Tennessee"

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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.

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. Two-Story Special Height Requirement

A designation of Two-Story Special Height Requirement requires that Buildings within the designated area be limited to two-stories maximum rather than the Height standard that would otherwise be applicable within the District

F. Residential/Dwelling Use Restriction

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

G. Residential/Dwelling Use Only

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

SECTION 2.3 CHANGES TO ZONING MAP

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

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SECTION 2.4 ASSIGNMENT OF DISTRICTS FOR DEVELOPMENT SITES ≥ 20 GROSS ACRES

2.4.1 Character Districts

A. Assignment

Character Districts must be assigned within Development Sites of twenty (20) or more gross acres, excluding any Special Districts, in accordance with the following **Table 2.4.1.A (Assignment of Character Districts for Development Sites ≥ 20 Gross Acres (excluding any Special Districts))**:

Table 2.4.1.A Assignment of Character Districts for Development Sites ≥ 20 Gross Acres (excluding any Special Districts)

District	% of Development Site Gross Site Area
CD-1	0 - 10%
CD-2 & CD-2W	Not Regulated
CD-3	10 - 30%
CD-4	30 - 60%
CD-CV	5 - 20%

All Applications for and approvals of a Zoning Map Amendment covering a Development Site of twenty (20) or more gross acres, excluding any Special Districts, must be in accordance with this Section 2.4.1.

B. Zoning Map Amendment

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

2.4.2 Civic Districts

A. Assignment

Civic Districts must be assigned within Development Sites of twenty (20) or more gross acres, excluding any Special Districts, in accordance with **Article 4 (Building, Lot & Building Site Standards)**.

B. Zoning Map Amendment

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

2.4.3 Special Districts

A. Assignment

A Special District may be assigned to an area within a Development Site of land over twenty (20) gross acres if and 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 Development Code Amendment

Assignment of a Special District shall be subject to approval as a Zoning Map Amendment pursuant to Section 8.5.19 and a Development Code Amendment pursuant to Section 8.5.18.

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 Development Code Amendment pursuant to Section 8.5.18.

SECTION 2.5 NEWLY ANNEXED PROPERTIES

Newly annexed properties shall have an initial zoning of CD-2W and such annexed property shall retain such zoning classification until the property is rezoned in accordance with **Article 8**. However, an Application for Zoning Map Amendment to another District may be considered concurrently with the action for annexation, subject to Section 8.5.19.

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Zoning Districts & Overlay 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 Nonconformities 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 AND EXISTING PLANNED DEVELOPMENT DISTRICTS

3.3.1 Defined

Special District and Existing Planned Development District are defined in **Article 9 (Definitions)** and Section 3.3.4, respectively.

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 and other standards for such District.

3.3.3 Certain Districts Not Available for Rezoning

Except with respect to properties described in Section 3.3.4 following, all Districts established in a previous zoning ordinance shall be converted the Character Districts or Special Districts described in Section 3.5, as designated on the Zoning Map adopted concurrently with the adoption of this Ordinance and zoning or re-zoning of land to any base district, Planned Overlay District, or Planned Unit Development District as described in any previous zoning ordinance shall not be available from or after the Effective Date.

3.3.4 Survival of Existing Planned Development Districts and Underlying Base Districts Established Prior to Effective Date

Any Parcel within a Planned Overlay District or Planned Unit Development District for which there existed immediately prior to the Effective Date an active approved Planned Overlay District Development Plan or Planned Unit Development Plan (each such Parcel being referred to in this Ordinance as an “Existing Planned Development District” or "Existing PDD") shall continue to be regulated by the provisions applicable to the underlying base zoning District assigned to them under the zoning ordinance and the approved Planned Overlay District Development Plan or Planned Unit Development Plan pursuant to which they were established.

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 3.5 (District Descriptions - Summary)** and **Tables 4.3.1-A - 4.3.1-I (District Standards).**

SECTION 3.6 CIVIC DISTRICT & CIVIC SPACE DESCRIPTIONS

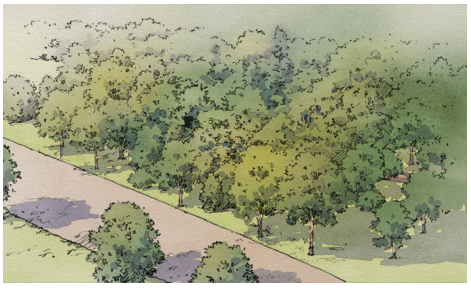
Civic Character District is described in **Table 4.3.1-J (Civic Character District Standards)**. Civic Spaces are described in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-B (Civic Space Types - Specific Standards)**.

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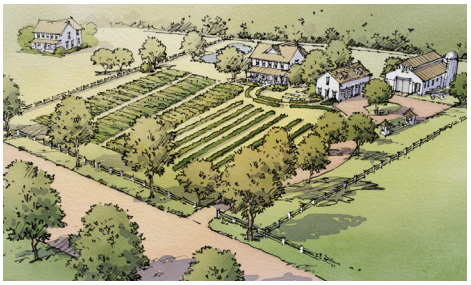
Table 3.5 District Descriptions - Summary

Character 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.



CD-2W (Woodlot)

The CD-2W Woodlot Character District consists of single-Family Houses on large Lots surrounded by woods. It has deep front Setbacks and wide side Setbacks.



CD-3L (Neighborhood - Large Lot)

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 must 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 Types. 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.

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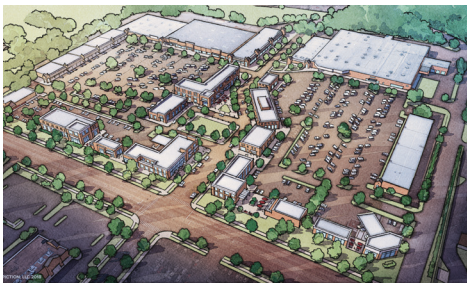
Table 3.5 District Descriptions - Summary

Character Districts



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, Accommodations / 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, Accommodations / 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-CV (Civic District)

The CD-CV Civic Character District 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 government Offices, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

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Table 3.5 District Descriptions - Summary

Special Districts

SD-LI (Light Industrial)

The SD-LI Light Industrial Special District consists of a wide range of Industrial and related Uses which conform to a high level of performance criteria and have the least objectionable characteristics. This District may provide a Buffer between other Districts and Industrial Uses which have more objectionable influences. New Residential Uses are excluded. Office Uses, Health Care Uses, Civil Support Uses, Civic Uses and Commercial Uses which provide needed services for industry and are complementary thereto are permitted.

SD-HI (Heavy Industrial)

The SD-HI Heavy Industrial Special District is intended to provide space for the types of Industrial Uses which by reason of volume of raw materials or freight, scale of operations, type of Structures required, or other similar characteristics require locations relatively well-segregated from non-Industrial Uses. Performance standards must still be complied with. New Residential Uses are excluded, and Civic Uses which provide needed services for industry and are complementary thereto are permitted.

Overlay Districts

Overlay Districts are described in Section 3.7.3 below.

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SECTION 3.7 ESTABLISHMENT OF DISTRICTS

3.7.1 Base Districts

For the purposes of this Ordinance, there are hereby established within the City, and the City is hereby divided into, the following zoning Districts, which are described in Sections 3.5 - 3.6 and **Table 3.5 (District Descriptions - Summary)** referenced therein, and the District standards for which are set forth with respect to Buildings, Lots, and Building Sites in **Article 4 (Building, Lot, and Building Site Standards)** and **Tables 4.3.1-A - 4.3.1-J (District Standards)**, and with respect to certain Development Sites are set forth in **Article 5 (Development Site Standards)** and **Tables 4.3.1-A - 4.3.1-J (District Standards)**:

A. Character Districts

1. Character District CD-1 (Natural)
2. Character District CD-2 (Rural)
3. Character District CD-2W (Woodlot)
4. Character District CD-3L (Neighborhood - Large Lot)
5. Character District CD-3 (Neighborhood)
6. Character District CD-4 (Neighborhood Center)
7. Character District CD-4C (Neighborhood Corridor)
8. Character District CD-CV (Civic).

B. Special Districts

1. Special District SD-LI (Light Industrial)
2. Special District SD-HI (Heavy Industrial).

C. Existing Districts of Certain Parcels with Existing Planned Development Districts

The following Districts assigned to certain Parcels for which an Existing Planned Development District Plan was in effect immediately prior to the adoption of this Ordinance:

1. RS-40 (Residential Single Family)
2. R-20 (Residential One and Two Family)
3. RS-15 (Residential Single Family)
4. RM-8 (Residential Multifamily)
5. RS-8 (Residential Single Family)
6. RS-5 (Residential Single Family)
7. CG (Commercial General)
8. MSMU (Main Street Mixed Use)
9. OG (Office General)

Except as provided in Section 3.3.4, zoning or re-zoning of land to any of the Districts listed in this Section 3.7.C shall not be available from or after the Effective Date.

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-2W (Woodlot)
3. Character District CD-3L (Neighborhood - Large Lot)
4. Character District CD-3 (Neighborhood)
5. Any portion of Character District CD-4 (Neighborhood Center) used or available for Residential Use
6. Any portion of Character District CD-4C (Neighborhood Corridor) used or available for Residential Use
7. Any portion of an Existing 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

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3. Any portion of Special District SD-LI (Light Industrial) used or available for Commercial Use

4. Any portion of an Existing Planned Development District 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-LI (Light Industrial)

2. Special District SD-HI (Heavy Industrial)

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

D. Mixed Use

Where the phrase "Mixed Used District" is used in this Ordinance, the phrase shall be construed to include Character Districts CD-4 and CD-4C.

E. 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 not used or available for Residential Use.

3.7.3 Overlay Districts

A. General

In addition to the base Districts identified in Section 3.7.1, property may be subject to regulation as an Overlay District established pursuant to this Section 3.7.3, 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.

Except as provided in Section 3.3.4 with respect to Existing Planned Development Districts, zoning or rezoning to Planned Overlay District or Planned Unit Development District shall not be available under this Ordinance.

B. Historic and Landmark Overlay District (HOD)

1. **PURPOSE AND INTENT.** These historic and landmark district provisions are established pursuant to the authority contained in Sections 13-7-401 through 13-7-410, Tennessee Code Annotated, to promote the educational, cultural, economic and general welfare of the community by:

a. Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of Fairview which represent elements of the City's cultural, social, economic, political, and architectural history;

b. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Fairview's historic structures and sites;

c. Conserving and improving the value of property through actions aimed at structural restorations and functional rejuvenation;

d. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors and shoppers, and thereby supporting and promoting, business, commerce, industry, and providing economic benefit to the City;

e. Fostering and encouraging preservation, restoration and rehabilitation of structures, land areas and neighborhoods and thereby preventing future urban blight.

2. CREATION, AND ORGANIZATION AND APPOINTMENT OF HISTORIC ZONING COMMISSION.

a. **Creation.** A Historic Zoning Commission is hereby created for Fairview, Tennessee, and it shall consist of five (5) members who shall are residents of the area of jurisdiction of the City of Fairview and who shall continue to be so eligible as long as they serve.

b. **Membership.** Membership on the Historic Zoning Commission shall be composed of the following members:

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(1) One (1) member of the Fairview Planning Commission, who may also be a member of the Fairview Board of Commissioners.

(2) One (1) member representing a local historical or patriotic organization.

(3) One (1) architect who is a member, or meets membership requirements, of the American Institute of Architects, if available; if such a qualified architect is unavailable, this position will be filled by another member selected from the community in general.

(4) Two (2) members as selected from the community in general.

c. **Appointment to the Historic Zoning Commission.**

(1) Members of the Historic Zoning Commission shall be appointed by the Mayor, subject to confirmation by the Board of Commissioners.

(2) Except as herein provided, the members of the Historic Zoning Commission shall serve for a three (3) year term.

(3) The members first appointed, shall serve respectively as follows:

(a) two (2) members to serve a term of one (1) year,

(b) two (2) members to serve a term of two (2) years, and

(c) one (1) member to serve a term of three (3) years.

(4) 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 sixty (60) days. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

(5) In case of the absence, inability to act or unwillingness to act because of self interest on the part of a member of the commission, all actions taken will be decided by a majority vote of a quorum present and voting.

(6) Each member shall continue in office after expiration of his or her term until a successor is duly appointed and qualified. The term of the member nominated from the Planning Commission shall be concurrent with such member's term on the Planning Commission, and in the event that any other member shall also be a member of the Board of Commissioners, the term of such member shall be concurrent with the term of the elected office of the member. All members shall serve without compensation and may be removed from membership by the Mayor and Board of Commissioners.

d. **Election of Officers, Rules and Meetings.** The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of a majority of the commission shall constitute final action of the commission on any matter before it.

e. **Conflict of Interest.** Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is subject matter of or is affected by a decision of said commission shall be governed by the provisions within Tennessee Code Annotated Section 12-4-101.

3. POWERS, FUNCTIONS AND DUTIES. Subject to state law and the procedures prescribed hereunder, the Fairview Historic Zoning Commission shall have and may exercise the following powers, functions and duties:

a. To create and to recommend the adoption of legislation which will facilitate establishment of special historic and landmark districts wherein the construction, repair, alteration, rehabilitation, relocation or demolition of any

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building or other structure now located or to be located will be subject to special provisions as set forth herein and as further specified in Tennessee Code Annotated Section 13-7-402.

b. To create and recommend enactment of legislation providing for the transfer of development rights as a portion of the legislation which establishes any special historic district or zone and as further specified in Tennessee Code Annotated Section 13-7-402, (C).

c. To conduct a survey of buildings, places or areas within the City of Fairview for the purpose of identifying those of historic or cultural significance.

d. To develop and adopt, prior to the establishment of any historic or landmark district, review guidelines as specified in Section 3.7.3.B.5.f (Design Guidelines) which the Historic Zoning Commission will apply in ruling upon the granting or denial of a Certificate of Appropriateness.

e. To submit and to review all applications designating historic sites or buildings as special historic or landmark districts. To review and make decisions on any application for a Certificate of Appropriateness and to require the presentation of such plans, drawings, elevations and other information as may be necessary to make such decisions.

f. To determine an appropriate system of markers for designation of historic and landmark districts.

g. To prepare and publish maps, brochures and other descriptive material about Fairview's Historic Landmarks and Districts.

h. 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.

i. To advise and assist owners of landmarks or historic structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse.

j. To accept gifts, grants and money as may be appropriate for the purposes of this Section 3.7.3.B.

k. To adopt, publish and make available by-laws for the conduct of commission meetings.

l. 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.

m. To review and comment on proposed zoning amendments, applications for conditional use permits or zoning variances and applications for subdivision that affect proposed or designated landmarks and historic districts.

n. To retain such specialists or consultants or to appoint such citizen advisory committees as may from time to time be required.

o. To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, structures and areas.

p. To confer recognition upon the owners of landmarks or property or structures within historic districts.

q. To periodically review the zoning ordinance and to recommend to the Planning Commission and Board of Commissioners any amendments appropriate for the protection of landmarks or property and structures located within historic districts.

r. 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 Section 3.7.3.B.

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4. DEFINITIONS. Unless specifically defined below, words or phrases in this Section 3.7.3.B shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

a. Alteration – Any act or process that changes one (1) or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

b. Certificate of Appropriateness – A certificate issued by the Historic Zoning Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an historic district.

c. Certificate of Economic Hardship – A certificate issued by the Historic Zoning Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

d. Construction – The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

e. Demolition – Any act or process that destroys in part or in whole a landmark or a structure within an historic district.

f. Design Guideline – A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

g. 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.

h. 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 material and the type, design, and character of all windows, doors, light fixtures, signs and appurtenant elements.

i. Historic Districts – A geographically definable area that possess a significant individual structure, landmark or site or a concentration, linkage or continuity of such sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

(1) That is associated with an event that has made a significant contribution to local, state or national history;

(2) That it includes structures associated with the lives of persons significant in local, state or national history;

(3) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) That has yielded or may be likely to yield archaeological information important in history or prehistory; or

(5) That it is listed in the National Register of Historic Places.

j. Historic Landmark – An individual site or feature (which may or may not be a structure), or a site with a structure or structures on it, of particular importance because of its unique architectural, historical, cultural or archaeological features, designated an historic district or eligible for designation on the National Register of Historic Places.

k. Ordinary Repair and Maintenance – Any work, the purpose of which is to correct any deterioration, or decay of, or damage to a structure, or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

l. Owner of Record – The person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.

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m. Removal – Any relocation of a structure on its site or to another site.

n. Repair – Any change that is not construction, removal or alteration.

5. CREATION OF HISTORIC AND LANDMARK DISTRICTS.

a. **District Classifications.** There are hereby created historic and landmark districts as a part of this Ordinance:

(1) The Historic District, whose boundaries shall be shown on the official zoning map or special overlays thereto which are made a part of this Ordinance and noted by name on said maps, no structure shall be constructed, altered, repaired, relocated or demolished unless the action complies with the requirements set forth in this Ordinance.

(2) The Historic Landmark, whose boundaries shall be shown on the official zoning map or special overlays thereto which are made a part of this Ordinance and noted by name on said maps, no structure shall be constructed, altered, repaired, relocated or demolished unless the action complies with the requirements set forth in this Ordinance.

b. **Surveys and Research.** The Historic Zoning Commission shall undertake an ongoing survey within the corporate limits of the City of Fairview to identify neighborhoods, areas, sites, structures and objects that have historic, community, architectural or aesthetic importance, interest or value.

c. **Criteria for Designation of Historic and Landmark Districts.** In order for a building, structure, area, site or neighborhood to be considered for nomination as an historic district or landmark such shall be found to meet one (1) or more of the following criteria:

(1) That it is associated with an event which has made a significant contribution to local, state or national history;

(2) That it includes structures associated with the lives of persons significant in local, state or national history;

(3) That 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 poses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

(5) That it is listed in the National Register of Historic Places.

d. **Nomination of Historic Districts.** Nominations for designation of a historic or landmark district shall be made to the Historic Zoning Commission on a form prepared by it and may be submitted by a member of the Board of Commissioners, or by the owner(s) of record of the nominated property or structures. If two (2) or more properties are located within the nominated district, a petition signed by fifty-one (51) percent of the property owners shall be required for nomination.

e. **Review and Recommendation.** 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 or landmark district does or does not meet the criteria for nomination set out in Section 3.7.3.B.5.c (Criteria for Designation of Historic and Landmark Districts). The resolution accompanied by a written report shall be forwarded to the Fairview Planning Commission for review as specified in Section 3.7.3.B.5.i (Planning Commission Review) and to the Board of Commissioners for final action. The report shall contain the following information:

(1) Explanation of the significance or lack of significance of the nominated historic or landmark district as it relates to the criteria for designation.

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(2) Explanation of the integrity or lack of integrity of the nominated district.

(3) In the case of a nominated landmark district found to meet the criteria for designation:

(a) The significant exterior architectural features of the nominated landmark that should be protected;

(b) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness pursuant to the provisions of Section 3.7.3.B.6 (Certificate of Appropriateness).

(4) In the case of a nominated historic district found to meet the criteria for designation:

(a) The types of significant exterior architectural features of the structure within the nominated historic district that should be protected.

(b) The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Section 3.7.3.B.6.

(c) Proposed design guidelines required by Section 3.7.3.B.5.f, (Design Guidelines) for applying the criteria for review of Certificates of Appropriateness to the nominated landmark or historic district.

(d) The relationship of the nominated historic or landmark district to the ongoing effort of the Historic Zoning Commission to identify and nominate all potential areas and structures that meet the criteria for designation.

(e) A map showing the location of the nominated historic or landmark district.

f. **Design Guidelines.** Prior to establishment of a historic or landmark district, the Historic Zoning Commission shall adopt for each such proposed district 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 Section 3.7.3. Such guidelines shall be consistent with this ordinance and with the requirements for such as established and provided for by Tennessee Code Annotated 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 location within any historic district or landmark in developing such guidelines. These guidelines shall accompany the request for historic district designation and shall be considered conjunctively with such request. These design guidelines shall, at a minimum, consider the following criteria:

(1) Height - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in an historic district.

(2) Proportions of Windows and Doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within an historic district.

(3) Relationship of Building Masses and Spaces - The relationship of a structure within an historic district to the open space between it and adjoining structures should be compatible.

(4) Roof Shape - The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in an historic district.

(5) Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

(6) Scale - 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 an historic district.

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(7) Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in an historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

(8) Architectural Details - Architectural details including materials, colors and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of an historic or landmark district.

g. **Notification of Nomination.** 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 Historic Zoning Commission and the Planning Commission that a nominated historic or landmark district does or does not meet the criteria for designation. Notice of the date, time, place, and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated historic or landmark district at least fifteen (15) days prior to the date of the hearing. Notice shall also be published in a newspaper having general circulation in the City of Fairview. The notice shall state the street address and legal description of the boundaries of a nominated district.

h. **Public Hearing.** Oral or written testimony concerning the significance of the nominated historic or landmark 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 district with the criteria for consideration of a nomination set forth in Section 3.7.3.B.5.c, (Criteria for Designation of Historic and Landmark Districts) Any person owning property within the nominated preservation 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. **Planning Commission Review.** Upon receipt of a report prepared by the Historic Zoning Commission in accordance with Section 3.7.3.B.5.e (Review and Recommendation) the Planning Commission shall conduct a review as provided herein. The Commission shall review such plan(s) relative to the following:

(1) The adopted Major Thoroughfare Plan.

(2) Any redevelopment 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 zoning change, excepting those aspects of the report which pertain specifically and solely to the historic district and as otherwise specified in Section 3.7.3.B.5.e.

j. **Action by Board of Commissioners.** The Board of Commissioners shall, within sixty (60) days after receiving the report prepared by the Historic Zoning Commission and the review of the Planning Commission concerning the proposed historic or landmark district, either reject the proposed nomination or designate the district by ordinance. The Board of Commissioners shall hold a public hearing and otherwise proceed in the manner specified in Sections 8.5.18 and 8.5.19, respectively, for an amendment to this Ordinance and a Zoning Map Amendment.

k. **Designation Ordinance.** Upon designation, the historic or landmark district shall be classified as “HOD - Historic Overlay District”, and the designating ordinance

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shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a Building or demolition permit that should be reviewed for appropriateness; the Design Guidelines for applying the criteria for review of appropriateness; height and area regulations; and Sign regulations. The Official Zoning Map of the City of Fairview shall be amended to show the location of the "Historic Overlay District".

l. **Interim Control.** No Building Permit shall be issued for Alteration, Construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated Historic District from the date of the meeting of the Historic Zoning Commission at which a nomination form is first presented until the final disposition of the nomination 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 the delay be for more than one hundred-eighty (180) days.

m. **Amendment and Rescission of Designation.** Designation 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.

6. CERTIFICATE OF APPROPRIATENESS. A Certificate of Appropriateness shall be required before the following actions affecting the Exterior Architectural Appearance of any landmark or other property within an historic district may be undertaken:

Any Construction, Alteration, or removal requiring a Building Permit from the City of Fairview.

Any demolition in whole or in part requiring a permit from the City of Fairview.

Any Construction, Alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the historic or landmark district.

a. **Application for Certificates of Appropriateness.** Every application for a demolition permit or a Building Permit, including the accompanying plans and specifications, affecting the Exterior Architectural Appearance of a designated landmark or other property within a designated Historic District shall be forwarded by the Codes Department to the Historic Zoning Commission within seven (7) days following receipt of the application by the Codes Department. The Codes Department shall not issue a Building Permit or demolition permit until a Certificate of Appropriateness has been issued by the Historic Zoning Commission. Any applicant may request a meeting with the Historic Zoning Commission before the application is sent by the Codes 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 commission. The Historic Zoning Commission shall consider the completed application at its next regular meeting. The Historic Zoning Commission may establish a subcommittee of its members to review routine applications 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.

b. **Review and Designation 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 the Commission to make a decision on the request, the Commission shall set a meeting for initial presentation of the application. The Historic Zoning Commission shall within sixty (60) days following the

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initial meeting at which the application is presented approve, conditionally approve or deny the request. In its review of any application submitted hereinafter the Historic Zoning Commission shall apply all applicable review guidelines which have been established in accordance with Section 3.7.3.B.5.f (Design Guidelines). Any individual or group of property owners from the historic district wherein the use is located for which a Certificate of Appropriateness is being requested 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 such district.

(2) 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 district.

(b) The testimony and evidence offered by property owners from the historic district wherein the use is located.

(c) The general standards for review set forth in Section 3.7.3.B.5.e (Review and Recommendation).

c. **Standards for Review.** In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Historic Zoning Commission shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the historic or landmark district:

(1) Every reasonable effort shall be made to provide a compatible use for a property that requires a minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided.

(3) All buildings, structures, and sites 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 building, structure, or site 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 building, structure, or site 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 buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

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d. **Denial of a 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 commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible differences between the owner and the commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Historic Zoning Commission.

7. ECONOMIC HARDSHIP.

a. **Certificate of Economic Hardship.** Application for a Certificate of Economic Hardship shall be made on a form prepared by the Historic Zoning Commission. The Historic Zoning Commission shall schedule a public hearing concerning the application and provide notice in the same manner as Section 3.7.3.B.5.g (Notification of Nomination), and any person may testify at the hearing concerning economic hardship in the same manner as provided by Section 3.7.3.B.5.h (Public Hearing).

The Historic Zoning Commission may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application.

(1) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Zoning Commission for changes necessary for the issuance of a Certificate of Appropriateness.

(2) Estimated market value of the property in its current condition after completion of the proposed construction, alteration, demolition, or removal, after any changes recommended by the Historic Zoning Commission, and, in the case of a proposed demolition, after renovation of the existing property for continued use.

(3) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(4) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.

(5) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

(6) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.

(7) Assessed value of the property according to the two most recent assessments.

(8) Real estate taxes for the previous two (2) years.

(9) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

b. Determination of Economic Hardship.

(1) The Historic Zoning Commission shall review all the evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by Section 3.7.3.B.6.b (Review and Designation by Historic Zoning Commission).

(2) No construction, alteration, repair, rehabilitation, relocation or demolition of any building structure or other improvement to publicly and privately owned landmarks or to any real estate situated within an historic district, for which the Historic Zoning Commission has been granted the authority to review or to grant or deny

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a Certificate of Appropriateness, shall be undertaken without first submitting an application for such together with all exterior plans, elevations, and other information necessary to determine the appropriateness of the features to be referred to the Historic Zoning Commission. In the case of applications for demolition, no plans or other information shall be required to be submitted by the applicant.

(3) No permit shall be issued for any of the above noted activities, nor shall any be undertaken whether or not a permit is required until the Historic Zoning Commission shall have issued a Certificate of Appropriateness.

8. PREVENTION OF DEMOLITION BY NEGLECT

a. All structures located within a historic or landmark district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control thereof. The owner or other person having custody and control, in keeping with the City's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

b. The Historic Zoning Commission, on its own initiative, may file a petition with the Building Inspector requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under Subsection A, above, so that such structure shall be preserved and protected in accordance with the purposes of this Ordinance.

c. If any structure covered by Section 3.7.3.B.8.a, above, shall have to be demolished as a public safety hazard and the owner of the structure shall have received two (2) or more notices from the Building Inspector of building neglect in violation of this Ordinance and other City ordinances.

d. No application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any City office during this period.

e. In the event a different result is reached by the Historic Zoning Commission and the City Housing Board as to what action is to be taken hereunder, a board consisting of one (1) member of the Historic Zoning Commission, one (1) member of the Fairview Housing Board and one (1) member of the Fairview Planning Commission, each to be selected by their respective boards or commission, shall determine the action to be taken and file the necessary petition with the Building Inspector. The decision of the board established hereunder shall be final.

9. APPEALS FROM DECISION OF THE HISTORIC ZONING COMMISSION

a. Appeals from any decision of the Historic Zoning Commission may be taken to a court of competent jurisdiction as provided by law.

b. Nothing in this Section 3.7.3 shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as an historic landmark or landmark district. Use shall be controlled solely by the zoning controlling such property prior to its classification as an historic or landmark district or as may be rezoned by subsequent amendments.

C. Floodplain Overlay District (FPOD)

1. STATUTORY AUTHORIZATION.

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Fairview, Tennessee Board of Commissioners, does ordain as follows:

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2. FINDINGS OF FACT.

The Fairview, Tennessee Board of Commissioners, wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

Areas of Fairview are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

3. STATEMENT OF PURPOSE / APPLICABILITY.

It is the purpose of these provisions to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

These provisions are designed to:

a. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers involved in the accommodation floodwaters;

d. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

This Section 3.7.3.C is applicable to all areas designated on the City Zoning Map as Floodplain Overlay District or FPOD.

4. OBJECTIVES.

The objectives of these provisions are:

a. To protect human life, health and property;

b. To minimize expenditure of public funds for costly flood control projects;

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. To minimize prolonged business interruptions;

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

g. To ensure that potential homebuyers are notified that property is in a floodable area; and

h. To maintain eligibility for participation in the National Flood Insurance Program.

5. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Section 3.7.3.C shall be interpreted as to give them the meaning they have in common usage and to give this Section 3.7.3.C its most reasonable application given its stated purpose and objectives.

a. “Accessory Structure” shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

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(1) Accessory structures shall not be used for human habitation.

(2) Accessory structures shall be designed to have low flood damage potential.

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(4) Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.

(5) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

b. "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

c. "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter loadbearing wall, shall be considered "New Construction".

d. "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Section 3.7.3.C or a request for a variance.

e. "Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

f. "Area of Special Flood-Related Erosion Hazard" is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

g. "Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE or A99.

h. "Base Flood" means the flood having a one (1) percent chance of being exceeded in any given year.

i. "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

j. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

k. "Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure")

l. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

m. "Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

n. "Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

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amount of insurance on all insurable structures before the effective date of the initial FIRM.

o. "Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

p. "Exception" means a waiver from the provisions of this Section 3.7.3.C that relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Section 3.7.3.C

q. "Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

r. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

s. "Existing Structures" see "Existing Construction".

t. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

u. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

v. "Flood Elevation Determination" means a determination by the City Planner of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

w. "Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

x. "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

y. "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

z. "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

aa. "Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "Flood or Flooding").

ab. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

ac. "Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject

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to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

ad. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

ae. "Flood-Related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

af. "Flood-Related Erosion Area" or "Flood-Related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood related erosion damage.

ag. "Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

ah. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

ai. "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

aj. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

ak. "Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

al. "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

am. "Historic Structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs certified either:

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A. By an approved state program as determined by the Secretary of the Interior, or

B. Directly by the Secretary of the Interior.

an. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

ao. "Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

ap. "Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section 3.7.3.C.

aq. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for one hundred-eighty (180) consecutive days or longer.

ar. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

as. "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

at. "Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Section 3.7.3.C, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

au. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

av. "New Construction" means any structure for which the "start of construction" commenced after the effective date of this Section 3.7.3.C or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

aw. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this Section 3.7.3.C or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

ax. "North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

ay. "100-Year Flood" see "Base Flood".

az. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

ba. "Recreational Vehicle" means 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

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(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

bb. "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

bc. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

bd. "Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1- 30, AE, A99, or AH.

be. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

bf. "State Coordinating Agency" The Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the National Flood Insurance Program (NFIP) for the state.

bg. "Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

bh. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

bi. "Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

bj. "Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction,

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rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

bk. "Variance" is a grant of relief from the requirements of this Section 3.7.3.C that permits construction in a manner otherwise prohibited by this Section 3.7.3.C where specific enforcement would result in unnecessary hardship.

bl. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Section 3.7.3.C is presumed to be in violation until such time as that documentation is provided.

bm. "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

6. GENERAL PROVISIONS.

a. Application. These provisions shall apply to all areas within the incorporated area of Fairview, Tennessee.

b. Basis for Establishing the Areas of Special Flood Hazard. The Areas of Special Flood Hazard identified on the City of Fairview, Tennessee, as identified by Federal Emergency Management Agency (FEMA) and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers beginning with 47187C0015F and including panels: 47187C0020F, 47187C0038F, 47187C0039F, 47187C0045F, 47187C0135F, 47187C0151F, 47187C0152F, 47187C0153F, and 47187C0160F, dated September 29, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this article.

c. Requirement for Floodplain Development Permit. A Floodplain Development Permit shall be required in conformity with this Section 3.7.3.C and Section 8.5.7 prior to the commencement of any Development activities within the Floodplain Overlay District (FPOD), as indicated on the City Zoning Map.

d. Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section 3.7.3.C and other applicable regulations.

e. Abrogation and Greater Restrictions. These provisions are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these provisions conflict or overlap with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

f. Interpretation. In the interpretation and application of these provisions, all provisions shall be:

(1) considered as minimum requirements;

(2) liberally construed in favor of the governing body, and;

(3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

g. Warning and Disclaimer of Liability. The degree of flood protection required by these provisions is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section 3.7.3.C does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Section 3.7.3.C shall not create liability on the part of the City of Fairview, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Section 3.7.3.C or any administrative decision lawfully made hereunder.

h. Penalties for Violation. Violation of these provisions or failure to comply with any requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor

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punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Fairview, Tennessee from taking such other lawful actions to prevent or remedy any violation.

7. ADMINISTRATION.

a. Designation of Ordinance Administrator. The City Planner or designee is hereby appointed as the administrator to implement the provisions of this Section 3.7.3.C.

b. Permit Procedures. Application for a Floodplain Development Permit shall be made to the City Planner on forms furnished by the community prior to any development activities. The Floodplain Development Permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(1) Application Stage

(a) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations (BFE's) are available, or to the highest adjacent grade when applicable under this article.

(b) Elevation in relation to mean-sea-level to which any nonresidential building will be flood proofed where BFE's are available, or to the highest adjacent grade when applicable under this Section 3.7.3.C.

(c) Design certificate from a registered professional engineer or architect that the proposed nonresidential flood proofed building will meet the flood proofing criteria as provided in this section.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the City Planner shall record the elevation of the lowest floor on the Floodplain Development Permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. For all new construction and substantial improvements, the permit holder shall provide to the City Planner an as-built certification of the regulatory floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing. Within unnumbered A Zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When flood proofing is utilized for a residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City Planner shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

c. Duties and Responsibilities of the City Planner. Duties of the City Planner shall include, but not be limited to:

(1) Review of all Floodplain Development Permits to assure that the permit requirements of this Section 3.7.3.C have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(2) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with

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the Floodplain Development Permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

(3) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency (FEMA).

(4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(5) Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 3.7.3.C.7.b (Permit Procedures).

(6) Record the actual elevation; in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood proofed, in accordance with Section 3.7.3.C.7.b (Permit Procedures).

(7) When flood proofing is utilized for a structure, the City Planner shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 3.7.3.C.7.b (Permit Procedures).

(8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City Planner shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in these provisions.

(9) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the City Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FIRM, meet the requirements of this Section 3.7.3. Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the City Planner shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 3.7.3.C.5.al. All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 3.7.3.C.7.b (Permit Procedures)

(10) All records pertaining to these provisions shall be maintained in the office of the City Planner and shall be open for public inspection. Permits issued under the provisions of this Section 3.7.3.C shall be maintained in a separate file or marked for expedited retrieval within combined files.

8. PROVISIONS FOR FLOOD HAZARD REDUCTION.

a. General Standards. In all flood prone areas the following provisions are required:

(1) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

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(3) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

(5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Section 3.7.3.C, shall meet the requirements of “new construction” as contained in this Section 3.7.3.C; and,

(10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this article, shall be undertaken only if said conformity is not further extended or replaced.

b. Specific Standards. These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

(1) Residential Construction.

(a) Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 3.7.3.C.7.b (Permit Procedures). Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the City Planner shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 3.7.3.C.5.al. All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 3.7.3.C.7.b (Permit Procedures).

(b) Without limitation to any other provisions of this Section 3.7.3.C, the following are applicable to single-family and two-family dwelling development sites:

(i) Any lot or parcel less than five (5) acres in size that is created for use as a building or development site for a single or two-family dwelling shall be considered a "critical lot" and no land area located within an area of Special Flood Hazard prior to manipulation shall be used to satisfy minimum lot size requirements of the district after manipulation.

(ii) Approval of a Development Plan containing the information required by Section 3.7.3.C.6, shall be based upon a demonstration that the proposal complies in all respects with the provisions of this Section 3.7.3.C.

(iii) Residential lots may be clustered on portions of a site outside the unmanipulated area of Special Flood Hazard. Portions of the development site that are located within an area of Special Flood Hazard shall be retained as open space.

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(c) Without limitation to any other provisions of this Section 3.7.3.C, the following is applicable to all Residential development sites except for single-family and two-family dwelling development sites:

(i) Manipulation of areas of Special Flood Hazard shall result in the following reductions in density permitted for those portions disturbed:

Table 3.7.3.C.8.b(1)(c)(i) Density Adjustments for Areas of Special Flood Hazard for All Development Sites with Residential Dwellings Other than Single- and Two-Family Dwellings

Floodplain Relationship	Standard Density	Adjustment Factor			Effective Density
Above Flood	See **Tables 4.3.1-A - 4.3.1-J** and Section 5.4	x	1.0	=	Effective
Predevelopment Floodplain, Undisturbed		x	1.0	=	Effective
Predevelopment Floodplain, Disturbed		x	.5	=	Effective
Predevelopment Floodway, Undisturbed		x	1.0	=	Effective
Predevelopment Floodway, Disturbed		x	0.0	=	Effective

(2) Nonresidential Construction.

(a) New construction or substantial improvement of any commercial, industrial, or nonresidential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation. Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the City Planner shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 3.7.3.C.5). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 3.7.3.C.7.b (Permit Procedures). Buildings located in all A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the City Planner as set forth in Section 3.7.3.C.7.b (Permit Procedures).

(b) Without limitation to any other provisions of this Section 3.7.3.C, the following is applicable to all development sites on which only non-residential development is proposed:

(i) Manipulation of Special Flood Hazard areas shall result in the following reductions in maximum allowable impermeable surface according to the Table below:

Table 3.7.3.C.8.b(2)(b)(i) Reduction to Maximum Impermeable Surface Allowed Above an Area of Special Flood Hazard for All Development Sites with No Residential Dwellings

Category	Reduction to Maximum Impermeable Surface Allowed Above the Area of Special Flood Hazard
Floodplain	Deduct 2.0 x manipulated area of Special Flood Hazard Area from allowable impervious surface above the Floodplain
Floodway	Deduct 5.0 x manipulated area of Special Flood Hazard Area from allowable impervious surface above the Floodway

(3) Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade,

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shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one (1) foot above the finish grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 3.7.3.C.8.b (Specific Standards).

(4) Standards for Manufactured Homes and Recreational Vehicles.

(a) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

i. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,

ii. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

(c) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Section 3.7.3.C.8.b (Specific Standards).

(d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(e) All recreational vehicles placed on identified flood hazard sites must:

i. Be on the site for fewer than one hundred (180) consecutive days; and

ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

(5) Standards for Subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

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(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

c. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated. Located within the Areas of Special Flood Hazard established in Section 3.7.3.C.6.b (Basis for Establishing the Areas of Special Flood Hazard), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(2) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 3.7.3.C.8 (Provisions for Flood Hazard Reduction).

d. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated. Located within the Areas of Special Flood Hazard established in Section 3.7.3.C.6.b (Basis for Establishing the Areas of Special Flood Hazard), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

(1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section 3.7.3.C.8.b (Specific Standards).

e. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones). Located within the Areas of Special Flood Hazard established in 3.7.3.C.6.b (Basis for Establishing the Areas of Special Flood Hazard), where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with Section

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3.7.3.C.6, then the City Planner shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 3.7.3.C.8 (Provisions for Flood Hazard Reduction) ONLY if data is not available from these sources, then the following Sections 3.7.3.C.8.e.(2) and (3) shall apply:

(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(3) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 3.7.3.C.8.b (Specific Standards).

f. Standards for Areas of Shallow Flooding (AO and AH Zones). Located within the Areas of Special Flood Hazard established in Section 3.7.3.C.6.b, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (l'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 3.7.3.C.8.

(2) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this article and shall provide such certification to the City Planner as set forth above and as required in Section 3.7.3.C.7.b.

(3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(4) The City Planner shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

g. Standards for Areas Protected by Flood Protection System (A-99 Zones). Located within the areas of special flood hazard established in Section 3.7.3.C.6 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-

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99 Zones), all provisions of Section 3.7.3.C.7, and Section 3.7.3.C.8.b(1) shall apply.

h. Standards for Unmapped Streams. Located within Fairview, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

(1) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

(2) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Sections 3.7.3.C.7 and 3.7.3.C.8.

9. VARIANCE PROCEDURES.

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Fairview, Tennessee.

a. Board of Zoning Appeals.

(1) The Fairview Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this section.

(2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section 3.7.3.C, and:

(a) The danger that materials may be swept onto other property to the injury of others;

(b) The danger to life and property due to flooding or erosion;

(c) The susceptibility of the proposed facility and its contents to flood damage;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(h) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Upon consideration of the factors listed above, and the purposes of this Section 3.7.3.C, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this article.

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(5) Variances shall not be issued within any designated floodway.

b. Conditions for Variances

(1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(2) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(4) The City Planner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 3.8 ESTABLISHMENT OF ADDITIONAL DISTRICTS

3.8.1 Board of Commissioners Approval

Districts in addition to those established and described in Section 3.7, **Table 3.5 (District Descriptions - Summary)**, and **Tables 4.3.1-A - 4.3.1-J (District Standards)** shall be subject to Board of Commissioners establishment and assignment of standards and requirements by Development Code Amendment pursuant to Section 8.5.18.

3.8.2 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 3.5 (District Descriptions - Summary), Tables 4.3.1-A - 4.3.1-J (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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4-1

ARTICLE 4
Building, Lot & Building Site Standards

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SECTION 4.1 GENERAL

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

SECTION 4.2 PLAN REQUIRED

No Building shall be constructed, re-constructed, Altered, modified, raised, moved, extended, reduced, or enlarged, and no Lot or Building Site or other land shall be Developed, re-Developed, Improved, subdivided, or re-subdivided, and none of the same shall be used, except in compliance with this **Article 4**, the Official Zoning Map, and pursuant to a Development Plan 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, **Tables 4.3.1-A - 4.3.1-J (District Standards)**, 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-J (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-J (District Standards - Civic)** and any other requirements as may be determined by the Board of Commissioners.

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



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.

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CD-1 Table 4.3.1-A District Standards
Natural Character District

Density*

**Applicable only to Development Sites.*

NA

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	NA

Private Frontage Types

NA

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, 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-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

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	NA
Front Setback / Yard, Secondary Frontage	NA
Side Setback / Yard, each side	NA
Rear Setback	NA

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	NA
Front Setback / Yard, Secondary Frontage	NA
Side Setback / Yard, each side	NA
Rear Setback	NA

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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

NA

Facade

NA

Roof Type & Pitch

NA

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

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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	NA
Garage Design	NA
Driveway / Vehicular Entrance Location	NA
Driveway / Vehicular Entrance Maximum Width	NA

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

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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
Service Area 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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (Private Lighting Standards)**

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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

Screens, Streetscreens & Buffers

Height

NA

Materials

NA

Additional Standards

NA

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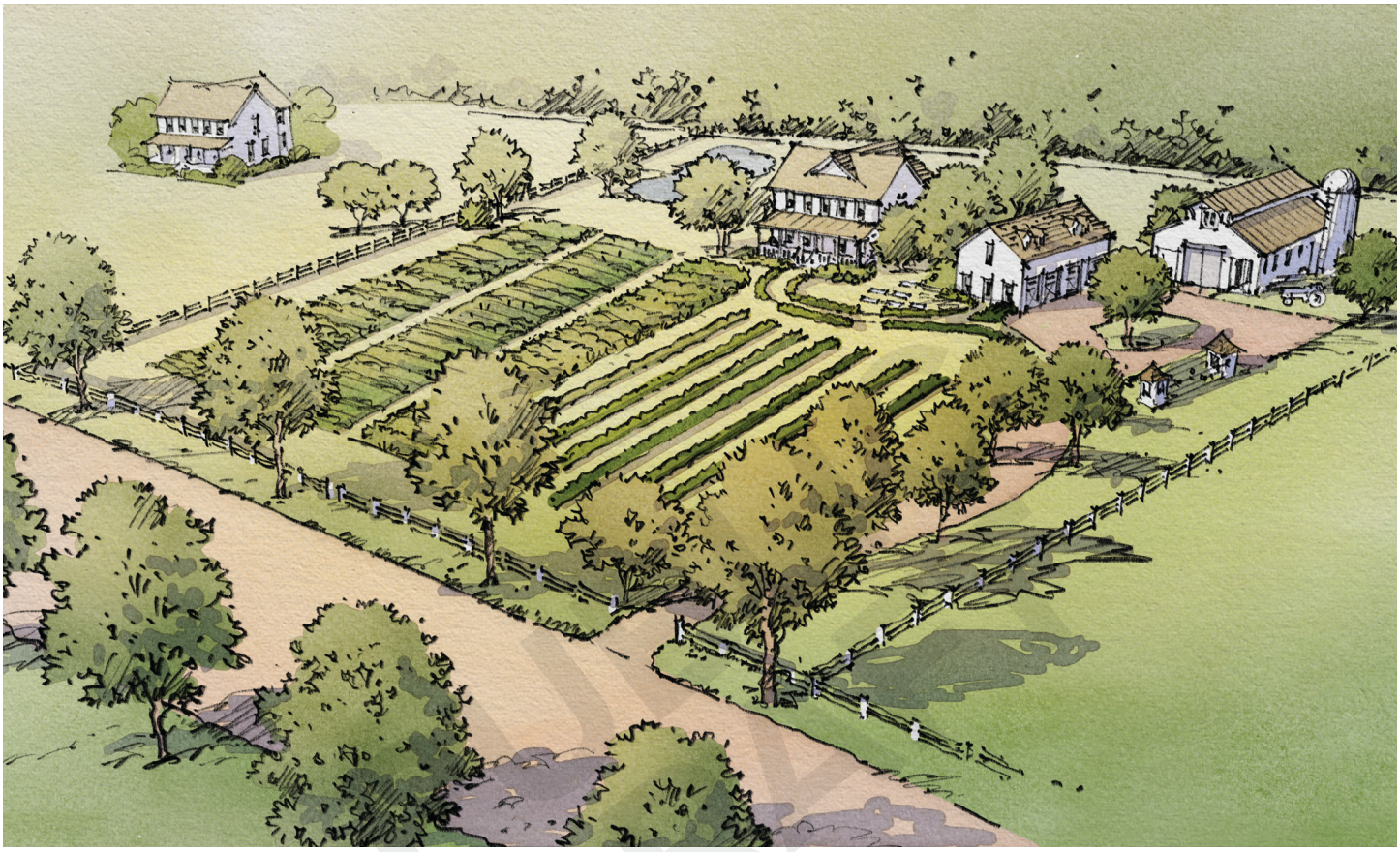
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CD-2 Table 4.3.1-B District Standards
Rural Character District



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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CD-2 Table 4.3.1-B District Standards
Rural Character District

Density*

**Applicable only to Development Sites.*

1 dwelling unit per 3 acres max., except as otherwise provided for Additional Primary Dwellings under Section 4.3.9.D.6.b.

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	NR

Private Frontage Types

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

See **Table 4.3.7.A (Private Frontage Types)**

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, see also* **Table 5.1.10 (Principal Use Mix).**

Number of Buildings Per Lot or Building Site

Principal Building	1 max. except as otherwise provided for Additional Primary Dwellings under Section 4.3.9.D.6.b.
Accessory Buildings	NR

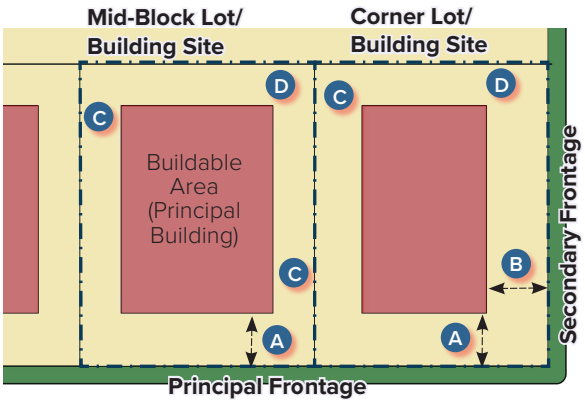
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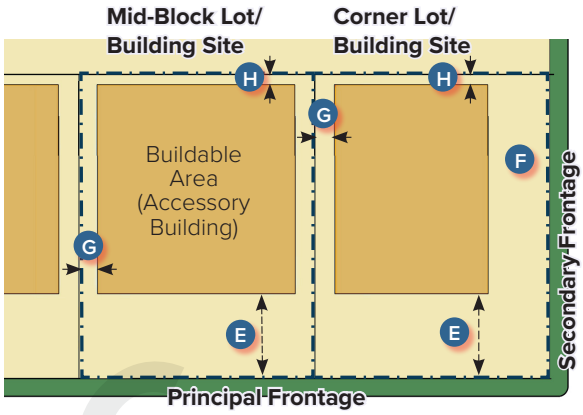
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CD-2

Table 4.3.1-B District Standards
Rural Character District





Lot Occupation

Lot / Building Site Width	175 ft. min.
Frontage Buildout	NR
Lot / Building Site Area	NR
Impervious Surface Coverage	NR
Lot / Building Site Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody 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.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards*

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	125 ft. min.	A
Front Setback / Yard, Secondary Frontage	125 ft. min.	B
Side Setback / Yard, each side	30 ft. min.	C
Rear Setback	20 ft. min.	D

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	125 ft. min.	F
Side Setback / Yard, each side	10 ft. min.	G
Rear Setback	5 ft. min.	H

**Except as otherwise provided for Additional Primary Dwellings under Section 4.3.9.D.6.b.*

LEGEND The following notations are utilized in this table.				
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CD-2 Table 4.3.1-B District Standards
Rural Character District

Building Standards

Building Height

Principal Building	2 Stories max
Accessory Building	2 Stories max

Ceiling Height

NR

Building Composition

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

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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)

Roof Type & Pitch

NR

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

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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 Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Permitted in CD-2 only in a Rural Retreat Commercial Use per* ***Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)*.

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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
Recreational Vehicles	NP	P
Heavy Equipment	NP	P
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	P
All Other Vehicles	NP	P

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	26 ft. max. in 1st 10 ft. of length; otherwise 12 ft. max.

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

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

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CD-2 Table 4.3.1-B District Standards
Rural Character District

Loading & Access

Off-Street Loading and Storage	P in 2nd and 3rd Layers only.
Utility Box & Service Meter Locations *(Not including water meters)*	P in 2nd and 3rd Layers only.
Off-Street Trash Receptacle Locations	P in 2nd and 3rd Layers only.
Service Area 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	P	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	P if Fenced	P if Fenced	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 7.1.2.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.C (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, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Principal 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 when utilized in a plat of subdivision	R
Location of Retaining Walls	P within required Yards, per Section 4.3.10 If supporting grade 3 ft. or higher than grade at property line, bottom of wall must be set back 10 ft. from property line.

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

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CD-2 Table 4.3.1-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	NR
Self-Service Storage Facility Screening	NA (not permitted in District)
Streetscreen Location	2nd Layer
Lot / Building Site / Parcel Buffer	Section 4.3.11.H, provided none required for Single-Family Residential Dwellings
Project Buffer	Section 5.8.

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LEGEND The following notations are utilized in this table.				
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CD-2W **Table 4.3.1-C District Standards**
Woodlot Character District



CD-2W	Woodlot

The CD-2W Woodlot Character District consists of single-Family Houses on large Lots surrounded by woods. It has deep front Setbacks and wide side Setbacks.

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CD-2W Table 4.3.1-C District Standards
Woodlot Character District

Density*

**Applicable only to Development Sites.*

1 dwelling unit per acre max.

Block Size*

**Applicable only to Development Sites.*

Block Perimeter Not Regulated

Private Frontage Types

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

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, see also* **Table 5.1.10 (Principal Use Mix).**

Number of Buildings Per Lot or Building Site

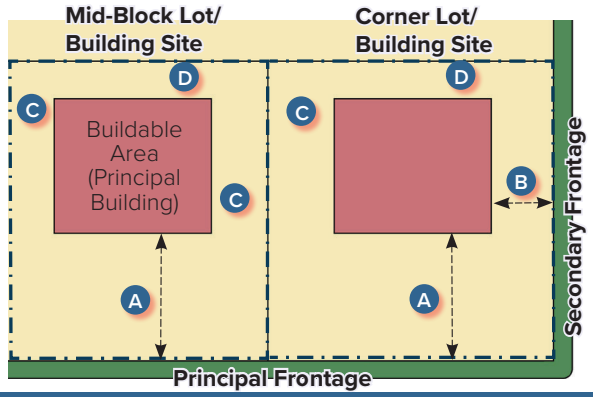
Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see* **District Tables** *and 4.3.4.C*

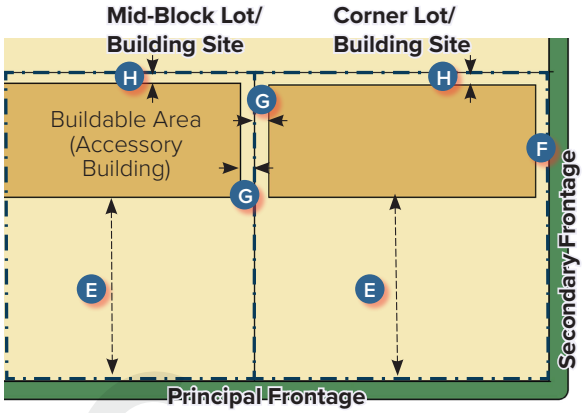
LEGEND The following notations are utilized in this table.				
P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-2W Table 4.3.1-C District Standards
Woodlot Character District





Lot Occupation

Lot / Building Site Width	150 ft. min.
Frontage Buildout	NR
Lot / Building Site Area	NR
Impervious Surface Coverage	NR
Lot / Building Site Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody 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.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	80 ft. min	A
Front Setback / Yard, Secondary Frontage	80 ft. min	B
Side Setback / Yard, each side	25 ft. min.	C
Rear Setback	20 ft. min.	D

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	100 ft. min.	F
Side Setback / Yard, each side	10 ft. min.	G
Rear Setback	10 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-2W Table 4.3.1-C District Standards
Woodlot Character District

Building Standards

Building Height

Principal Building	2 Stories max
Accessory Building	2 Stories max; shall not exceed Principal Building Height

Ceiling Height

NR

Building Composition

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
Window Glazing Material	NR
Shutters	NR
Facade Window Sill Height	NR
Porch Frontages	NR
Shopfront Frontage	NA
Facade Variety	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-2W Table 4.3.1-C District Standards
Woodlot Character District

Building Standards (continued)

Roof Type & Pitch	
Flat	NP
Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and except roof pitch may match the primary roof pitch of an existing Building on an Adjacent Lot / Building Site that is less than 8:12
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

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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-2W Table 4.3.1-C District Standards
Woodlot Character District

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

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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-2W Table 4.3.1-C District Standards
Woodlot Character District

Vehicular Parking Requirements (continued)

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	12 ft. max. in 1st Layer

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

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

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CD-2W Table 4.3.1-C District Standards
Woodlot 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.
Service Area 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	NP	NP	P
Solar Panels	P in 2st or 2nd Layer 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 7.1.2.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.C (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-2W Table 4.3.1-C District Standards
Woodlot Character District

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Principal 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 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-2W Table 4.3.1-C District Standards
Woodlot 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
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-3L

Table 4.3.1-D District Standards
Neighborhood Large Character District



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 must include Sidewalks and/or street trees, and form medium to large blocks.

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CD-3L Table 4.3.1-D District Standards
Neighborhood Large Character District

Density*

**Applicable only to Development Sites.*

2 dwelling units per acre max.

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	3200 ft. max.

Private Frontage Types

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

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, see also* **Table 5.1.10 (Principal Use Mix).**

Number of Buildings Per Lot or Building Site

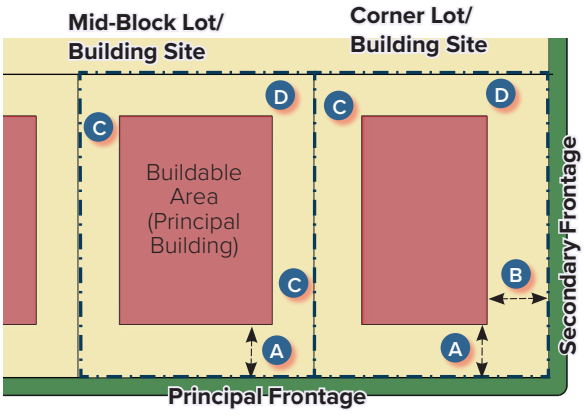
Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see* **District Tables** *and 4.3.4.C*

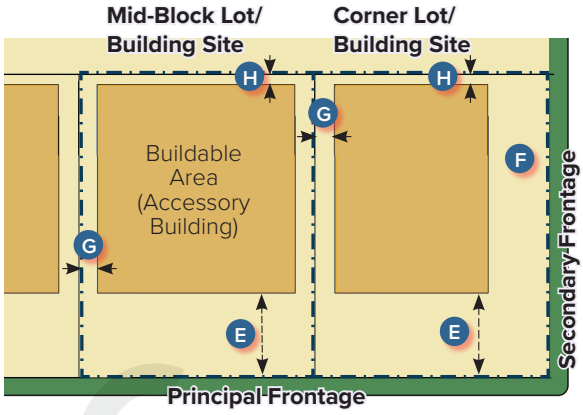
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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3L Table 4.3.1-D District Standards
Neighborhood Large Character District





Lot Occupation

Lot / Building Site Width	125 ft. min., 150 ft. max.
Frontage Buildout	40% min.
Lot / Building Site Area	NR
Impervious Surface Coverage	60% max.
Lot / Building Site Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody 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.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / 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	20 ft. min.	D

Setbacks / 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	5 ft. min.; or 15 ft. min. from center line of Rear Alley	H

back

10' min rear setback

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-D District Standards
Neighborhood Large Character District

Building Standards

Building Height	
Principal Building	2 Stories max
Accessory Building	2 Stories max; shall not exceed Principal Building Height
Ceiling Height	
Min. 8 ft. from finished Floor to finished Ceiling, not to exceed 14 ft.	
Building Composition	
Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	18 in. min., 36 in. max. above average 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	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.
Window Glazing Material	Clear glass R for all Elevations, except in bathrooms, where frosted glass is permitted.
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 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

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-D District Standards
Neighborhood Large Character District

Building Standards (continued)

Roof Type & Pitch

Flat	NP
Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and except roof pitch may match the primary roof pitch of an existing Building on an Adjacent Lot / Building Site that is less than 8:12

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural Stone	P	Exposed concrete	NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Vinyl siding	NP
	Corrugated and/or sheet metal	NP		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural stone 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 or natural stone, or material matching primary material of Facade			

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

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CD-3L Table 4.3.1-D District Standards
Neighborhood Large Character District

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

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

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CD-3L Table 4.3.1-D District Standards
Neighborhood Large Character District

Parking & Circulation (continued)

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	12 ft. max. in 1st Layer

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

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

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CD-3L Table 4.3.1-D 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.
Service Area 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	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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.B-1 (Sign Types - Summary)** *and* **Table 7.1.2.B-2 (Sign Types - Specific Standards)**

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

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CD-3L Table 4.3.1-D District Standards
Neighborhood Large Character District

Lighting

See Private Lighting requirements in Section 4.3.17 and **Table 4.3.17.C (Private Lighting Standards)**

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Principal 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 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-3L Table 4.3.1-D 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.

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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-E District Standards
Neighborhood Character District



CD-3 Neighborhood General

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

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CD-3 Table 4.3.1-E District Standards
Neighborhood Character District

Density*

**Applicable only to Development Sites.*

4 dwelling units per acre max.

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	2800 ft. max.

Private Frontage Types

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

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, 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*

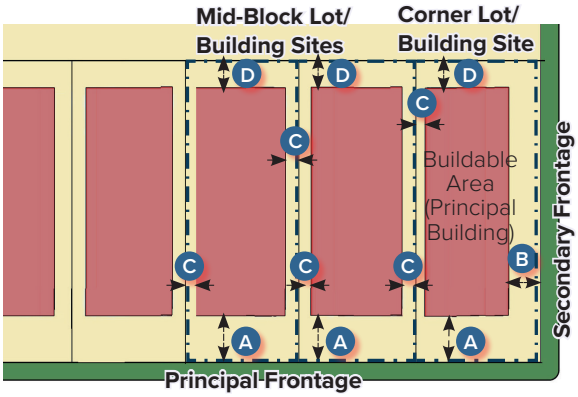
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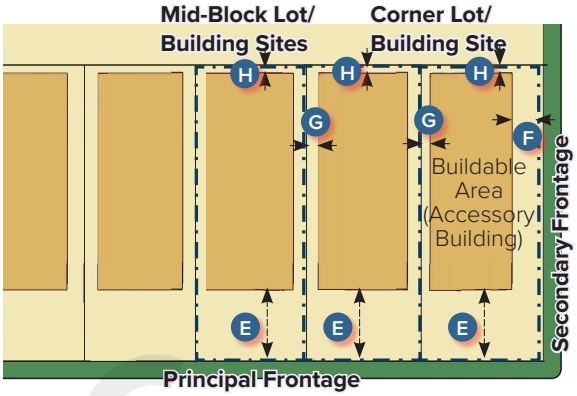
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CD-3

Table 4.3.1-E District Standards
Neighborhood Character District





Lot Occupation

Lot / Building Site Width	90 ft. min., 110 ft. max.
Frontage Buildout	40% min.
Lot / Building Site Area	NR
Impervious Surface Coverage	60% max
Lot / Building Site Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody 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.

Reduce to 50' min for alley load house.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	20 ft. min., 40 ft. max.	A
Front Setback / Yard, Secondary Frontage	20 ft. min., 40 ft. max.	B
Side Setback / Yard, each side	12 ft. min.	C
Rear Setback	20 ft. min.	D

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	20 ft. min., 40 ft. max.	F
Side Setback / Yard, each side	5 ft. min.	G
Rear Setback	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

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CD-3 Table 4.3.1-E District Standards
Neighborhood Character District

Building Standards

Building Height	
Principal Building	2 Stories max
Accessory Building	2 Stories max; shall not exceed Principal Building Height
Ceiling Height	
Mln. 8 ft. from finished Floor to finished Ceiling, not to exceed 12 ft.	
Building Composition	
Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	18 in. min., 36 in. max. above average 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	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.
Window Glazing Material	Clear glass R for all Elevations.
Shutters	If any, must be functional and proportioned to c…each side or entire window width, with shutter dogs
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

provide exception for frosted glass in bathrooms

min 6' inste… reword to n… depth.

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-E District Standards
Neighborhood Character District

Building Standards (continued)

Roof Type & Pitch

Flat	NP
Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and except roof pitch may match the primary roof pitch of an existing Building on an Adjacent Lot / Building Site that is less than 8:12

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural Stone	P	Exposed concrete	NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Vinyl siding	NP
	Corrugated and/or sheet metal	NP		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including the natural stone 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 or natural stone, or material matching primary material of Facade			

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

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CD-3 Table 4.3.1-E District Standards
Neighborhood Character District

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only

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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3 Table 4.3.1-E District Standards
Neighborhood Character District

districts

Vehicular Parking Requirements (continued)

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

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter Locations *(Not including water meters)*	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Service Area Locations	NA
Off-Street Dumpster Locations	NA
Drive-Through Locations	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-3 Table 4.3.1-E District Standards
Neighborhood Character District

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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (Private Lighting Standards)**

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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3 Table 4.3.1-E District Standards
Neighborhood Character District

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Principal 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.

Character
at no fence
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Materials

l Wood	P Only picket type allowed at Frontage; other types allowed on sides and rear	Chain Link	NP
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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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3 Table 4.3.1-E 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-F District Standards
Neighborhood Center Character District



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, Accommodations / 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-F District Standards
Neighborhood Center Character District

Density*

**Applicable only to Development Sites.*

6 dwelling units / acre max.

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	2400 ft. max.

Private Frontage Types

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

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, see also* **Table 5.1.10 (Principal Use Mix).**

Number of Buildings Per Lot or Building Site

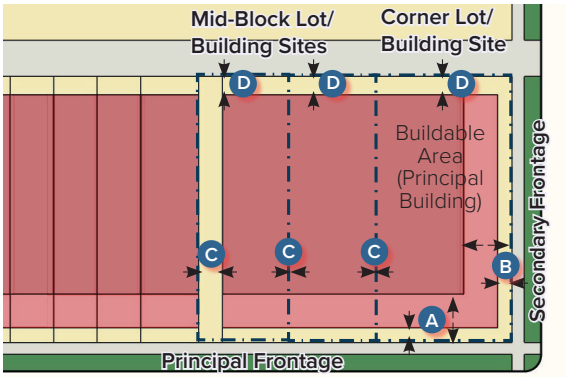
Principal Building	1 max.
Accessory Buildings	1 max. *For Standards see* **District Tables** *and 4.3.4.C*

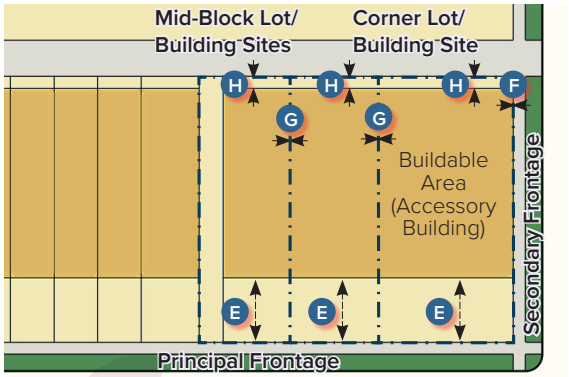
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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4 Table 4.3.1-F District Standards
Neighborhood Center Character District





Lot Occupation

Lot / Building Site Width	For House and Duplex Building Types: 45 ft. min., 100 ft. max. For Townhouse Building Type: 24 ft. min., 60 ft. min. For all other permitted Building Types: 24 ft. min., 120 ft. max.
Frontage Buildout	60% min.
Lot / Building Site Area	NR
Impervious Surface Coverage	70% max
Lot / Building Site Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody 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.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

change min to max

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	6 ft. min., 18 ft. max.	A
Front Setback / Yard, Secondary Frontage	6 ft. min., 18 ft. max.	B
Side Setback / Yard, each side	0 ft. min.	C
Rear Setback	3 ft. min.	D

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	6 ft. min., 18 ft. max.	F
Side Setback / Yard, each side	3 ft. min.	G
Rear Setback	5 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-4 Table 4.3.1-F District Standards
Neighborhood Center Character District

Building Standards

Building Height

Principal Building	3 Stories max
Accessory Building	2 Stories max; shall not exceed Principal Building Height

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 Accommodations / 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 a identifiable Base, Middle, & Cap
Finished Floor Level	If Residential: 18 in. min., 36 in. max. above average 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	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; (g) contain at least one horizontal Building Setback of no less than 5 ft; and (2) is composed with a defined center and edges. See **Illustration 4.3.5.A-3 (Facade Articulation)**.
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.

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-F District Standards
Neighborhood Center Character District

Building Standards (continued)

Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 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	12 in. - 24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade
Roof Type & Pitch	
Flat	NP
Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	If pitched, 8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and except roof pitch may match the primary roof pitch of an existing Building on an Adjacent Lot / Building Site that is less than 8:12
Building Materials	

Primary Building Material on Facades				
	Brick	P	Authentic stucco over masonry	P
	Natural Stone	P	Exposed concrete	NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Vinyl siding	NP
	Corrugated and/or sheet metal	NP		

LEGEND The following notations are utilized in this table.

P	Permitted	NP	Not Permitted	NA	Not Applicable	R	Required	NR	Not Regulated

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CD-4 Table 4.3.1-F District Standards
Neighborhood Center Character District

Building Standards (continued)

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 stone 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 or 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
Live/Work	P	Civic	P

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

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-F District Standards
Neighborhood Center Character District

Vehicular Parking Requirements (continued)

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage or Parking Area Location	P in 3rd Layer only, which has legal and physical access via Thoroughfare or Alley, Driveway, Drive Aisle, or Internal Drive that has legal and physical access to a Thoroughfare.
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 facing a Frontage, Garage must (a) be detailed, finished, & designed like rest of Building; (b) have carriage house doors; (c) have max. Garage door width 9 ft.; (d) have ornamental lighting fixture above each Garage door; and (e) have min. 2 ft. separation between Garage doors.
Parking Area / Parking Lot Design	Per Section 4.3.12.C.
Driveway / Vehicular Entrance Location	P in any Layer. Driveway / Vehicular Entrance must have legal and physical access via Thoroughfare or Alley, Driveway, Drive Aisle, or Internal Drive that has legal and physical access to a Thoroughfare. If Alley entrance, must provide a 20 ft. min. rear Setback and either: (a) a min. 20 ft. long Driveway within such Setback to a Garage or (b) a min. 20 ft. x 20 ft. Parking Area within such Setback.
Driveway / Vehicular Entrance Maximum Width	10 ft. max. within 1st and 2nd Layers; 20 ft. max. in 3rd 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 Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

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

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CD-4 Table 4.3.1-F 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.
Service Area Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	P in 3rd Layer only.
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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (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-4 Table 4.3.1-F District Standards
Neighborhood Center Character District

Private Landscaping and Fencing

Landscaping

Minimum of 30% of 1st Layer must be landscaped in compliance with Section 4.3.16, with 1 tree min. per 50 ft. of Frontage and continuous shrubs around foundation at Frontage.

Walls & Fencing (not including Screens)

Height	4 ft. max. at Principal 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	NP Not Applicable	PUD Required	NR Not Regulated

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CD-4 Table 4.3.1-F 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 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

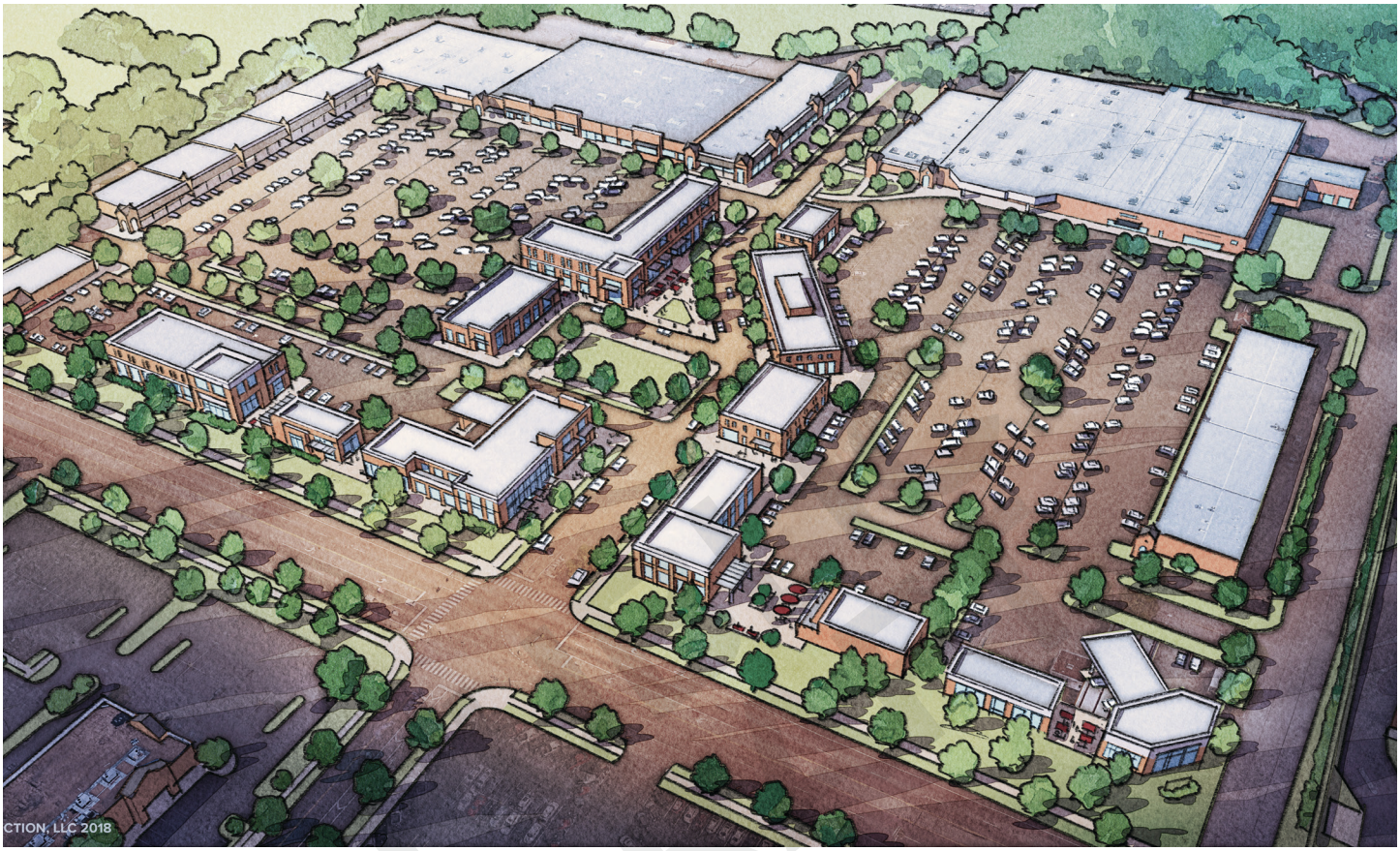
Non-Residential & Multi-Family Residential Screen / Streetscreen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	NA (Uses not permitted in District)
Screening of Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles / Dumpsters, HVAC and other 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-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District



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, Accommodations / 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.

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-G District Standards
Neighborhood Corridor Character District

Density*

**Applicable only to Development Sites.*

12 dwelling units / acre max.

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	2400 ft. max.

Private Frontage Types

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

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, 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*

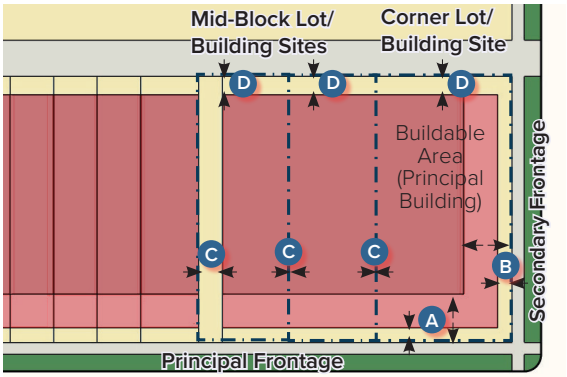
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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

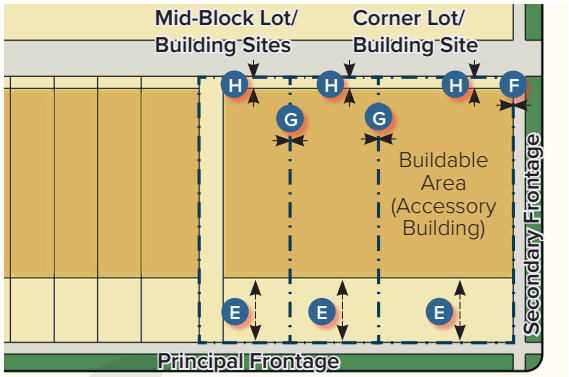
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CD-4C

Table 4.3.1-G District Standards
Neighborhood Corridor Character District





Lot Occupation

Lot / Building Site Width	For House and Duplex Building Types: 45 ft. min., 100 ft. max. For Townhouse Building Type: 24 ft. min., 60 ft. max. For Large Scale Commercial Building Type: 100 ft. min., 300 ft. max. For all other permitted Building Types: 50 ft. min., 100 ft. max.
Frontage Buildout	60% min.
Lot / Building Site Area	NR
Impervious Surface Coverage	70% max
Lot / Building Site Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots or Building Sites may Enfront a Pedestrian Path, Passage, pedestrian walkway or waterbody 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.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	6 ft. min., 18 ft. max.	A
Front Setback / Yard, Secondary Frontage	6 ft. min., 18 ft. max.	B
Side Setback / Yard, each side	0 ft. min.	C
Rear Setback	3 ft. min.	D

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage	E
Front Setback / Yard, Secondary Frontage	6 ft. min., 18 ft. max.	F
Side Setback / Yard, each side	3 ft. min.	G
Rear Setback	5 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-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District

Building Standards

Building Height

Principal Building	For House, Duplex, Commercial, Flex, Large Scale Commercial, and Civic Building Types: 2 Stories max. For Townhouse, Small Multi-Family, Live/Work, and Mixed-Use Building Types: 3 Stories max.
Accessory Building	2 Stories max.; shall not exceed Principal Building Height

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 Accommodations / Lodging Use which must be a min. of 14 ft. with a max. of 25 ft.

Building Composition

Vertical Composition	Each Principal Building must have an identifiable Base, Middle, & Cap
Finished Floor Level	18 in. min., 36 in. max. above average 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	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; (e) a change in trim courses and other horizontal elements; (f) a change in dormer or balcony design, if any, and (g) providing or changing pilasters, columns, or other Facade elements; (h) contain at least one horizontal Building Setback of no less than 5 ft.; and (2) is composed with a defined center and edges. See **Illustration 4.3.5.A-3 (Facade Articulation)**.
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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CD-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District

Building Standards (continued)

Window Glazing Material	Clear glass R for all Elevations.
Shutters	If any, must be functional and proportioned to cover half of window width from each side or entire window width, with shutter dogs
Facade Window Sill Height	If Residential: 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	12 in. - 24 in. knee wall required at Frontage
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

Roof Type & Pitch

Flat	P
Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	If pitched, 8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and except roof pitch may match the primary roof pitch of an existing Building on an Adjacent Lot / Building Site that is less than 8:12

Building Materials

Primary Building Material on Facades				
	Brick	P	Authentic stucco over masonry	P
	Natural Stone	P	Exposed concrete	NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Vinyl siding	NP
	Corrugated and/or sheet metal	NP		

LEGEND The following notations are utilized in this table.

P	Permitted	NP	Not Permitted	NA	Not Applicable	R	Required	NR	Not Regulated

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CD-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District

Building Standards (continued)

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	NA
Chimney Cladding	R; brick or 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	P
Live/Work	P	Civic	P

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

LEGEND The following notations are utilized in this table.				
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CD-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District

Vehicular Parking Requirements (continued)

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage or Parking Area Location	For all Permitted Building Types except Large Scale Commercial: P in 3rd Layer, which has legal and physical access via Thoroughfare or Alley, Driveway, Drive Aisle, or Internal Drive that has legal and physical access to a Thoroughfare. For Large Scale Commercial Building Type: (a) P in 3rd Layer, which has legal and physical access via Thoroughfare or Alley, Driveway, Drive Aisle, or Internal Drive that has legal and physical access to a Thoroughfare; or (b) P in 2nd Layer, to the side of the Principal Building via Thoroughfare or Alley, Driveway, Drive Aisle, or Internal Drive, which has legal and physical access to a Thoroughfare.
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 facing a Frontage, Garage must (a) be detailed, finished, & designed like rest of Building; (b) have carriage house doors; (c) have max. Garage door width 9 ft.; (d) have ornamental lighting fixture above each Garage door; and (e) have min. 2 ft. separation between Garage doors.
Parking Area / Parking Lot Design	Per Section 4.3.12.C.
Driveway / Vehicular Entrance Location	For all Permitted Building Types except Large Scale Commercial: P in any Layer. Driveway / Vehicular Entrance must have legal and physical access via Thoroughfare or Alley, Driveway, Drive Aisle, or Internal Drive that has legal and physical access to a Thoroughfare. If Alley entrance, must provide a 20 ft. min. rear Setback and either: (a) a min. 20 ft. long Driveway within such Setback to a Garage or (b) a min. 20 ft. x 20 ft. Parking Area within such Setback. For Large Scale Commercial Building Type: (a) P in 3rd Layer via Alley, Driveway, Drive Aisle, or Internal Drive which Adjoins or has legal and physical access via Easement to a Thoroughfare, which provides 20 ft. min. rear Setback and either (i) a min. 20 ft. long Driveway within such Setback to a Garage or (ii) a min. 20 ft. x 20 ft. Parking Area within such Setback; and/or (b) P in 1st or 2nd Layer via Thoroughfare or Driveway, Drive Aisle, or Internal Drive that Adjoins or has legal and physical access via Easement to a Thoroughfare.
Driveway / Vehicular Entrance Maximum Width	10 ft. max. in 1st Layer, except 24 ft. max. in 1st Layer for Large Scale Commercial Building Type, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District

Vehicular Parking Requirements (continued)

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter Locations *(Not including water meters)*	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Service Area 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	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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CD-4C Table 4.3.1-G District Standards
Neighborhood Corridor Character District

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (Private Lighting Standards)**

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 Principal 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 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.

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-G 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 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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SD-LI

Table 4.3.1-H District Standards
Light Industrial Special District

SD-LI	Light Industrial

The SD-LI Light Industrial Special District consists of a wide range of Industrial and related Uses which conform to a high level of performance criteria and have the least objectionable characteristics. This District may provide a Buffer between other Districts and Industrial Uses which have more objectionable influences. New Residential Uses are excluded. Office Uses, Health Care Uses, Civil Support Uses, Civic Uses and Commercial Uses which provide needed services for industry and are complementary thereto are permitted.

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SD-LI Table 4.3.1-H District Standards
Light Industrial Special District

Density*

**Applicable only to Development Sites.*

NA; Residential Uses NP

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	NR

Private Frontage Types

NR

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

**Applicable only to Development Sites.*

NR

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, see also* **Table 5.1.10 (Principal Use Mix).**

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	NR

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

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SD-LI Table 4.3.1-H District Standards
Light Industrial Special District

Lot Occupation

Lot / Building Site Width	100 ft. min.
Frontage Buildout	NR
Lot / Building Site Area	40,000 sq. ft.
Impervious Surface Coverage	80% max.
Lot / Building Site Enfrontment	Must Enfront a Thoroughfare or Internal Drive
Lot / Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway, Easement, and/or Alley.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	20 ft. min.
Front Setback / Yard, Secondary Frontage	20 ft. min.
Side Setback / Yard, each side	10 ft. min.*
Rear Setback	20 ft. min.*

**Except 30 ft. min. if Abutting Residential*

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage
Front Setback / Yard, Secondary Frontage	20 ft. min.
Side Setback / Yard, each side	10 ft. min.*
Rear Setback	20 ft. min.*

Building Standards

Building Height

Principal Building	50 ft. max.
Accessory Building	NR

Ceiling Height

NR

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

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SD-LI Table 4.3.1-H District Standards
Light Industrial Special District

Building Standards (continued)

Building Composition

NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	NR
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	NR
Facade Glazing	NR
Window Alignment	NR
Window Glazing Material	Clear glass R for all Elevations.
Shutters	NR
Facade Window Sill Height	NR
Porch Frontages	NA
Shopfront Frontages	NR
Facade Variety	NR

Roof Type

NR

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

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SD-LI Table 4.3.1-H District Standards
Light Industrial Special District

Building Standards (continued)

Building Materials

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural Stone	P	Exposed concrete	NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Vinyl siding	NP
	Corrugated and/or sheet metal	NP		
Changes in Building Materials		NR		
Building Colors		NR		
Foundation Cladding		NR		
Porch Pier Cladding		NA		
Chimney Cladding		NR		

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, 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-LI Table 4.3.1-H District Standards
Light Industrial Special District

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	NP	P in any Required Setback / Yard Area, unless specifically prohibited
Recreational Vehicles	NP	P in any Required Setback / Yard Area, unless specifically prohibited
Heavy Equipment	NP	P in any Required Setback / Yard Area, unless specifically prohibited
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	P in any Required Setback / Yard Area, unless specifically prohibited
All Other Vehicles	NP	P in any Required Setback / Yard Area, unless specifically prohibited

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	Min. interior dimensions 10 ft. x 20 ft. per vehicle Parking space.
Driveway / Vehicular Entrance Location	P in any Layer
Driveway / Vehicular Entrance Maximum Width	24 ft. max. in 1st Layer, regardless if shared or not.

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

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

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SD-LI Table 4.3.1-H District Standards
Light Industrial Special District

Loading & Access

Off-Street Loading and Storage	P only in any Required Side or Rear Setback / Yard, unless specifically prohibited.
Utility Box & Service Meter Locations *(Not including water meters)*	P only in any Required Side or Rear Setback / Yard, unless specifically prohibited.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Service Area 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	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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (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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SD-LI Table 4.3.1-H District Standards
Light Industrial 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 ft. max. at Principal 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 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.

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

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SD-LI Table 4.3.1-H District Standards
Light Industrial Special District

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen / Streetscreen Height	3 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	R; except at Driveways, Screening must be by Building, wall, hedge, or Fence at Frontage or Building, Wall, hedge, or Fence not at Frontage or Adjacent to Civic Space.
Streetscreen Location	2nd Layer
Lot / Building Site / Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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SD-HI

Table 4.3.1-I District Standards
Heavy Industrial Special District

SD-HI	Heavy Industrial

The SD-HI Heavy Industrial Special District is intended to provide space for the types of Industrial Uses which by reason of volume of raw materials or freight, scale of operations, type of Structures required, or other similar characteristics require locations relatively well-segregated from non-Industrial Uses. Performance standards must still be complied with. New Residential Uses are excluded, and Civic Uses which provide needed services for industry and are complementary thereto are permitted.

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

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SD-HI Table 4.3.1-I District Standards
Heavy Industrial Special District

Density*

**Applicable only to Development Sites.*

NA; Residential Uses NP

Block Size*

**Applicable only to Development Sites.*

Block Perimeter	NR

Private Frontage Types

NR

See Table 4.3.7.A (Private Frontage Types)

Civic Space Types*

**Applicable only to Development Sites.*

NR

See Table 5.3.2-A (Civic Space Types - Summary) *and* Table 5.3.2-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 Sites, see also* Table 5.1.10 (Principal Use Mix).

Number of Buildings Per Lot or Building Site

Principal Building	1 max.
Accessory Buildings	NR

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

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SD-HI

Table 4.3.1-I District Standards
Heavy Industrial Special District

Lot Occupation

Lot / Building Site Width	150 ft. min.
Frontage Buildout	NR
Lot / Building Site Area	40,000 sq. ft.
Impervious Surface Coverage	80% max
Lot / Building Site Enfrontment	Must Enfront a Thoroughfare or Internal Drive
Lot / Building Site Access	All Lots must have legal and physical vehicular access to a vehicular Thoroughfare via Driveway, Easement, and/or Alley.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.
Front Setback / Yard, Secondary Frontage	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.
Side Setback / Yard, each side	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.
Rear Setback	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.
Front Setback / Yard, Secondary Frontage	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.
Side Setback / Yard, each side	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.
Rear Setback	If Abutting Residential: 200 ft. min. If Abutting Commercial or Industrial: 150 ft. min.

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LEGEND The following notations are utilized in this table.				
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SD-HI

Table 4.3.1-I District Standards
Heavy Industrial Special District

Building Standards

Building Height

Principal Building	50 ft. max.
Accessory Building	2 Stories max; shall not exceed Principal Building Height

Ceiling Height

NR

Building Composition

NR

Facade

Main Entrance	Main Entrance must be in Facade of Principal Frontages.
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade & Facade Element Design Proportions	NR
Blank Walls	NP at Frontage
Facade Articulation	NR
Facade Openings	NR
Facade Glazing	NR
Window Alignment	NR
Window Glazing Material	NR
Shutters	NR
Facade Window Sill Height	NR
Porch Frontages	NA
Shopfront Frontages	NA
Facade Variety	NR

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

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SD-HI Table 4.3.1-I District Standards
Heavy Industrial Special District

Building Standards (continued)

Roof Type & Pitch

NR

Building Materials

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

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

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P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-HI Table 4.3.1-I District Standards
Heavy Industrial Special District

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
All Other Vehicles	P	P

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	NR
Driveway / Vehicular Entrance Location	P in any Layer
Driveway / Vehicular Entrance Maximum Width	24 ft. max. in 1st Layer, regardless if shared or not.

Bicycle Parking

See Section 4.3.13

Thoroughfares & Internal Drive Types*

**Applicable only to Development Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

Loading & Access

Off-Street Loading and Storage	P only in any Required Side or Rear Setback / Yard, unless specifically prohibited.
Utility Box & Service Meter Locations *(Not including water meters)*	P only in any Required Side or Rear Setback / Yard, unless specifically prohibited.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Service Area 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	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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SD-HI Table 4.3.1-I District Standards
Heavy Industrial Special District

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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (Private Lighting Standards)**

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LEGEND The following notations are utilized in this table.				
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SD-HI

Table 4.3.1-I District Standards
Heavy Industrial 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 planted in 1st Layer.

Walls & Fencing (not including Screens)

Height	3.5 - 4 ft. max. at Principal 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	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	NR
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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ARTICLE 4

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

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SD-HI Table 4.3.1-I District Standards
Heavy Industrial Special District

Screens, Streetscreens & Buffers

Height

	At Frontage or Adjacent to Civic Space	Not at Frontage or Adjacent to Civic Space
Wall Screen / Streetscreen Height	3 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	R; except at Driveways, Screening must be by Building, wall, hedge, or Fence at Frontage or Building, Wall, hedge, or Fence not at Frontage or Adjacent to Civic Space.
Streetscreen Location	2nd Layer
Lot / Building Site / Parcel Buffer	Section 4.3.11.H.
Project Buffer	Section 5.8.

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CD-CV **Table 4.3.1-J District Standards**
Civic Character District



CD-CV	Civic

Civic Character District (CD-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 government Offices, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

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CD-CV Table 4.3.1-J District Standards
Civic Character District

Density*

*Applicable only to Development Sites.

NA; Residential Uses NP

Block Size*

*Applicable only to Development Sites.

Block Perimeter	NR

Private Frontage Types

NA

See **Table 4.3.7.A (Private Frontage Types)**

Civic Space Types*

*Applicable only to Development Sites.

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

See **Table 5.3.2-A (Civic Space Types - Summary)** *and* **Table 5.3.2-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 Sites, 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*

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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-CV Table 4.3.1-J District Standards
Civic Character 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 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, Easement, and/or Alley.

Note regarding Layers: See Section 4.3.3.A, **Illustration 4.3.3.A (Layers),** and **Article 9 (Definitions)**.

Setbacks / Yards

Setbacks / Yards - Principal Building

Front Setback / Yard, Principal Frontage	0 ft. min, 50 ft. of Lot Depth max.
Side Setback / Yard, Secondary Frontage	0 ft. min.
Side Setback / Yard, each side	0 ft. min.
Rear Setback	0 ft. min.

Setbacks / Yards - Accessory Building

Front Setback / Yard, Principal Frontage	20 ft. min. behind Principal Building Frontage
Side Setback / Yard, Secondary Frontage	0 ft. min.
Side Setback / Yard, each side	0 ft. min.
Rear Setback	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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CD-CV Table 4.3.1-J District Standards
Civic Character District

Building Standards

Building Height

Principal Building	20 ft. higher than max. Height of any Adjacent District, max.
Accessory Building	2 Stories max.; shall not exceed Principal Building Height

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	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.
Window Glazing Material	Clear glass R for all Elevations.
Facade Window Sill Height	NR
Porch Frontages	NR
Shopfront Frontages	NA
Facade Variety	No Facade may exist more than once on a Block Face or within view of the same Facade

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

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CD-CV Table 4.3.1-J District Standards
Civic Character District

Building Standards (continued)

Roof Type & Pitch

Flat	P
Shed	P at rear only and if ridge is attached to an exterior Building wall; except for porches, stoops or dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and except roof pitch may match the primary roof pitch of an existing Building on an Adjacent Lot / Building Site that is less than 8:12

Roof Type & Pitch

Primary Building Material on Facades	Brick	P	Authentic stucco over masonry	P
	Natural Stone	P	Exposed concrete	NP
	Wood	P	Aluminum siding	NP
	Cementitious siding	P	Vinyl siding	NP
	Corrugated and/or sheet metal	NP		
Changes in Building Materials	Primary materials must continue along side Elevations through 2nd Layer. Primary materials shall continue for entire length of all Facades facing a Frontage. Any material changes must coincide with form, structural, or massing changes and shall not occur at outside corner of such change.			
Building Colors	Up to 3 colors, including natural color of any allowed materials, but excluding trim colors.			
Foundation Cladding	R; brick or natural stone			
Porch Pier Cladding	R; brick or natural stone, with any space under Porch concealed by painted or stained latticework between piers			
Chimney Cladding	R; brick, natural stone, or material matching primary material of Facade			

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

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CD-CV Table 4.3.1-J District Standards
Civic Character District

Building Types

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

See **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. *For Development Sites, see also* **Table 5.1.9 (Building Type Mix)**.

Vehicular Parking Requirements

Parking Location

	On-Street Parking	Off-Street Parking
Domestic Vehicles	P	P in 3rd Layer only, and in Driveway
Recreational Vehicles	NP	P in 3rd Layer only, and in Driveway
Heavy Equipment	NP	P in 3rd Layer only, and in Driveway
Tractor trailers (including trailers for storage)	NP on-Street, except for delivery and Temporary Use of trailers	NP
All Other Vehicles	NP	P in 3rd Layer only, and in Driveway

Additional Parking Requirements

Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 3rd Layer only
Garage Design	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-CV Table 4.3.1-J District Standards
Civic Character District

Vehicular Parking Requirements (continued)

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 Sites.*

See **Article 5 (Development Site Standards)** *for additional requirements.*

Loading & Access

Off-Street Loading and Storage	P in 3rd Layer only.
Utility Box & Service Meter Locations *(Not including water meters)*	P in 3rd Layer only.
Off-Street Trash Receptacle Locations	P in 3rd Layer only.
Service Area Locations	P in 3rd Layer only.
Off-Street Dumpster Locations	NA
Drive-Through Locations	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-CV Table 4.3.1-J District Standards
Civic Character District

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

Signs

See Sign Standards in **Article 7 (Sign Standards)** *and* **Table 7.1.2.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.C (Private Lighting Standards)**

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

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CD-CV Table 4.3.1-J District Standards
Civic Character District

Private Landscaping and Fencing

Landscaping

NR

Walls & Fencing (not including Screens)

Height	3.5 - 4 ft. max. at Principal 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 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 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-CV Table 4.3.1-J District Standards
Civic 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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For Historic and Landmark Overlay District (HOD) regulations, standards, and requirements, see Section 3.7.3.B.

For Floodplain Overlay District (FPOD) regulations, standards, and requirements, see Section 3.7.3.C.

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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)**.

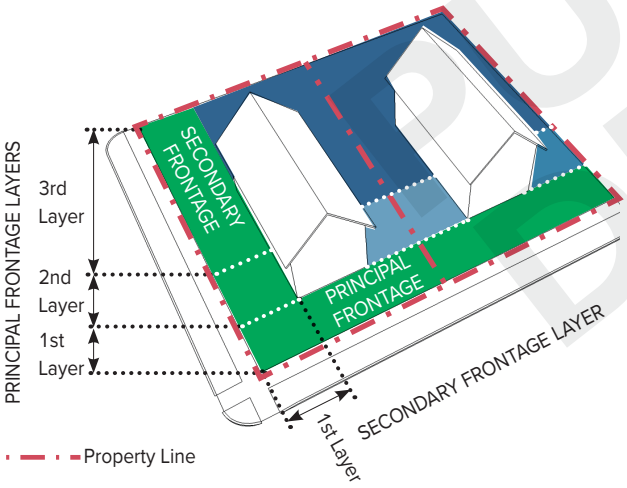
2. Layers are used to regulate in what parts of a Lot or Building Site certain Development, Building elements, and Uses are allowed or required, as set forth in **Tables 4.3.1-A - 4.3.1-J (District Standards).**

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-J (District Standards)**.

C. Enfrontment

Within all Districts and Civic Districts, each Lot or Building Site must have Frontage along a Thoroughfare, an Internal Drive, or a Civic Space, as provided in **Tables 4.3.1-A - 4.3.1-J (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-J (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-J (District Standards)**.

3. Existing interior Lots or Building Sites may be permitted a reduction in required Rear Yard depth by Administrative Adjustment, subject to 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) one hundred (100) feet minus the depth of the Lot, or (ii) ten (10) feet.

Example: if Lot is 95 ft. deep, the required Rear Yard may be reduced by five (5) feet [100 ft. – 95 ft. = 5 ft.], but if a Lot is 80 ft. deep, the required Rear Yard may only be reduced by ten (10) feet.

d. Within all Non-Residential Districts and for all Non-Residential Uses, interior Lots or Building Sites that are less than eighty (80) feet deep may be permitted a reduction in required Rear Yard depth to reduce the required Rear Yard depth to zero (0); however, if any Rear Yard is provided, the minimum required depth shall be ten (10) feet.

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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 (0) 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 one-half (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.

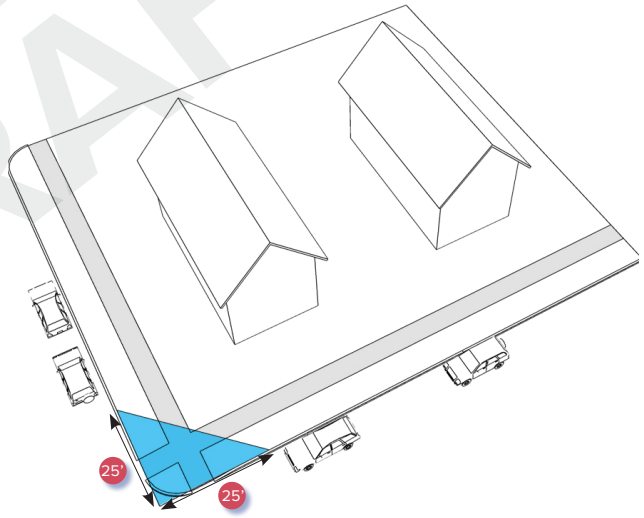
F. Lots in Two Districts

If 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 thirty (30) feet into the more restricted portion, provided that the Lot, Building Site, or parcel has Frontage on a Thoroughfare in a less restricted District.

G. Visibility

1. On a Corner Lot or Building Site, no Fence, Wall, hedge, Structure, or planting more than 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.

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Illustration 4.3.3.G.2 (Sight Triangle - Driveway)

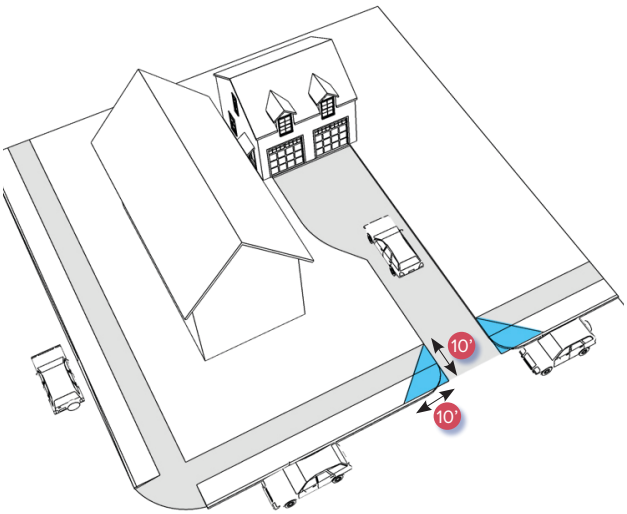
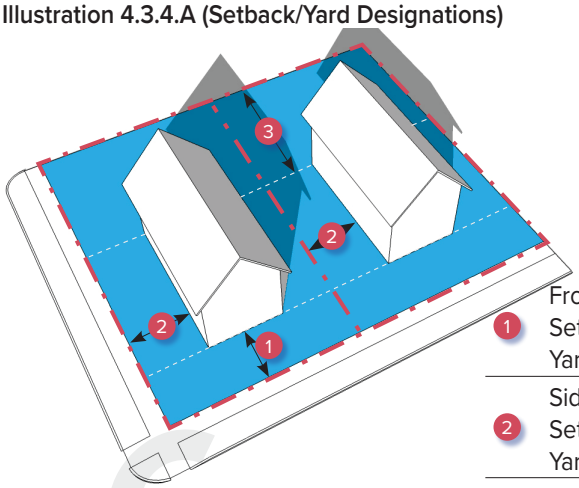


Illustration 4.3.4.A (Setback/Yard Designations)



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.

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-J (District Standards)**.

2. To accommodate slopes over ten (10) percent, relief from front Setback or Yard requirements may be granted by Administrative Adjustment by the Zoning Administrator.

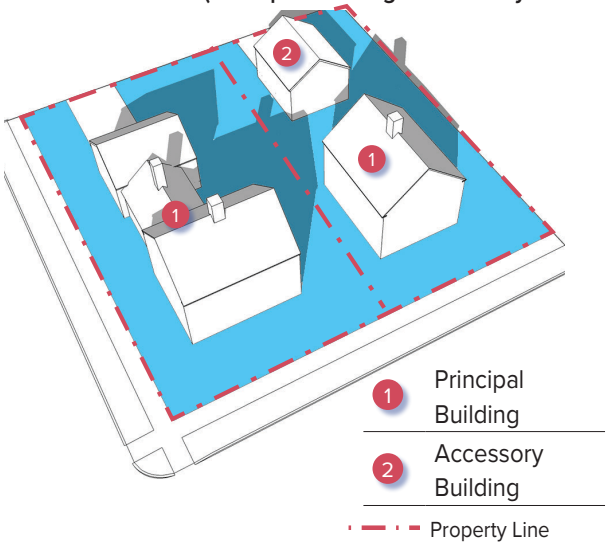
B. Principal Buildings

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-J (District Standards)** and

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

Illustration 4.3.4.B (Principal Building / Accessory Building)



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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-J (District Standards)**; and

b. Any such Accessory Buildings must be located as specified in **Tables 4.3.1-A - 4.3.1-J (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 Character Districts CD-2W 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;

b. Any Accessory Building shall be located in the Layer indicated in **Tables 4.3.1-A - 4.3.1-J (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 (1) 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.

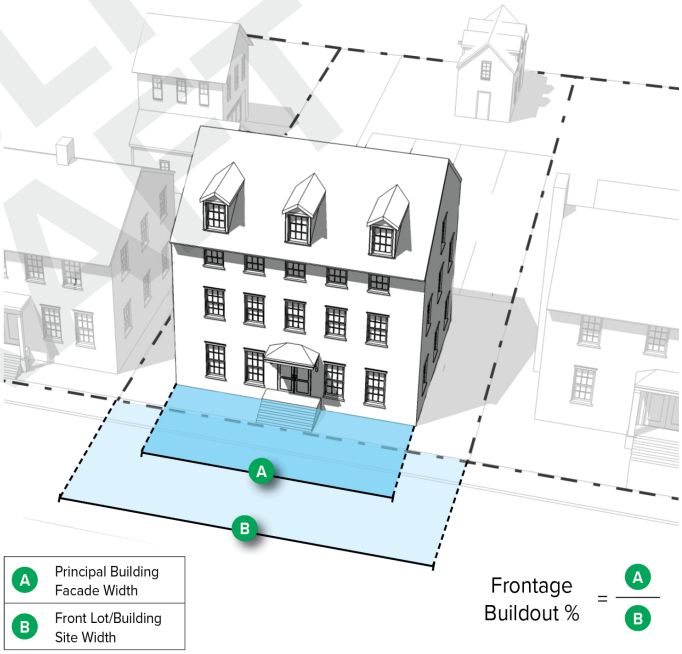
4.3.5 Building Standards

A. Facade

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

2. Frontage Buildout within each Lot or Building Site must meet the minimum Frontage Buildout requirement for the applicable District, as set forth on **Tables 4.3.1-A - 4.3.1-J (District Standards)**. See **Illustration 4.3.5.A.2 (Frontage Buildout)**.

Illustration 4.3.5.A.2 (Frontage Buildout)

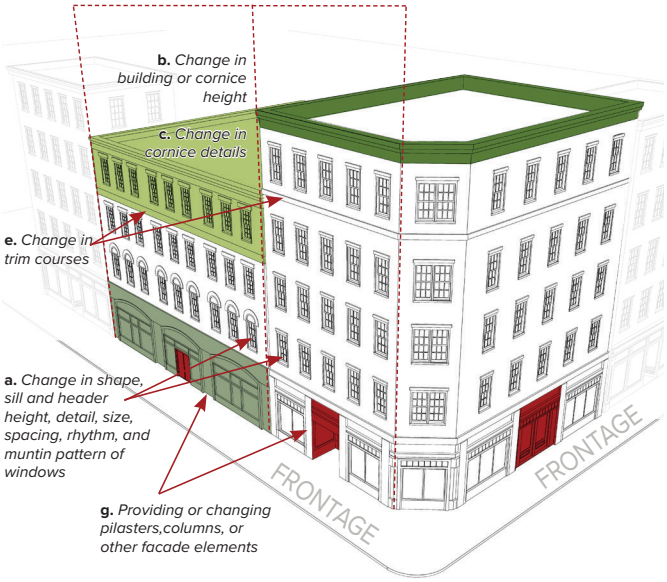


3. Principal Building Facades shall be articulated as shown in **Illustration 4.3.5.A-3 (Facade Articulation),** as applicable in **Tables 4.3.1-A - 4.3.1-J (District Standards)**.

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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-J (District Standards)**.

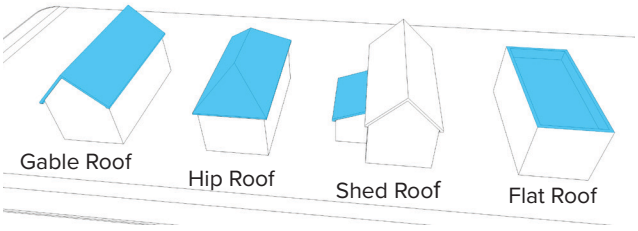
C. Building Height, Ceiling Height & Ground Floor Finish Elevation

Building Height, ceiling Height, and ground floor finish elevation must conform to **Tables 4.3.1-A - 4.3.1-J (District Standards)**.

D. Roof Type

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

Illustration 4.3.5.D (Roof Types)



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-J (District Standards).**

4.3.7 Private Frontage, Building Form & Building Type; Floor Elevation

A. Private Frontage – General

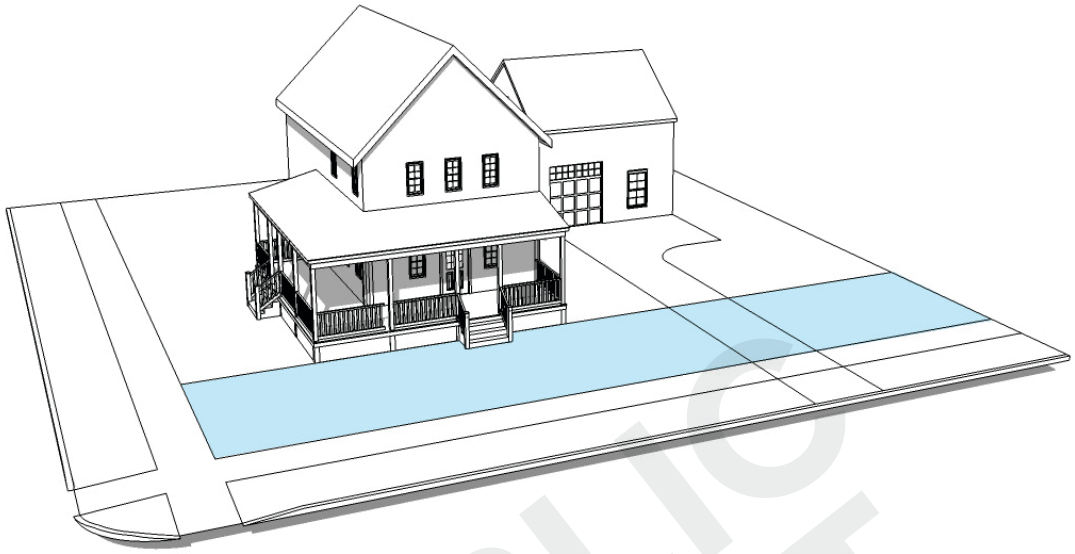
The Private Frontage of each Lot or Building Site must conform to and be allocated in accordance with **Table 4.3.7.A (Private Frontage Types)** and **Tables 4.3.1-A - 4.3.1-J (District Standards)**.

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COMMON YARD

Table 4.3.7.A Private Frontage Types



Permitted Character Districts

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

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.*



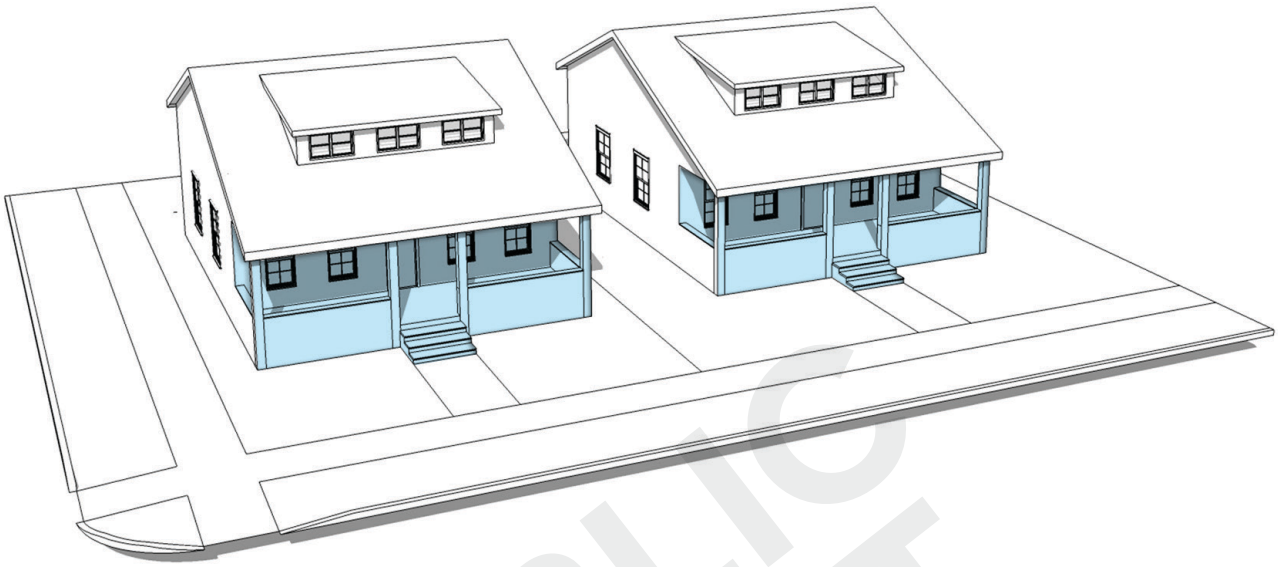


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PORCH

Table 4.3.7.A Private Frontage Types



Permitted Character Districts

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

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 Character Districts

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

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 Character Districts

CD-4 CD-4C

A Frontage wherein the Facade is set back from the Frontage Line by an elevated landing and a sunken Lightwell. This type buffers Residential Uses from urban Sidewalks with the first Story elevated from the Sidewalk for privacy, and may allow for activation of space below grade. An exterior stair and landing provides Access to the entrance. *This type is recommended for ground-floor Residential Use.*





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FORECOURT

Table 4.3.7.A Private Frontage Types



Permitted Character Districts

CD-4 CD-4C

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 Commercial 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



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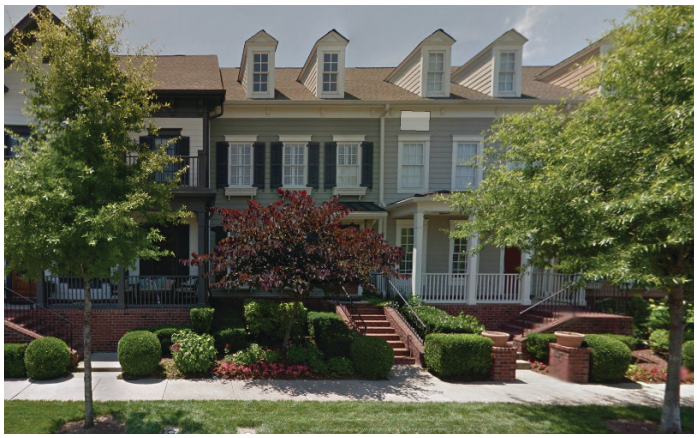
Permitted Character Districts

CD-2* | CD-3 | CD-4 | CD-4C

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.*

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*





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STEPFRONT

Table 4.3.7.A Private Frontage Types



Permitted Character Districts

CD-4 CD-4C

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 or Commercial Use.*



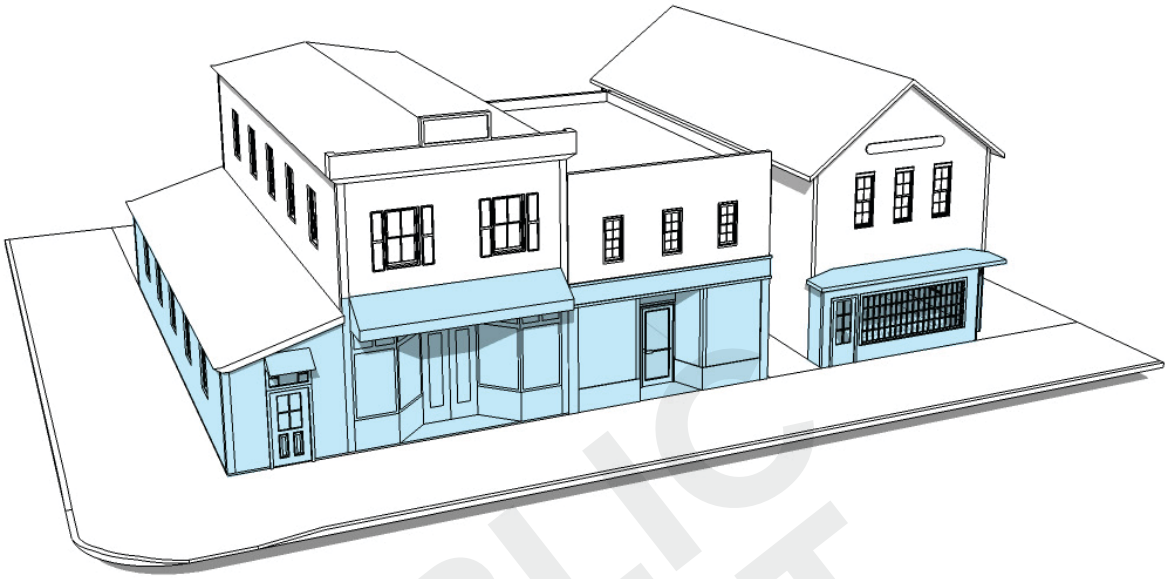


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SHOPFRONT

Table 4.3.7.A Private Frontage Types



Permitted Character Districts

CD-2* | CD-4 | CD-4C

A Frontage conventional for Commercial 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.

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*



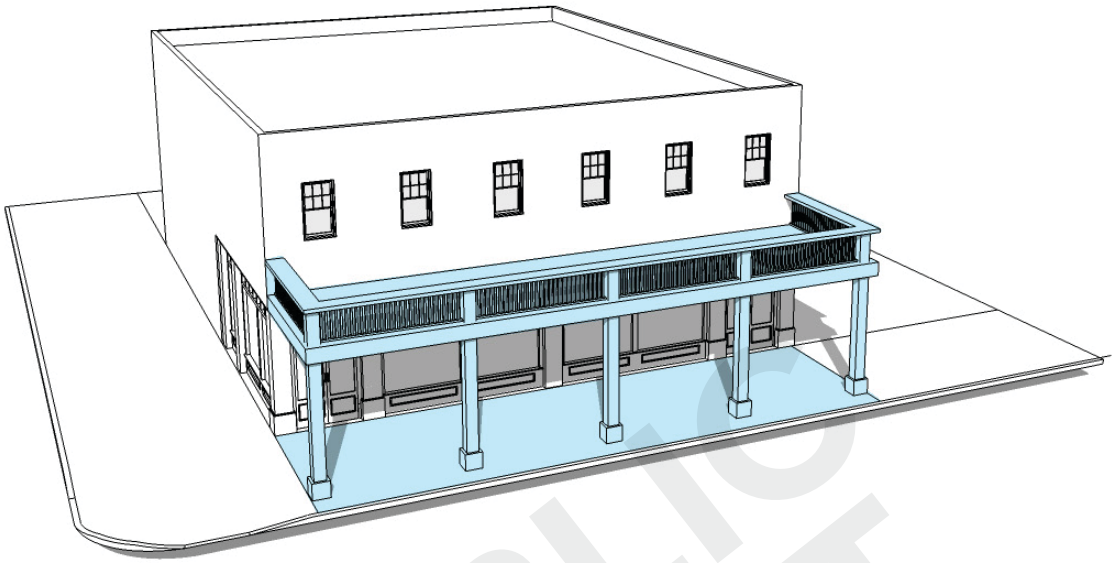


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GALLERY

Table 4.3.7.A Private Frontage Types



Permitted Character Districts

CD-4 CD-4C

A Private Frontage conventional for Commercial Use, wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk.



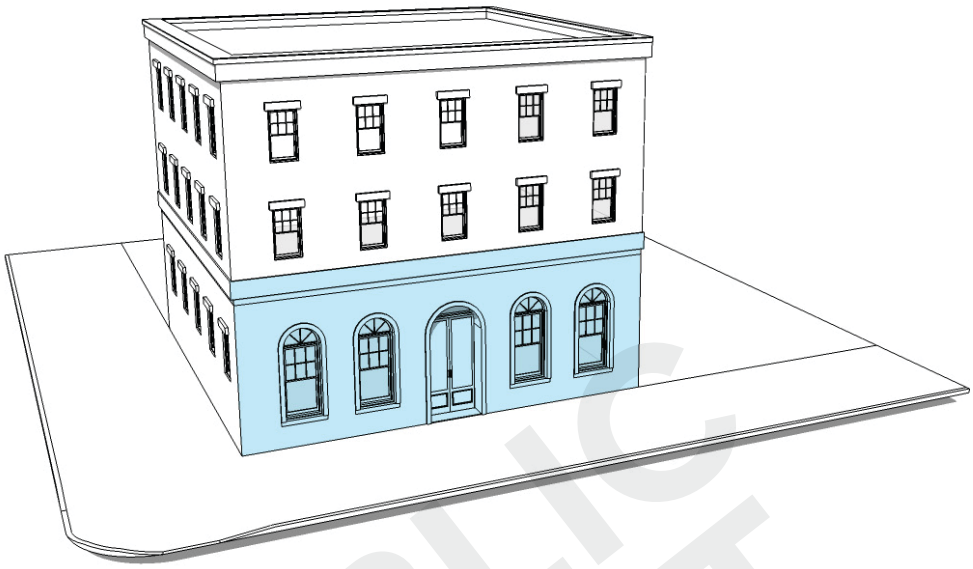


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OFFICEFRONT

Table 4.3.7.A Private Frontage Types

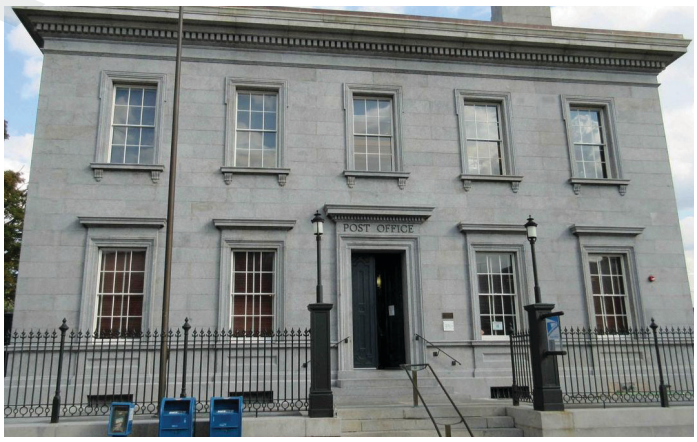


Permitted Character Districts

CD-4 CD-4C

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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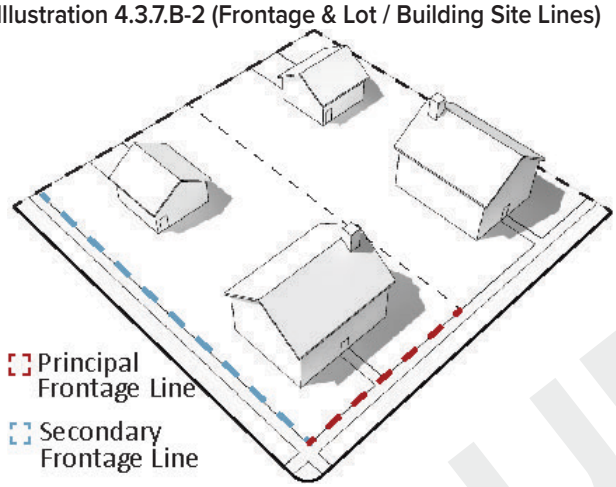
B. Private Frontage – Corner Lots / Building Sites

Principal Buildings on Corner Lots or Building sites shall have two Private Frontages:

1. a Principal Frontage and

2. a Secondary Frontage, as illustrated generally in **Illustration 4.3.7.B-2 (Frontage & Lot / Building Site Lines)**.

Illustration 4.3.7.B-2 (Frontage & Lot / Building Site Lines)



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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**. For certain Development Sites, the mix of Building Types in each District is further regulated under Section 5.1.9.

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Table 4.3.8.A-1 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-2W, CD-3L, CD-3, CD-4, CD-4C
	**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-4, CD-4C
	**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
	**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-4C
	**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
	**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-2*, CD-4, CD-4C, SD-LI

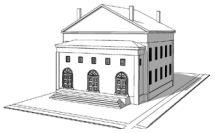
Illustrations are provided for illustrative purposes only.
For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*

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Table 4.3.8.A-1 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, Accommodations / Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.	**CD-2*, CD-4, CD-4C**
	**Flex Building** A large footprint Principal Building designed to accommodate either a single Use or a vertical or horizontal mix of Uses.	**CD-2*, CD-4, CD-4C, SD-LI, SD-HI**
	**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-2W, CD-3L, CD-3, CD-4, CD-4C, SD-LI, SD-HI, CD-CV**
Illustrations are provided for illustrative purposes only. For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.		

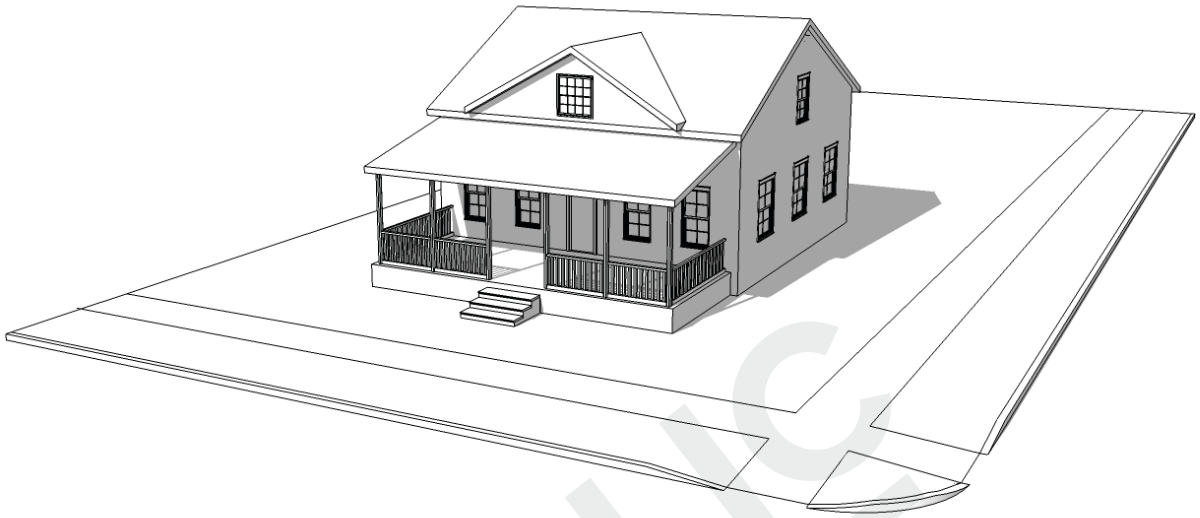
Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*

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HOUSE

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

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

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

LEGEND The following notations are utilized in this table.	P Permitted

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

For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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DUPLEX

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 CD-4C

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

LEGEND The following notations are utilized in this table.	P Permitted

Allowed Private Frontages

Common Yard	P	**Fence**	P
Porch	P	**Stoop**	P

Building Size and Massing

Height	2 Stories max.
Width	Per District Lot / Building Site Width and Side Setback / Yard 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

For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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TOWNHOUSE

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 CD-4C

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	**Terrace/Lightwell**	P
Stoop	P		

Building Size and Massing

Height	Per District Building Height Standards
Width	12 ft. min. - 30 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

For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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SMALL MULTI-FAMILY

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C

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 / Building Site

Width	Per District Lot / Building Site Width

Number of Units

Units per Building	3 min., 6 max.

Allowed Private Frontages

Porch	P	**Forecourt**	P
Stoop	P	**Terrace/Lightwell**	P

Building Size and Massing

Height	Per District Building 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, side Thoroughfare or front Thoroughfare

LEGEND The following notations are utilized in this table.	P	Permitted

For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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LIVE/WORK

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 CD-4C

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	**Shopfront**	P
Terrace/Lightwell	P	**Officefront**	P

Building Size and Massing

Height	Per District Building 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, side Thoroughfare or front Thoroughfare

LEGEND The following notations are utilized in this table.	P Permitted

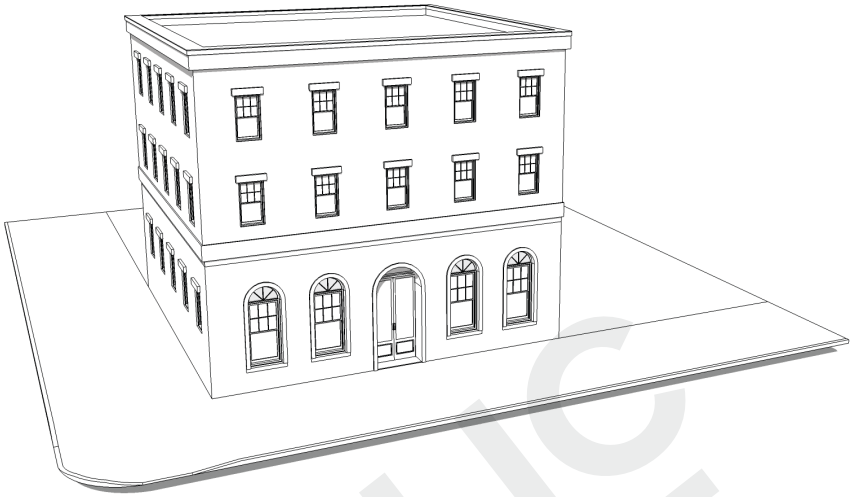
For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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COMMERCIAL

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-2* | CD-4 | CD-4C | SD-LI

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*

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	**Shopfront**	P
Terrace/Lightwell	P	**Officefront**	P

LEGEND The following notations are utilized in this table.	P Permitted

Building Size and Massing

Height	Per District Building 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, side Thoroughfare or front Thoroughfare

For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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MIXED USE

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-2* | CD-4 | CD-4C

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*

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

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

Allowed Private Frontages

Stoop	P	**Terrace**	P
Forecourt	P	**Officefront**	P
Terrace/Lightwell	P	**Gallery**[1]	P
Shopfront	P		

[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 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

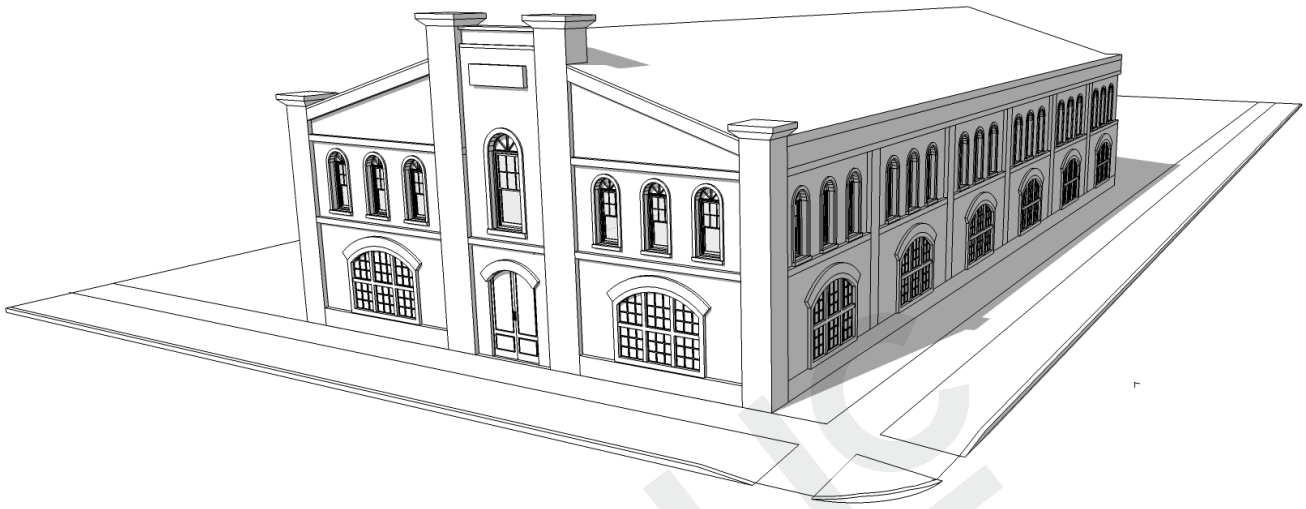
For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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FLEX

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-2* | CD-4 | CD-4C | SD-LI | SD-HI

Permitted in CD-2 only in a Rural Retreat Commercial Use per **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses).*

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		

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

LEGEND The following notations are utilized in this table.	P Permitted

Building Size and Massing

Height	Min. as prescribed for applicable 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

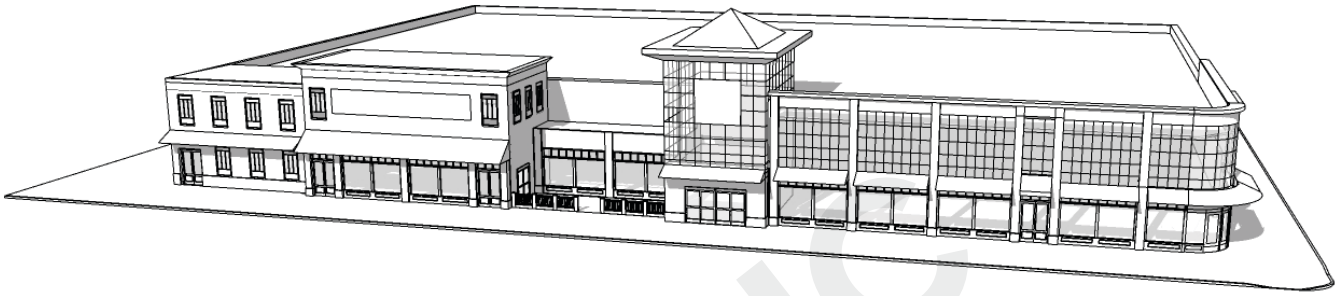
For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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LARGE SCALE COMMERCIAL

Table 4.3.8.A-2 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 / Building Site

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		

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

LEGEND The following notations are utilized in this table.	P	Permitted

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

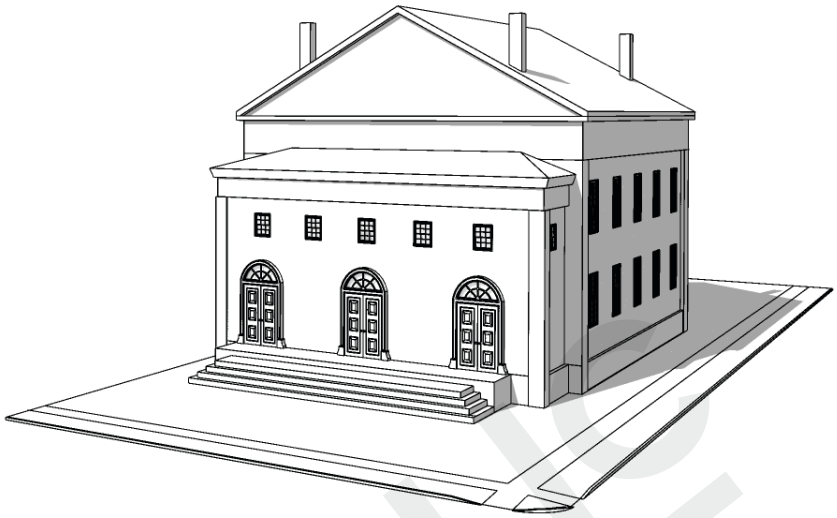
For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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CIVIC

Table 4.3.8.A-2 Principal Building Types
SPECIFIC STANDARDS



Permitted Districts

CD-1 | CD-2 | CD-2W | CD-3L | CD-3 | CD-4 | CD-4C | SD-LI | SD-HI | CD-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, 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	Not Regulated

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 Article.

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

For certain Development Sites, see also **Table 5.1.9 (Building Types Mix)**.

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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 (Building, Lot & Building Site 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 (Building, Lot & Building Site Temporary Uses)**,

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 certain Development Sites, 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**

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& 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 City Code, is prohibited.

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
AGRICULTURAL & EXTRACTIVE USES											
Agricultural*											
Animal Raising	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Crop Drying, Storage, and Processing Services	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Crop Planting, Cultivating, and Protection Services	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Dairy Farm	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Egg Production Operations	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Feedlot	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Food Crop Production	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Forest Nursery	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Greenhouse (Commercial)	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Horticultural and Soil Preparation Services	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Plant Nursery	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Stable	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Stockyard	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Veterinary Services for Livestock	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Other Agricultural Uses Not Listed Under any Use Category	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Extractive											
Mining & Quarrying	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	PDD
Other Extractive Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD

**Except as exempted under T.C.A Sec. 44-18-104(c)(4).*

For certain Development Sites, see also **Table 5.1.10 (Principal Uses Mix)**.

LEGEND The following notations are utilized in this table.							
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)	PDD	Per Existing PDD Approval, as applicable

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
RESIDENTIAL USES											
Household Living											
Additional Primary Dwelling	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Apartment in Small Multi-Family Building	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Bed and Breakfast Owner/Manager Residence	NP	PL	PL	PL	PL	NP	NP	NP	NP	NP	PDD
Duplex for Two-Family Dwelling	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Manufactured Home Park or Subdivision	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Residential Portion of a Live/Work, Mixed-Use, or Flex Building, if Building Type permitted in District	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Senior Living or Retirement Community	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PDD
Single-Family Detached Residential Dwelling in Manufactured Building House	NP	CU	CU	CU	NP	NP	CU	NP	NP	NP	PDD
Single-Family Detached Residential Dwelling in Site-Built House	NP	P	P	P	P	P	P	NP	NP	NP	PDD
Townhouse	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Other Household Living Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Group Living											
Adult Care Home	NP	P	NP	P	P	CU	P	NP	NP	NP	PDD
Assisted Living Facilities	NP	CU	CU	CU	CU	CU	CU	NP	NP	NP	PDD
Convalescent Home, Nursing Home, Retirement Home, or Rest Home	NP	CU	NP	CU	CU	NP	NP	NP	NP	NP	PDD
Family Care Facility	NP	CU	NP	CU	CU	NP	NP	NP	NP	NP	PDD
Group Care Facility	NP	CU	NP	CU	CU	NP	NP	NP	NP	NP	PDD
Other Group Living Uses not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
CIVIC USES											
Community Service											
Civic Organization	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Library	NP	NP	NP	NP	P	P	P	NP	NP	P	PDD
Philanthropic Institution	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Recreation Facility (Civic)	NP	NP	NP	P	P	P	P	NP	NP	P	PDD
Other Community Service Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Day Care / Personal Care Facilities (Civic)											
Adult Day Care Facility (Civic)	NP	NP	NP	NP	P	P	P	NP	NP	P	PDD
Children Day Care Facility (Civic)	NP	NP	NP	NP	P	P	P	CU	NP	P	PDD
Other Day Care Facility Use (Civic) Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	PDD
Civic Building / Civic Space											
Civic Building	P	P	P	P	P	P	P	P	P	P	PDD
Community Center	NP	NP	NP	NP	NP	P	P	P	NP	P	PDD
Civic Space - Community Garden	NP	P	P	P	P	P	P	NP	NP	P	PDD
Civic Space - Green	NP	P	P	P	P	NP	NP	NP	NP	P	PDD
Civic Space - Natural Area	P	P	P	NP	NP	NP	NP	NP	NP	P	PDD
Civic Space - Playground	NP	P	P	P	P	P	P	NP	NP	P	PDD
Civic Space - Pocket Park	NP	P	P	P	P	P	P	NP	NP	P	PDD
Civic Space - Plaza	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Civic Space - Sports Field or Court	NP	P	P	P	P	NP	NP	NP	NP	P	PDD
Civic Space - Square	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Other Civic Building / Civic Space Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Open Space (other than Civic Space)											
Botanical Garden	NP	P	NP	NP	NP	NP	NP	NP	NP	P	PDD
Nature Preserve	P	P	P	P	P	P	P	NP	NP	P	PDD
Game Preserve	NP	P	NP	NP	NP	NP	NP	NP	NP	P	PDD
Refuge, Wild Animal Sanctuary, Wildlife Management Area	P	P	NP	NP	NP	NP	NP	NP	NP	P	PDD
Other Open Space (other than Civic Space) Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Retreat (Non-Profit)											
Retreat (Non-Profit)	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	PDD
Religious Facilities											
Place of Worship or other Religious Facility	NP	P	P	P	P	P	P	P	NP	P	PDD
CIVIL SUPPORT USES											
Ambulance Service	NP	NP	NP	NP	NP	PL	PL	PL	NP	NP	PDD
Cemetery / Mausoleum / Columbarium / Memorial Garden	NP	CU	NP	P	P	NP	NP	P	NP	P	PDD
Funeral Home, Funeral Services, and Crematory	NP	PL	NP	NP	NP	PL	PL	PL	NP	NP	PDD
EMS / Fire / Police Stations & Facilities	NP	PL	NP	PL	PL	PL	PL	PL	NP	PL	PDD
Other Civil Support Use Not Listed Under Any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
EDUCATIONAL USES											
Adult Continuing Education / Personal Improvement Education / Business, Trade, & Vocational Schools											
Adult Continuing Education	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Business, Trade, or Vocational School	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Personal Improvement Education	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Pre-School / Primary / Intermediate / Secondary Schools											
Elementary School	NP	P	P	P	P	P	P	NP	NP	P	PDD
High School	NP	P	P	P	P	P	P	NP	NP	P	PDD
Kindergarten	NP	P	P	P	P	P	P	NP	NP	P	PDD
Middle School	NP	P	P	P	P	P	P	NP	NP	P	PDD
Pre-School	NP	P	P	P	P	P	P	NP	NP	P	PDD
Post-Secondary Education											
College, University, or Community College	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Graduate / Professional School	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Nursing or Medical Schools not accessory to a Hospital	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Other Educational Use Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
HEALTH CARE USES											
Center for Observation and Rehabilitation	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Clinic, Medical Office, Dental Office, or other out-patient medical or dental service	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Hospital	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Pharmacy	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Other Health Care Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
COMMERCIAL USES											
Accommodations / Lodging											
Bed & Breakfast	*See "Bed and Breakfast Owner/Manager Residence" Residential Principal Use & "Bed & Breakfast Guest Facilities" Accessory Use*										
Commercial Extended Stay	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PDD
Inn	NP	P	NP	NP	NP	P	P	NP	NP	NP	PDD
Hotel, not including Commercial Extended Stay	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Motel	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Rural Retreat	NP	PL	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Other Accommodation / Lodging Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Day Care / Personal Care Facilities (Commercial)											
Adult Day Care Facility	NP	NP	NP	NP	P	P	P	NP	NP	P	PDD
Children Day Care Facility (non-Civic) (excluding Child Care in Home Accessory Use)	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Children's Day Camp	NP	P	NP	NP	NP	NP	NP	NP	NP	P	PDD
Group Day Care or Family Day Care Facility	NP	NP	NP	NP	PL	PL	PL	NP	NP	PL	PDD
Hospice Facility	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Other Day Care or Personal Care (non-Civic) Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Indoor Recreation											
Indoor Recreation, Entertainment, or Athletic Training Facility	NP	NP	NP	NP	NP	PL	PL	NP	NP	P	PDD
Membership Club or Lodge	NP	P	NP	NP	NP	P	P	NP	NP	NP	PDD
Movie or Performing Arts Theater, excluding Drive-In Theater	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Skating Facility	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Social or Fraternal Club or Organization	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Other Commercial Indoor Recreation Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Group Assembly											
Place of Assembly	NP	P	P	P	P	P	P	P	NP	P	PDD
Other Group Assembly Use (non-Civic) Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Outdoor Recreation											
Amphitheater	NP	PL	NP	NP	NP	PL	PL	NP	NP	PL	PDD
Campground	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PDD
Golf Course, Swim Club, Tennis Club, or Country Club	NP	PL	NP	PL	NP	NP	NP	NP	NP	PL	PDD
Outdoor Recreation, such as Batting Cage, Golf Driving Range, Miniature Golf Facility, Paintball Park, or Skateboard Park	NP	NP	NP	NP	NP	NP	PL	NP	NP	PL	PDD
Recreational Vehicle (RV) Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Riding Stables	NP	P	P	NP	NP	NP	NP	NP	NP	NP	PDD
Summer Camp	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	PDD
Other Commercial Outdoor Recreation Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Parking											
Parking Area	NP	NP	NP	NP	NP	NP	P	NP	NP	P	PDD
Parking Lot	NP	NP	NP	NP	NP	PL	PL	PL	PL	PL	PDD
Parking Structure	NP	NP	NP	NP	NP	PL	PL	NP	NP	PL	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Restaurants											
Restaurant or other Food Service Business	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Small-scale Catering Establishment	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Bars, Taverns, & Nightclubs											
Bar, Tavern, or Nightclub	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PDD
Retail / Service / Repair / Arts / Artisan											
Alcoholic Beverage Retail Sales	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Artisan Establishment, with or without Retail Sales	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Arts-Related Uses	NP	NP	NP	NP	NP	P	P	NP	NP	NP	PDD
Business Service or Business Repair	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD
Convenience or Grocery Store with Fuel Sales, with or without on-premises food preparation or processing	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PDD
Convenience or Grocery Store without Fuel Sales, with or without on-premises food preparation or processing	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Farmer's Market	NP	NP	NP	NP	NP	P	P	NP	NP	P	PDD
Financial Institution or Financial Services	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Fuel Sales without Convenience Store or Grocery Store	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PDD
Short-Term Lender	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PDD
Retail Membership Club or Warehouse Retail	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PDD
Retail Sales, Rental, or Leasing, Personal Service, Consumer Goods Repair, excluding Boat-Related Uses, Business Service, Business Repair, Fuel Sales, Manufactured Home Sales, Motor Vehicle-Related Uses, Retail Membership Club, Restaurant, and Warehouse Retail	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Veterinary Clinic, Veterinary Hospital, or Kennel for, or Boarding, Grooming, or Training of Small Animals	NP	PL	NP	NP	NP	PL	PL	PL	NP	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Self-Service Storage											
Self-Service Storage	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD
Boat-Related Uses											
Boat Sales, Rental, or Leasing	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD
Other Boat-Related Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Motor Vehicle-Related Uses											
Car Wash	NP	NP	NP	NP	NP	NP	CU	CU	NP	NP	PDD
Motor Vehicle Body Shop	NP	NP	NP	NP	NP	NP	CU	CU	NP	NP	PDD
Motor Vehicle Maintenance, Repair, Service, or Cleaning, other than Car Wash	NP	NP	NP	NP	NP	NP	CU	CU	NP	NP	PDD
Motor Vehicle Sales, Rental, or Leasing	NP	NP	NP	NP	NP	NP	CU	CU	NP	NP	PDD
Motor Vehicle Storage	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD
Tire Sales	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PDD
Towing Facility	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD
Other Motor Vehicle-Related Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Manufactured Home-Related Uses											
Manufactured Home Sales	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PDD
OFFICE USES											
Business Office	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Professional Office	NP	NP	NP	NP	NP	P	P	P	NP	NP	PDD
Other Office Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
INDUSTRIAL / MANUFACTURING USES											
Hazardous Manufacturing											
Arsenal	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	PDD
Atomic Reactor	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	PDD
Explosives and Fireworks Manufacturer and Storage	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	PDD
Other Hazardous Manufacturing Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Basic Manufacturing											
Abrasive and Nonmetallic Mineral Processing	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Asphaltic Cement and Concrete Batching	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Bulk Fuel Storage, Processing, and Distribution	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Cement and/or Concrete Plant	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Coal Yard	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Cotton Ginning	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Cotton Seed Oil	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Fat Rendering	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Foundry	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Fuel Production, Refining and Bulk Storage	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Grain Milling	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Offal Processing	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Ore Reduction	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Organic Fertilizer	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Pulp Manufacturing	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Slaughterhouse	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Smelting and Refining of Metals	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Steel Works and Metal Smelting	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Tannery	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Wood Pulp	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Other Basic Manufacturing Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	CU	P	NP	PDD
Limited Manufacturing											
Apparel Accessories, such as Hats, Jewelry, and Umbrellas	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Art Objects	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Bakery Goods	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Beverages	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Book Binding	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Brewery, Distillery, or Winery	NP	NP	NP	NP	NP	NP	NP	PL	NP	NP	PDD
Dairy Products	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Data Processing Service	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Instruments for Scientific, Medical, Dental, Engineering, and Other Professional Purposes	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Photocopying	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Photoengraving	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Precision Machining of Dies, Jigs, and Fixtures	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Printing and/or Publishing	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Record Pressing	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Signs	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Upholstering	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Other Limited Manufacturing Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	PL	P	NP	PDD
Warehouse & Freight Movement											
Bulk Storage, including nonflammable liquids, feed and grain storage	NP	NP	NP	NP	NP	NP	NP	P	P	NP	PDD
Distribution / Distribution Facility	NP	NP	NP	NP	NP	NP	NP	P	P	NP	PDD
Household Moving and General Freight Storage	NP	NP	NP	NP	NP	NP	NP	P	P	NP	PDD
Separate Warehouse used by Retail store such as a furniture or appliance store	NP	NP	NP	NP	NP	NP	NP	P	P	NP	PDD
Warehouse / Warehousing	NP	NP	NP	NP	NP	NP	NP	P	P	NP	PDD
Other Warehouse & Freight Movement Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	P	P	NP	PDD
Waste Disposal Service											
Hazardous Waste Disposal	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP	PDD
Medical Waste Disposal	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP	PDD
Radioactive/Waste Processing, Storage, and Disposal	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP	PDD
Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP	PDD
Waste Incinerator, including Hospital and Medical Waste	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP	PDD
Other Waste Disposal Service Use Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD

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LEGEND The following notations are utilized in this table.

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)	PDD	Per Existing PDD Approval, as applicable

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Table 4.3.9.A-1 Building, Lot & Building Site Principal Uses

Principal Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
UTILITIES USES											
Communications Tower	NP	CU	NP	NP	NP	CU	CU	CU	CU	CU	PDD
Decentralized Wastewater Treatment	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	PDD
Electrical and Gas Substations	CU	CU	CU	CU	CU	CU	CU	NP	NP	NP	PDD
Pump Facilities for Water and Sewer Systems	P	P	P	P	P	P	P	P	P	P	PDD
Utility Facility	NP	CU	CU	CU	CU	CU	CU	CU	CU	CU	PDD
Utility Transmission Line	NP	CU	NP	NP	NP	NP	NP	CU	CU	CU	PDD
Water Storage Tank & Facilities	CU	CU	NP	NP	NP	NP	NP	CU	CU	CU	PDD
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	PDD
Other Utilities Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PDD
OTHER USES											
Adult Oriented Business	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PDD
Correctional Facility	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	PDD
Other Uses Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	POD

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LEGEND The following notations are utilized in this table.							
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)	PDD	Per Existing PDD 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 or Accessory Use shown for the applicable District as Conditional Use ("CU") on **Table 4.3.9.A-1 (Building, Lot, & Building Site Principal Uses)** or **Table 4.3.9.A-2 (Building, Lot, & Building Site Accessory 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 "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 Unit may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

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

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

(3) The Accessory Dwelling Unit or Apartment shall be no larger than (i) the greater of 50% of the Principal Building footprint or six hundred (600) square feet in the CD-3L, CD-3, CD-4, and CD-4C Districts, and no larger than (ii) one thousand (1,000) square feet in the CD-2 and CD-2W Districts.

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

(5) The principal Dwelling shall be owner occupied and meet all standards for the applicable District.

(6) Only one (1) meter per utility shall be installed to service both units.

(7) An instrument shall be recorded with the Register's Office convenanting that the Accessory Dwelling Unit is being established as an Accessory Use and may only be under the limitations listed above. The covenants provided herein may be enforced by the Zoning Administrator.

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b. Additional Primary Dwellings may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) There may be a maximum of four (4) additional Dwellings, for a total of up to five (5) Principal Dwellings on any given Lot / Building Site.

(2) Principal Dwellings on the same Lot / Building Site must be set back a minimum of one hundred (100) feet from each other.

(3) For the second Principal Dwelling, such Lot / Building Site must meet the Density and dimensional standards for the applicable District.

(4) In order to have a third Principal Dwelling, such Lot / Building Site must have a minimum Lot / Building Site area of twenty-five (25) acres.

(5) In order to have a fourth Principal Dwelling, such Lot / Building Site must have a minimum Lot / Building Site area of fifty (50) acres.

(6) In order to have a fifth Principal Dwelling, such Lot / Building Site must have a minimum Lot / Building Site area of one hundred (100) acres.

(7) The Applicant shall record a deed restriction with the Register of Deeds stating that any subdivision of property will meet minimum Building Setbacks for each Principal Building, that the property, if and when it is subdivided in the future, will meet the Density and dimensional standards for the Zoning District in which it is located, and that the proposed division of property will meet the requirements of the City of Fairview Subdivision Regulations. A copy of the recorded deed restriction shall be provided to the Planning and Codes Department prior to obtaining an approved Zoning Certificate for each additional Principal Dwelling.

c. Adult Care Home may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

d. Adult Oriented Business may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) No such Use shall be located within one thousand (1,000) feet (measured property line to property line) of any church, School ground, College, University, or Community College campus, or Civic Space.

(2) No such Use shall be located within one-hundred fifty (150) feet (measured property line to property line) of another Adult Oriented Business.

(3) No such Use shall be located within one thousand (1,000) feet of a District that permits any Residential Use.

(4) No such Use shall be located within fifty (50) feet of any District that does not permit any Residential Use or any existing Non-Residential Use.

e. Agricultural Uses.

(1) 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), such applicable Agricultural Uses may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(a) A minimum separation of five (5) feet from all property lines.

(b) A minimum total site area of three (3) acres.

(c) All proposals shall include a site plan which contains, at minimum, the following information:

- Existing and proposed contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals;

- Location of the area in which the proposed keeping of Farm Animals is to be conducted;

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- Location of all proposed Buildings, Farm Animal pens, roadways and other facilities proposed on the site;

- Proposed method of drainage of the Farm Animal pens and any proposed waste lagoons;

- Proposed Fencing of the site; and

- Location of all existing or platted Residences on Adjacent properties.

f. All Basic Manufacturing Uses may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

g. All Hazardous Manufacturing Uses, Basic Manufacturing Uses, and **Limited Manufacturing Uses within SD-HI** may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) In its review of any Application for approval of such Use proposed for location within SD-HI, the Board of Zoning Appeals shall establish Setbacks / Yards and Building separations sufficient to protect the health, safety, and economic benefit of persons owning or occupying nearby property. As an absolute minimum, such Setbacks / Yards shall be as indicated below. Screening shall be provided as established in Section 5.8.8.

(a) Along any rear or side Lot Line which Adjoins Residential property, whether such property is presently occupied for Residential Use or only zoned for such Use, an open area unobstructed from the ground to the sky at least two hundred (200) feet wide shall be provided within SD-HI. Such open area shall not be paved nor used for off-street Parking, Loading, or storage or processing of any kind.

(b) Along any Lot Line which Adjoins property, either classified or presently used for Commercial or Industrial purposes, an open area at least one-hundred fifty (150) feet wide, shall be provided. Such area may be utilized for off-street Parking or Loading, but shall not be used for storage or processing of any kind.

(3) The location of such Use shall be in an area likely to be sparsely Developed for reason of topography, lack of existing or planned Utilities, accessibility or a similar cause.

(4) Such Use shall not be located on a site having an area of less than fifty (50) acres.

(5) The location, design, and nature of the Use shall be such that the facility will not pose any significant hazard to human life, health or safety.

(6) All regulations of the State Fire Marshal and the Local Fire Department relating to the storage of explosives shall be met.

(7) The following provisions of this Section 4.3.9.D.6.f.(7) shall apply in determining the suitability of any site proposed for Hazardous Manufacturing, Basic Manufacturing, or Limited Manufacturing within an SD-HI District:

(a) The proposed Use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.

(b) The proposed site will not be located in an area that could contaminate the source of an existing public water supply.

(c) The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local groundwater resources.

(d) The proposed site will be adequately served by public Utilities and services to ensure a safe operation.

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(e) The proposed Use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.

(f) The proposed site will have direct Access from a road classified as an arterial or collector on the Major Thoroughfare Plan.

(g) The proposed Lot shall be sufficient so that no danger occurs to the Adjoining Uses.

(h) The proposed site will not be located within a one hundred (100) year Floodplain or wetland.

(i) No Excavation, Cutting, or Filling shall be made within any portion of the Setback / Yards required by **Table 4.3.1-I (District Standards - Heavy Industrial Special District)**.

(j) Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.

(k) The depth of Excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of groundwater or wells.

(l) A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface Grade as shown on the topographic plan filed with the Application.

(m) The finished surface of the site shall bear the proper relationship to that of Adjoining properties.

(n) The installation of roads, Parking Areas, Buildings, Structures and operational facilities and equipment shall be located on the site so that Adjoining properties will not be adversely affected.

(o) The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to Adjacent properties.

(p) The proposed site must have a public supply of water available, capable of providing the required fire flow to fire hydrants on site.

h. All Limited Manufacturing Uses may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) No stocks, merchandise, or material (with the exception of automobiles, tractors and other transportation, excavation, or agriculturally-related vehicles) may be stored upon any open area situated on any Lot or Building Site.

(2) Such Uses shall be conducted in totally enclosed Buildings.

i. All Waste Disposal Uses may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

j. Ambulance Service may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

k. Amphitheater may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(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) footcandles as measured at the property line.

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

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l. Assisted Living Facilities may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

m. Bar, Tavern, or Nightclub may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) The Applicant must demonstrate that no pre-existing Places of Worship or Religious Facilities are located within five-hundred (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 Lot(s) to be used by the proposed establishment.

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

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

n. Bed and Breakfast may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)** and **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as applicable, subject to the following:

(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.

o. Campground may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) Campground shall be subject to approval by the Planning Commission and Board of Commissioners.

p. Car Wash may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) All 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.

(3) 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 Residentially used property.

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

(5) 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.

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

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

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

(9) Automatic Car Washes shall not be capable of washing more than one (1) vehicle at a time.

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

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

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q. Cemetery / Mausoleum / Columbarium / Memorial Garden may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

r. Child Day Care in Home may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) A license to operate such 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 facility is limited to care for between five (5) and twelve (12) children, including children living in the home.

s. Children Day Care Facility (Civic) may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

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

(3) All outside play areas shall be in rear Yards and be Fenced; required Buffer areas to be excluded in fenced area.

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

t. Circus or Carnival may be permitted in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**, subject to the following:

(1) No permit shall be issued for a period of longer than ten (10) days.

(2) Such Use may be permitted only on Lots where adequate off-street Parking can be provided.

(3) Sanitary facilities shall be approved by the Williamson County Health Department.

(4) The Board of Zoning Appeals shall stipulate, based upon the pattern and nature of Uses within the immediate area, whether a maximum of sixty (60) or seventy (70) decibels noise level shall be permitted to occur at the site boundary.

(5) The Board of Zoning Appeals shall have the power to restrict the days and hours of operation of such Temporary Use.

u. Communications Tower may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(a) Such Conditional Use Permit for a Commercial Communications Tower in a Residential District shall only be authorized upon a finding by the Board of Zoning Appeals that existing or approved towers within the proposed service area cannot accommodate the equipment planned to be located on the proposed Tower. Factors to be considered in evaluating the practicality of locating the proposed equipment on existing or approved Towers shall include structural capacity, radio frequency interference, geographic service area requirements, and cost.

(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:

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(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) All towers shall be set back from all property lines a distance that is equal to or greater than:

(a) For a guyed Tower, twenty (20) percent of the height.

(b) For a self-supporting Tower, fifty (50) percent the height.

(c) Any Communication Tower and any portion of the Communication Tower, its support Structures, guys, or on-site storage Buildings shall be set back a minimum of one thousand five hundred (1,500) feet from any school or Educational Building where children are present for Educational purposes.

(7) Guy wire anchors, if used, shall be set back a minimum of five (5) feet from all property lines, and a minimum of twenty (20) feet from any property line Abutting a Residentially zoned Lot / Building Site.

(8) Applicant shall provide proof of ownership, lease or permanent Easement right for the designed collapse area.

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

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

(11) No lights shall be permitted on the Tower except for warning lights required by State or Federal Law.

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

(13) All Towers with a height of one hundred fifty (150) feet or more (measured from base to top) shall be constructed in accordance with and in compliance with all current industry standards, including electrical standards, structural standards, wind rating and ice load ratings for the Middle Tennessee region. Each application for a building permit shall be accompanied by a certification prepared and stamped by a licensed engineer that the Tower in question meets this design standard.

(14) All applications for permits to build Towers must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration (FAA) as well as all required Federal Communications Commission (FCC) permit information.

(15) All Communications Towers must be completely surrounded by at least an eight (8) foot Screen link Fence.

v. Convalescent Home, Nursing Home, Retirement Home, or Rest Home may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) 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).

(3) 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.

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(4) No more than one (1) Convalescent Home, Nursing Home, Retirement Home, or Rest Home may be permitted on a single Block.

(5) The facility shall meet all State requirements and all applicable housing and building code requirements.

w. Correctional Facility may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

x. Decentralized Wastewater Treatment may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) Such Use shall be Landscaped, Fenced, and Screened in accordance with Sections 4.3.11 and 4.3.16.

(2) A Lot / Building Site / Parcel Buffer shall be provided.

y. Drive-In or Drive-Through Facility may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) Where no street separates the Use and a Residentially-zoned or Residentially-Used Lot/Building Site, at least forty (40) feet of separation shall be maintained between such Residential property line and the Drive-In or Drive-Through Facility.

(2) Drive-In or Drive-Through Facilities may only be located in the 3rd Layer and the location of such facilities and associated facilities (communication systems, Access aisles, etc.) shall be identified on all submitted Plans.

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

z. Electrical and Gas Substations may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

aa. EMS / Fire / Police Station & Facilities may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

ab. Family Care Facility may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) All state and local licensing and code requirements including those pertaining to building, fire safety, and health shall be met to the satisfaction of the approving agency at all times during operation of the facility.

(3) An off-street drop-off/pick-up area shall be provided.

(4) No structural or exterior decorative alteration that will alter the character of an existing Residential Structure or be incompatible with surrounding Residences may be permitted. (This provision shall not be construed as prohibiting Alterations necessary to ensure the safety of the Structure for its intended Use).

(5) An outside play area of sufficient size to meet the minimum requirements established by the Tennessee Department of Human Services shall be provided.

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This area shall be Fenced and shall be located within portions of the Lot other than that utilized for a septic disposal field or any portion of the Lot existing from the street line to a line drawn parallel to the front wall of the Dwelling extending from one side Lot Line to the other. No portion of the outside play area shall be at any point closer than fifteen (15) feet to any septic disposal field.

ac. Food Truck may be permitted in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**, subject to the following:

(1) See Title 9, Chapter 1 of the City of Fairview Code of Ordinances.

ad. Funeral Home, Funeral Services, and Crematory may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

ae. Funeral Home, Funeral Services, and Crematory may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

af. Golf Course, Swim Club, Tennis Club, or Country Club may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

ag. Group Care Facility may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) All state and local licensing and code requirements including those pertaining to building, fire safety, and health shall be met to the satisfaction of the approving agency at all times during operation of the facility.

(3) An off-street drop-off/pick-up area shall be provided.

(4) Minimal outward modifications may be made to the Structure or grounds of Group Care Facilities only if such changes are compatible with the character of the neighborhood or area and with the intent of the District in which the Use is located.

(5) The Board may limit either interior or exterior modifications of any Structure built as a Dwelling to those which would not hamper reconversion to its original state upon cessation of the child care operation.

(6) An outside play area of sufficient size to meet the minimum requirements established by the Tennessee Department of Human Services shall be provided. This area shall be Fenced and shall be located within portions of the Lot other than that utilized for a septic disposal field or any portion of the Lot existing from the street line to a line drawn parallel to the front wall of the Dwelling extending from one side Lot Line to the other. No portion of the outside play area shall be at any point closer than fifteen (15) feet to any septic disposal field.

(7) Fencing shall be provided which is adequate for the protection and safety of children being served by the Group Care Facility.

(8) Screening may be required which is adequate to protect Abutting properties. See Section 4.3.11.

(9) Any Group Care Facility which upon passage of this Ordinance does not comply with one (1) or more of the provisions set forth above may continue to operate and to serve the number of children for which such facility is licensed by the State of Tennessee. No such facility shall be permitted to expand or to serve a greater number of children until the facility is brought into compliance with these provisions.

ah. Group Day Care or Family Day Care Facility (Commercial) may be permitted in accordance with

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Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses), subject to the following:

(1) A maximum of twelve (12) clients may be served at any one time.

(2) Overnight accommodations shall not be permitted.

(3) No outdoor public address systems shall be allowed.

(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.

ai. Hazardous Materials Storage may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

aj. Home Occupation may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) There shall be no external evidence of such Use other than a Plaque Sign according to **Table 7.1.2.B-2 (Sign Types - Specific Standards)**.

(2) No more than twenty-five (25) percent of the total floor area is devoted to such Use.

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

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

(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 such Use 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 (2) 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.

ak. Indoor Recreation, Entertainment, or Athletic Training Facility may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(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) footcandles as measured at the property line.

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

al. Manufactured Home Sales may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) The boundary of the property shall be a minimum of five hundred (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

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District that allows Residential Use and any existing Residentially used property.

am. Mining & Quarrying may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) The location of such Use shall be in an area sparsely developed and likely to remain sparsely developed during the length of time the Use is anticipated.

(3) Approval for such Use may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same Lot or Adjoining Lots that may have directly opposing Frontages on the same Thoroughfare. If such Accessory Uses are included on the site, the total site must meet all the special Use regulations for such Use; however, in conditions of multiple Lots, the outer perimeter of the Site shall be considered the Lot Line.

(4) Fencing shall be provided around all open excavations.

(5) After such Use has been terminated, the site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backfilled shall be left so that adequate drainage is provided.

(6) Any permit issued, hereunder, shall be based on a Site Plan or other documents submitted with an Application that shall provide for the following:

(a) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

(b) Location of the area in which the proposed Use is to be conducted.

(c) Location of all proposed Buildings, crusher and Screening equipment, roadways and other facilities proposed on the site.

(d) Proposed method of drainage of the quarry area.

(e) Proposed Fencing of the quarry area.

(f) Methods proposed for blasting that are in compliance with all State regulations.

(g) Methods proposed to control noise, vibration and other particulate matter in order to meet the operational performance standards as set out in this Ordinance.

(h) Finished contours of the site after quarrying operation has been terminated.

(7) Before issuing a Conditional Use Permit, the Board of Zoning Appeals shall require the owner of the quarry facility to execute a bond not less than six hundred dollars ($600) or more than one thousand dollars ($1,000) per acre of active quarrying throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all Structures and machinery.

(8) Any Conditional Use Permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such permit, the Board of Zoning Appeals may review and grant an extension of time in the same manner and procedure as prescribed for an original Application.

an. Motor Vehicle Body Shop and **Motor Vehicle Maintenance, Repair, Service, or Cleaning, other than Car Wash** and **Motor Vehicle Sales, Rental, or Leasing** may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) Primary Access shall not be permitted on a local street.

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

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(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 service 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 two hundred (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 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 fifteen (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/Yard.

(13) Outdoor Storage shall be limited to vehicle inventory and vehicles parked no longer than fifteen (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.

ao. Outdoor Display may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) Such Use 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.

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ap. Outdoor Storage may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

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

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

aq. Outdoor Recreation, such as Batting Cage, Golf Driving Range, Miniature Golf Facility, Paintball Park, or Skateboard Park may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(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 City Engineer.

ar. Outdoor Storage may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

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

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

as. Parking Lot may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(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.

at. Parking Structure may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) Such Use shall be Screened from the Frontage with Liner Buildings.

(2) A Parking Structure must meet all other applicable requirements of this Ordinance.

au. Rural Retreat may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) The minimum Lot/Building Site size shall be twenty (20) acres.

(2) The following Frontage Types are permitted only for such Use in CD-2:

(a) Stoop;

(b) Shopfront.

(3) The following Building Types are permitted only for such Use in CD-2:

(a) Commercial;

(b) Mixed-Use;

(c) Flex.

av. Senior Living or Retirement Community may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

aw. Single-Family Detached Residential Dwelling in a Manufactured Building House may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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(1) A Conditional Use Permit must be obtained.

(2) The Dwelling must be a Manufactured Building House.

(3) The Dwelling must have the same general appearance as required for a Site-Built House, which shall include compliance with all standards and requirements within the District applicable thereto.

ax. Solar Panels - Freestanding may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) Freestanding Solar Panels shall be located in the 3rd Layer.

(2) Maximum Height shall not extent above the Height of the Building.

(3) All panels must be constructed of non-reflective materials, or treated with an anti-reflective material.

(4) Freestanding Solar Panels must be encircled by a security Fence or Wall a minimum of six (6) inches tall, with a vegetative Screen provided outside the security Fence meeting the Screening standards of this Ordinance.

ay. Solar Panels - Roof-Mounted may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) The total square footage shall not exceed the total area of roof surface of the Building to which the Solar Panel system is attached.

(2) Solar Panels shall be parallel to the roof surface.

(3) Solar Panels shall not be located along a Principal Frontage unless otherwise approved by the Zoning Administrator.

(4) Solar Panels in Historic Districts shall not be visible from a Thoroughfare.

(5) Signage or writing of any kind is not permitted on any portion of the system, other than required manufacturer plates and safety labeling.

az. Summer Camp may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

ba. Tag/Garage/Yard Sale may be permitted in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**, subject to the following:

(1) A Temporary Use Permit must be obtained.

(2) Not to exceed three (3) per calendar year per property.

(3) Such Use must be Accessory to a permitted Principal Residential Use, provided that each event shall be limited to a maximum of three (3) days and is operated during daytime hours only by a Resident of the property.

bb. Temporary Borrow Pits may be permitted in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**, subject to the following:

(1) A Temporary Use Permit must be obtained.

(2) In any District except CD-1, a Temporary Use Permit shall be issued for the operation of a Temporary Borrow Pit from which soil may be removed to other locations to be utilized as fill material. Such Permit may only be issued with an approved Site Utilization and Reclamation Plan in conjunction with a Grading Permit issued by the City Engineer as the basis for such action.

(3) A surety shall be required per Section 1.26.

(4) The period of operation shall be as specified in the approved plan. Such Permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for particular Use granted. Such Use shall cease immediately upon expiration of the Temporary Use Permit.

(5) This shall not be construed to allow for the Excavation of rock or Mining & Quarrying.

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bc. Temporary Dwelling Unit in Cases of Special Hardship may be permitted in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**, subject to the following:

(1) Placement of such temporary Structure must not represent a hazard to the safety, health, or welfare of the community.

(2) An Applicant for a Temporary Use Permit as provided under this Section must produce a written statement from the appropriate regulatory authority approving the water supply and sewage disposal systems of the temporary Structure.

(3) Such a permit may be initially issued for nine (9) months. A permit may be renewed twice, for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-one (21) months.

bd. Trailers in 3rd Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 Months with possible extension to twelve (12) months may be permitted in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site Temporary Uses)**, subject to the following:

(1) A Temporary Use Permit must be obtained.

be. Utility Facility may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

bf. Utility Transmission Line may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

bg. Veterinary Clinic, Veterinary Hospital, or Kennel for, or Boarding, Grooming, or Training of Small Animals may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

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

(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 AM and 7 PM.

(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 within CD-2.

bh. Water Storage Tank & Facilities may be permitted in accordance with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

bi. Wireless Communication Facility other than Communication Tower may be permitted in accordance

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with **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**, subject to the following:

(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, seventy (70) feet. The Height limitations applicable to Buildings and Structures shall not apply to Towers and antennas.

(3) 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 ensure that American National Standard Institute (ANSI) 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;

(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 forth by the Federal Communication Commission (FCC);

(j) Evidence shall be provided of "Determination of No Hazard" from the FAA, 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 the requirements of the National Environmental Policy Act (NEPA) 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.

(4) 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.

(5) Towers eighty (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.

(6) Except as specifically required by the FAA or FCC, 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

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(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.

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

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

(9) Any Accessory Buildings or Structures shall be located a minimum of fifty (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.

(10) The Tower base and equipment area shall be enclosed with a Fence no less than six (6) feet in height. Access shall be locked at all times when the site is not occupied.

(11) Where the Tower site Abuts or is contiguous to any Residential District here shall be provided a continuous, solid Screen and it shall be of such plant material as will provide an evergreen Screen. Screening as required herein shall be not less than four (4) feet in height at the time of planting and shall be permanently maintained.

(12) 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.

(13) 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.

(14) Any antenna or tower that is not operated for a continuous period of twelve (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 ninety (90) days of receipt of notice from the City notifying the owner and shared user(s) of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the City may remove or have the Structure removed at the owner's expense.

bj. Wireless Telecommunications Facility may be permitted in accordance with **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**, subject to the following:

(1) A Conditional Use Permit must be obtained.

(2) Such Use is subject to the conditions and requirements listed above in Section 4.3.9.D.6.az.

E. General Performance Standards for All Uses

1. Any activity which releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all applicable federal and State regulations.

2. All activities shall comply with the City Fire Codes.

3. All activities shall comply at a minimum with all applicable State and federal regulations as well as the appropriate County Health Department regulations and City and County fire department regulations for hazardous materials and wastes.

4. All activities shall control electromagnetic frequencies so that there is no interference in the operation of equipment off-site and no adverse effects to persons off-site.

5. Any activity which discharges material or liquids into sanitary sewers shall conform to all federal, state and local discharge and release regulations. City sanitation ordinances may also apply. The drainage of waste or stored materials onto adjacent properties or directly into creeks and watercourses or into the stormwater conveyance system is prohibited. Only uncontaminated stormwater

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runoff may be discharged into the stormwater conveyance system.

6. All activities shall comply with all federal and State regulations which apply to the handling, storage, and disposal of nuclear material.

7. All activities shall comply with all City regulations which pertain to the emanation of sound waves.

F. Accessory Uses

1. Accessory Uses are Permitted by Right, Permitted Subject to Limited Use Standards, as Conditional Uses, or Not Permitted, as indicated in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)**.

2. Those Uses shown in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as "P" (Permitted Accessory Use) are permitted in the applicable District, as indicated, if subordinate and customarily incidental to a permitted Principal Use existing on the Lot or Building Site.

3. Those Uses shown in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as "CU" (Conditional Use) are permitted in the applicable District, as indicated, if compliant with all applicable standards, requirements and conditions of Section 4.3.9.D, and subject to issuance of a Conditional Use Permit pursuant to Section 8.5.16.

4. Those Uses shown in **Table 4.3.9.A-2 (Building, Lot & Building Site Accessory Uses)** as "PL" (Permitted Subject to Limited Use Standards) are permitted in the applicable District, as indicated, if compliant with all applicable standards, requirements and conditions of Section 4.3.9.D.

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Table 4.3.9.A-2 Building, Lot & Building Site Accessory Uses

Accessory Use	CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Accessory Building	NP	P	P	P	P	P	P	P	P	P	PDD
Accessory Dwelling Unit	NP	PL	PL	PL	PL	PL	PL	NP	NP	NP	PDD
Accessory Garden Center	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PDD
Bed & Breakfast Guest Facilities	NP	PL	PL	PL	PL	PL	NP	NP	NP	NP	PDD
Camping, Conference/Meeting/Event Venue Facilities, Dining, and Recreational Amenities Accessory to Rural Retreat (For-Profit)	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Child Day Care in Home	NP	PL	PL	PL	PL	PL	PL	NP	NP	NP	PDD
Drive-In or Drive-Through Facility	NP	NP	NP	NP	NP	PL	PL	P	NP	NP	PDD
Employee Cafeteria	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PDD
Event Venue Accessory to Retreat (Non-Profit)	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	PDD
Hazardous Materials Storage	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP	PDD
Home Occupation	NP	PL	PL	PL	PL	PL	PL	NP	NP	NP	PDD
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	NP	PDD
Outdoor Display	NP	NP	NP	NP	NP	PL	PL	PL	PL	PL	PDD
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	PDD
Parish House, Rectory, Parsonage, Monastery, or Convent on Site with Place of Worship	NP	P	P	P	P	P	P	P	P	P	PDD
Parking Area	NP	P	P	P	P	P	P	P	P	P	PDD
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	P	PDD
Retail Sales Accessory to Light Manufacturing or Warehouse	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD

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LEGEND The following notations are utilized in this table.

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)	PDD	Per Existing PDD 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-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
School or Seminary on site with Place of Worship	NP	P	P	P	P	P	P	P	P	P	PDD
Solar Panels - Freestanding	NP	CU	CU	CU	CU	CU	CU	CU	CU	CU	PDD
Solar Panels - Roof-Mounted	NP	CU	CU	CU	CU	CU	CU	CU	CU	CU	PDD
Sports Court, Swimming Pool, or Hot Tub in 3rd Layer	NP	P	P	P	P	P	P	NP	NP	NP	PDD
Stable	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	PDD
Tasting Room on site with Brewery, Distillery, Winery	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	PDD
Telecommunications Receiving Equipment	NP	P	P	P	P	P	P	P	P	P	PDD
Wireless Telecommunications Facility	NP	CU	CU	CU	CU	CU	CU	CU	CU	CU	PDD
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	NP	CU	CU	CU	CU	CU	CU	CU	CU	CU	PDD

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LEGEND The following notations are utilized in this table.

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)	PDD	Per Existing PDD 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 Not Permitted ("NP"), not allowed as Permitted ("P") or allowed as a Permitted Subject to Limited Use Standards ("PL"), 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-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Circus or Carnival	NP	NP	NP	NP	NP	PL	PL	NP	NP	PL	PDD
Construction Office Trailer	NP	P	P	P	P	P	P	P	P	P	PDD
Food Truck	NP	NP	NP	NP	NP	PL	PL	PL	NP	PL	PDD
New Subdivision Sales & Management Office, until development completion	NP	P	P	P	P	P	P	NP	NP	NP	PDD
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than thirty (30) days	NP	P	P	P	P	P	P	NP	NP	P	PDD
Tag/Garage/Yard Sale	NP	PL	PL	PL	PL	PL	PL	PL	PL	NP	PDD
Temporary Borrow Pits	NP	PL	PL	PL	PL	PL	PL	PL	PL	PL	PDD
Temporary Dwelling Unit in Cases of Special Hardship	NP	PL	PL	PL	PL	PL	PL	NP	NP	NP	PDD
Trailers in Third Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 months with possible extension to twelve (12) months	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	PDD

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LEGEND The following notations are utilized in this table.

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)	PDD	Per Existing PDD 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	**1st Layer**	**2nd Layer**	**3rd Layer**
Awnings or canopies without 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	Per United States Postal Service (USPS) Regulations		
Mechanical equipment, including HVAC	NP	P	P
Open Porches, covered or uncovered, including steps	P up to 50% of Setback / Yard	P	P
Openwork Fire Escapes & Fire Balconies	NP	P	P

LEGEND The following notations are utilized in this table.	
P Permitted by Right	NP Not Permitted

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Table 4.3.10 Encroachments

Encroachments - Required Setbacks & Yards*

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

Encroachment Type	1st Layer	2nd Layer	3rd Layer
Parking Areas, Loading Areas and Driveways in 3rd Layer	NP	NP	P
Patios, in permitted applicable Yard	NP	P	P
Retaining Walls	P < 3 ft. in height	P < 4 ft. in height	P < 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	P
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.	
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-J (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-J (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-J (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-J (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-J (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-J (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 additional standards applicable to certain Development Sites, see Section 5.8.

2. If a Project Buffer exists or is required pursuant to Section 4.3.11.H and 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 (i) any new Development, Building, or other Structure, or Use within District CD-4C, SD-LI, or SD-HI and (ii) 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 requirements of **Table 4.3.11.H.4 (Lot / Building Site / Parcel Buffer)**:

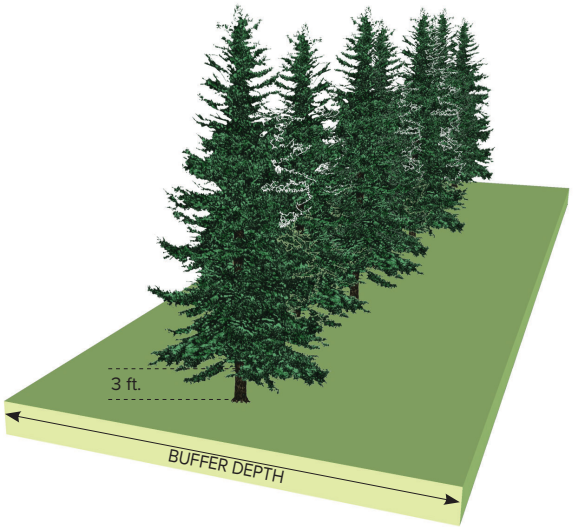
Table 4.3.11.H.4 Lot / Building Site / Parcel Buffer

When Required	Buffer Depth	Buffer Design
CD-4C, per 4.3.11.H.3.a	25 ft.	Evergreen plants > 2.5 in. caliper measured 3 ft. from ground and 8 ft. tall @ installation and 20 ft. tall @ maturity, planted 10 ft. o.c.
Other required locations/ situations	25 ft. or as otherwise specified	Evergreen plants > 2.5 in. caliper measured 3 ft. from ground and 8 ft. tall @ installation and 20 ft. tall @ maturity, planted 10 ft. o.c.

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Illustration 4.3.11.H.4 Buffer



4.3.12 Parking

A. General

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-J (District Standards)**, **Table 4.3.12.A-1 (Vehicular Parking Requirements)** and **Table 4.3.12.A-2 (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.A-1 (Vehicular Parking Requirements),** shall comply with and be located and in accordance with **Tables 4.3.1-A – 4.3.1-J (District Standards)** and shall be designed in accordance with Section 4.3.12.C and **Table 4.3.12.A-2 (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.A-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;

provided that Parking spaces within Garages in CD-3L, CD-3, CD-4, and CD-4C, whether attached to or detached from the Principal Building, shall not be counted as Parking available to a Lot or Building Site.

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 more than 10% of the required number of spaces of Parking determined by **Table 4.3.12.A-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.

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Table 4.3.12.A-1 Vehicular Parking Requirements

Principal Use	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
AGRICULTURAL & EXTRACTIVE USES	
Agricultural	
Any Agricultural Use	Not Regulated
Extractive	
Any Extractive Use	Not Regulated
RESIDENTIAL USES	
Household Living	
Additional Primary Dwelling	2 per Dwelling Unit
Apartment in Small Multi-Family Building	1.5 per Dwelling Unit
Bed and Breakfast Owner/Manager Residence	1 per Dwelling Unit + 1 per guest bedroom + 1 per each 2 employees on the premises at one time
Duplex for Two-Family Dwelling	2 per Dwelling Unit
Manufactured Home Park or Subdivision	2 per Dwelling Unit
Residential Portion of a Live/Work, Mixed-Use, or Flex Building, if Building Type permitted in District	1.5 per Dwelling Unit
Senior Living or Retirement Community	1 per 2 residents + 1 per employee
Single-Family Detached Residential Dwelling in Manufactured Building House	2 per Dwelling Unit
Single-Family Detached Residential Dwelling in Site-Built House	2 per Dwelling Unit
Townhouse	2 per Dwelling Unit
Other Household Living Uses Not Listed Under Any Use Category	Not Regulated
Group Living	
Any Group Living Use	0.5 per resident + 1 per each counselor
CIVIC USES	
Community Service	
Civic Organization	1 per 200 square feet of total Usable Floor Area
Library	1 per 100 square feet of seating area
Philanthropic Institution	1 per 200 square feet of total Usable Floor Area
Recreation Facility (Civic)	1 per 200 square feet of total 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
Other Community Service Use Not Listed Under Any Use Category	Not Regulated
Day Care / Personal Care Facilities (Civic)	
Adult Day Care Facility (Civic)	1 per employee + 1 per clients accommodated

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Table 4.3.12.A-1 Vehicular Parking Requirements

Principal Use	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Children Day Care Facility (Civic)	1 per employee + 1 per clients accommodated
Other Day Care Facility Use (Civic) Not Listed Under Any Use Category	1 per employee + 1 per clients accommodated
Civic Building / 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
Community Center	1 per 200 square feet of total Usable Floor Area
Civic Space	Not Regulated
Other Civic Building / Civic Space Use Not Listed Under Any Use Category	Not Regulated
Open Space	
Botanical Garden	Not Regulated
Nature Preserve	Not Regulated
Game Preserve	Not Regulated
Refuge, Wild Animal Sanctuary, Wildlife Management Area	Not Regulated
Other Open Space Use Not Listed Under Any Use Category	Not Regulated
Retreat (Non-Profit)	
Retreat (Non-Profit)	Per Planning Commission
Religious Facilities	
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
CIVIL SUPPORT USES	
Ambulance Service	1 per 200 square feet of total Usable Floor Area + 1 per employee on the premises at one time
Cemetery / Mausoleum / Columbarium / Memorial Garden	1 per full time employee + 1 per 40 square feet of total public Usable Floor Area
Funeral Home, Funeral Services, and Crematory	1 per full time employee + 1 per 40 square feet of total public Usable Floor Area
EMT / Fire / Police Station & Facilities	Per Planning Commission
Other Civil Support Use Not Listed Under Any Use Category	Not Regulated
EDUCATIONAL USES	
Adult Continuing Education / Business, Trade & Vocational Schools / Personal Improvement Education	
Adult Continuing Education	1 per teacher or other staff + 0.5 per student seat
Business, Trade, or Vocational School	1 per teacher or other staff + 0.5 per student seat
Personal Improvement Education	1 per teacher or other staff + 0.5 per student seat

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Table 4.3.12.A-1 Vehicular Parking Requirements

Principal Use	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Pre-School / Primary / Intermediate / Secondary Schools	
Elementary School	1 per teacher or other staff + 1 per 20 students
High School	1 per teacher or other staff + 0.5 per student seat
Kindergarten	1 per teacher or other staff + 1 per 20 students
Middle School	1 per teacher or other staff + 1 per 20 students
Pre-School	1 per teacher or other staff + 1 per 20 students
Post-Secondary School	
College, University, or Community College	1 per teacher or other staff + 1 per student seat
Graduate / 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
Other Educational Use Not Listed Under any Use Category	Not Regulated
HEALTH CARE USES	
Center for Observation and Rehabilitation	0.5 per bed
Clinic, Medical Office, Dental Office, or other out-patient medical or dental service	1.5 per patient room
Hospital	0.5 per bed
Pharmacy	1 per 300 square feet of total Usable Floor Area
Other Health Care Use Not Listed Under any Use Category	Per Planning Commission
COMMERCIAL USES	
Accommodations / Lodging	
Bed & Breakfast	1 per Dwelling Unit + 1 per guest bedroom + 1 per each 2 employees on the premises at one time
Commercial Extended Stay	1 per guest bedroom + 1 per each 2 employees on the premises at one time
Inn	1 per Dwelling Unit + 1 per guest bedroom + 1 per each 2 employees on the premises at one time
Hotel, not including Commercial Extended Stay	1 per guest bedroom + 1 per each 2 employees on the premises at one time
Rural Retreat	Per Planning Commission
Other Accommodation / Lodging Use Not Listed Under Any Use Category	Not Regulated
Day Care / Personal Care Facilities (Commercial)	
Adult Day Care Facility	1 per staff member + 1 per 3 seats; or 1 per 200 square feet of total Usable Floor Area, whichever is greater
Child Care Facility (non-Civic) (excluding Child Care in Home Accessory Use)	1 per staff member + 0.5 per child

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Table 4.3.12.A-1 Vehicular Parking Requirements

Principal Use	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
Children's Day Camp	1 per staff member + 0.5 per child
Group Day Care or Family Day Care Facility	1 per staff member + 0.5 per child
Hospice Facility	1 per 200 square feet of total Usable Floor Area
Other Day Care or Personal Care (non-Civic) Use Not Listed Under any Use Category	Not Regulated
Indoor Recreation	
Indoor Recreation, Entertainment, or Athletic Training Facility	1 per 1,000 square feet of total Usable Floor Area
Membership Club or Lodge	1 per 200 square feet of total gathering or Usable Floor Area
Movie or Performing Arts Theater, excluding Drive-In Theater	1 per 100 square feet of total Usable Floor Area
Skating Facility	1 per 300 square feet of total Usable Floor Area
Social or Fraternal Club or Organization	1 per 200 square feet of total gathering or Usable Floor Area
Other Indoor Recreation Use Not Listed Under any Use Category	Not Regulated
Group Assembly	
Place of Assembly	1 per 2 seats
Other Group Assembly Use Not Listed Under any Use Category	Not Regulated
Outdoor Recreation	
Amphitheater	1 per 2 seats
Golf Course, Swim Club, Tennis Club, or Country Club	Per Planning Commission
Outdoor Recreation Activity such as Batting Cage, Golf Driving Range, Miniature Golf Facility, Paintball Park, or Skateboard Park	Per Planning Commission
Riding Stables	1 space per 2 riding animals
Summer Camp	Per Planning Commission
Other Outdoor Recreation Use - Commercial Not Listed under any other Use Category	Not Regulated
Parking	
Parking Area	Not Regulated
Parking Lot	Not Regulated
Restaurants	
Restaurant or other Food Service Business	1 per 100 square feet of total Usable Floor Area
Small-scale Catering Establishment	1 per 300 square feet of total Usable Floor Area

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Table 4.3.12.A-1 Vehicular Parking Requirements

Principal Use	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
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
Business Service or Business Repair	1 per 500 square feet of total Usable Floor Area
Convenience or Grocery Store with Fuel Sales, with or without on-premises preparation or processing	Vehicle fueling stacking area + 1 per 200 square feet of total Usable Floor Area
Convenience or Grocery Store without Fuel Sales, with or without on-premises preparation or processing	1 per 300 square feet of total Usable Floor Area
Farmer's Market	
Financial Institution or Financial Services	1 per 300 square feet of total Usable Floor Area
Fuel Sales without Convenience Store or Grocery Store	Vehicle fueling stacking area + 1 per 200 square feet of total Usable Floor Area
Short-Term Lender	1 per 500 square feet of total Usable Floor Area
Retail Membership Club or Warehouse Retail	1 per 500 square feet of total Usable Floor Area
Retail Sales, Rental, or Leasing, Personal Service, Consumer Goods Repair, Arts, 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	1 per 500 square feet of total Usable Floor Area
Veterinary Clinic, Veterinary Hospital, or Kennel for, or Boarding, Grooming, or Training of Small Animals	1 per treatment/procedure/surgical room + 100 square feet of total other Usable Floor Area
Self-Service Storage	
Self-Service Storage	1 per 2,000 square feet of total Usable Floor Area
Boat-Related Uses	
All Boat-Related Uses	1 per 200 square feet of total Usable Floor Area
Motor Vehicle-Related Uses	
Car Wash	1 per 500 square feet of total Usable Floor Area + 1 per work bay
Motor Vehicle Body Shop	1 per 500 square feet of total Usable Floor Area + 1 per employee work station + 1 per work bay
Motor Vehicle Maintenance, Repair, Service, or Cleaning, other than Car Wash	1 per 500 square feet of total Usable Floor Area + 1 per employee work station + 1 per work bay
Motor Vehicle Sales, Rental, or Leasing	1 per 2,000 square feet of total Usable Floor Area
Motor Vehicle Storage	1 per 500 square feet of total Usable Floor Area + 1 per employee work station + 1 per work bay

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Table 4.3.12.A-1 Vehicular Parking Requirements

Principal Use	Minimum Number of Spaces of Parking Available to Lot Per Unit of Measure
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 total Usable Floor Area + spaces for towed vehicles
Other Motor Vehicle-Related Use Not Listed Under Any Use Category	Not Regulated
Manufactured Home-Related Uses	
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
OFFICE USES	
Business Office	1 per 300 square feet of total Usable Floor Area
Professional Office	1 per 300 square feet of total Usable Floor Area
All Office Uses Not Listed Under Any Other Category	Not Regulated
INDUSTRIAL / MANUFACTURING USES	
Hazardous Manufacturing	
All Hazardous Manufacturing Uses	Not Regulated
Basic Manufacturing	
All Basic Manufacturing Uses	1 per 1,500 square feet of total Usable Floor Area, with a minimum of 2 per employee on premises at one time, but no fewer than 2
Limited Manufacturing	
All Limited Manufacturing Uses	1 per 2,000 square feet of total Usable Floor Area, with a minimum of 2 per employee on premises at one time, but no fewer than 2
Warehouse & Freight Movement	
All Warehouse & Freight Movement Uses	1 per 10,000 square feet of total Usable Floor Area, with a minimum of 2 spaces per employee on premises at one time, but no fewer than 2 spaces
Waste Disposal Services	
All Waste Disposal Services Uses	Not Regulated
UTILITIES USES CATEGORY	
All Utilities Uses	Not Regulated
OTHER USES CATEGORY	
Adult Oriented Establishment	1 per 200 square feet of total Usable Floor Area but no fewer than 2 spaces
Correctional Facilities	1 per employee and 1 per 20 inmates
Other Use Not Listed Under any Use Category	Not Regulated

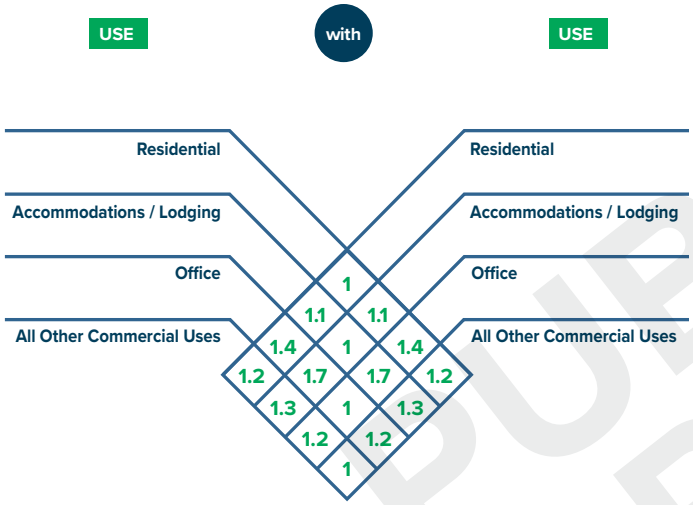
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5. For purposes of this Section 4.3.12.B, the number of Parking Spaces available to a Lot or Building Site may be reduced, at the election of the Applicant, by dividing the number of spaces of Parking required to be available to the Lot or Building Site by the applicable Shared Parking Factor.

6. The applicable Shared Parking Factor is determined under **Table 4.3.12.B.6 (Shared Parking Factor)** for any two (2) 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.6 (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 thirty (30) feet deep and no more than two (2) Stories.

8. Up to 10% of the total number of Parking Spaces in Parking Areas and Parking Lots 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.9 (Required Handicapped-Accessible Parking Spaces)**, designed in compliance with Section 4.3.12.C.

Table 4.3.12.B.9 (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 (1) out of every eight (8) required handicapped accessible spaces shall be van-accessible. A minimum of one (1) van-accessible space shall be provided.

11. Any Plan submitted under this Ordinance must show the proposed types, numbers, and arrangement of Parking accommodations, including Access to such areas from the Thoroughfares and Internal Drives, with spaces complying with all requirements of this Section 4.3.12.B.

C. Design

1. In all Districts, Parking Lots shall be designed in accordance with this Section 4.3.12.C and other applicable provisions of this Article 4.

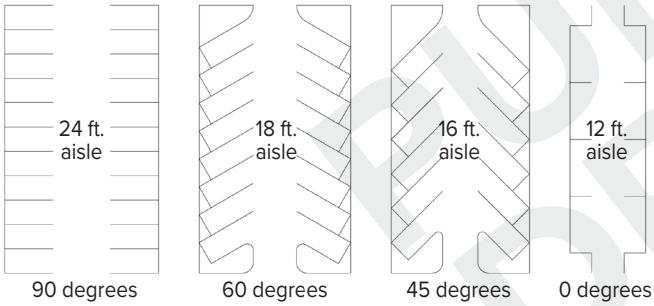
2. Except as otherwise provided for compact vehicle Parking accommodations under Section 4.3.12.C.3, the dimensional standards set forth in **Table 4.3.12.A-2 (Off-Street Vehicular Parking Space Dimensions)** are applicable to off-street Parking accommodations:

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Table 4.3.12.A-2 (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	16 ft.
54 - 74	8 ft. - 9 ft.	18 ft. except 19 ft. if adjacent to curb	18 ft.
75 - 90	8 ft. - 9 ft.	18 ft. except 19 ft. if adjacent to curb	24 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.A-3 (Off-Street Compact Vehicle Parking Space Dimensions)**:

Table 4.3.12.A-3 (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 Structure, or Parking Area shall be at least twenty (20) feet wide for two-way traffic and ten (10) feet wide for one-way traffic.

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

6. Curb cuts must be at least twenty (20) feet wide for two-way Access and ten (10) feet 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 (1) 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 (6) inch stone base, a minimum two (2) inches of modified asphalt binder, and a minimum 1-½ inches of asphalt mix topping. Concrete Parking Areas and Parking Lots shall be constructed according to recognized construction standards. Construction plans for all Parking Areas and Parking Lots construction plans shall be subject to review and approval by the City Engineer.

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 Use and Occupancy Permit for the related Building(s).

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9. Any Parking Area or Parking Lot in the Second Layer shall be Screened from view in accordance with Section 4.3.11 and **Tables 4.3.1-A - 4.3.1-J (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 eight (8) percent.

12. Except in Districts CD-2, CD-3L, and CD-3, all off-street Parking spaces a shall be striped with paint or some other form of permanent marking.

13. All Access to any City street from a Driveway shall have a concrete Driveway apron as approved by the City Public Works 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 (1) 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 (2) 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 (5) feet (excluding curbs) landscaped Buffer.

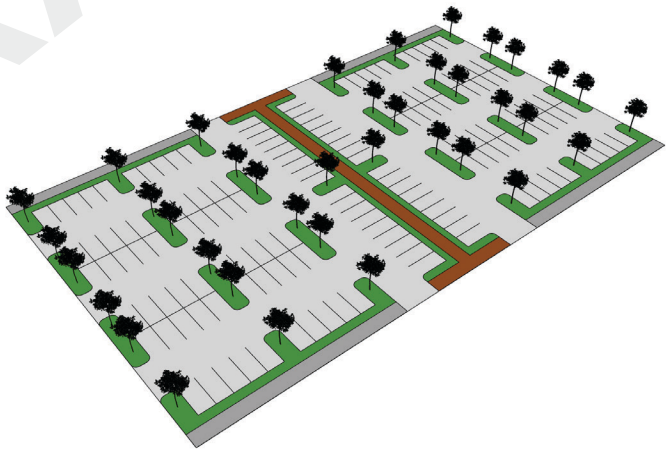
f. Root zones for existing trees to remain shall be a minimum of forty-eight (48) square feet.

g. No Parking Space shall be more than seventy-two (72) feet from a tree within the Lot, as measured from the center of the tree to the nearest line demarcating the space.

h. 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.

i. 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 (1) pedestrian walkway bisecting the Parking Area or Parking Lot and connecting to adjoining sidewalks of a minimum width of eight (8) feet that is paved differently from the Parking Spaces with respect to texture, material, style, and/or color. See **Illustration 4.3.12.C.14.i (Parking Area / Lot Landscaping)**.

Illustration 4.3.12.C.14.i (Parking Area / Lot Landscaping)



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.

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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 (1) or more Liner Buildings as set forth in **Table 4.3.1-A - Table 4.3.1-J (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-2W, CD-3L, and CD-3 must be installed within and directed only within the applicable Parking Area, Parking Structure, Parking Lot, or Garage.

20. Handicapped-accessible Parking shall comply with 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 (1) 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 two-hundred fifty (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 ninety-six (96) inches shall be required for all van-accessible spaces. Van-accessible spaces shall further require a minimum vertical clearance of ninety-eight (98) inches.

f. An Access aisle of sixty (60) inches shall be provided for all handicapped accessible spaces and an aisle of ninety-six (96) inches shall be provided for all van-accessible spaces (one ninety-six [96] inch aisle may serve both types of spaces). No ramps may project into this Access aisle.

21. No required Parking accommodation shall be Encroached upon by any Building, Structure, or Use.

D. Operation & Maintenance

1. No Parking space required for Dwelling Units shall be rented to Persons not living on the premises. All required Parking spaces or Dwelling Units must be made available to occupants of the Dwelling Units as an integral part of their occupancy.

2. Required Parking Accommodations must be available and maintained for such period as the Use or Structure exists that the facilities are designed to serve.

E. Access

1. All Parking Areas, Parking Structures, and Garages shall be Accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

2. Vehicular Access to Parking Areas, Garages, and Parking Lots shall not conflict with general vehicular movement serving the site. Ingress and egress points must be at Curb cuts approved by City Engineer.

3. In all Districts, vehicular entrances and exits shall be designed to be easily identifiable by drivers and pedestrians. Any signage must be simple, clear, and concise. Any gates, arms, or booths must be set back at least twenty (20) feet from the Frontage.

4. Off-street Parking accommodations other than those in Districts CD-2, CD-2W, CD-3L, and CD-3, and Single family Residential Lots and Building Sites in other Districts shall provide Access so that backing directly onto a Thoroughfare is unnecessary.

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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-2W, CD-3L, and CD-3 shall be at least twenty-five (25) feet from a Thoroughfare or Internal Drive at an intersection.

7. Except in Districts CD-2, CD-2W, 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-J (District Standards)**.

9. For Residential Uses other than Multi-Family, 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-2W, CD-3L, and CD-3, Driveways shall not be located within twelve and one-half (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 twenty-five (25) feet of an Adjacent Driveway. This dimension shall be increased to the greater of forty (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, Parking Structures, and Garages must conform to **Table 4.3.1-A - 4.3.1-J (District Standards)**, except for underground Parking accommodations.

F. Parking Restrictions

1. Domestic and recreational vehicles such as boats, camper trailers, and Utility trailers shall be stored off-street, subject to the location requirements of **Table 4.3.1-A - 4.3.1-J (District Standards)**.

2. Parking of buses on the site of and directly associated with a permitted Non-Residential Use shall be permitted, subject to the location requirements of **Table 4.3.1-A - 4.3.1-J (District Standards)**.

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.

4. Single and double axle trucks that exceed ninety (90) inches in width and are greater than twelve (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. 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.

7. 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-J**

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(District Standards). See **Illustration 4.3.12.G.1 (Drive-In or Drive-Through)**.

Illustration 4.3.12.G.1 (Drive-In or Drive-Through)

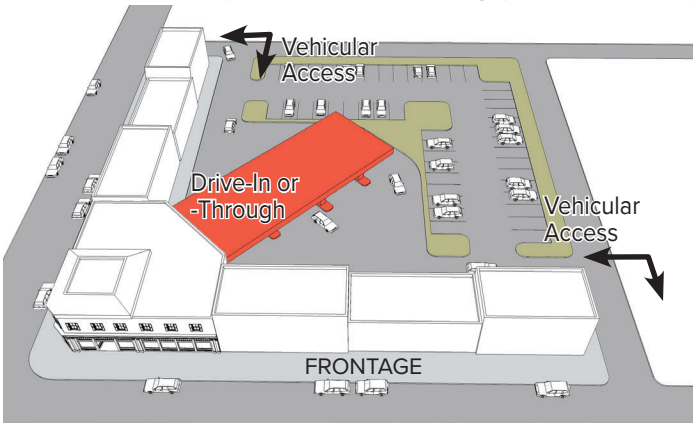


Illustration is provided for illustrative purposes only.

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.1 (Stacking Spaces)** for the activity type indicated as follows:

Table 4.3.12.H.1 (Stacking Spaces)

Activity Type	Min. # Stacking Spaces*	Measured From
Automated Teller Machine (ATM)	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 (8) feet in width by twenty-five (25) feet in length.

b. Stacking spaces by shall not impede on- or off-site traffic movement or movement into or out of off-street Parking spaces.

c. Stacking spaces for each type of activity or accommodation shall be subject to any location standards applicable to the activity or accommodation itself.

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d. Stacking spaces shall be separated from other drive aisles, Driveways, or Internal Drives by raised medians, if deemed necessary by the City Engineer for traffic movement and safety.

4.3.13 Bicycle Parking

Bicycle Parking shall be provided within a Lot or Building Site as set forth in **Table 4.3.13 (Bicycle Parking)**.

Table 4.3.13 (Bicycle Parking)

Use Type	Parking Requirement
Multi-Family Dwellings	1 space per Dwelling Unit
All Accommodation / Lodging Uses	1 space per 10 guest rooms
All Educational, Institutional, Civic, or Civil Support Uses	1 space per 5,000 sq. ft. gross floor area
All Commercial Uses	1 space per 2,000 sq. ft. gross floor area
All Office Uses	1 space per 4,000 sq. ft. gross floor area
All Other Uses	None required
All Public or Private Parking Lots & Parking Areas	1 space per 10 vehicle parking spaces

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-J (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 - Multi-family Building	≥ 40 Dwelling Units	1	10 ft. W x 50 ft. L x 15 ft. H
Commercial, Office, or Industrial	> 5,000 - 25,000 SF	1	10 ft. W x 50 ft. L x 15 ft. H
	25,001 - 60,000 SF	2	
	60,001 - 120,000 SF	3	
	120,001 - 200,000 SF	4	
	201,000 - 290,000 SF	5	
	≥ 290,001 SF	5 + 1 for each additional 90,000 SF	
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.

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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 and CD-4C 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-J (District Standards)**.

4. No loading facility shall be located within thirty (30) feet of a Thoroughfare or Internal Drive intersection.

5. Off-street Loading Areas shall include Curbs, paving, drainage facilities, and lighting in accordance with City standards and this Ordinance, as well as any other applicable laws, regulations and specifications.

6. Each required Loading Space shall have the minimum dimensions set forth in **Table 4.3.14.B (Loading Space Requirements)**.

7. Loading facilities may not obstruct facilities required for emergency Access, including fire lanes.

8. 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 Space 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.

9. The required dimensions of Loading Spaces shall not include any Access or entrances to, or exits from, such spaces.

10. All off-street Loading Spaces shall be surfaced with asphalt, concrete, or other hard surfaced material, and constructed so as to support the heaviest anticipated load, including without limitation fire and sanitation equipment and delivery vehicles, and shall provide for adequate drainage, and prevent the release of dust.

11. Loading Spaces provided within a Thoroughfare or Internal Drive shall meet construction requirements of provided by the City Engineer.

12. Each Loading Space shall be permanently marked and identified as a loading space in which no Parking is allowed. Permanent wheel stops or curbing shall be provided for each off-street Loading Space to prevent any vehicle using the Loading Space from Encroaching on the required Yards or Adjacent property.

13. Off-street loading areas shall be Screened in conformance with Section 4.3.11.

4.3.15 Refuse, Service, Equipment & Other Items

A. Trash Receptacle / Dumpster Requirement

Trash receptacles and dumpsters must be provided for each Lot or Building Site and must be located in accordance with Section 4.3.15.B.

B. Trash Receptacle/Dumpster Locations & Standards

1. Dumpsters and trash and recycling receptacles shall be located as specified for the applicable District in **Tables 4.3.1-A - 4.3.1-J (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-J (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-2W, 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-2W, CD-3L, and

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CD-3, bollards or posts must be placed on the interior of the enclosure to protect the walls from damage by the trash containers within.

3. Dumpsters and garbage, trash and recycling receptacle locations shall be Accessed by Rear Alleys, when such are available on the Official Zoning Map or otherwise available.

4. Space allocated to any off-street garbage, trash, or recycling areas, receptacles, or dumpsters shall not be used to satisfy any Parking or loading requirements.

5. All Uses that generate food-related garbage shall provide water quality treatment to mitigate runoff.

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-J (District Standards)**.

D. Service Areas

1. Service areas shall be located as required in **Tables 4.3.1-A - 4.3.1-J (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-I (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-J (District Standards - Civic Character District)** and this Section 4.3.16. Additionally, Civic Spaces shall be designed as set forth in **Table 5.3.3.B (Civic Space - Specific Standards)**.

3. Without limitation to any other provisions of this Section 4.3.16, all Screen, Streetscreen, Buffer, and Parking Area and Parking Lot landscape standards and requirements of this Ordinance must be met.

4. All bare or exposed ground on a Lots and Building Sites and/or in any other landscaped area shall be covered with live plant materials and/or mulch, with the following exceptions:

a. Naturally occurring river beds, rock outcroppings or similar landscape features typically lacking in vegetation.

b. Hiking trails and/or traces.

c. Clay or sand surfaces associated with recreation fields and facilities.

5. Buildings and Structures lawfully existing as of the Effective Date may be modified without providing or modifying landscaping in conformance with this Section 4.3.16, provided that the same does not constitute an Alteration and does not increase the degree by which the Building or Structure is Non-conforming. This shall not be construed as prohibiting the provision of landscaping in full conformance with this Ordinance.

6. The standards and requirements herein set out for landscaping shall not apply to Temporary Uses or to Development or site work on relatively undeveloped sites which do not involve significant ground disturbance.

B. Maintenance of Landscaping

1. All landscaping must be properly maintained by the property owner and his or her successors, heirs, assignees or any consenting grantee.

2. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.

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

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4. Natural water courses within a Buffer shall be maintained in a natural condition consistent with any applicable regulations.

5. A water source shall be supplied within one hundred twenty-five (125) feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the Buffer, an irrigation system shall be required.

6. Landscape structural features such as Walls, Fences, berms or water features shall be maintained in a structurally safe and attractive condition.

7. Where other uses, including pedestrian, bike or other trails, are allowed within a Buffer, these uses shall be maintained to provide for their safe use.

8. If any Person responsible for landscape maintenance fails to maintain same according to the standards of this Ordinance, these regulations shall be enforceable by the City with the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the area to maintain same. The cost of such maintenance shall be charged to the property owner 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 thirty (30) feet of any Thoroughfare or Internal Drive line or within fifty (50) feet of CD-2, CD-2W, CD-3L, or CD-3 District boundary, which trees have a diameter of eight (8) inches or more as measured three (3) feet from the base of the trunk; or

2. Walls or trees required or shown on an approved site plan or 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 **Table 4.3.16.D.2 (Native Plants of the Tennessee Valley)** 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.2 (Native Plants of the Tennessee Valley)

Common Name	Botanical Name
Canopy Trees	
American Beech	Fagus grandifolia
Nuttall Oak	Q. nuttalli
American Linden	Tilia americana
Overcup Oak	Q. lyrata
Baldcypress	Taxodium distichum
Pecan	Carya illinoensis
Black Cherry	Prunus serotina
Persimmon	Diospyros virginiana
Black Locust	Robinia pseudoacacia
Post Oak	Q. stellata
Black Oak	Q. velutina
Red Maple	Acer rubrum
Black Walnut	Juglans nigra
River Birch	Betula nigra
Blackgum	Nyssa sylvatica
Sassafras	Sassafras albidum
Buckeye	Aesculus spp.
Scarlet Oak	Q. coccinea
Bur Oak	Q. macrocarpa
Shortleaf Pine	Pinus echinata

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Table 4.3.16.D.2 (Native Plants of the Tennessee Valley)

Common Name	Botanical Name
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
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

Table 4.3.16.D.2 (Native Plants of the Tennessee Valley)

Common Name	Botanical Name
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 twenty (20) trees are planted on used on a site to meet these regulations, a mix of trees (genera) shall be provided. The following **Table 4.3.16.D.3 (Trees: # Per Genera)** indicates the maximum percentage of same trees (same genus) that may be planted.

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Table 4.3.16.D.3 (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%
51 to 100 trees	3	50%
101 to 200 trees	4	40%
200 to 500 trees	5	30%
over 500 trees	6	25%

4. Shrubs shall be of species that under average conditions will reach a minimum height of twenty-four (24) inches within twelve (12) months. When planted as a hedge, the maximum spacing for shrubs shall be forty (40) inches on center.

5. Canopy trees shall have a planting area no less than ten (10) feet wide in all dimensions. Accent and substitution trees shall have a planting area no less than eight (8) feet wide in all dimensions. This requirement may be modified administratively by the Zoning Administrator.

6. Plants shall be mulched a minimum of three inches deep. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the City as part of the landscape plan. Mulch shall be kept away from tree trunks.

7. Where specified, Building foundation planting shall meet the following requirements:

a. Foundation plantings shall be placed within five feet of the building perimeter. If the Zoning Administrator determines that, due to site design considerations such as the location of sidewalks, plazas or service areas, this is not feasible, such plant materials may be located in planter boxes or in the areas of the site in a manner that enhances the overall landscape plan for the development.

b. One shrub shall be required as foundation planting for every ten (10) linear feet of Facade for Non-Residential Uses.

8. Any plant materials required for Screening must be evergreen and have an opacity of at least ninety (90) percent 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 (2.5) inches caliper measured three (3) feet 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 thirty (30) inches.

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 not permitted in the first two (2) feet of the First Layer.

E. Placement of Trees and Shrubs

1. Proposed trees and shrubs must be placed minimally twenty-four (24) inches 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 (5) 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 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.2 (Native Plants of the Tennessee Valley)** shall be allowed in Access Easements, provided a minimum twenty (20) foot wide travelway is maintained clear of vegetation, and all clear sight triangle requirements are met.

6. Trees may be planted in Easements for underground utilities with approval by the City and any applicable utility

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provider, provided the root structure of the proposed tree is not anticipated to extend more than three (3) feet below the ground. Shrubs may be planted, provided they are only within the outer three (3) 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 in the 3rd Layer and 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 five (5) percent or less than one-half (0.5) percent 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. Sidewalks;

2. Driveways; and

3. Pavement matching the adjoining Public Frontage in Districts CD-4 and CD-4C where the Building is set back no more than five (5) feet 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, except CD-1, SD-LI, SD-HI, and CD-CV:

A. Areas to be Lighted

All Parking Areas, Parking Lots, 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. Lighting standards shall be no higher than thirty (30) feet in Non-Residential Parking Areas and Parking Lots or fifteen (15) feet in other areas.

2. Lighting fixtures shall be mounted in a manner so that the cone of illumination is contained on-site and does not cross any property line of the site.

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

4. 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.

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

6. 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.

7. 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 Site Standards)**

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C. Illumination

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 (1.0) footcandle (fc) of illumination must be provided throughout all Parking Areas, and Parking Lots.

Table 4.3.17.C (Private Lighting Standards)

District	Min./Max. Lighting Level at Frontage Line (in foot-candles)
CD-2, CD-2W, CD-3L & CD-3	0-1.0 fc
CD-4 & CD-4C	0-1.0 fc
Existing PDDs	Per approved PDD 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.

4.3.18 Signage

All signage must comply with the standards and requirements of **Article 7 (Sign Standards)**.

SECTION 4.4 ADDITIONAL STANDARDS

4.4.1 District Assignments

See Section 2.4 and **Table 2.4.1.A (Assignment of Character Districts for Development Sites ≥ 20 Gross Acres [excluding any Special Districts])** for additional standards.

4.4.2 Pedestrian Sheds

See Section 5.1.4, **Illustration 5.1.4.B-1 (Standard Pedestrian Shed)**, and **Illustration 5.1.4.B-2 (Linear Pedestrian Shed)** for additional standards.

4.4.3 Building Type Mix

See Section 5.1.9 and **Table 5.1.9 (Building Type Mix)** for additional standards.

4.4.4 Principal Use Mix

See Section 5.1.10 and **Table 5.1.10 (Principal Use Mix)** for additional standards.

4.4.5 Thoroughfares & Alleys; Public Frontages

See Section 5.2, **Illustration 5.2.2.B-1 (Thoroughfare / Internal Drive Components)**, **Illustration 5.2.2.B-2 (Alley Components)**, **Table 5.2.2.D (Block Perimeter Standards)**, **Table 5.2.2.F (Thoroughfare / Internal Drive Types - Summary)**, and **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards)** for additional standards.

4.4.6 Additional Pedestrian Walkways

See Section 5.2.2.H for additional standards.

4.4.7 Connecting Driveways

See Section 5.2.2.J for additional standards.

4.4.8 Bicycle Accommodations

See Section 5.2.4 and **Table 5.2.4.B (Bikeway Types)** for additional standards.

4.4.9 Public Planting

See Section 5.2.5 for additional standards.

4.4.10 CD-CV & Civic Spaces

See Section 5.3, **Table 5.3.3-A (Civic Space Types - Summary)** and **Table 5.3.3-B (Civic Space - Specific Standards)** for additional standards.

4.4.11 District Density

See Section 5.4 and **Table 5.4.1.2 (District Density)** for additional standards.

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ARTICLE 5
Development Site Standards

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SECTION 5.1 DEVELOPMENT SITE STANDARDS

5.1.1 Definition of Development Site

Development Site is defined in **Article 9 (Definitions)**.

5.1.2 Applicability

This **Article 5** applies to Development Sites located or proposed within the City, except as otherwise provided in Section 1.22 with respect to Nonconformities.

5.1.3 Plans Applicable to Development Site

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 Site, 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 Site;

2. Approving any Zoning Map or Development Code Amendment, other than any Zoning Map or Zoning Map Amendment prepared by or on behalf of the City.

5.1.4 Pedestrian Sheds

A. Development Site to be Based on Pedestrian Shed

Each Development Site shall be based upon one (1) 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.

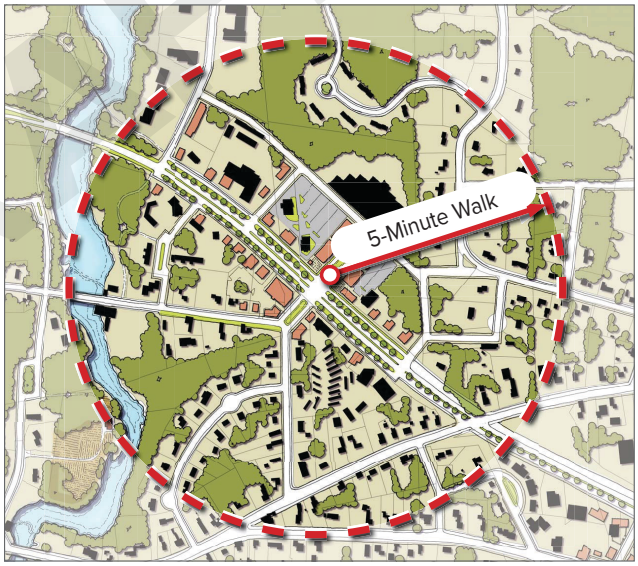
B. Common Destination

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 Site and the overall Plan site may be smaller or larger than the Pedestrian Shed within which it is situated.

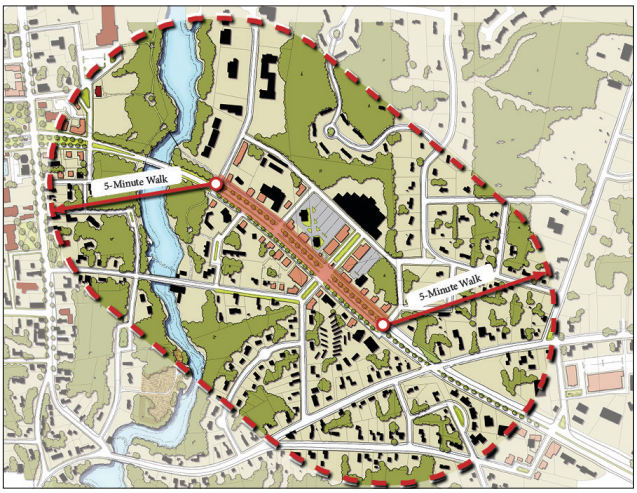
Illustration 5.1.4.B-1 Standard Pedestrian Shed



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Illustration 5.1.4.B-2 Linear Pedestrian Shed



5.1.5 Civic Districts

Civic Districts shall be assigned according to and as required by Sections 2.4.2 and 3.4.

5.1.6 Character Districts

Character Districts shall be assigned as required by Section 2.4.1 and 3.2.

5.1.7 Special Districts

Special Districts, if any, shall be assigned according to 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 Type Mix

Within each District of a Development Site of twenty (20) acres or more there shall be a mix of Building Types in compliance with **Table 5.1.9 (Building Type Mix)**. Permitted Building Type Mix shall be based on the total Frontage Width of Lots & Building Sites in the applicable District having or designated for the indicated Building Types as it relates to the total Frontage Width of all Lots & Building Sites within the applicable District.

Example: Assume each Lot and Building Site in District CD-4 has a Frontage Width of 120'. If there are 100 Lots and Building Sites in District CD-4, of which 60 Lots and Building Sites have or are designated for House, Duplex, Townhouse or Small Multi-Family Buildings, the calculation would be as follows:

Total Frontage Width of all Lots & Building Sites in District CD-4 of Designated for House, Duplex, Townhouse or Small Multi-Family (60 x 120' = 7,200') ÷ Total Frontage Width of all Lots & Building Sites in District CD-4 (100 x 120' = 12,000') = 60%

Table 5.1.9 Building Type Mix

District	Building Types	Permitted Building Type Mix
CD-1	--------	NP
CD-2	--------	NR
CD-2W	--------	NR
CD-3L	--------	NR
CD-3	--------	NR
CD-4	Total of House, Duplex, Townhouse, & Small Multi-Family	60% max.
	Total of Live/Work, Commercial, Mixed Use, & Flex	40% min
CD-4C	Total of House, Duplex, Townhouse, & Small Multi-Family	60% max, with Small Multi-Family ≤ 20% of Total CD-4C Frontage Width
	Total of Live/Work, Commercial, Mixed Use, Flex, & Large-Scale Commercial	40% min
SD-LI	--------	NR
SD-HI	--------	NR
CD-CV	--------	NR

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5.1.10 Principal Use Mix

Within each District of a Development Site of twenty (20) acres or more there shall be a mix of Principal Uses. Without limitation, the Principal Use mix within each District must comply with **Table 5.1.10 (Principal Use Mix)**. Determination of compliance with **Table 5.1.10 (Principal Use Mix)** shall be based on the total Frontage Width of Lots & Building Sites in the applicable District having or designated for the indicated Principal Use as it relates to the total Frontage Width of all Lots & Building Sites within the applicable District.

Example: Assume each Lot and Building Site in District CD-4 has a Frontage Width of 120'. If there are 100 Lots and Building Sites in District CD-4, of which 85 Lots and Building Sites have or are designated for the indicated Principal Use, the calculation would be as follows:

Total Frontage Width of all Lots & Building Sites in District CD-4 Designated for Residential Principal Use (85 x 120' = 10,200') ÷ Total Frontage Width of all Lots & Building Sites in District CD-4 (100 x 120' = 12,000') = 85%

Table 5.1.10 Principal Use Mix

District	Permitted Use Mix
CD-1	Not Permitted
CD-2	Not Regulated
CD-2W	Not Regulated
CD-3L	Not Regulated
CD-3	Not Regulated
CD-4	85% max Residential
CD-4C	85% max Residential
SD-LI & SD-HI	Not Permitted
CD-CV	Not Permitted

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 Site, 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 Site 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.

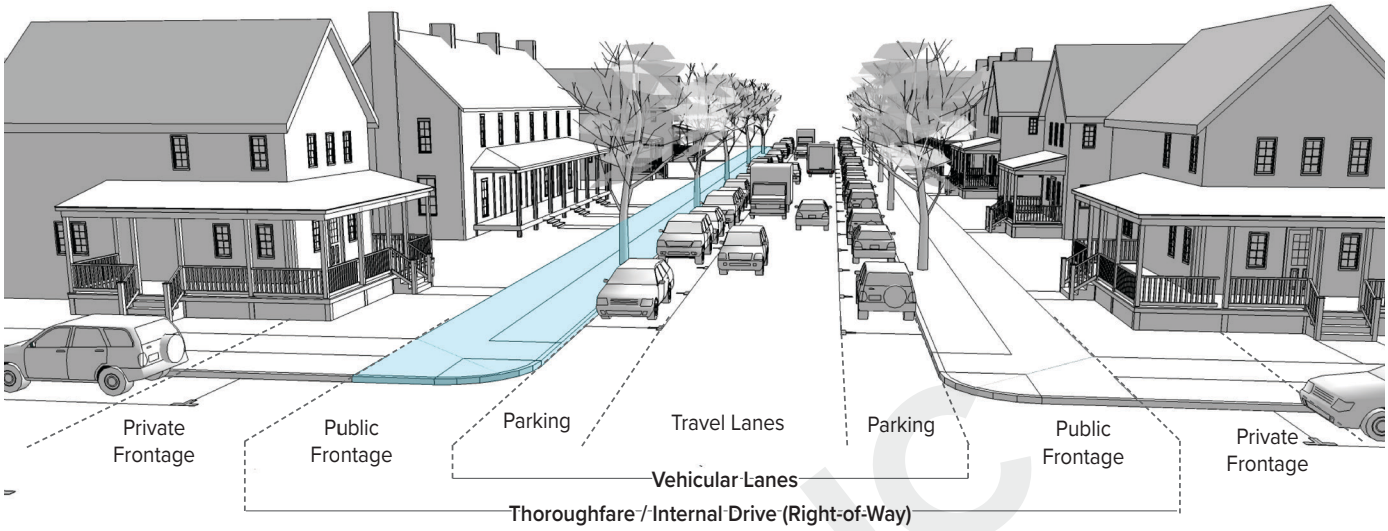
B. Components

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 or provided bicycle accommodations. See **Illustration 5.2.2.B-1 (Thoroughfare / Internal Drive Components)**.

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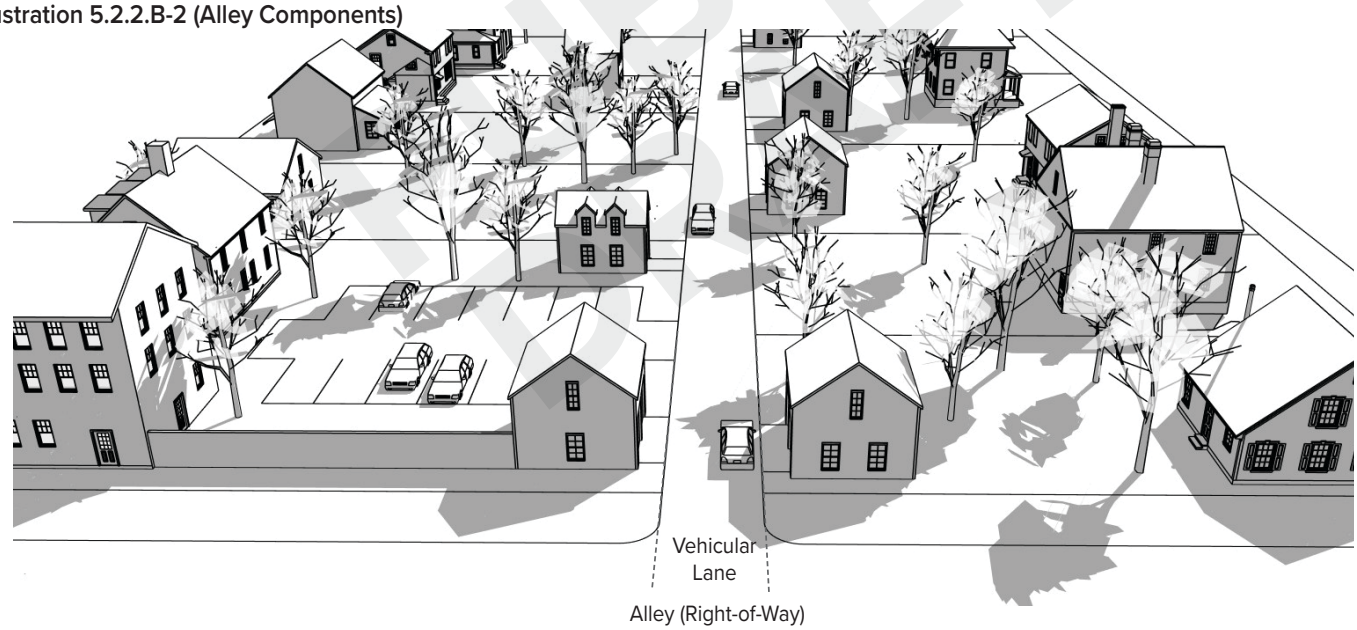
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Illustration 5.2.2.B-1 (Thoroughfare / Internal Drive Components)



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 or Internal Drives that pass from one (1) District to another shall be adjusted accordingly or, alternatively, may follow the alignment of the Thoroughfare or Internal Drive to the depth of one (1) 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 Administrative Adjustment from the Zoning Administrator at the edge of a Development Site.

Table 5.2.2.D Block Perimeter Standards

District	Max Block Perimeter
CD-1, CD-2 & CD-2W	Not Regulated
CD-3L	3200 ft. max.
CD-3	2800 ft. max.
CD-4 & CD-4C	2400 ft. max.
SD-LI, SD-HI, & CD-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.

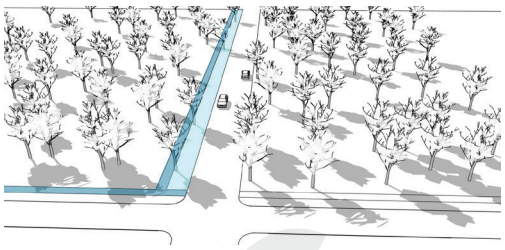
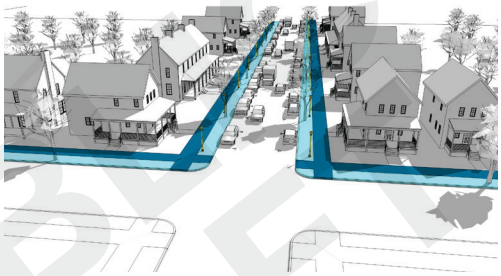
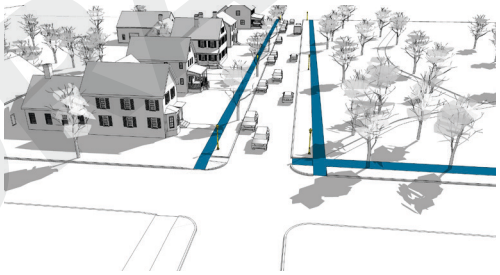
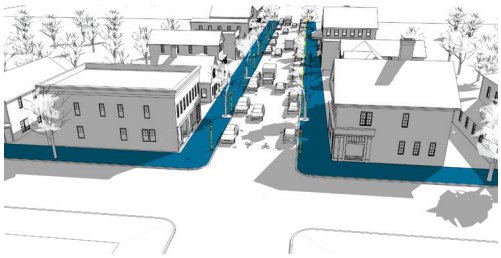
G. Assemblies & Standards

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.G-2 (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 rural or suburban Thoroughfare or Internal Drive of low-to-moderate vehicular speed and capacity, and having a Public Frontage that is drained by swales or Curbs. The Landscaping consists of the natural condition or multiple species of clustered and irregularly spaced trees along the Thoroughfare. Building Setbacks, where applicable, are variable.		CD-2, CD-2W, CD-3L
Neighborhood Street A local urban Thoroughfare of low speed and capacity and having a Public Frontage with raised Curbs drained by inlets, Sidewalks separated from the Vehicular Lanes by individual or continuous Planters, and Parking on one (1) 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
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 (1) 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
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

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Table 5.2.2.G-1 Thoroughfare / Internal Drive Assemblies and Standards

ROAD

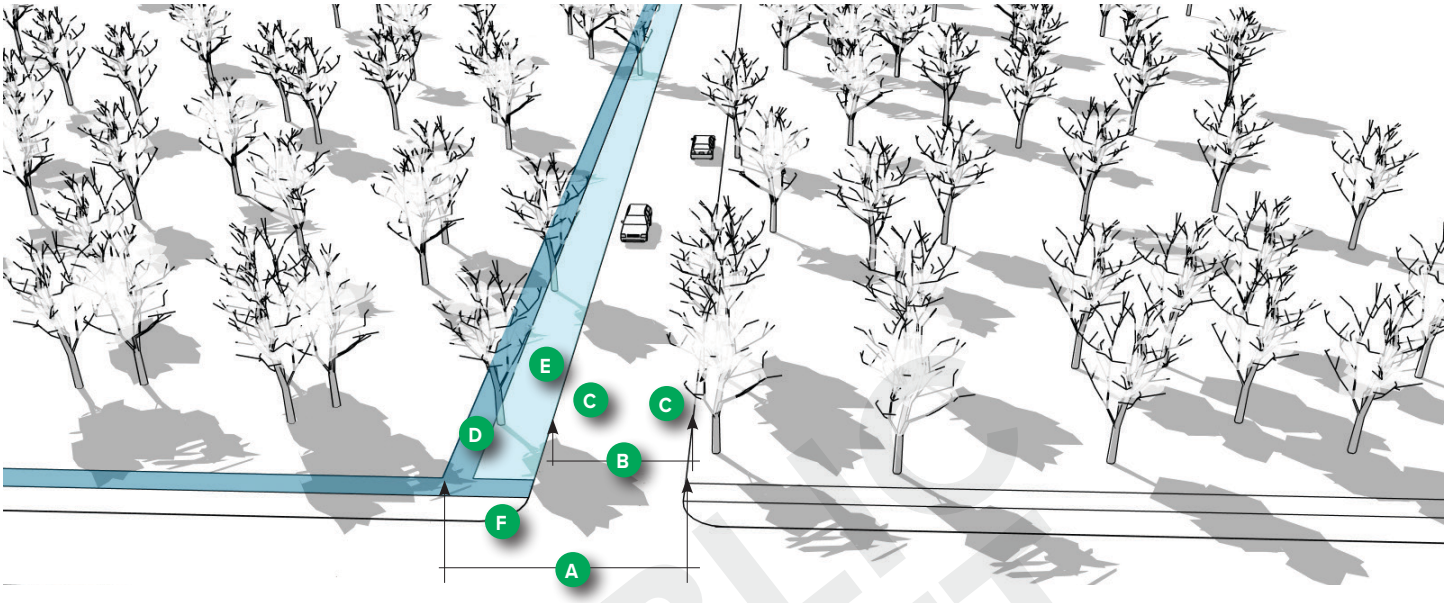


Illustration is provided for illustrative purposes only.

Permitted Districts

CD-2 | CD-2W | CD-3L

Thoroughfare Type	Road	
Right of Way Width	29 - 50 ft	A
Pavement Width	20 - 22 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	C
Travel Lane Width	10 - 11 ft	
Parking Lanes	None	
Parking Lane Width	N/A	
Bikeway Type	Shared Use Path. See **Table 5.2.4.B***	
*Right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with **Table 5.2.4.B (Bikeway Types)**.		
Walkway		
Walkway Type	None or Shared Use Path; except Sidewalk on 1 or both sides in CD-3L	D
Walkway Width	Sidewalk: 5 ft. if applicable; Shared Use Path: See **Table 5.2.4.B***	

Planter		
Planter Type	Continuous Swale	E
Planter Width	9 ft	
Landscape Type	Not Regulated	
Curb		
Turning Radius	25 ft	
Curb Radius	25 ft	F
Curb Type	Rural Edge Treatment or Ribbon Curb	
Lighting		
Lighting Placement	Approved by Engineering	
Lighting Type	Approved by Engineering	

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

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Table 5.2.2.G-1 Thoroughfare / Internal Drive Assemblies and Standards

NEIGHBORHOOD STREET

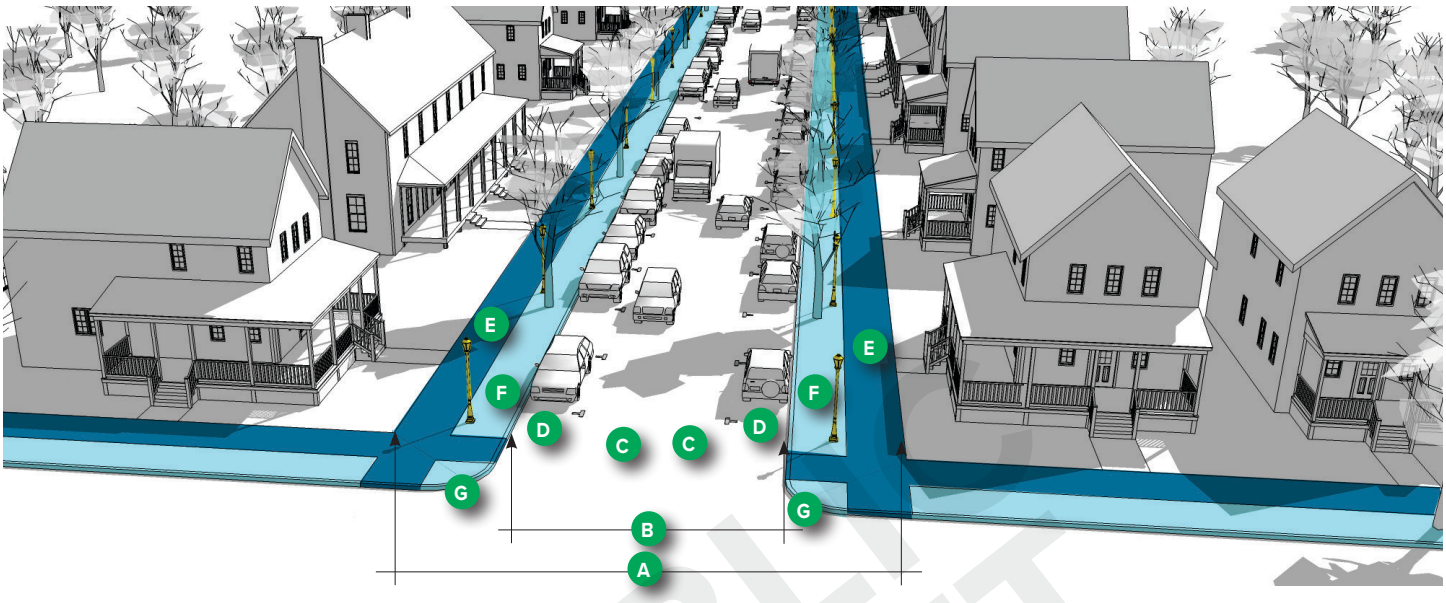


Illustration is provided for illustrative purposes only.

Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C

Thoroughfare Type	Neighborhood Street	
Right of Way Width	54 - 76 ft	A
Pavement Width	38 - 52 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	C
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 1 or both sides	D
Parking Lane Width	8 ft.; striping required	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. See **Table 5.2.4.B***	

*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.

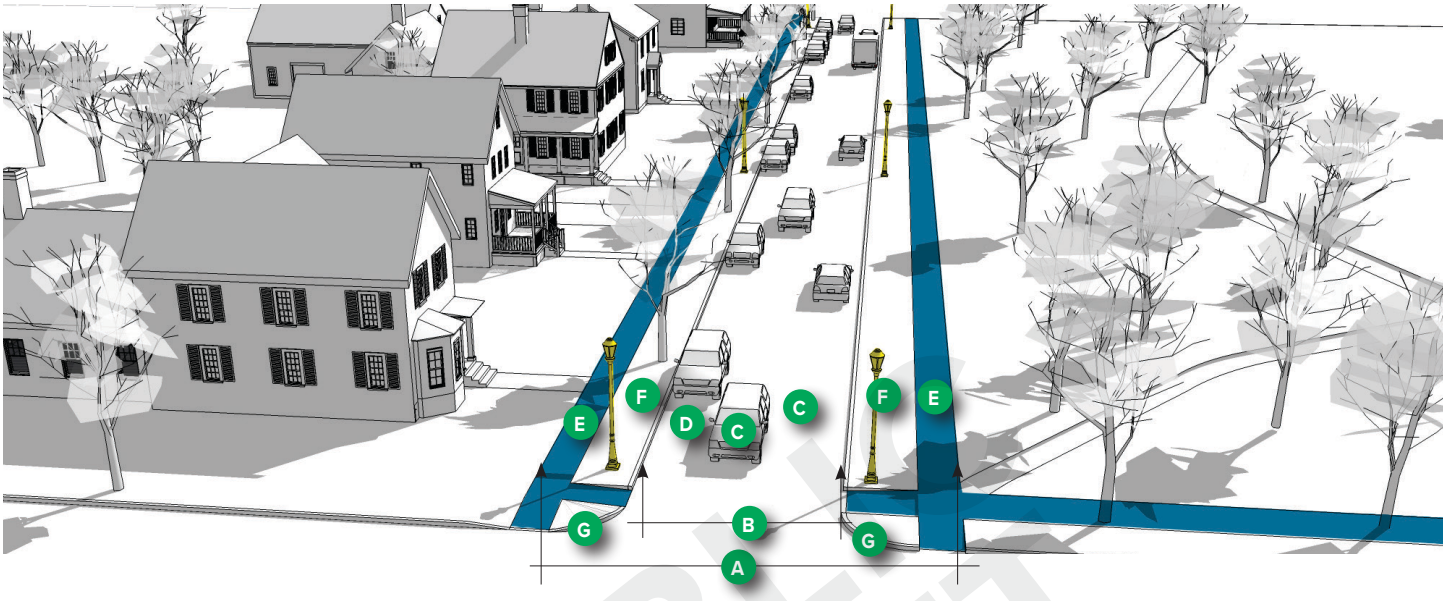
Lighting	
Lighting Placement	Approved by Engineering
Lighting Type	Approved by Engineering

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

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Table 5.2.2.G-1 Thoroughfare / Internal Drive Assemblies and Standards
DRIVE



Permitted Districts

CD-3L | CD-3 | CD-4 | CD-4C

Illustration is provided for illustrative purposes only.

Thoroughfare Type	Drive	
Right of Way Width	50 - 72 ft	A
Pavement Width	34 - 48 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	1-2 Lanes	C
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 1 side	D
Parking Lane Width	8 ft..; striping required	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. See **Table 5.2.4.B***	
*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	Approved by Engineering	
Lighting Type	Approved by Engineering	

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

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Table 5.2.2.G-1 Thoroughfare / Internal Drive Assemblies and Standards

COMMERCIAL STREET

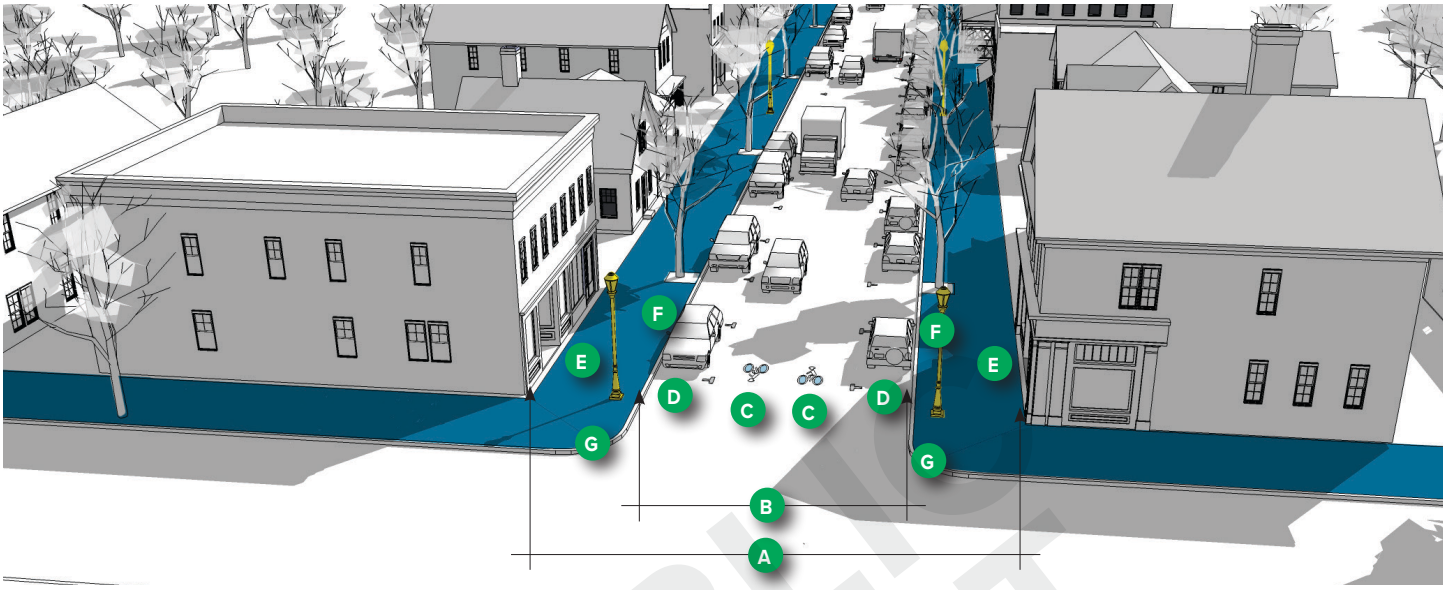


Illustration is provided for illustrative purposes only.

Permitted Districts

CD-4 CD-4C

Thoroughfare Type	Commercial Street	
Right of Way Width	68 - 88 ft	A
Pavement Width	60 - 76 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	C
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 2 sides	D
Parking Lane Width	8 ft.; striping required	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See **Table 5.2.4.B***	
*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	Approved by Engineering	
Lighting Type	Approved by Engineering	

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

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H. Additional Pedestrian Walkways

1. Pedestrian Access

a. In addition to the Public Frontage, Parking Lot and Parking Area Sidewalk and walkway requirements and the Sidewalk requirements contained in the Subdivision Regulations, pedestrian ways, linkages and Paths shall be provided from the Building entry to surrounding Thoroughfares, Internal Drives, external Sidewalks, transit stops and out-parcels.

b. Pedestrian ways shall be designed to provide Access between Parking Lots and Parking Areas and Building public entrances.

c. At least one (1) 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 Site.

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.

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.G-2 (Alley Assembly & Standards)**.

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Table 5.2.2.G-2 Alley Assembly & Standards



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Permitted Districts

CD-1 | CD-2 | CD-2W | CD-3L | CD-3 | CD-4 | CD-4C | SD-LI | SD-HI | CD-CV

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	Not Applicable	
Bikeway Type	Not Applicable	
Walkway		
Walkway Type	None	
Walkway Width	Not Applicable	

Planter		
Planter Type	None	
Planter Width	Not Applicable	
Landscape Type	None	
Tree Species	Not Applicable	
Curb		
Turning Radius	Not Regulated	
Curb Radius	None	C
Curb Type	None	
Lighting		

Not Regulated

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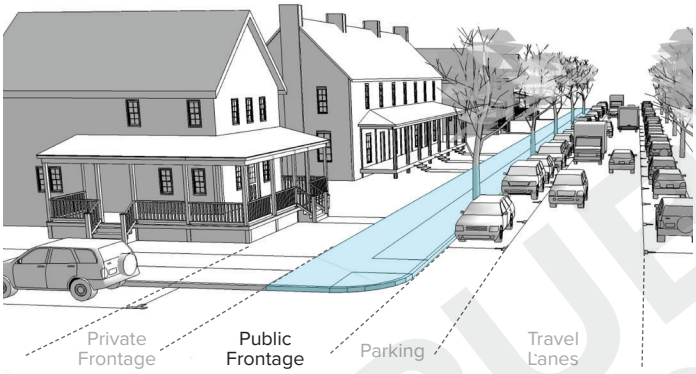
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5.2.3 Public Frontages

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. Sidewalk Construction.

Within the Public Frontage, Sidewalks meeting the technical standards of the City Engineer and the standards and requirements set forth in **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards)** are required.

D. Landscape.

Within the Public Frontage, any required or provided plantings and other Landscaping shall:

1. 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 specified in such Table may be adjusted by Administrative Adjustment from the Zoning Administrator to accommodate specific site conditions;

2. in the case of trees,

   a. consist only of non-coniferous species selected from **Table 4.3.16.D-1 (Native Plants of the Tennessee Valley)**, shade canopies of a Height which, at maturity, leave clear at least one (1) Story;

   b. be centered horizontally and placed minimally

   (1) two (2) feet from walkways, Curbs, and other impervious surfaces if planted in a tree well or continuous Planter,

   (2) three (3) feet from walkways, Curbs, and other impervious surfaces if planted in a continuous Swale or uncontained area,

   (3) five (5) feet from street lights, Utility meters and service lines, Fences, Walls and other ground level obstructions,

   (4) six (6) feet from porch eaves, awnings and similar overhead obstructions associated with the ground level of Buildings,

   (5) eight (8) feet from balconies, verandas, Building eaves and cornices, and similar overhead obstructions associated with the upper stories of Buildings,

   c. at installation, be a minimum of two and a half (2.5) inches in caliper, measured three (3) feet above the ground and a minimum of ten (10) feet tall.

3. in the case of shrubs,

   a. be a three (3) gallon container minimum and a height of thirty (30) inches minimum, and

   b. be eighteen (18) inches minimum clear from any Sidewalk or pavement edge at the Lot Line or Building Site Line.

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4. not include any bare or exposed ground;

5. not include any artificial plants and artificial turf;

6. except as otherwise required by Section 5.2.3.D.2 or 5.2.3.D.3, include only such plant materials as comply with any applicable 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;

7. have the soil structure of planting strips protected from compaction with a temporary Construction Fence;

8. have standards specified for Access, Excavation, movement, storage and backfilling of soils in relation to the Construction and maintenance of deep Utilities and manholes; and

9. have any soils that have been compacted during Construction activities 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 Site of twenty (20) acres or more.

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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Table 5.2.4.B Bikeway Types

Bicycle Lane

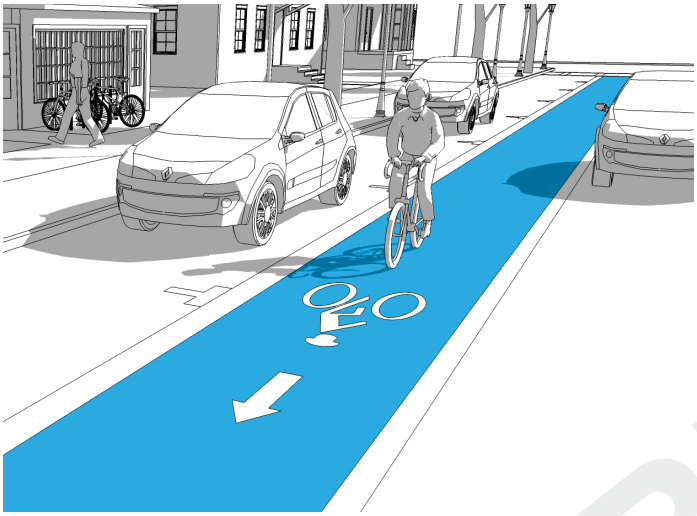


Illustration is provided for illustrative purposes only.

Permitted Character Districts

CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C

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

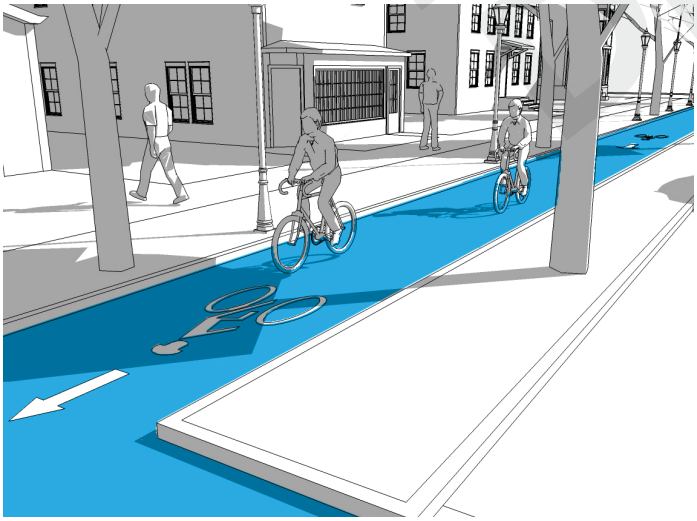


Illustration is provided for illustrative purposes only.

Permitted Character Districts

CD-4, CD-4C

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

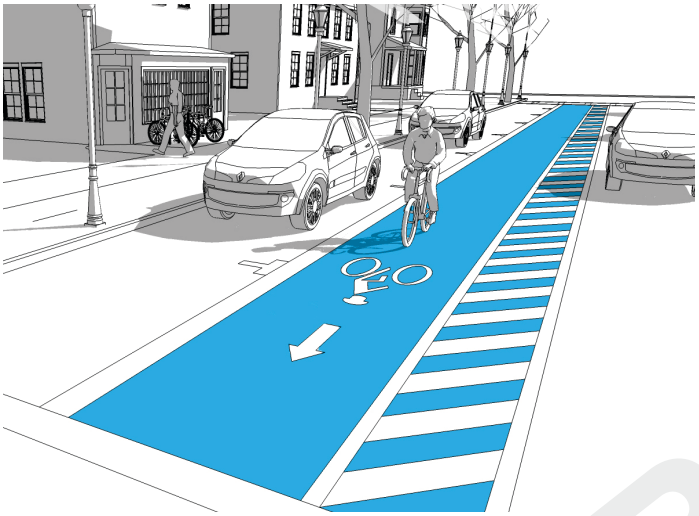


Illustration is provided for illustrative purposes only.

Permitted Character Districts

CD-3L, CD-3, CD-4, CD-4C

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

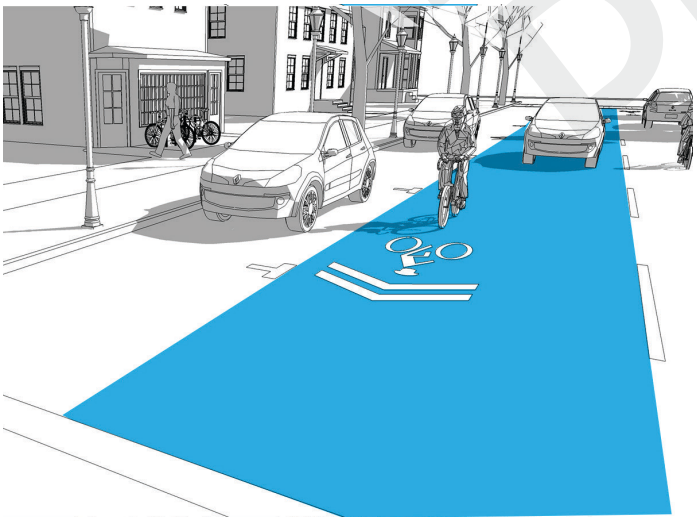


Illustration is provided for illustrative purposes only.

Permitted Character Districts

CD-3L, CD-3, CD-4, CD-4C

Riding Surface Width	Same as Vehicular Lane
Buffer	Not Applicable
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

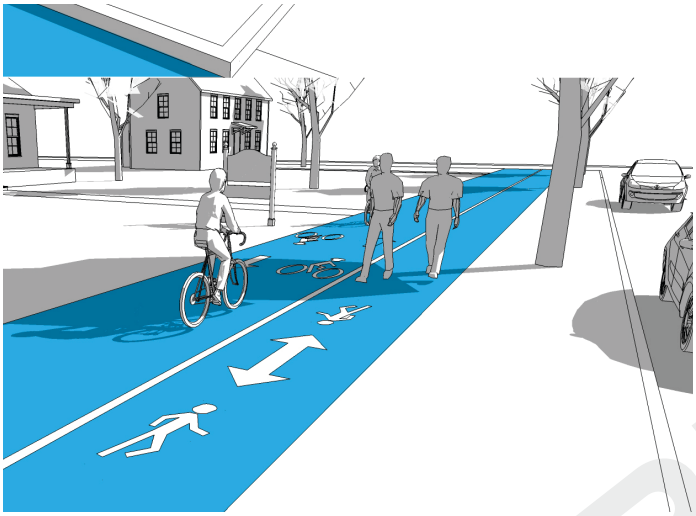


Illustration is provided for illustrative purposes only.

Permitted Character Districts

CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C

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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5.2.5 Public Planting

A. Civic Space and Public Frontage.

All Public Planting within Civic Spaces and within the Public Frontage of Thoroughfares and Internal Drives shall be provided by the property owner in accordance with **Table 5.2.2.F (Thoroughfare & Internal Drive Types - Summary)**, **Table 5.2.2.G-1 (Thoroughfare & Internal Drive Assemblies & Standards)**, **Table 5.2.5.A (Public Planting)** and **Table 4.3.16.D-1 (Native Plants of the Tennessee Valley)**, provided that no coniferous trees may be planted within the Public Frontage.

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Table 5.2.5.A Public Planting

Tree Shape		CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI & SD-HI	CD-CV	Existing PDDs
Columnar		NR	P	P	P	P	P	P	NR	P	PDD
Oval		NR	P	P	P	P	P	P	NR	P	PDD
Rounded / Ball		NR	P	P	P	P	P	P	NR	P	PDD
Conical / Pyramid		NR	P	P	P	P	P	P	NR	NP, except in Civic Space or Open Space	PDD
Spreading / Umbrella		NR	P	P	P	P	P	P	NR	NP, except in Civic Space or Open Space	PDD
Vase		NR	P	P	P	P	P	P	NR	NP, except in Civic Space or Open Space	PDD

LEGEND The following notations are utilized in this table.			
P Permitted	NP Not Permitted	NR Not Regulated	PDD Per Existing PDD Approval, as applicable

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5.2.6 Public Lighting

A. Public Frontage

Public Lighting shall be provided within the Public Frontage of Thoroughfares and Internal Drives in accordance with **Table 5.2.2.F (Thoroughfare & Internal Drive Types - Summary), Table 5.2.2.G-1 (Thoroughfare & Internal Drive Assemblies & Standards),** and **Table 5.2.6.A-1 (Public Lighting Types)**. All such lighting shall comply with **Table 5.2.6.A-1 (Public Lighting Types)** and **Table 5.2.6.A-2 (Public Lighting Standards)**.

B. Parking & Pedestrian Accommodations; Civic Spaces

Lighting shall be provided and in all public Parking Areas, Parking Lots, and Civic Spaces. Additionally, lighting shall be provided along all pedestrian accommodations not included within a Public Frontage. All such lighting shall comply with **Table 5.2.6.A-1 (Public Lighting Types)** and **Table 5.2.6.A-2 (Public Lighting Standards)**.

C. Light Poles & Fixtures

Outdoor light poles and fixtures shall comply with the following:

1. **Table 5.2.6.A-1 (Public Lighting Types)**.

2. Lighting standards shall be no higher than thirty (30) feet in Non-Residential Parking Areas and Parking Lots or fifteen (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 smaller 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 5.2.6.A-1 Public Lighting Types

Lighting Type		CD-1	CD-2	CD-2W	CD-3L	CD-3	CD-4	CD-4C	SD-LI	SD-HI	CD-CV	Existing PDDs
Cobra Head		NR	NR	NR	NP	NP	NP	NP	NR	NR	NA	PDD
Post		NR	NR	NR	P	P	P	P	NR	NR	NA	PDD
Column		NR	NR	NR	P	P	P	P	NR	NR	NA	PDD

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LEGEND The following notations are utilized in this table.			
P Permitted	NP Not Permitted	NR Not Regulated	PDD Per Existing PDD Approval, as applicable

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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 5.2.6.A-2 (Public 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 Civic Spaces.

Table 5.2.6.A-2 Public Lighting Standards

District	Min./Max. Lighting Level at Frontage Line (in foot-candles)
CD-2, CD-2W, CD-3L, & CD-3	0 - 1.0 fc
CD-4 & CD-4C	0 - 1.0 fc
SD-LI & SD-HI	1.0 - 2.0 fc
Existing PDDs	Per Existing PDD 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.

SECTION 5.3 CIVIC DISTRICTS

5.3.1 Civic Space Requirement; Civic District Designation

A. Percentage of Civic Space

Any Development Site of twenty (20) 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 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-J (District Standards - Civic)**.

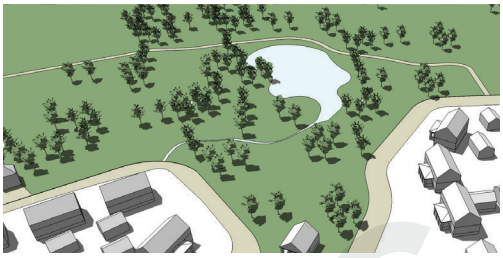
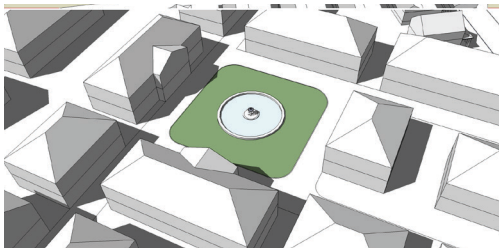
5.3.2 Civic Spaces - Design

Civic Spaces shall be designed as generally described in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-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.

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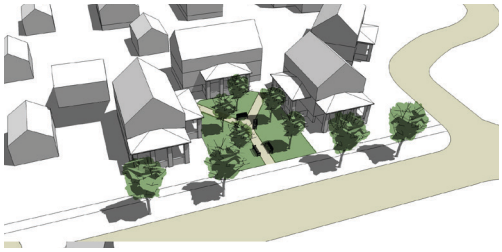
Table 5.3.2-A Civic Space Types - Summary

Civic Space Type	Illustration	Permitted Districts
Natural Area A natural area available for unstructured recreation. A Natural Area may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Natural Areas may be lineal, following the trajectories of natural corridors. The minimum size is eight (8) acres.		CD-1, CD-2, CD-2W, CD-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 one-half (0.5) acre and the maximum is eight (8) acres.		CD-2, CD-2W, CD-3L, CD-3, CD-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 one-half (0.5) acre and the maximum is five (5) acres.		CD-4, CD-4C, CD-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 one-half (0.5) acre and the maximum is two (2) acres.		CD-CV

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Table 5.3.2-A Civic Space Types - Summary

Civic Space Type	Illustration	Permitted 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-2W, CD-3L, CD-3, CD-4, CD-4C, CD-CV
Sport Field or Court An open area designed and equipped for team sports activities.		CD-2, CD-2W, CD-3L, CD-3, CD-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-2W, CD-3L, CD-3, CD-4, CD-4C, CD-CV
Pocket Park A small predominantly green open area available for unstructured Passive Recreation. The minimum size is five hundred (500) square feet and the maximum is one-half (0.5) acres.		CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C, CD-CV

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Table 5.3.2-B Civic Space - Specific Standards

Natural Area



Permitted In / Adjacent to:

CD-1, CD-2, CD-2W, CD-CV

Intent

A natural area available for unstructured recreation. A Natural Area may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Natural Areas may be lineal, following the trajectories of natural corridors. The minimum size is eight (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
- Associated facilities

Green



Permitted In / Adjacent to:

CD-2, CD-2W, CD-3L, CD-3, CD-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 one-half (0.5) acre and the maximum is eight (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
- Associated facilities

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Table 5.3.2-B Civic Space - Specific Standards

Square



Permitted In / Adjacent to:

CD-4, CD-4C, CD-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 one-half (0.5) acre and the maximum is five (5) acres.

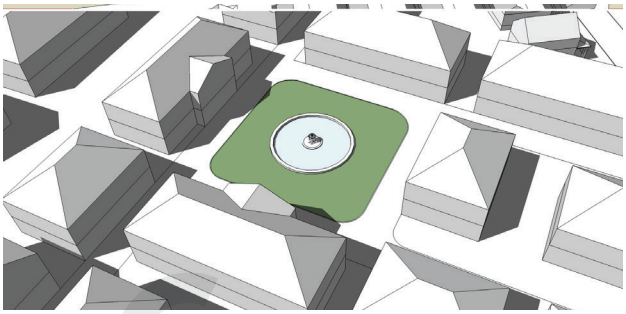
Specifications

Size	0.5 acres min. 5 acres max
Frontage	Buildings
Character	Formal

Typical Facilities

- Passive Recreation
- Paths
- Associated facilities

Plaza



Permitted In / Adjacent to:

CD-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 one-half (0.5) acre and the maximum is two (2) acres.

Specifications

Size	0.5 ac min. 2 ac max
Frontage	Buildings
Character	Formal

Typical Facilities

- Passive Recreation
- Paths
- Associated facilities
- Water features

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Table 5.3.2-B Civic Space - Specific Standards

Playground



Permitted In / Adjacent to:

CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C, CD-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-2, CD-2W, CD-3L, CD-3, CD-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 5.3.2-B Civic Space - Specific Standards

Community Garden



Permitted In / Adjacent to:

CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C, CD-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.

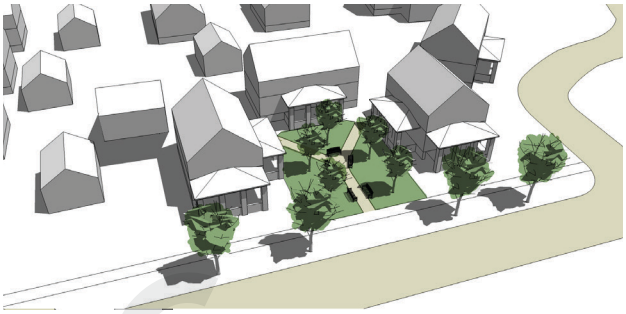
Specifications

Size	No min. No max
Frontage	May be enfronted by Buildings or be located behind Buildings
Character	Formal

Typical Facilities

- Active Recreation
- Garden plots
- Associated facilities
- Running water

Pocket Park



Permitted In / Adjacent to:

CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C, CD-CV

Intent

A small predominantly green open area available for unstructured Passive Recreation. The minimum size is five hundred (500) square feet and the maximum is one-half (0.5) acres.

Specifications

Size	500 sq. ft. min. 0.5 acres max.
Frontage	Independent
Character	Formal

Typical Facilities

- Passive Recreation
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Limited transient commercial concessions

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5.3.3 Civic Spaces Required

Each Development Site of twenty (20) acres or more shall provide the following:

A. Main Civic Space

Each Pedestrian Shed within such Development Site 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 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-B (Civic Spaces – Specific Standards)**, within eight hundred (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 5.3.2-B (Civic Spaces – Playground)** within eight hundred (800) feet of every Lot or Building Site in Residential Use in all Districts except CD-2 and CD-2W; and

C. Thoroughfare Enfrontment

Each Civic Space shall have a minimum of fifty (50) percent of its perimeter Enfronting a Thoroughfare, except for Playgrounds or Community Gardens.

5.3.4 Civic Spaces in or Adjacent to Special Districts

Civic Space in addition to that required by Section 5.3.1.A and 5.3.3 shall be permitted.

5.3.5 Civic Building Standards

Any Civic Building provided or required pursuant to this Ordinance shall be located within or Adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.

5.3.6 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 City.

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 City.

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

5.4.1 Density Calculations

Any proposed Site Development Plan having an aggregate area of twenty (20) gross acres or more, excluding any Special Districts, shall require compliance with the following District Density provisions:

1. All Developable area within a specific District covered by the Site Development Plan shall be considered the Net Site Area.

2. Density shall be expressed in terms of Density Units per acre of Net Site Area as specified for the District by **Table 5.4.1.2 (District Density)**.

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Table 5.4.1.2 District Density

District	Density Units / Net Site Area of District
CD-1	Not Applicable
CD-2	1 dwelling unit per 3 acres max., except as otherwise provided for Additional Primary Dwellings under Section 4.3.9.D.6.b
CD-2W	1 dwelling unit per acre max.
CD-3L	2 dwelling units per acre max.
CD-3	4 dwelling units per acre max.
CD-4	6 dwelling units per acre max.
CD-4C	12 dwelling units per acre max.
SD-LI & SD-HI	Not Applicable
CD-CV	Not Applicable

3. For purposes of calculating District Density:

a. the area shall include the Thoroughfares but not land assigned to Civic Districts;

b. the quantities of the Principal Uses indicated on **Table 5.4.1.3.b (Density Equivalencies)** shall constitute the indicated number of Density Units or portion thereof.

Table 5.4.1.3.b 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 (Any Amount)	0 Density Unit

5.4.2 Maximum District Density

1. The Maximum Density per Character District of a Development Site having in the aggregate an area of twenty (20) gross acres or more, shall not exceed that set forth in **Table 5.4.1.2 (District Density)**.

2. The Maximum Density for per Special District of a Development Site having in the aggregate an area of twenty (20) gross acres or more shall not exceed that set forth in **Table 5.4.1.2 (Density Equivalencies)**.

SECTION 5.5 DISTRICT DESIGNATION

All Districts within a Development Site 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 Site on the applicable Development Plan.

SECTION 5.8 PROJECT BUFFERS

5.8.1 General

Project Buffers shall be provided for Development Sites 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 fifteen (15) percent 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 land disturbance.

5.8.4 Minimum Standards / Conflicts

Required Buffers, as specified in these regulations, are minimum standards. In those instances where this Ordinance specifies different Buffering requirements, then the more restrictive provisions shall govern.

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5.8.5 Additional Measures Permitted

None of the provisions of this Ordinance shall be construed as prohibiting plant material, Screening, and/or Buffer area in addition to that required by this Ordinance; or prohibiting the modification of existing Buffers to perform to an equivalent degree as the Buffer required by this Ordinance.

5.8.6 Buffer Plan Requirements

Buffer Plans submitted for approval to satisfy the requirements of this Ordinance shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.

5.8.7 Buffer Not Part of Civic Space

A Buffer area may not be included as part of the calculation of any required Civic Space.

5.8.8 When Required

A Project Buffer shall be required for new Development in the Districts indicated in **Table 5.8.8 (Project Buffers)** along such parts of the project that Abut any land zoned District CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C, or CD-CV.

Table 5.8.8 Project Buffers

District of New Development	Buffer Depth	Design Plants / 100 Linear Feet
SD-LI	100 ft.	20 Canopy Trees ≥ 50% evergreen, 10 Understory Trees ≥ 50% evergreen, & 240 Shrubs ≥ 75% evergreen
SD-HI	100 ft.	20 Canopy Trees ≥ 50% evergreen, 10 Understory Trees ≥ 50% evergreen, & 240 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 one hundred (100) percent opacity;
2. Minimum six (6) feet 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 one hundred (100) percent 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.

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.

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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, or Garage;
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 or green infrastructure, provided they do not interfere with the performance or maintenance of the Project Buffer area;
5. Utilities, provided that additional width shall be added to the Project Buffer in an amount equal to that occupied by the utility lines and any associated Easements and any path cleared by utility installation or maintenance shall be replaced;
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 5.2.6; and
11. Any other Uses as specifically permitted elsewhere in this Ordinance.

5.8.12 Ownership

Project Buffers shall either: (i) remain in the ownership of the original developer (and assignees) of a Lot, Building Site, or Parcel of land; (ii) be subjected to deed restrictions and subsequently conveyed; or (iii) transferred to any consenting grantees, such as a forest preserve, the City, Civic Space, a homeowners association, or a conservation or land trust. Any such conveyance shall adequately and permanently protect assure maintenance of the Project Buffer in accordance with the provisions of this Ordinance.

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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 one hundred (100) feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the Project Buffer, an irrigation system shall be required.

E. Structural Features

Landscape structural features such as Walls, Fences, or water features shall be maintained in a structurally safe and attractive condition.

F. Other Uses / Structures

Where other Uses or Structures are allowed within a Project Buffer, they shall be maintained to provide for their safe use.

G. Enforcement

If the Person or Persons responsible for maintaining a Project Buffer fails to maintain same according to this Ordinance, the City may, but shall not be obligated to, and after reasonable notice and a demand that deficiency of maintenance be corrected, enter the Project Buffer area, maintain the same, and recover the cost thereof, including reasonable attorney fees, from the Person or Persons having the responsibility for maintenance of the Buffer area.

5.8.14 Relief

A. Waiver or Modification

The City of Fairview Planning Commission may waive or modify the Project Buffer requirement only upon a finding that such a waiver or modification would be consistent with the purpose and intent of this Ordinance and all adopted Land Use Plans, that waiver or 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 waiver or modification 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 seventy-five (75) feet in width;

2. The affected Project Buffer is between projects 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 SCENIC STREET BUFFERS

5.9.1 General

A Scenic Street Buffer must be provided in accordance with this Section 5.9 for any new Building or other Development on a Lot, Building Site, or Development Site that borders any of the following described Thoroughfare segments:

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Table 5.9.1 Thoroughfare Segments Requiring Scenic Street Buffer

Thoroughfare	Segment Between		Min. Buffer Depth from Street	Min. Screening Easement Depth
	Intersecting Thoroughfare	Intersecting Thoroughfare		
Fairview Boulevard / Hwy 100	Stoney Brook Drive	Haskell School Road	200 feet	20% of Min Buffer Depth
Fairview Boulevard / Hwy 100	Deer Ridge Road	Walker Road	200 feet	20% of Min Buffer Depth
Hwy 96	Cleveland Lane	New Hope Road	150 feet	20% of Min Buffer Depth

5.9.2 Location

If a Scenic Street Buffer is required along a Thoroughfare by Section 5.9.1, the Developer shall provide such Buffer along the border of the applicable Lot, Building Site, Development Site, or other parcel and within the Setback established pursuant to **Table 5.9.1 (Thoroughfare Segments Requiring Scenic Street Buffer)**.

Add additional segments.

5.9.3 Design

All Scenic Street Buffers required under this Ordinance must meet the applicable standards in the following **Table 5.9.3 (Scenic Street Buffer Design)**, which shall apply in lieu of any conflicting Buffer standard that otherwise would be applicable. Neither fencing nor walls are required within a Scenic Street Buffer, provided that if any fencing or walls will be within such Buffer, it must be existing fencing and/or walls, or fencing and/or walls that comply with the requirements of **Table 5.9.3 (Scenic Street Buffer Design)**.

See additional segments. This is intended to maintain the rural character of our street network.

Thoroughfare	Segment Between		Min buffer depth from ROW (feet)	Min screening easement depth
	Starts	Enda		
Chester RD	wiley circle	Cumberland Drive	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened
Cumberland Dr	mccormick Dr	Fernvale Road	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened
Crow Cut Rd	Bethshears Rd	Cox Pike	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened
Old Franklin Rd	Bethshears Rd	Walker Road	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened
Cok Pike	Wiley Circle	Crow Cut Rd	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened
Northwest Highway	Cox Pike	HWY 96	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened
Old Nashville Rd	Fernvale	Taylor Road	100	50% retained as undisturbed: 20% of disturbed buffer depth to be screened

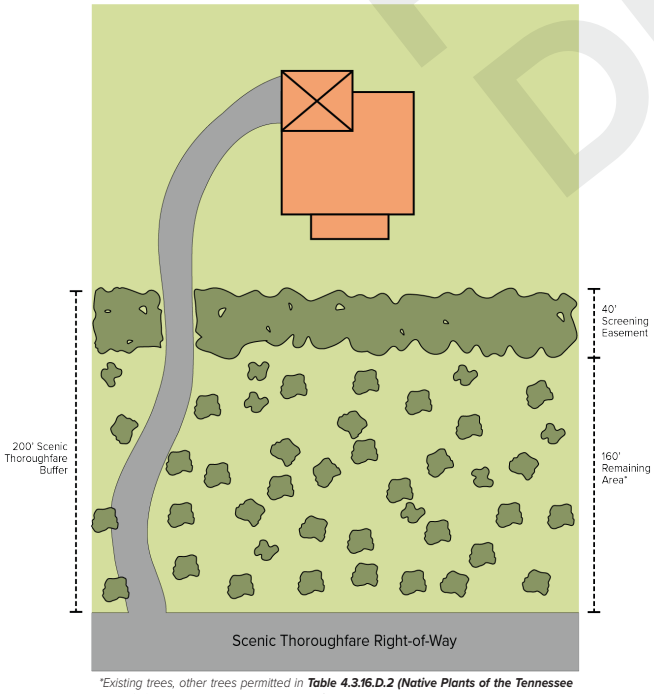
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Table 5.9.3 Scenic Buffer Street Design

Design Element	Requirement		
Buffer Depth	As required for applicable Thoroughfare segment by **Table 5.9.1 (Thoroughfare Segments Requiring Scenic Street Buffer)**		
Landscape Elements	<u>Screening:</u> Screening Easement minimum of 20% of Buffer Depth across entire Buffer width, installed per **Article 4 (Building, Lot & Building Site Standards)**, or consisting of existing trees, in each case having a min. height at installation or as existing of 8 ft., and providing a min. of 6 canopy trees and 6 understory trees per 100 linear feet spaced informally (in overhead utility Easements, understory trees may be substituted for canopy trees); Installed trees must be selected from **Table 4.3.16.D.2 (Native Plants of the Tennessee Valley)** and may not be invasive per Section 4.3.16.D.2.	<u>Additional Landscaped Area:</u> All Buffer area outside of Screening Easement shall contain: (a) canopy trees of species permitted in **Table 4.3.16.D.2 (Native Plants of the Tennessee Valley)** and installed per **Article 4 (Building, Lot & Building Site Standards)**; or (b) existing trees, other trees permitted in **Table 4.3.16.D.2 (Native Plants of the Tennessee Valley)**, orchard trees, crops, pasture, and/or farmland.	
Fencing & Walls	<u>Permitted Types:</u>	<u>Height:</u>	<u>Materials:</u>
	3-board Horse Fence	3.5 ft. max.	Wood
	4 or more-board Horse Fence	4.5 ft. max.	Wood
	Picket	3 ft. max.	Wood
	Stone Wall	3 - 3.5 ft. max.	Natural local limestone, dry-stacked
Grading	To be minimized, using natural existing site topography. Mass grading is not permitted.		

The following **Illustration 5.9.3 (Scenic Street Buffer)** is an example of a Scenic Street Buffer:

Illustration 5.9.3 (Scenic Street Buffer)



Existing trees, other trees permitted in **Table 4.3.16.D.2 (Native Plants of the Tennessee Valley). Orchard trees, crops, pasture, and/or farmland are also permitted.*

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SECTION 5.10 TREE PROTECTION

Trees shall be protected in accordance with Section 6.8.

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Supplemental Standards

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SECTION 6.1 GENERAL

The following standards and requirements shall be complied with in addition to all other standards and requirements of the City Subdivision Regulations and the City Municipal Code.

SECTION 6.2 STREETSCAPE REPAIRS, REPLACEMENTS & IMPROVEMENTS

6.2.1 Applicability

This Section 6.2 applies to all Development other than Buildings, Lots, or Building Sites within a Development Site for which Thoroughfares or Internal Drives are to be provided or modified in accordance with **Article 5 (Development Site Standards)**, which Thoroughfares and Internal Drives must comply with the applicable provisions of **Article 5 (Development Site Standards)**.

6.2.2 Required Improvements

Prior to the issuance of any Use and Occupancy Permit 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 (1) 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.

5. Each Streetscape repair, replacement or Improvement made pursuant to this Section 6.2 must comply with the rules, regulations, and requirements of the City that are applicable and in effect from time to time in respect of such element, so that it qualifies, or would qualify if within the public right-of-way, for dedication to the City.

SECTION 6.3 FIRE SAFETY

Any Multi-family, Mixed-Use, or Non-Residential Use Development shall be reviewed by the City 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

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and pedestrian ingress and egress in a well-defined system in order to avoid conflicts.

6.4.2 Vehicular Circulation Plan

Portions of each Development Plan that relate to location and design of ingress and egress traffic control, arrangement of Parking and Loading Space, and internal circulation shall be referred to the City Engineer for review, and no Plan for a Development Site shall be approved without consideration of the recommendations of the City Engineer. Additional conditions and safeguards on such matters may be included by the Decision-Making Authority.

6.4.3 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 be less than two hundred (200) feet. Parallel access roads shall be encouraged to increase the distance between intersections to four hundred (400) feet wherever possible.

SECTION 6.5 TRAFFIC IMPACT

Development may negatively impact the traffic conditions of the surrounding roadway system. Impact of certain Development must be analyzed so that negative impacts can be mitigated. The traffic impact of Development shall be analyzed by one or more Traffic Impact Analysis Reports in accordance with this Section 6.5 and Section 8.5.6.H.i(7) and or (8), as applicable.

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 Analysis Reports

The purpose of a Traffic Impact Analysis Report is 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 without limitation the provision of traffic signals, turning lanes or road widening.

A Preliminary Traffic Impact Analysis Report and, unless waived by the Planning Commission, a Final Traffic Impact Analysis Report, shall be provided in accordance with 8.5.6.H.i(7) and or (8), as applicable, as part of each Site Development Plan for any proposed Development that contains:

1. More than forty (40) Residential Dwelling Units;

2. More than thirty thousand (30,000) square feet of gross Floor Area of Non-Residential space; or

3. Aggregate Uses that would be expected to generate five hundred (500) vehicle trips or more per day, or fifty (50) or more peak hour trips per day.

6.5.2 Study Requirements

Each required Preliminary Traffic Impact Analysis Report shall use existing data and estimates of traffic volumes and movements to and from the completed Development, along the boundary streets, and specific intersections as identified by the Engineering Department.

Each required Final Traffic Impact Analysis Report shall provide detailed evaluations based on comprehensive site-specific data, shall include an analysis of any off-site traffic impacts genereatee by the Development, and otherwise shall be provided in form and substance approved by the Planning Commission and the Engineering Department.

Each Traffic Impact Analysis Report shall contain an analysis of each access point that the Development has to a street, road, or other Thoroughfare, or to an existing Internal Drives, Alleys, Driveways, or access Easement, in each case whether existing or proposed.

The Planning Commission may also require a Traffic Impact Analysis Report to include an analysis of any off-site traffic impacts generated by the proposed Development.

Except as otherwise provided herein, the Zoning Administrator will determine the extent of each Traffic Impact Analysis Report.

If the Development is to be phased, the sequence and timing of a Development shall be incorporated into the applicable Traffic Impact Analysis Report(s). For Development that includes multiple

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phases and/or multiple Buildings, the Planning Commission shall certify the scheduling of Improvements through the approval process. If no phasing is identified in the approved Traffic Impact Analysis Report, all recommendations must be satisfied at the initial stage of Development.

Without limitation to the foregoing, the Planning Commission may commission an independent third party traffic study, the expense of which shall be borne by the Applicant.

6.5.3 Approval of Traffic Impact Study

Each Traffic Impact Analysis Report shall be subject to approval by the Planning Commission, with all applicable requirements incorporated into any Development Plans, site plans, subdivision plats or plans, and Construction plans.

6.5.4 Implementation of a Traffic Impact Study

The Traffic Impact Analysis Report 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 City 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. The Zoning Administrator will certify that all traffic Improvements to be provided by the developer or property owner have been completed before a Certificate of Occupany 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 and CD-2W. In the event that the City 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 City, 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 & HISTORIC 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 District CD-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;

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 City-owned land or within public right-of-way by the City 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

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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, Final 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, Preliminary Plat, or Final 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

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

A percentage of the existing tree canopy shall be retained on a Development Site, Lot, or Building Site in accordance with **Table 6.8.4 (Tree Canopy Cover Retention)** below:

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-2W CD-3L CD-3 CD-4[3] CD-4C[3]	CD-4[4] CD-4C[4]	SD-LI[4] SD-HI
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-CV does 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.

1. Designation of Tree Save Areas

a. The minimum tree canopy to be retained within a Development Site, Lot, or Building 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 open space,

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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.

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

a. Woodland forests greater than five (5) acres;

b. Riparian buffers or natural drainage courses;

c. Land with naturally occurring slopes of twenty percent (20%) 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.

3. 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 a Tree Save Area shall be replaced at a rate of two (2) caliper inches per one (1) caliper inch removed, with each replacement tree having a minimum diameter of two (2) caliper inches. If the total caliper inches removed cannot be determined, the area subject to Tree Removal shall be replanted at the rate of eighty (80) trees per acre for each acre disturbed, or portion thereof. Replacement trees shall not be used to meet any other landscape requirements.

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 Development Site, Lot, or Building Site. In cases where adequate room on the Lot, Building Site, or Development Site is not available as determined by the Development Review Committee, mitigation may take the form of payment to the City tree bank, pursuant to Section 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 City'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 Development or Construction shall cause no harm to the tree and such report is approved by the Zoning Administrator.

B. Designation on Plans and Plats

Each Development Site, Lot or Building Site with Specimen Trees shall be identified on each Development Plan, site plan and Preliminary Plat, and shall be shown on the recorded Final Plat, if applicable, noting that there is a Specimen Tree on such Development Site, 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

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be a violation of this Ordinance and require mitigation in accordance with the following standards:

1. Two (2) 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 (2.5) caliper inches, and shall either be replanted within twelve (12) months of the removal of the Specimen Tree, or within such other timeframe as may be 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 Development Site, Lot or Building 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 in the form of payment to the City's tree bank, pursuant to Section 6.8.8.

6.8.6 Tree Protection During Development & 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 Section 6.8.6 before any site work, 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 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 Section 6.8.6 shall be chain link fencing at least four (4) 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 (1) sign for every one-hundred fifty (150) linear feet. The size of each sign must be a minimum of two (2) feet by two (2) 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 site work, 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 any site plan. No Development, 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 Section 6.8.6 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 Development and Construction in accordance with the standards of this Section 6.8.6.

6.8.7 Monitoring and Maintenance of Trees Post-Development & -Construction

Owners of land shall be responsible for the preservation and maintenance of all trees required to be saved and protected

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under this Section 6.8.

6.8.8 Tree Bank

A. Purpose

The City shall establish and maintain a tree bank fund to receive:

1. Cash received for removal or damage to trees pursuant to Section 6.8.2;

2. Charitable contributions given to the City 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 (5) five years after planting, on public lands such as parks, public open spaces, at community and Civic facilities, and within public right-of-way.

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 Development Plan review process and shall forward a recommendation to the applicable Decision-Making Authority.

3. If, after a Development Pan is approved, the Applicant wishes to reevaluate a decision to contribute to the tree bank, a revised landscape and tree 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 City prior to approval of a Development Plan, Preliminary Plat, issuance of a Grading Permit or Building Permit and recording of a Final Plat.

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 City Arborist, if any, shall review the Application for a Tree Removal Permit.

D. Approval Criteria

The Zoning Administrator or City 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; or

4. A Specimen Tree.

E. Action on Application

If the Zoning Administrator determines that the requirements of this Section have been met, he or she shall approve, approve with conditions, or disapprove the Application and, if applicable, issue the Tree Removal Permit.

F. Issuance of a Building Permit, Grading Permit, Use & Occupancy Permit or other Zoning Permit

No Building Permit, Grading Permit, Use and Occupancy Permit or other Zoning Permit shall be issued unless the City department issuing the permit receives a written decision from the Zoning Administrator 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.

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G. Failure to Obtain Tree Removal Permit.

Removal, damage, or destruction of trees without obtaining a Tree Removal Permit, as applicable, is a violation of this Section 6.8 and this Ordinance. Without limiting any other remedies available under this Section 6.8 or under Section 8.6, any such violation shall require mitigation in accordance with this Section 6.8 in addition to any other remedies under Section 8.6.

6.8.10 Excessive Pruning / Topping

Damage or destruction of trees due to excessive pruning or tree topping shall constitute a violation of this Section 6.8 and this Ordinance and result in the prescribed replacement and/or mitigation of the damaged trees.

SECTION 6.9 RESOURCE PROTECTION & MANAGEMENT

The following resource protection and management standards and requirements shall apply to all Development in all Districts in which any of the situations or conditions described in Sections 6.9.1 - 6.9.4 exist.

The following are exempt from the requirements of this Section 6.9:

1. Public infrastructure and passive parks;

2. Any Construction, Development or Use initiated pursuant to any validly approved or issued Development Plan, Building Permit, or site plan issued or approved prior to adoption of this Ordinance.

3. Any essential public Utility facility, system or roadway initiated to provide Utility services or access to a property.

4. Repairs or replacement to an existing Structure or Building that does not increase the impervious surface area of the site more than twenty-five percent (25%).

5. Construction of a Single-Family Detached Dwelling or Duplex Dwelling on a Lot, Building Site or Parcel, a Preliminary Plat for which was approved and a Final Plat was recorded prior to adoption of this Ordinance.

6.9.1 Steep Slopes, Hilltops, & Ridgetops

A. Steep Slopes

The following standards are applicable to all areas in the City that have a pre-Development slope in excess of fifteen (15) percent (each, a "Steep Slope"):

1. Development of Steep Slopes of the following percentages shall maintain the indicated minimum percent of the site undisturbed per **Table 6.9.1.A.1 (Steep Slopes)**:

Table 6.9.1.A.1 Steep Slopes

Slope	Minimum Percent of Site to Remain Undisturbed
15% - 19%	40%
≥20%	100%

2. Without limitation to Section 6.9.A.1, Residential Development on property that includes one (1) or more Steep Slopes shall minimize changes to grade, cleared area, and volume of cut and fill on the site and shall be subject to the following additional standards:

a. With respect to Single-Family Dwellings:

(1) For any Lot or Building Site of two (2) acres or less in size that is created for use as a Lot or Building Site for a Single- Family Dwelling, which is considered a "Critical Lot" for purposes of this provision, approval of a Development Plan containing the information required by the definition of "Critical Lot or Building Site Plan" shall be required; or

b. With respect to Two-Family Dwellings:

(1) For any Lot or Building Site of two (2) acres or less in size that is created for use as a Lot or Building Site for a Two-Family Dwelling, which is considered a "Critical Lot" for purposes of this provision, approval of a Development Plan containing the information required by the definition of "Critical Lot or Building Site Plan" shall be required.

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c. Within areas of Steep Slopes, the following minimum Lot or Building Site size provisions shall apply instead of any other applicable minimum Lot or Building Site size specified in **Tables 4.3.1–A – 4.3.1–J (District Standards)**:

Table 6.9.1.A.2.c Minimum Residential Lot Size Per Site Slope

Natural Slope	Minimum Lot Size
15% - 19%	3 Acres
≥ 20%	5 Acres

d. With respect to Development of areas that will include Small Multi-Family Buildings, Live/Work Buildings, Commercial Buildings, Mixed-Use Buildings, Flex Buildings, or Large-Scale Commercial Buildings, such areas shall be subject to the following:

(1) Manipulation of slopes shall result in the following reductions in Density permitted for those portions disturbed; and

(2) That portion of a site that contains one or more Steep Slopes greater than or equal to twenty (20) percent shall remain undisturbed.

Table 6.9.1.A.2.d Multi-Family Density and Adjustments for Steep Slopes

Natural Slope	Standard Density	Adjustment Factor			Effective Density
15% - 20%	See **Tables 4.3.1-A - 4.3.1-J** and Section 5.4	x	.5	=	Effective Density
≥ 20%		x	0.0	=	Effective Density

e. With respect to Non-Residential and Mixed Use Development:

(1) Reductions in Allowable Impermeable Surface Ratio (ISR) in all Non-Residential and Mixed-Use Development, manipulation of natural slopes shall result in the following reductions in allowable Impermeable Surface Ratio (ISR) for those portions disturbed.

Table 6.9.1.A.2.e Non-Residential & Mixed-Use Development Impermeable Surface Ratio (ISR) Adjustments for Steep Slopes

Natural Slope	Standard Density	Adjustment Factor			Effective ISR
< 15%	See **Tables 4.3.1-A - 4.3.1-J** and Section 5.4	x	1.0	=	Effective ISR
15% - 20%		x	.5	=	Effective ISR
≥ 20%		x	0.0	=	Effective ISR

(2) Grading standards for Steep Slopes for Nonresidential and Mixed Use Development shall be as follows:

(a) In addition to all other applicable standards and requirements, for Lots, Building Sites, or Parcels containing Steep Slopes, approval of a Development Plan shall be conditioned upon a demonstration that the included Land Disturbance Plan minimizes disturbance to such Steep Slopes. Architectural and engineering features that reduce unnecessary Encroachment on Steep Slopes may include, but are not limited to, use of retaining Walls and structural foundations that comply with **Tables 4.3.1-A - 4.3.1-J (District Standards)** to return to natural grade.

(b) Finished slopes shall be stabilized by perennial vegetative cover. Slope face stabilization by use of rip-rap or hydraulically applied concrete is prohibited.

3. The portion of each site required to remain undisturbed for each Steep Slope shall:

a. be placed in an permanently protected open space Parcel and noted on the applicable Development Plan and each subdivision plat as non-buildable; or

b. be placed in a conservation Easement within a larger buildable Lot, with any single-family Residential Lot with a conservation Easement being identified on each

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applicable Development Plan, site plan, and subdivision plat as a Critical Lot.

B. 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 City. The following supplemental standards shall be applicable to Development of Hilltops in the City:

1. A minimum of eighty percent (80%) of the Hilltop area shall be maintained as Open Space.

2. Buildings located on a Hilltop shall be a maximum of fifteen (15) feet in Height, or half the average canopy height of surrounding trees, whichever is greater.

3. Clearing shall be restricted to the central area of the Hilltop, except as required for access, and the extent of such clearing beyond the footprint(s) of the Principal Building and any Accessory Building on the applicable Lot or Building Site shall be minimized. Any removal of trees shall be subject to issuance of a Tree Removal Permit and replacement of removed and damaged trees as required in Section 6.8.

4. Stormwater drainage shall be conveyed to the bottom of the hill by an Erosion-resistant channel.

C. 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 City. The following supplemental standards shall be applicable to Development of Ridgetops in the City:

1. A minimum of fifty percent (50%) of the Ridgetop area shall be maintained as Open Space.

2. Buildings located on Ridgetops shall be a maximum of fifteen (15) feet in height, or half the average canopy height of surrounding trees, whichever is greater.

3. Clearing shall be restricted to the center of the Ridgetop, except as required for access, and the extent of such clearing beyond the footprint(s) of the Principal Building and any Accessory Building on the applicable Lot or Building Site shall be minimized. Any removal of trees shall be subject to issuance of a Tree Removal Permit and replacement of removed and damaged trees as required in Section 6.8.

4. Stormwater drainage shall be conveyed to the bottom of the ridge by an Erosion-resistant channel.

6.9.2 Resource Management

A. Sinkholes

Sinkholes are formed from the action of rain, stormwater runoff and ground water on limestone strata. Development of any Parcel that contains sinkholes must be designed and approved by the City Engineer.

B. Septic Disposal Areas

Each Plan or Plat shall designate the areas to be used for disposal fields. Prior to any Grading Permits being granted, the landowner or developer shall erect, and have inspected, fencing to protect the disposal area from disruption during the during the Development and 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 Runoff

Each Development shall provide for the on-site detention of excess stormwater runoff resulting from that Development. For the purposes of this Ordinance, “excess stormwater runoff” shall include all increases in stormwater resulting from the following: (1) an increase in the impervious surface of the site; (2) changes in soil absorption caused by compaction during Development; (3) modifications in contours, including the filling or draining of small depressional areas, alterations of drainageways or regrading of slopes; (4) destruction of forest; (5) Alteration of drainageways or installation of collection systems to intercept road flows or to replace swales or other drainageways; or (6) the Alteration of subsurface flows,

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including any groundwater dewatering or diversion practices such as curtain drains, compared with the site in its natural state.

1. Intent

The intent of this Section 6.9.2.C is to protect the health and safety of the residents of the City; to control the level and intensity of stormwater runoff consistent with existing runoff levels; to minimize expenditure of public funds for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding; to maximize beneficial use of land without incurring flood hazard potential; to ensure a functional drainage system that will not result in excessive maintenance costs; to encourage the use of natural and aesthetically pleasing design; to ensure water quality; and to protect or improve ground waters or surface waters.

2. Stormwater Detention

To minimize adverse affects of Development, detention of stormwater is required for development subject to review by the City Engineer. However, because detention in downstream areas of a large watershed can cause increased peak flows in downstream channels, the City reserves the right to alter the detention criteria and to prohibit or not require it where it is not in the best interest of the City. This decision shall be based upon sound engineering judgment and/or studies. The release rates from any detention facility should approximate that of pre-Developed site conditions. Multi-stage detention is required for the 1-year, 2-year, 5-year and 10-year design storm events with emergency overflow capable of handling the 100-year storm event except where waived or altered by the City Engineer. Detention facilities will not be permitted on Lots or Building Sites within Residential Districts unless approved by the City Engineer. Detention facilities must be located within drainage Easements.

3. Water Quality

Developments shall address stormwater quality. The first flush volume (first 1-inch of runoff) shall be captured and then slowly released. The release rate should be over a twenty-four (24) to forty-eight (48) hour period. Detention facilities or other techniques may be used if acceptable to the City Engineer.

4. Design Procedures

Stormwater management facilities shall be designed using a rainfall-runoff model, "HEC-1, Flood Hydrograph Package," and "HEC-2, HEC-RAS, Water Surface Profiles," by the U.S. Army Corps of Engineers or other methodologies approved by the City. In accordance with Section 6.9.2.C.2, the developer must designate downstream property owners that would be affected by increased runoff. In addition, the developer must define the runoff effects of their Development combined with future Development scenarios supplied by the City. In the event that the proposed Development individually, or in combination with approved future Development scenarios, increases the frequency and/or duration of existing flooding problems or creates new flooding problems, the developer will define solutions to such problems. If, in the determination of the City Engineer or other applicable regulatory agency using appropriate calculations, detention of stormwater on-site is unnecessary or could cause adverse effects to the overall hydraulic system, an alternative proposal may be considered.

5. Design Regulations

The design of all detention facilities and Improvements required by this Section 6.9.2 shall be reviewed and approved by the City Engineer. Detention/retention basins shall not be located within required Front or Side Setbacks / Yards.

6. Maintenance of Facilities

It is the responsibility of the developer to maintain all improvements until such time as maintenance is assumed by the Homeowners Association Covenants, through a maintenance agreement, or other document acceptable to the City. Detention facilities should be designed to require minimal maintenance. Maintenance responsibilities shall be defined and shall be acceptable to the City. A maintenance agreement must be executed, with wording acceptable to the City, and recorded before the City will approve the Development Plan or issue the Grading Permit.

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7. Permit Required

A permit issued by the State of Tennessee shall be required for the approval of all stormwater management structures exceeding twenty (20) feet in height and/or a storage volume of twenty-five (25) acre-feet.

8. Plan Approval.

Prior to approval of the relevant Plan and/or Plat, as applicable, the City Engineer shall determine whether there is a need for a stormwater management plan based upon the standards outlined in the applicable ordinances and/or subdivision regulations of the City. If a stormwater management plan is required, such plan shall first be submitted to the City Engineer for review and recommendations prior to consideration by the applicable Decision-Making Authority.

9. Improvements Required.

The applicable Decision-Making Authority may require, as necessary, structural or other Improvements designed to detain the level and intensity of stormwater runoff associated with the land Development site consistent with the requirements outlined in the Subdivision Regulations and ordinances. All Structures or other Improvements constructed to meet the requirements of this Section 6.9.2.C shall remain in the ownership of the property owner, who shall be responsible for cleaning and maintaining such Improvements unless an alternative plan is approved by the applicable Decision-Making Authority.

D. Inspection of Facilities

1. All drainage, sewer and septic facilities under Construction, respectively, must be inspected by the following authorities, and shall be subject to the applicable authority's certification that such facilities comply with the all applicable provisions of this Ordinance, the approved Development Plan, and other applicable laws and regulations:

a. Drainage: City Engineer

b. Sewer & Water: Water Authority of Dickson County

c. Septic: Williamson County Sewage Disposal Department

2. The as-built survey required as a condition to issuance of any Building Permit or Use and Occupancy Permit shall include drawings provided of all sewer, septic, and stormwater management facilities and areas.

3. It shall be the responsibility of the developer to receive final approval, final inspection and a Certificate of Compliance from the City with respect to all standards and requirements under this Section 6.9.2.

4. When facilities are not constructed according to approved plans, the City has the explicit authority to compel compliance and require correction of any situations, which are not according to approved plans.

6.9.3 Multi-Use Paths / Greenways

A. Land Dedication Required

Multi-use Paths and/or Greenways, as identified on the City Zoning Map or any other City Map, shall be shown on all Plans and Plats, as applicable, provided to the City. When an Applicant submits an Application to the City, dedication of land required in order to achieve the City's required Multi-use Path and Greenway Dedication to the City 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 Problem Soils /Groundwater Protection

A. Wetlands and Unstable Soils

Lots, Building Sites, Development Sites or other Parcels where the soil type listed in **Table 6.9.4.A (Soil Type and Critical Lots)** is indicated by the Williamson County Soil Survey (U.S.D.A., Soil Conservation Service) must comply with this Section 6.9.4.

Any Application for approval of a Development Plan, site plan, or a subdivision plat involving a Critical Lot or Building Site shall be accompanied by a geotechnical report. Both the Plan or Plat, as applicable, and the geotechnical report shall be

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certified by a Geotechnical Engineer licensed by the State of Tennessee. The Geotechnical Engineer shall certify that the construction techniques adequately mitigate any potential soil hazards identified in the report.

Table 6.9.4.A (Soil Type and Critical Lots)

Soil Type	Characteristics to be Addressed in Plan or Report
Delrose	Slippage Condition

B. Groundwater Protection & Subsurface Sewage Disposal

The minimum Lot or Building Site area shown in the following **Table 6.9.4.B (Minimum Lot Area without Public Water and/or Sewer)** for the indicated condition shall apply to each Lot, Building Site, or Parcel not served by public water and/or sewer. No Lot or Building Site shall be created that is smaller than as so indicated.

Table 6.9.4.B (Minimum Lot Area Without Public Water and/or Sewer

Lot/Building Site Condition	Minimum Lot/Building Site Area
Without Public Water & Sewer	40,000 square feet
With Public Water - No Sewer	40,000 square feet

SECTION 6.10 EROSION CONTROL

6.10.1 Intent

Land Disturbance Activities and other Development activities 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 Section 6.10 to protect the health and safety of residents and adjoining or nearby property in the City, including land, waterways, hills and vegetation through the regulation of Erosion Control Measures.

Except as otherwise provided for, the following regulations shall apply throughout the City.

6.10.2 Grading Permit

A. Required

Except as exempted under Section 6.10.2.E, no Person shall engage in any Land Disturbance Activity which will modify the existing grade and/or may result in increased soil Erosion or Sedimentation unless a Grading Permit has first been obtained from the City Engineer. The owner of the property or his representative shall complete an Application for the Grading Permit on forms provided by the City and shall submit a proposed Land Disturbance Plan with the Application in compliance with Section 6.10.3. 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 City. The City may delay issuance of the City's permit pending the receipt of Federal and/or State permits.

B. Planning Commission Authorization

In instances where proposed Land Disturbance Activities 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 City 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 pursuant to this Section 6.10:

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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 or Building Site with a grade less than fifteen (15) percent, provided, however, such Construction shall be required to comply with the City's Erosion and Sediment 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 Disturbance Activity shall comply fully with the rules and regulations set forth by the Tennessee Department of Environment and Conservation and the City's Erosion and Sediment Control requirements.

3. Agricultural Use.

Farming or other permitted 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

A. Plan Required

Except as otherwise exempted under Section 6.10.E, a Land Disturbance Plan shall be included as part of each Development Plan and no Development or Construction may be commenced prior to the approval of the Development Plan and issuance of a Grading Permit.

The Land Disturbance Plan shall identify the specific and appropriate Erosion Control Measures 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 prepared by a qualified professional engineer, licensed to practice in the state, when the area of disturbance exceeds five (5) 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, Development within the Floodplain Overlay District (FPOD) or nearby lakes, streams or large drainage ditches.

C. Erosion Control Measures

Erosion Control Measures shall be designed and provided in accordance with generally accepted engineering practices and the requirements of this Section 6.10. Areas that are to be developed or excavated shall apply such practices and requirements, utilizing 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 disturbed area is significantly established and replaced.

D. Protection of Natural Vegetation and Trees

Natural vegetation shall be retained and protected whenever feasible during Development and 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. This requirement shall be in addition to all other standards and requirements of this Ordinance that relate to trees, shrubs and other vegetation.

E. Minimum Information Required

The Zoning Administrator and City Engineer shall determine the information is necessary to obtain a Grading Permit, provided that at a minimum, the following information shall be included in the Land Disturbance Plan or otherwise provided with Application for a Grading Permit.

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1. Name, address, telephone number, and facsimile number if applicable of the proposed 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 survey drawn to a scale no less than one (1) inch equals one hundred (100) feet, including pre-Development topographic conditions and post-Development grades. The contour interval shall be no greater than two (2) feet. The survey shall include off-site existing topographic conditions extended to a minimum of twenty five (25) feet beyond the boundaries of the subject tract of land if grading is designed to be within twenty (20) feet of any boundary line. The pre-Development conditions survey shall also include information on all roads or Internal Drives 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 one hundred (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. The Zoning Administrator or City Engineer 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

Prior to the initiation of any site work, a stabilized stone pad shall be placed at each point where traffic will be entering and leaving a Development Site or Construction site to or from a public road. Stone pads shall contain ASTM-1 stone, six (6) inches thick (minimum), and shall be placed from the public road into the site a minimum width of twelve (12) feet and length of one hundred (100) feet for Commercial and fifty (50) feet for Residential. Construction of a Single-Family House 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 steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Any slopes installed at two (2) foot horizontal - to one (1) foot vertical or steeper shall be stabilized with rock riprap, geo-textile fabric, or other method acceptable to the Zoning Administrator and City Engineer. Any retaining Walls must comply with the applicable requirements of **Article 4 (Building, Lot & Building Site Standards)**.

6.10.6 Stabilization of Denuded Areas and Soil Stockpiles

Permanent Erosion Control Measures shall be applied to denuded areas within fifteen (15) days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within fifteen (15) days to any denuded area which may not be at final grade, but will remain dormant (undisturbed by construction activity) for longer than sixty (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

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Control Measures must 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, Parking Lots, Parking Areas, 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 (1) year from initial planting.

6.10.8 Protection of Adjacent Properties

A. Downslope Protection

All properties Abutting and/or downslope from the site of any Land Disturbance Activity 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 area 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 twenty (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 (5) 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 a Grading Permit 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 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 City.

6.10.10 Existing Areas with Soil Erosion Problems

Upon written notification from the City, the owner of any parcel of land which exhibits unstable or eroding soil conditions, or impacts downslope properties, public right-of-ways or watercourses shall correct the problem within ninety (90) calendar days from receipt of official notification. Upon written request to the City Engineer, 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 City Engineer to determine an acceptable method of correction. A permanent plan for Erosion control shall be submitted to Zoning Administrator and City Engineer for review and approval prior to initiation of corrective measures.

6.10.11 Performance Guarantee

Prior to the issuing of a Grading Permit or Development Plan, the Applicant shall be required to provide a Performance Guarantee or similar form of security acceptable to the City to complete all land and grade stabilization measures and improvements as shown by the approved Land Disturbance Plan in accordance with Section 1.26 (Performance Guarantees). The City Engineer shall establish the amount and time period of the Performance Guarantee, based on the estimated cost and time for completing

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the plan. Within thirty (30) days of the completion and final inspection by the City of all provisions of the approved plan, such Performance Guarantee shall be refunded or terminated, provided, however, that a Performance Guarantee no greater than fifty (50) percent nor less than ten (10) percent of the original Performance Guarantee as determined by the City 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

If the Zoning Administrator or the City 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 Section 6.10 or any provisions of such Section 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 thirty (30) days after the Zoning Administrator or City 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 City 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.

B. City Authority

The Zoning Administrator or City 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 applicable Land Disturbance Plan. If the Zoning Administrator or City Engineer 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 City Engineer that the permit holder has failed to comply with the applicable Land Disturbance 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 City 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 City 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 fourteen (14) days, or has failed to comply with any of the provisions of this Section 6.10, 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

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for such compliance. When an Immediate Threat to Public Health and Safety exists, verbal notice given by Zoning Administrator or City Engineer to the property owner to immediately correct the problem, but it shall be followed by written notice within seven (7) days.

Should the property owner fail to remedy the above conditions within the prescribed time, Zoning Administrator or City Engineer may direct that the condition be remedied by an appropriate City department or outside contractual arrangement. Upon completion of work, the Zoning Administrator or City Engineer shall determine the reasonable costs thereof and bill the owner of the property. Should the owner fail to remit to the City the amount of such charge within thirty (30) days from date of such invoice, the amount of the bill shall be certified to the City Attorney, who shall perfect 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 City by regulating potential hazardous or nuisance characteristics of Uses permitted by this Ordinance.

It is the purpose of this Section 6.11 to provide appropriate standards relating to the operation of certain activities throughout the City. Such operations may create or maintain such excessive noise, vibration, air pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety and welfare. These standards are therefore provided to protect the public interest and promote the public health and welfare.

6.11.2 General

A. Applicability

Operational performance standards shall apply to all Development and Uses in all zoning Districts. In the case of conflict between the operational performance standards set forth herein and any rules or regulations adopted by any other applicable governmental agency, the more restrictive standards, rules, or regulations shall apply.

1. In all Districts, every Building or other Structure or tract of land that is established, Developed or Constructed shall comply with each and every performance standard contained in this Section 6.11, as applicable.

2. When a Use, Building or other Structure is extended, enlarged or re-Constructed after the Effective Date of this Ordinance, the applicable performance standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such Use, Building, or other Structure.

3. In the case of any conflict between a Use and the performance standards, the latter shall control.

4. The provisions of this Section 6.11 shall apply notwithstanding the issuance after the Effective Date of this Ordinance of any Zoning Permit or Certification of Zoning Compliance.

5. In case of conflict between the performance standards set forth herein and any rules or regulations adopted by any other governmental agencies, the more restrictive shall apply.

B. Exemptions

The following activities or sources are exempt from the requirements of this Section 6.11:

1. Temporary Construction, Excavation and Grading.

2. Demolition activities which are necessary and incidental to the Development of facilities on the same Lot, on another of several Lots being developed at the same time, or on the public right-of-way or Easement for a Civic or Civil Support Use.

3. Aircraft, railway and operating motor vehicles.

6.11.3 Noise

A. Applicability

These standards apply to noise from any machinery or equipment that is part of or operated within any Development provided for in this Ordinance, including continuous and intermittent noise, noise emitted by speaker boxes and any other Commercial or Industrial / Manufacturing Uses which are under the control of the occupant of a Building Site.

B. Method of Measurement

Noise shall be measured with a sound level meter which meet

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the standards pertinent for Type 52A, meters of the American National Standards Institute specifications for sound level meters. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two (2) or more objects strike each other, shall be measured using the fast response of the sound level meter, and other noises using the slow response. For purposes of this 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. **Table 6.12.3.C (Maximum Sound Levels Across Lot Lines)**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 6.12.3.C (Maximum Sound Levels Across Lot Lines)**.

Table 6.12.3.C Maximum Sound Levels Across Lot Lines

Receiving Use Category	Sound Level Limit (dBa)	
	7am to 8pm	8pm to 7am
Residential	55	50
Civic	55	50
Civil Support	55	50
Commercial	65	60
Industrial / Manufacturing	75	75
Agricultural & Extractive	75	75

6.11.4 Air Pollution

A. Visible Emission and Particulate Matter

Any Use or other activity which involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in State and Federal Statutes and regulations regarding the emission of air pollutants. Any such Use or other activity shall also obtain and maintain all necessary licenses and permits from the appropriate State and Federal Agencies, such as the United States Environmental Protection Agency (EPA).

6.11.5 Odor

A. Applicability

This Section applies to any Use in an Industrial District. Any such Use shall be so operated as to comply with the performance standards governing noxious odorous materials set forth hereinafter for the District in which such Use is located. No Use already established on the Effective Date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with the provisions of this section. In addition, to the performance standards specified hereinafter, the emission of noxious odorous matter in such a manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.

B. Required Performance Level

1. Standards Applicable Within SD-LI Districts and at Any Boundary of a Residential District.

Within any SD-LI District and along any boundary separating any Industrial District from any Residential District, the emission of noxious odorous matter in such quantities as to be detectable at any point along lot lines when diluted in the ratio of one volume of noxious odorous air to four (4) or more volumes of clean air is prohibited.

2. Standards Applicable Within SD-LI and SD-HI Districts

Within any SD-LI or SD-HI District, except along any Residential District boundary where the provisions of Section 6.11.5.B.1, shall apply, the emission of noxious odorous matter in such quantities as to be detectable at any point along lot lines when diluted in the ratio of one volume of noxious odorous air to eight (8) or more volumes of clean air is prohibited.

C. Maximum Threshold Concentration.

Odorous matters released from any operation or activity shall not exceed the odor threshold concentration beyond property lines, or within one hundred fifty (150) feet of the CD-3L, CD-3, CD-4, CD-4C. 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.

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6.11.6 Vibration

A. Applicability

These standards are to apply to the operation of any device that creates a vibration above the "vibration threshold" (See paragraph below) at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet from the source if on public space or public right-of-way.

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 Lot or Building Site Line. Furthermore, no activity or operation shall cause or create earthborn vibrations in excess of the displacement values set forth in **Table 6.12.6.A (Constant K by Type of Vibration)**.

Table 6.12.6.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 (3) mutually perpendicular directions. Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line as described herein. 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 is displacement (in inches),

K is a constant to be determined by reference to Table 6.12.6.C-1 (K Values - For Calculating Permitted Vibration in the SD-LI District) and Table 6.12.6.C-2 (K Values - For Calculating Permitted Vibration in the SD-HI District), and

F is the frequency of the transmitted vibration (in cycles per second)

C. Required Performance Level

No Use or operation shall cause vibrations in excess of the maximum displacement permitted at the points described below for the district indicated. The maximum permissible displacement shall be determined by the use of the formula presented in Section 6.11.6.B, and the appropriate "K" Constant shown in **Table 6.12.6.C-1 (K Values - For Calculating Permitted Vibration in the SD-LI District)** and **Table 6.12.6.C-2 (K Values - For Calculating Permitted Vibration in the SD-HI District)**, below:

Table 6.12.6.C-1 (K Values - For Calculating Permitted Vibration in the SD-LI District)

Location	K Value
On or Beyond Any Adjacent Lot Line	
Continuous	0.015
Impulsive	0.030
Less than 8 Pulses Per 24 Hour Period	0.075
On or Beyond Any Residential District Boundary Line	
Continuous	0.006
Impulsive	0.012
Less than 8 Pulses Per 24 Hour Period	0.030

Table 6.12.6.C-2 (K Values - For Calculating Permitted Vibration in the SD-HI District)

Location	K Value
On or Beyond Any Residential District Boundary Line	
Continuous	0.006
Impulsive	0.012
Less than 8 Pulses Per 24 Hour Period	0.030

6.11.7 Toxic, Hazardous & Radioactive Matter

A. Applicability

The provisions of this section shall apply to all Uses and activities located within any zoning District.

B. Continuous Compliance Required

Any Use which involves the use of toxic, hazardous, or radioactive materials shall comply at all times with all

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applicable standards set forth in local, State and Federal statutes and regulations regarding the use, storage, transportation, emission, and disposal of such materials. Any such Use shall also obtain and maintain all necessary licenses from the appropriate State and Federal Agencies, such as the United States Environmental Protection Agency.

C. Required Performance Level

In all zoning Districts inclusive, no Use shall for any period of time discharge across the boundaries of the Lot where it is located toxic matter in such concentrations as to be detrimental to or endanger the public, safety, comfort or welfare, or cause injury or damage to property or business.

6.11.8 Lighting

A. Applicability

The standards contained within this Section 6.11.8 shall apply in all Commercial and Industrial districts and to all Civic and Civil Support Uses located within any District.

Lighting prohibited by this provision shall include, but not be limited to:

1. Any light that may be confused with or construed as a traffic control device;

2. Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

This Section 6.11.8 shall be in addition to all other applicable standards and requirements of this Ordinance. Any conflict between this Section 6.11.8 and any other standard or requirement of this Ordinance shall be resolved by applying the most rigorous standard or requirement.

B. Required Performance Level

1. All site lighting shall be shielded so that substantially all directly emitted light falls within the property line. No illumination in excess of one-half (1/2) foot-candle shall be permitted within the boundaries of any Adjacent Residentially developed property. A foot-candle is the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

2. All exterior Building floodlights shall be shielded so that all of the light falls upon either the surface of the Structure or on the ground.

3. No illumination shall produce direct, incident, or reflected light that interferes with the safe movement of Motor Vehicles on public streets.

6.11.9 Fire & Explosive Hazards

A. Applicability

The standards contained within this section shall apply in all Non-Residential Districts and to all Civic and Civil Support Uses located within any District.

B. Required Performance Level

1. All flammable solid, liquid and gaseous substances shall be stored and used in accordance with all applicable Federal, State, and local statutes and regulations.

2. In all Non-Residential Districts, the storage or use of solid materials or products ranging from incombustible to moderate burning is permitted.

3. In all Non-Residential Districts, the storage or use of solid materials or products ranging from free or active burning to intense burning is permitted, provided that either of the following conditions is met. Free or active burning to intense burning is a rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, pyroxylin, and other solids deemed by the fire marshal to have equivalent burning characteristics.

4. Solid materials or products shall be stored or used within Completely Enclosed Buildings having no less than two (2) hour fire-resistant exterior walls and protected with an automatic fire extinguishing system; or said material, if stored outdoors, shall be no less than fifty (50) feet from the nearest Lot Line.

5. Storage tanks for flammable liquids and gasses shall be located no closer than fifty (50) feet to any Lot Line.

6.11.10 Electromagnetic Interference

In all Districts, no Use, activity or process shall be conducted which produces electromagnetic interference with radio and

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television reception on a property beyond the Lot Line on which such Use exists.

6.11.11 Nonconforming by Reason of Operational Performance Standards

Any Use existing on the effective date of this Ordinance, or subsequent amendment as applicable, and Permitted by Right that does not meet the requirements of one (1) or more of the operational performance standards established explicitly in this section or by reference shall be subject to the provisions of Section 1.22.2 (Nonconforming Uses & Nonconforming Structures).

6.11.12 Mail Delivery Facilities

A. General

1. Centralized mail facilities shall be provided for all Developments with seven (7) or more Lots.

2. Each delivery location shall be installed in a Development common area or an Open Space Lot / Building Site. If no common area or Open Space Lot / Building Site is required, the centralized mail delivery facility shall be installed on an individual Lot to be owned by the developer or management company.

B. Design Standards

1. Each centralized mail location shall be built to USPS specifications with a concrete or asphalt pad and covered roof over and extending three (3) feet on all sides of the cluster box unit.

2. Adequate lighting shall be provided at each unit at an average illuminated intensity of 0.5 footcandles.

3. The aesthetic and protective nature of the centralized mail delivery facility shall be considered an integral element of the overall site design and shall be reviewed as part of the design review process.

C. Parking

1. Two (2) dedicated Parking Spaces shall be provided with easy access to each centralized mail unit.

2. The number of required Parking Spaces shall increase at a rate of one (1) required space per fifty (50) Dwelling Units served.

6.11.13 Exemptions

The provisions of this Section 6.11 shall not apply to the following:

A. Project Covered by Building Permit or Approved Development Plan

Any Construction, Development or use initiated pursuant to any valid Building Permit or approved Development Plan issued or approved prior to the Effective Date.

B. Essential Facilities, Systems, & Roads

Any essential public utility facility, system or roadway initiated to provide utility services or access to a property.

C. Repairs or Replacements

Repairs or replacements to an existing Structure or Building that does not increase the impervious surface area of the site more than twenty-five (25) percent.

D. Single- or Two-Family Dwellings

Construction of a Single-Family detached or Duplex Dwelling on a Lot which was platted and recorded prior to the Effective Date.

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7-1 ARTICLE 7
Signs

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SECTION 7.1 SIGN STANDARDS

7.1.1 Purpose

The purpose of this Section 7.1 is to establish a comprehensive scheme for the regulation of Signs in the City. More specifically, this Section is intended to address aesthetic, traffic safety, and property value concerns for the benefit of the public health, safety and welfare, while allowing the use of Signs as a medium for conveying messages.

A. Communication & Navigation

Encourage the effective use of Signs as a means of communication and to facilitate navigation from place to place within the City.

B. Conveyance of Information & Traffic Safety

Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting Signs or characteristics of Signs that may be distracting to drivers.

C. Expression & Maintenance of Environment

Balance the desire and need of individuals to express themselves through Signs with the desire to maintain a pleasing, safe, and navigable environment for residents and visitors.

D. Means of Expression

Provide for the display of noncommercial messages in Residential areas, recognizing the unique value of Residential signage as a means of exercising constitutional freedom of expression.

E. Property Value

Protect and enhance the value of property in the City by providing for Signs consistent with the character of the area in which it is located.

7.1.2 Compliance

A. General

Signs must comply with the requirements of this **Article 7**.

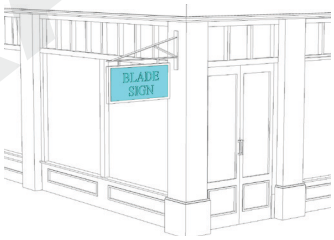
B. Sign Types, Standards, and Numbers.

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

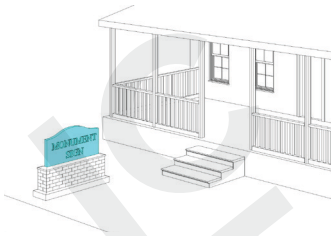
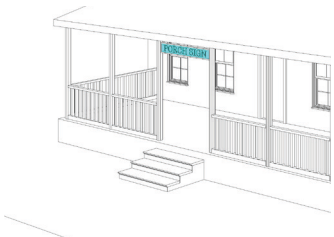
Specific Sign Type	Illustration	Permitted Districts
Address Sign A Sign that consists of a numeric reference to a Structure, mounted on the Building		CD-2, CD-2W, CD-3L, CD-3, CD-4, CD-4C, SD-LI, SD-HI, CD-CV
Awning Sign An awning that contains lettering painted, screen printed, or appliquéd on the awning valance.		CD-4, CD-4C, CD-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-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-CV
Development Entrance Sign A ground-mounted Sign located at the entrance to a Development, typically associated with subdivisions.		CD-2, CD-2W, CD-3L, CD-3

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Table 7.1.2.B-1 Sign Types - Summary

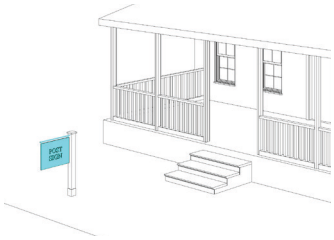
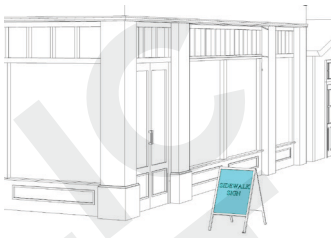
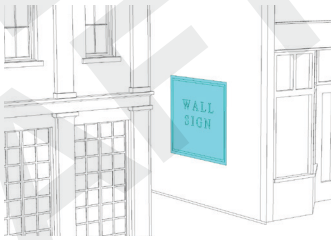
Specific Sign Type	Illustration	Permitted Districts
Directory Sign A Sign that displays the tenant names and locations for a Building containing multiple tenants.		CD-4, CD-4C, CD-CV
Monument Sign A Sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material.		CD-4, CD-4C, CD-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-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-CV
Porch Sign Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.		CD-4, CD-4C, CD-CV

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Table 7.1.2.B-1 Sign Types - Summary

Specific Sign Type	Illustration	Permitted Districts
Post Sign A Sign that is mounted on one (1) or two (2) posts in the First Lot Layer.		CD-4, CD-4C, CD-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-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-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-CV

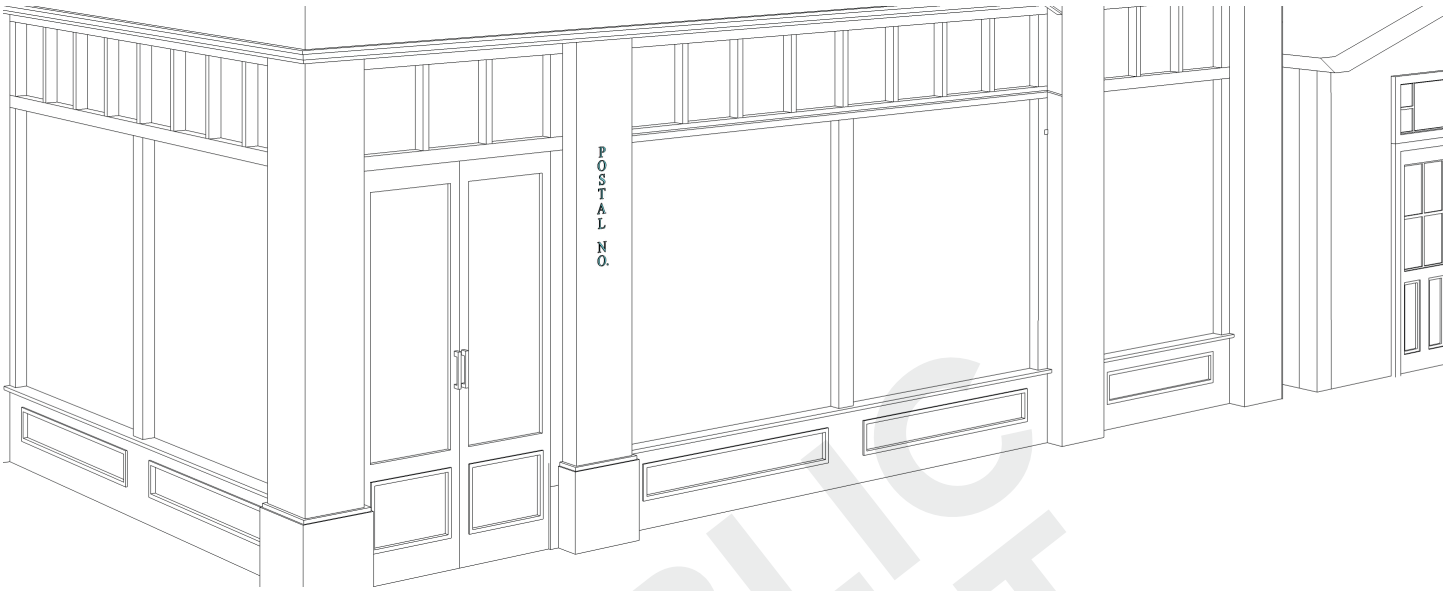
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ADDRESS SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-2 | CD-2W | CD-3L | CD-3 | CD-4 | CD-4C | SD-LI | SD-HI | CD-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 sq. ft.
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-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 = Not Applicable 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

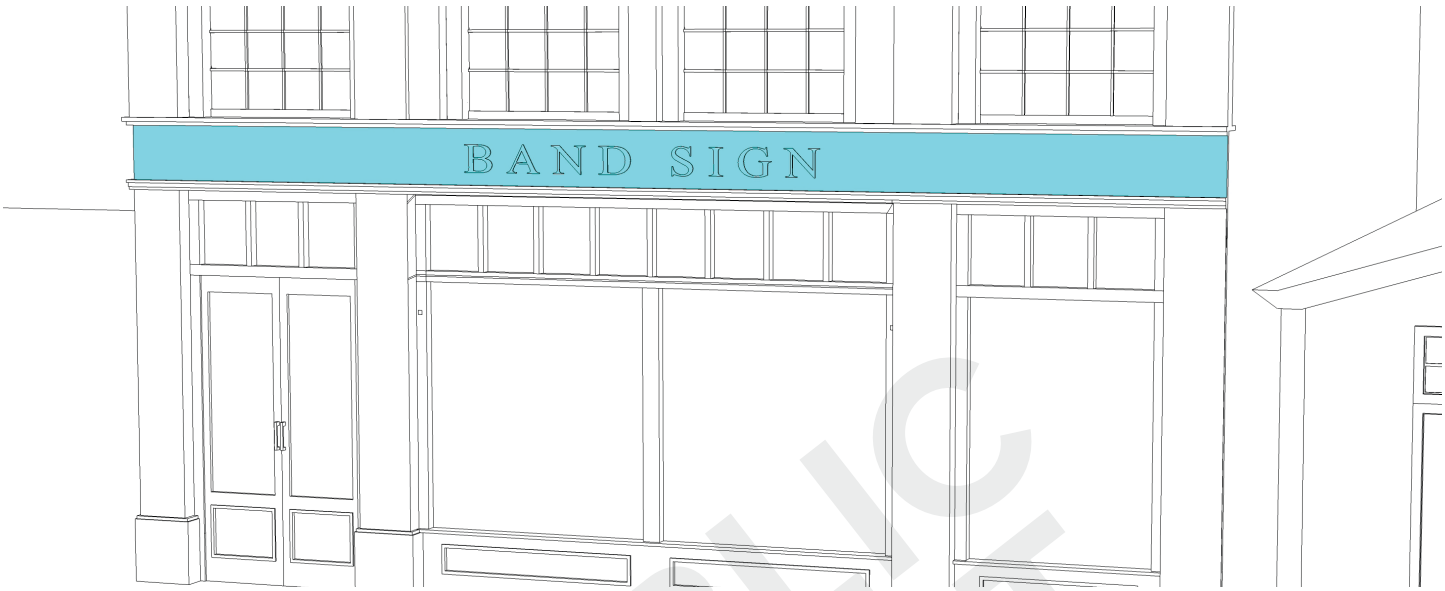
b. shall be limited to the valance of the awning.

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BAND SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-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 sq. ft. 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

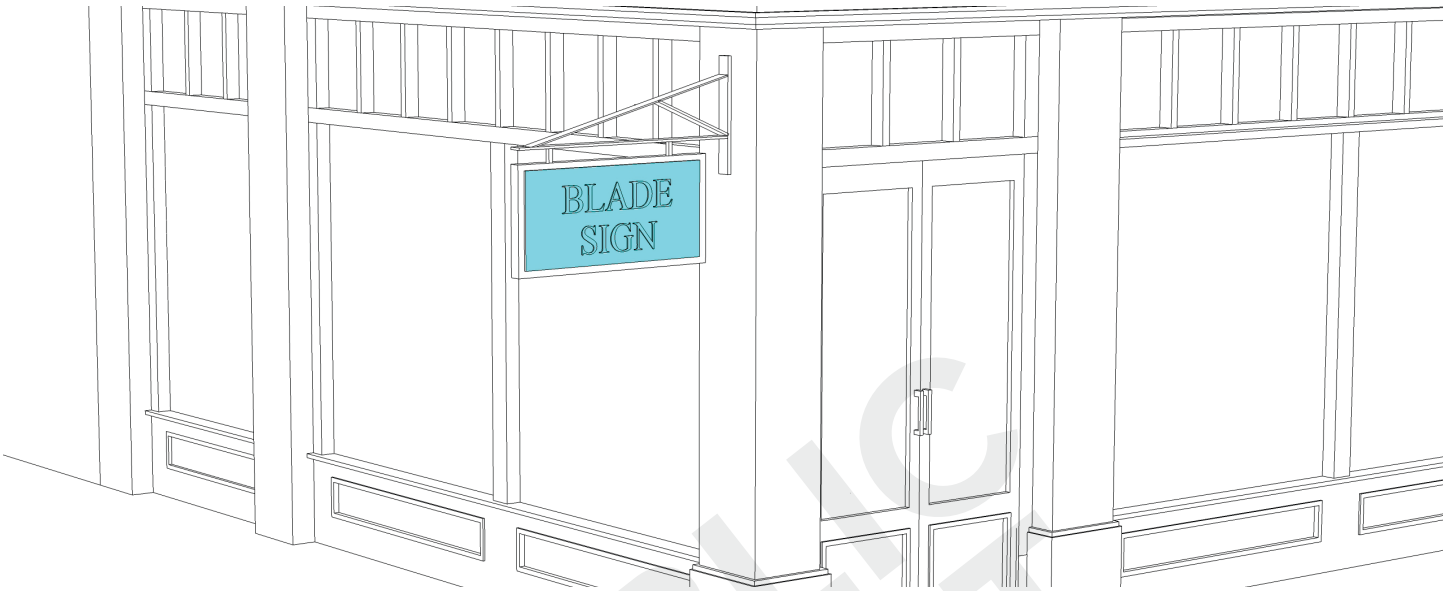
c. shall not obscure any architectural element of the Building and shall be in vertical alignment with the center of an architectural element such as a storefront window or entrance, or centered over the bay or overall space occupied by the Business.

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BLADE SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-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 sq. ft.
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

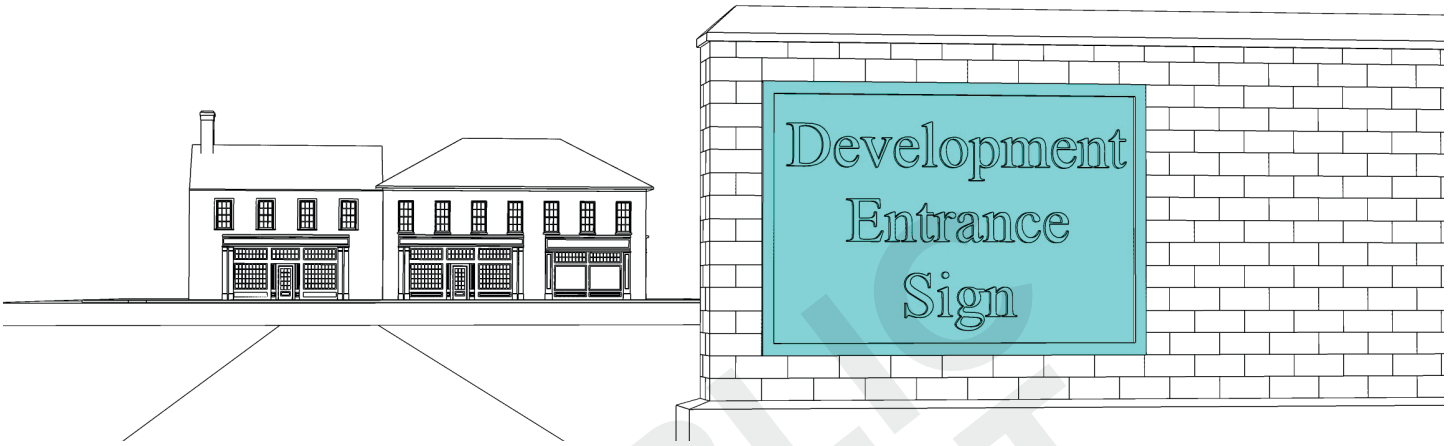
b. all exposed edges of the Sign shall be finished.

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DEVELOPMENT ENTRANCE SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-2 | CD-2W | CD-3L | CD-3

General Description

A ground-mounted Sign located at the entrance to a Development, typically associated with subdivisions.

Dimensions

Quantity (max)	Max. of 2 per entrance to the Development
Area	May have up to 2 sides, with a max. of 32 square feet per side
Height	Max. of 6 ft. at the top of the Sign Area, measured from the centerline

Additional Standards

In addition to all other applicable standards, each Development Entrance Sign allowed under this Article:

a. shall be placed a minimum of 5 ft. from the property line at the entrance to the Development;

b. may be constructed within entrance walls;

c. shall be constructed with brick, stone, wood, and/or metal, and may include Signs constructed within entrance walls; and

d. shall be lighted externally only.

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DIRECTORY SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-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 sq. ft. 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-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 sq. ft.
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

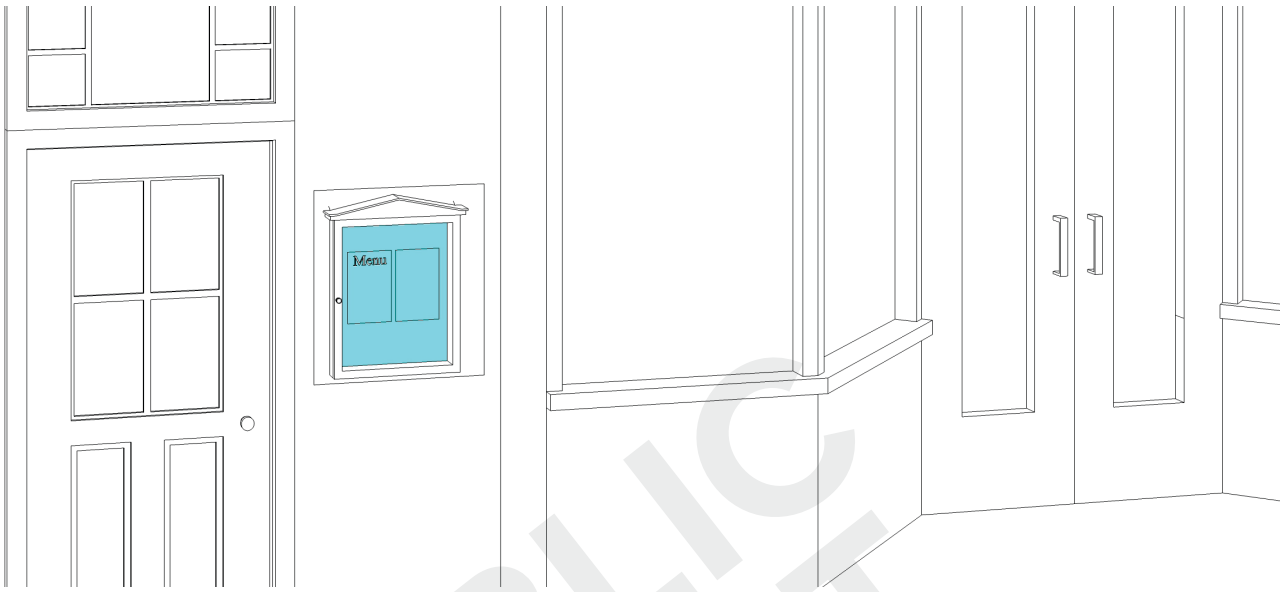
d. shall not be allowed at the Frontage if there is a Post Sign on the Lot.

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OUTDOOR DISPLAY CASE

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-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 sq. ft., except in the case of theaters, which may not exceed 20 sq. ft.
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

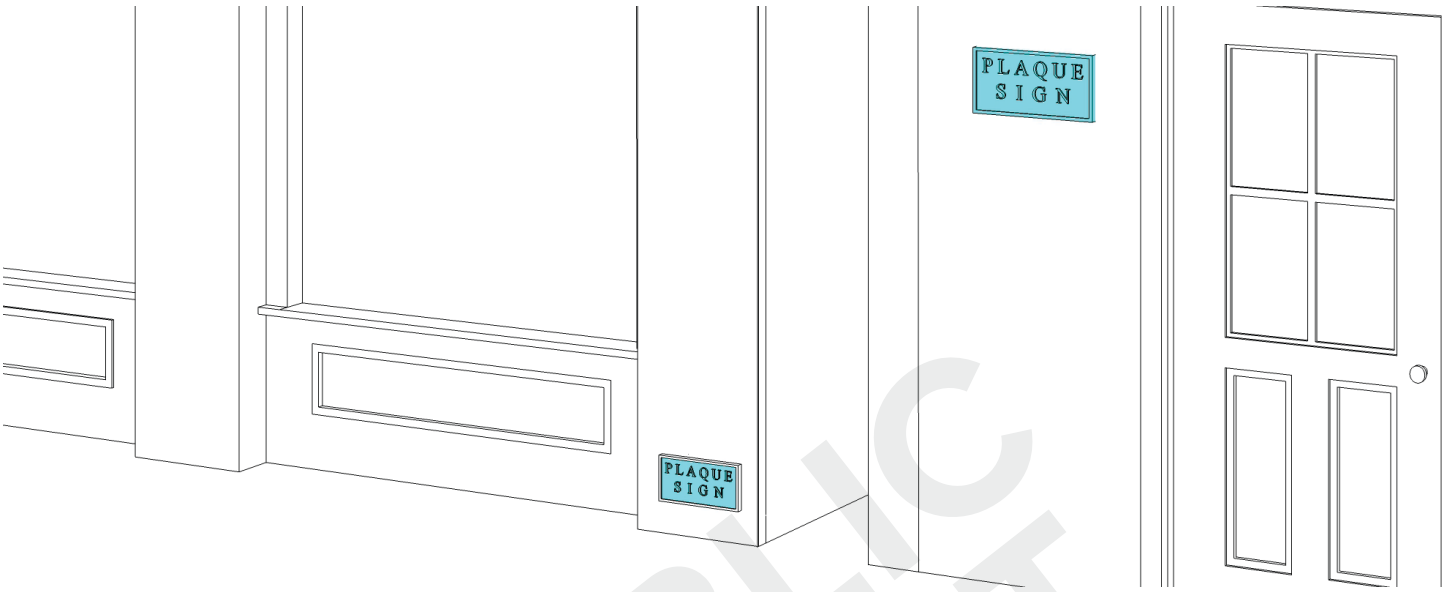
c. shall not be attached to or be placed within shopfront windows.

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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-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 sq. ft.
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.

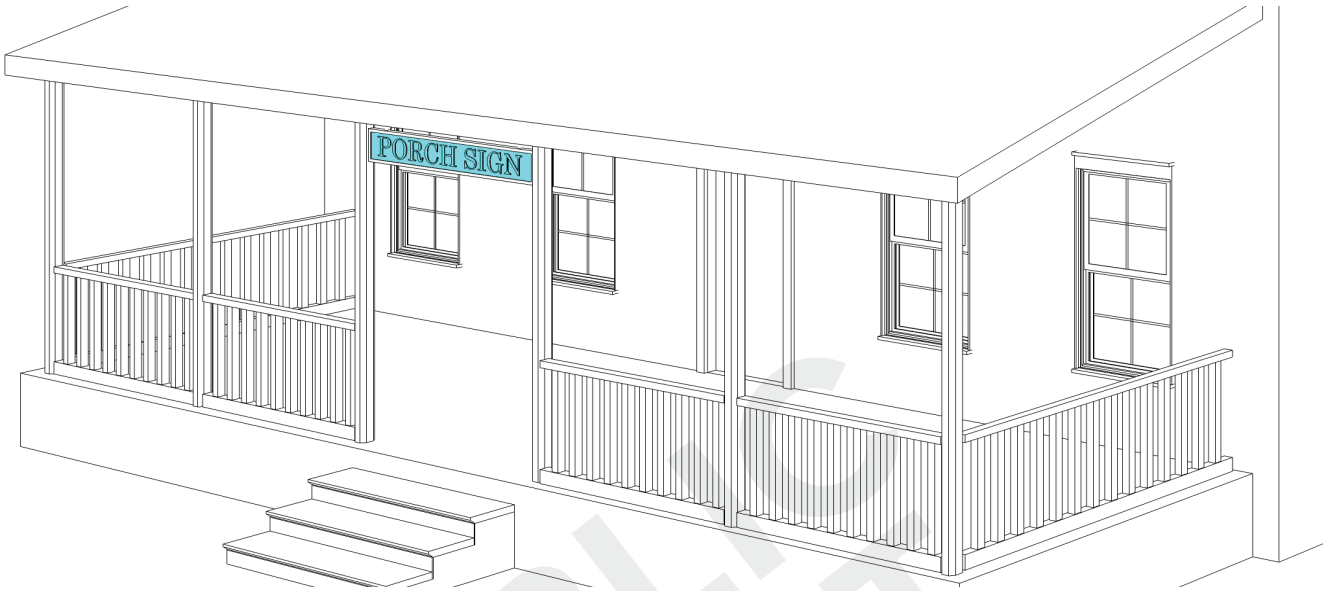
No more than 1 Plaque Sign may be used for a Home Occupation in CD-3.

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PORCH SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-CV

General Description

Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.

Dimensions

Quantity (max)	1 per address (2 for Corner Building)
Area	Max. 6 sq. ft.
Width / Height	Max. 100% width of entrance / max. 2 ft.
Depth / Projection	Not Applicable
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-CV

General Description

A Sign that is mounted on one (1) or two (2) posts in the First Lot Layer.

Dimensions

Quantity (max)	1 per Building
Area	12 sq. ft.
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 (1) or two (2) posts; and

b. shall be set perpendicular to the Building Facade.

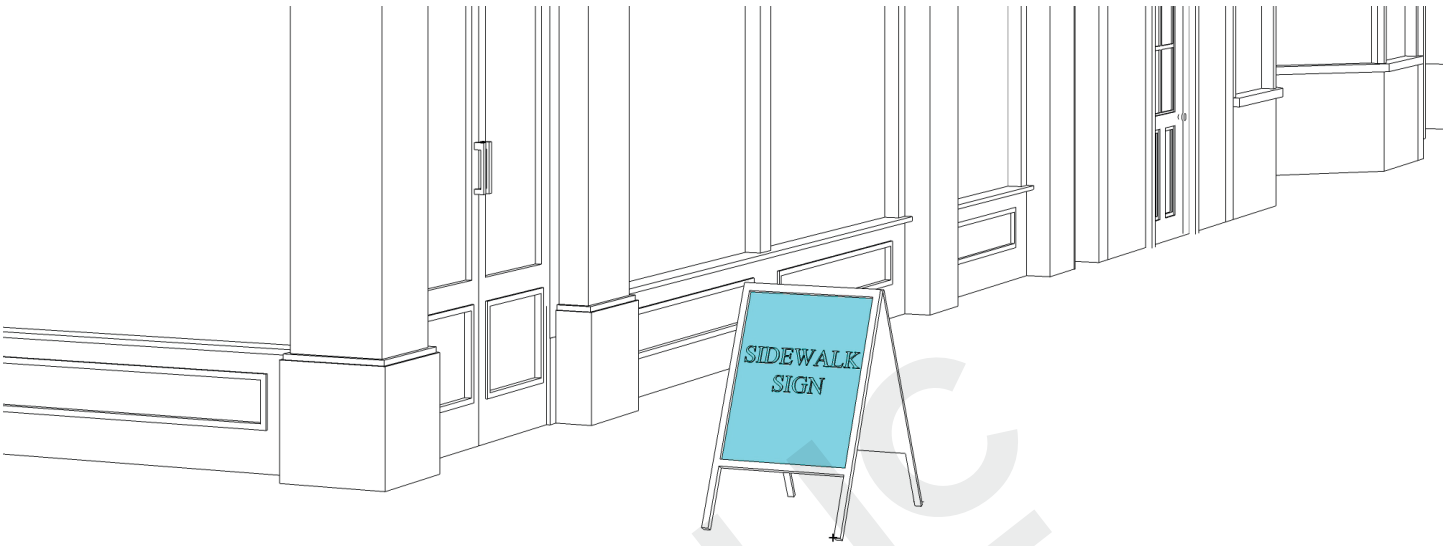
c. shall not be allowed at the Frontage if there is a Monument Sign on the Lot.

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SIDEWALK SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-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 sq. ft.
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

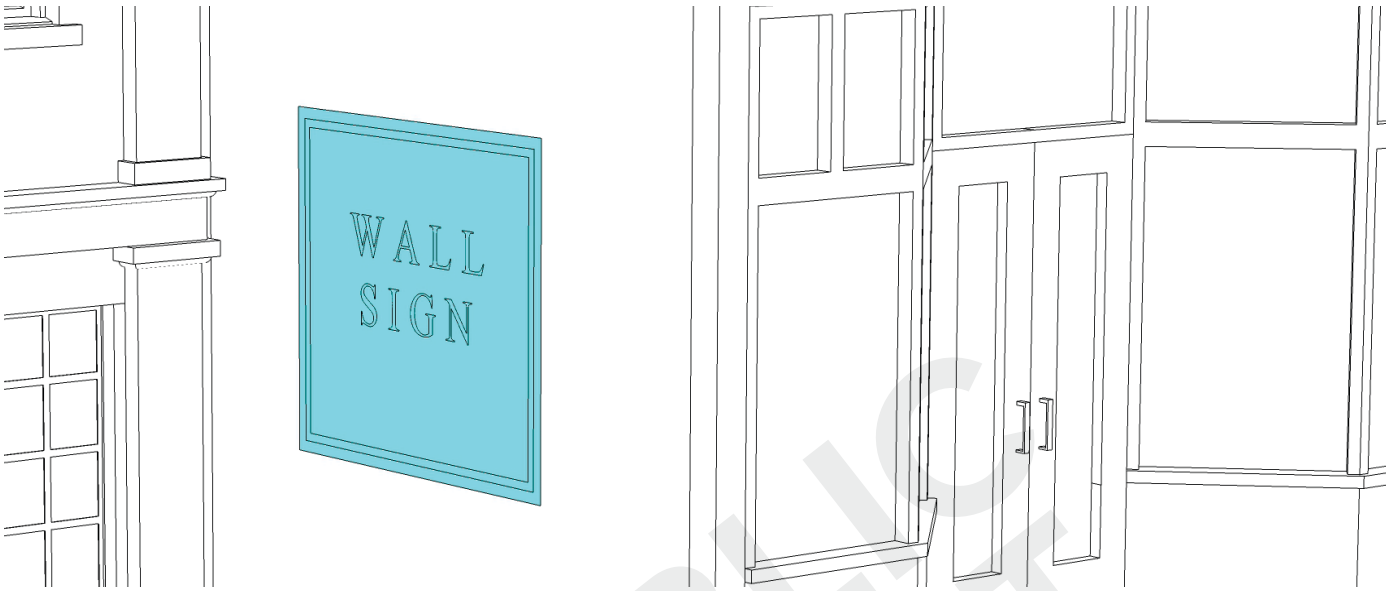
g. may be removed by the City from the Right-of-Way for municipal purposes.

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WALL SIGN

Table 7.1.2.B-2 Sign Types
SPECIFIC STANDARDS



Permitted Districts

CD-4 | CD-4C | CD-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 sq. ft.
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-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.

d. See also Section 7.1.8-L (Signs in Upper Floor Windows).

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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 sixty (60) days of installation. Such Signs shall not exceed twenty-four (24) square feet in area per side, and the top of the Sign shall be no more than five (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 posts and shall be spaced at least fifteen (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 five (5) feet from the edge of pavement except in CD-CV, and may not be placed in a manner that obstructs visibility for drivers on an adjacent street. In CD-CV, a banner Temporary Sign may be hung from the Facade of the Principal Building. On Corner Lots/Building Sites and at Driveways, Signs must be placed outside of the sight triangle.

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.

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.

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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 **Table 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 thirty (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.

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 City shall conform to City and state electrical codes.

P. Certain Lighting Prohibited

No Sign may be illuminated with or include animated, moving, intermittent, or flashing lights, or other active lighting.

Q. Moving Elements / Components

No Sign may have any moving component or element.

R. Changeable Copy

No Sign may have changeable copy except for a Directory Sign, Outdoor Display Case, or price Sign for Fuel Sales establishments.

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

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Building Site Line at the required front Setback distance and extended at forty-five (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 are prohibited, except for governmental use, price Signs for Fuel Sales establishments, and fuel pump Signs. Neon Signs are prohibited, except for Window Signs.

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 are provided for safety.

3. Governmental Signs.

Signs placed by the City or any other governmental unit with jurisdiction over the area where the Sign is placed.

4. Certain Integrated Signs.

Signs carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent construction and made an integral part of the Structure.

5. Temporary Signs.

Temporary Signs allowed under Section 7.1.7.

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 City.

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

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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. See **Illustration 7.1.11 (Sign Area Computation)**.

Illustration 7.1.11 Sign Area Computation



7.1.12 Responsibility for Signs

All Signs located in the City shall be erected, altered and maintained by the owner of such Sign who shall assume full responsibility for any consequences or damage caused by the Sign. Signs and supports must be removed or corrected within twenty-one (21) 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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8-1

ARTICLE 8

Administration, Procedure, & 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 Ordinance shall be administered by the Zoning Administrator.

2. The Zoning Administrator shall have all authority, take all actions, and discharge all duties and responsibilities under this Ordinance, as specified herein, under applicable law, or as directed by the Planning Commission, the Board of Zoning Appeals, or the Board of Commissioners.

3. The City Planner is hereby designated and appointed as the Zoning Administrator. In the absence of a City Planner, the Zoning Administrator shall be such person as may be designated by the City Manager.

B. Method of Acting

The Zoning Administrator, may act directly or through any one (1) 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 Amendments to Approved Development Plans;

c. Applications for Certificates of Appropriateness;

d. Amendments to Land Use Plans adopted by the Planning Commission or the Board of Commissioners;

e. Applications for Certificates of Occupancy;

f. Applications for Building Permits;

g. Amendments to the text of this Ordinance;

h. Applications for Rezoning;

i. Applications for Historic District designation; and

j. Vested rights determinations.

2. Making final administrative decisions on the following:

a. Interpretations of this Ordinance;

b. Reviewing all Plans submitted with Building Permit Applications, certifying to the Building Inspector and compliance of all such Plans with this Ordinance;

c. Applications for certain Site Development Plans, as specified in this Article;

d. Applications for certain Plot Development Plans, as specified in this Article;

e. Applications for certain Amendments to Approved Development Plans, as specified in this Article;

f. Applications for Temporary Use Permits;

g. Applications for Home Occupation Permits;

h. Applications for Sign Permits;

i. Applications for Determination of Economic Hardship; and

j. Conditions of Neglect and Demolition by Neglect.

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3. Administering the provisions of any approved Development Plan or Conditional Use Permit except where administration is otherwise expressly provided in this Ordinance to be the responsibility of other City personnel;

4. Reviewing and certifying whether Plans and Applications submitted pursuant to this Ordinance are complete and in compliance with all standards and requirements hereof;

5. Together with Decision-Making Authorities and other City code enforcement personnel as provided herein, enforcing this Ordinance and the provisions of any 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 Variances or 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; 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 City Code, and Tennessee law. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and Decision-Making Authorities.

The officials and Decision-Making Authorities shall have all implied authority necessary to carry out the duties and responsibilities expressly provided in this Ordinance to the extent the implied authority is not in conflict with the express authority.

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 City Code and City of Fairview Charter.

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;

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4. If elected by the Board of Commissioners, the Board of Commissioners may affirm the City Comprehensive Plan or parts thereof after adoption by Planning Commission; and

5. Perform all duties and functions assigned to Board of Commissioners under Tennessee law, this Ordinance, and any applicable Chapter of the City Code.

8.3.3 Planning Commission

A. Creation & Membership

Information regarding the creation and membership of the Planning Commission is available in the City Code.

B. Powers & Duties

In execution of the provisions of this Ordinance, the Planning Commission shall have the following powers and duties:

1. Final decision on certain Development Plans, as specified in this **Article 8**;

2. Final decision on certain Amendments to approved Development Plans, as specified in this **Article**;

3. Make recommendations to the Board of Commissioners on amendments to this Ordinance;

4. 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;

5. Develop and adopt an official Comprehensive Plan for the physical Development of the City, including any area outside of its boundaries which, in the Planning Commission's judgment, bears relation to the planning of the City;

6. Make recommendations to the Board of Commissioners to adopt, amend, extend or add to the Comprehensive Plan or any part thereof, or carry any part of subject matter into greater detail;

7. 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

8. To perform all duties and functions assigned to Planning Commissions under state law, this Ordinance, or any applicable Chapter of the City Code.

8.3.4 Board of Zoning Appeals

A. Creation

A Board of Zoning Appeals has been created for the City (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 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 City and shall serve as such with compensation. No member shall serve more than two (2) consecutive terms.

No person holding any public office or position within the City government shall be eligible for membership on the Board of Zoning Appeals. A member shall be removed from the Board of Zoning Appeals if found to be in violation of these membership requirements at any time during their tenure.

C. Term of Office, Removal & Vacancies

1. Members of the Board of Zoning Appeals shall serve for three (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

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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 on 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 (1) year and may upon election serve succeeding terms. The City shall provide necessary secretarial services for members of the Board of Zoning Appeals.

E. Meetings

Regular meetings of the Board of Zoning Appeals shall be held at such time and place as established by the Zoning Administrator on behalf or such Board of Zoning Appeals. Special meetings may be held at the call of the chairman or at the request of two (2) members, provided that notice of the special meeting is given to every member at least twenty-four (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:

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 Overlay 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, or any other applicable Chapter of the City 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.

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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 (3) members of the Board of Zoning Appeals shall constitute a quorum and the concurring affirmative vote of at least three (3) 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 City at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board of Zoning Appeals earlier than fifteen (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 City government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board of Zoning Appeals as may be reasonably required.

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 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

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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

Any officer, agency or department of the City or other aggrieved party may appeal any decision of the Board of Zoning Appeals to a court of competent jurisdiction as provided by State law.

8.3.5 Historic Zoning Commission

A. Creation; Jurisdiction

The City'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 seven (7) members.

2. Each member of the Historic Zoning Commission shall be a resident of, or property or business owner within, the City prior to the appointment and who shall continue to be so as long as they serve.

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 unexpired 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.

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

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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, 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 City in accordance with the standards contained in Section 3.7.3.B.5.c.

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 fifteen (15) days before the date of the hearing and notice shall be given in one (1) publication in a newspaper of general circulation in the City at least fifteen (15) days before the date of the hearing.

5. To create and 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.

8. To testify before all boards and commissions, including the Planning Commission, the 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 City 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. 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

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contingent upon the acceptance by the Applicant of specified conditions.

14. The Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data, grant a Certificate of Appropriateness with or without attached conditions or deny the certificate, and shall state the grounds for denial in writing.

15. 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.

16. To consider and make the final decision on any appeal of the Zoning Administrator's action on any Determination of Economic Hardship.

17. To determine an appropriate system of markers for designation of Historic Districts.

18. To prepare and publish maps, brochures and other descriptive material about the City's Historic Districts, historic sites, and Historic Structures.

19. 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.

20. To advise and assist owners of Historic Properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse.

21. To accept gifts, grants and money as may be appropriate for the purposes of this Article.

22. 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.

23. To adopt, publish and make available Bylaws for the conduct of Historic Zoning Commission meetings.

24. 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.

25. To review proposed Ordinance amendments, Rezoning Applications, Applications for Conditional Use Permits, Applications for Variances, and Applications for Preliminary Plat approval that affect proposed or designated Historic Districts.

26. To retain such specialists or consultants or to appoint such citizen advisory committees as may from time to time be required.

27. To confer recognition upon the owners of property within Historic Districts.

28. To develop a preservation component in this Ordinance and to recommend it to the Planning Commission.

29. 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.

30. 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 RESERVED

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8.3.7 Plan Review Committee

A. Establishment

There shall be a Plan 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 Plan Review Committee shall consist of the Zoning Administrator, the City Engineer, the City Building Inspector, the City Public Works Director, the City Fire Chief, the City Police Chief, the Department of Code Enforcement, and/or other City 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.

C. Meetings

Meetings shall be held on an as-needed basis and shall be called by the Zoning Administrator.

D. Rules of Procedure

The Plan Review Committee may adopt rules of procedure. Without limitation, the Plan 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 Plan Review Committee shall be responsible for reviewing and taking action on all aspects of an Application within its area of authority.

2. The Plan 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 Plan Review Committee is further authorized to review and provide input on any project proposal forwarded to the Plan Review Committee by the Zoning Administrator. Additionally, the Plan 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 Plan Review Committee is authorized in its judgment to obtain advice on any project proposal from other City officials, City Staff, and technical experts and consultants, and to compensate such experts and consultants at such rates as the Committee shall determine.

8.3.8 Other Review & Decision-Making Authorities

A. General

In addition to those bodies previously identified in this Section 8.3, other bodies as listed in Section 8.3.8.B may have review or decision authority on projects, Development, and property within the City.

B. List

The following other bodies may have review or decision authority on projects, Development, and property within the City:

1. Water Authority of Dickson County;

2. Piedmont Natural Gas;

3. Middle Tennessee Electric Membership Cooperative;

4. Tennessee Department of Human Resources;

5. Tennessee State Fire Marshal; and/or

6. Other departments and agencies as may be required under applicable law.

SECTION 8.4 LIABILITY

Neither any Board of Commissioners, Board of Zoning Appeals, Planning Commission, Historic Zoning Commission, Plan Review Committee member, the Zoning Administrator, nor other City employee or designee charged with implementation or enforcement of this Ordinance, acting for the City in the discharge of his duties, shall be liable personally, and is hereby relieved from all personal liability, as permitted by Tennessee law.

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All such Persons shall be held harmless by the City from and against any damage that may occur to Persons or property as the result of any act required or permitted in the discharge of his duties.

Any suit brought against any of such persons shall be defended by legal representatives furnished by the City at the City's expense until the final termination of such proceedings.

SECTION 8.5 APPLICATIONS & DEVELOPMENT REVIEW PROCEDURES

8.5.1 Types of Applications & Development Reviews

Development review, as regulated by this Ordinance, may involve one or more of the following types of Applications, requests, and Development reviews:

1. Interpretation of this Ordinance
2. Conditional Use Permit
3. Variance
4. Plot Development Plan
5. Site Development Plan
6. Amendment to Approved Development Plan
7. Grading Permit
8. Building Permit
9. Sign Permit
10. Certificate of Occupancy
11. Temporary Use Permit
12. Home Occupation Permit
13. Historic District Designation
14. Certificate of Appropriateness
15. Demolition by Neglect
16. Certificate of Economic Hardship
17. Appeal of Administrative Decision
18. Development Code Amendment
19. Rezoning (Zoning Map Amendment)
20. Comprehensive Plan, Major Thoroughfare Plan, or other Land Use Plan Amendment or Adoption
21. 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 City Building Code shall be made by the Building Inspector or designee.

2. The Zoning Administrator may refer interpretations of other provisions to appropriate City and/or County officials.

C. Initiation / Request for Interpretation

1. The Zoning Administrator may make an interpretation concerning the provisions of this Ordinance on his or her 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 with 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 a requesting Person or agent to submit evidence of his or her authority to submit the request for interpretation.

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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, the Major Thoroughfare Plan, any other Land Use Plans, and any other relevant information;

b. Consult with the Building Inspector and coordinate with other staff, including the City Attorney, as necessary; and

c. Render an interpretation.

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 City Engineer is in doubt as to the propriety of issuing a Grading Permit or the Building Inspector is in doubt as to the propriety of issuing a Building Permit or a Certificate of Occupancy in a particular case related to the provisions of this Ordinance, such Person shall appeal the matter to the Board of Zoning Appeals for interpretation and decision.

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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	Building Inspector / City Engineer	Dev. Review Comm. or Appropriate Member of Comm.	Historic Zoning Commission	Board of Zoning Appeals	Planning Commission	Board of Commissioners
Interpretation of Ordinance	D				<A>		
Plot Development Plan	D* / R					D*	
Site Development Plan	D* / R		R		<A>	D*	
Amendment to Approved Development Plan	D* / R		R		<A>	D*	
Grading Permit	R	D, City Engineer	R				
Building Permit	R	D, Building Inspector	R		<A>		
Certificate of Occupancy	R	D, Building Inspector	R		<A>		
Temporary Use Permit	D				<A>		
Home Occupation Permit	D				<A>		
Sign Permit	D			R	<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>		
Variance	R			R	<D>		
Appeal of Administrative Decision					<D>		
Ordinance Amendment	R			R		R	<D>
Rezoning (Zoning Map Amendment)	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 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 nine (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 nine (9) or fewer 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 Development Code 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 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 City 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 (5) business days after submittal of the Application.

6. An Application that contains all required information shall be deemed complete.

7. If the Application is determined not to be complete, the Zoning Administrator shall notify the Applicant by electronic 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

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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.7 shall apply. The Applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

10. The Zoning Administrator may require an Applicant to present evidence of authority to submit the Application.

11. Applications sufficient for processing shall be submitted to the Zoning Administrator in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

12. Applications for Development approvals may be filed and reviewed simultaneously, at the option of the Applicant.

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. Unless otherwise specifically provided in this **Article 8**, notice shall be required for approval of Applications and procedures as set forth in this Section 8.5.4.D, which are summarized the following **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	●	●	●
Annexation	●	●	●
Comprehensive Plan, Major Thoroughfare Plan, or other City Land Use 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 City at least ten (10) days but not more than thirty (30) days prior to the Planning Commission, Board of Commissioners, or Board of Zoning Appeals meeting, as applicable;

b. the notice shall include, at a minimum:

(1) The time, date, and location of the proposed meeting or hearing; and

(2) A summary description of the proposed action.

c. Published notice for a Board of Commissioners public hearing on a Ordinance Amendment, Rezoning, or Annexation shall provided at least twenty-one (21) calendar days prior to such public hearing.

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3. For posted notice (sign), in addition to other requirements that may be required for a specific procedure, the following shall be required:

a. The sign shall specify the phone number for the Planning Department.

b. The sign shall be constructed of a rigid waterproof material, such as plastic board or metal, with a yellow background with black 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.

d. For an Application to be considered complete, at least ten (10) days prior to the meeting, the Applicant and/or the Planning Department shall post any required signs.

e. The signs shall remain in place and in readable condition until one of the following occurs:

(1) The request has received final action by the Decision-Making Authority; or

(2) The Applicant withdraws the request.

f. 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.

g. Signs for all requests shall be removed within fourteen (14) days following final action by the Decision-Making Authority or when the Applicant withdraws the request.

h. Posted notices shall be installed by the City in conformance with the following:

(1) One single faced sign shall be placed at a maximum of twelve (12) feet back from, and parallel to, the property line fronting on a public street.

(2) Properties fronting on more than one public street must have one (1) single-faced sign placed a minimum of twelve (12) feet back from, and parallel to the property line fronting on each public street.

(3) 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 mid-points, then they shall be placed at the clearest point of visibility as determined by the Zoning Administrator.

(4) 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.

(5) 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.

4. For mailed notice, in addition to other requirements that may be required for the specific procedure, the following shall be required:

a. All letters shall be sent by the City using certified U.S. Mail.

b. The letter shall specify the street address and phone number for the 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 (10) 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.

5. Minor defects in any 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.

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6. 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.9 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 Certain Zoning Permits

A. Grading Permit

For Grading Permits, which are required for any Land Disturbance Activities, see Section 6.10.

B. Building Permit

1. Except as exempted pursuant to Section 8.5.5.B.2, a Building Permit shall be required to commence 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 two hundred (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.

4. An Application for Building Permit shall be made by filing with the City Codes Department.

5. 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).

6. The Building Inspector may require an Applicant to submit evidence of his or her authority to submit the Application for a Building Permit.

7. 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 Building Inspector may consider the Application.

8. An Application for a Building Permit shall include two (2) sets of the applicable approved Development Plan demonstrating compliance with all applicable requirements of this Ordinance and any other applicable Plan.

9. If the applicable approved Development 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.f(12)).

10. For any Application where loading space 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.

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11. The Building Inspector 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 Building Inspector 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 Building Inspector shall develop standard forms that will expedite the submission of the necessary Plans and other required information.

12. Upon receipt of a complete Application for Building Permit and any other required materials, the City Building Inspector shall have up to sixty (60) days to initiate review of the Application.

13. Upon hearing recommendations from all appropriate departments and review bodies, the City Building Inspector shall proceed as follows:

a. In cases where no additional permits are required and all requirements of this Ordinance and the Building Code have been met, the Building Inspector shall issue a Building Permit on behalf of the City Codes Department.

b. In cases where an additional permit(s) is required, the Building Inspector shall notify the Applicant of the additional permit(s).

14. Without limitation, no Building Permit shall be issued until the applicable Development Plan has been approved as being in compliance with all applicable requirements of this Ordinance

15. Unless specifically exempted pursuant to this Ordinance, no Building Permit shall be issued in the absence of Development Plan approval.

16. In no case shall a Building Permit be issued until all other permits required by this Ordinance have been obtained. Without limitation, additional permits may include any or all of the following:

a. Grading Permit

b. Temporary Use Permit

c. Home Occupation Permit

d. Tree Removal Permit

e. Sign Permit

f. Certificate of Appropriateness

g. Certificate of Economic Hardship

h. Demolition by Neglect

i. Conditional Use Permit

17. 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 Building Inspector shall notify the Applicant of the Ordinance amendment procedure in Section 8.5.17, and/or the Rezoning procedure in Section 8.5.18.

18. In cases where a Variance may be required prior to the issuance of a Building Permit, the Building Inspector shall notify the Applicant of the Variance procedure in Section.

19. Any Building Permit shall become null and void six (6) months after the date of its issuance unless Actual Construction has begun and been continued in a diligent manner.

20. Final action on a Building Permit may be appealed in accordance with Section 8.5.17, Appeal of Administrative Decision.

C. Certificate of Occupancy

See Section 8.5.11.

D. Home Occupation Permit

See Section 8.5.10.

E. Temporary Use Permit

See Section 8.5.9.

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F. Tree Removal Permit

See Section 6.8.9.

G. Sign Permit

See Sections 7.1.3 and 8.5.21.

8.5.6 Development Plan Review

A. Applicability

1. Except as exempted under Section 8.5.6.B below, no Grading Permit, Building Permit, Certificate of Occupancy, or other Zoning Permit 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, Building Site, Parcel, 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 8** 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. Ordinary Maintenance and Repair of a Structure (unless review is required under Certificate of Appropriateness).

2. The Use or intended Use of land for the purpose of agriculture, raising of crops, or forestry.

3. Home Occupations.

4. Accessory Uses incidental to a one- or two-family Residential Use, provided that an Accessory Building or Accessory Structure is not exempt.

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C. Types of Development Plans

There shall be two (2) types of Development Plans, each applicable to certain types of Development and each being subject to a different level of approval. The criteria for establishing which type of Development Plan and the corresponding level of approval for each are indicated below:

1. Plot Development Plan, which is a Development Plan the approval of which is necessary for:

a. a one- or two-family detached Dwelling located on a single Lot or Building Site; and

b. a one- or two-family attached Dwelling located on two (2) Abutting Lots or Building Sites; and

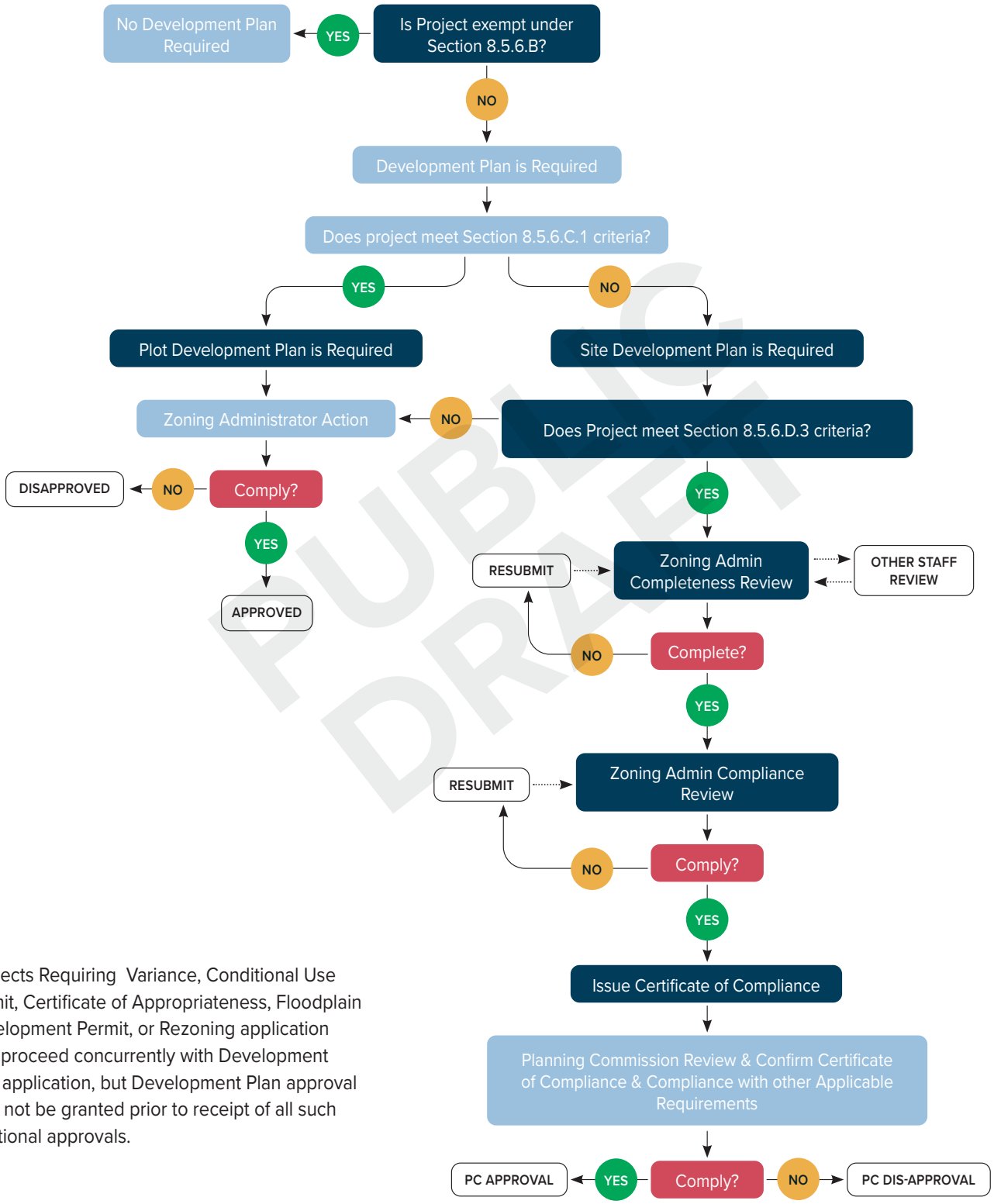
for which no Conditional Use Permit, Variance, or Rezoning is necessary;

2. Site Development Plan, which is a Development Plan the approval of which is necessary for a project that does not meet the criteria listed in Section 8.5.6.C.1 above. See **Illustration 8.5.6 (Development Plan Review Process)**.

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Illustration 8.5.6
Development Plan Review Process*



*Projects Requiring 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 Plot 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 that include

a. any Townhouse, Small Multifamily Building, Live/Work Building, Commercial Building, Mixed-Use Building, Flex Building, Large-Scale Commercial Building, Civic Building, or Manufactured Building;

b. a Development Site;

c. an Application referred by the Zoning Administrator; or

d. Development or Construction for which a Conditional Use Permit, Variance, or Rezoning is necessary.

E. Review by other Departments & Committees

The Zoning Administrator shall ensure that the Plan Review Committee and any other appropriate review departments and 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 Plan Review Committee review and approval of those aspects of the Application within the authority of each of the members of such Committee.

F. Development Plan Requirements - General

1. Each Development Plan must comply with the standards and requirements of the Zoning Map, any other applicable approved Plan applicable to the subject property or any part thereof, and this Ordinance, including without limitation those applicable to the District in which the land covered by such Development Plan is situated;

2. Except for Development Plans submitted as part of an Application for a Zoning Ordinance Amendment or Rezoning, which may be either a general concept Plot Development Plan complying with the requirements of Section 8.5.6.G or a Site Development Plan complying with Section 8.5.6.H, and except for Development Plans submitted for approval of an amendment to a previously approved Development Plan, which shall be required to include only those elements being modified, all Development Plans must meet the requirements of Sections 8.5..6.G or Section 8.5.6.H, as applicable.

G. Plot Development Plan Requirements

In addition to complying with Section 8.5.6.F, Plot Development Plans must include, show, demonstrate, and be prepared and submitted in accordance with the following requirements:

a. General.

(1) Submission with an Application for Plot Development Plan approval, signed and submitted in accordance with Section 8.5.4 by or on behalf of the Owner of the applicable property; and if signed or submitted on behalf of such Owner, must be accompanied by a written durable irrevocable power of attorney authorizing such actions to be taken on behalf of the Owner. In addition, State or Federal regulations may require that additional information be supplied as a part of a submittal;

(2) Preparation in accordance with this Section 8.5.6.G and either signed by a professional planner and sealed by an architect, landscape architect, engineer, or surveyor licensed to practice in the State of Tennessee, as applicable, or prepared, signed, and sealed by an architect, landscape architect, engineer, or land surveyor licensed to practice by the State of Tennessee, as applicable;

(3) Detailed, fully dimensioned, and presented at a scale no smaller than 1"=100 unless otherwise provided

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in this Section 8.5.6.G or approved by the Zoning Administrator, which shall be in compliance with the standards and requirements of the Zoning Map, any other applicable approved Plan, and this Ordinance;

(4) The name and address of the Applicant and the owner of record, if different from the Applicant;

(5) The name, address, signature, and a as applicable, seal of the professional(s) preparing the Plan;

(6) The address of the property and title of the Project, the date prepared, and the date(s) of revisions, if any;

(7) The legal description of the property and tax parcel identification;

(8) Current zoning classification and any applicable Overlay District of the property and all Adjoining properties;

(9) Book and Page Numbers of the Deed(s) evidencing the Owner's ownership of the property;

(10) Survey of existing conditions of each Lot or Building Site, prepared and sealed by a licensed Tennessee surveyor, and showing at a minimum:

(a) Property lines and measurements;

(b) Legal description and street address;

(c) Tax parcel designation;

(d) Topographical elevations at intervals of two feet (2'), extended at least ten feet (10') into Adjacent properties, and delineating areas of all slopes greater than 20%;

(e) Shape, dimensions, and locations of all existing Buildings and other Structures;

(f) Streets and roads, with names indicated, and Internal Drives, easements, rights-of-way, and pedestrian walkways, both within the subject property and on Adjacent properties;

(g) Utility lines and connections;

(h) Easements within each Lot or Building Site, including drainage easements;

(h) Curb cuts;

(i) North arrow;

(j) Scale legend;

(k) Title block with name, address, telephone number and email address of the surveyor;

b. <u>Existing Conditions</u>.

(1) All of the following existing within the Project site:

(a) If any of the subject Property is located, either wholly or partially, within a Floodplain:

(i) Indication of the location of area(s) subject to flooding; and

(ii) Floodplain Development Permit to be obtained pursuant to Chapter 18, Article V of the City Municipal Code;

(b) Description of all easements,restrictions and covenants applicable to the Property;

(c) Any historical Buildings, Structures or areas, and the location, dimensions, and purposes of all other existing Buildings, Structures, Improvements,

(d) Easements, Setbacks, Yards, reservations and areas, both within and Adjacent to the property, and whether any or all of the same are to remain or be preserved, or to be altered, moved, demolished, or abandoned, as applicable, in the proposed Development; and

(e) All vegetation, including the locations of all groupings of trees and whether they will be incorporated into the proposed Development, the locations, trunk diameter, and species of all Specimen Trees, wooded areas, other significant individual trees with a diameter at breast height of eight (8) inches or more, all trees to be removed, and all trees to be preserved in the proposed

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Development.

c. Lots & Building Sites.

(1) All of the following for each proposed Lot or Building Site:

(a) Lot or Building Site Plan for each Lot or Building Site, as applicable, based on the applicable recorded Final Subdivision Plat and depicting the actual shape, location, dimensions, and area of the Lot(s) or Building Site(s);

(b) Layers of each Lot or Building Site;

(c) Setbacks or Yards;

(d) Encroachments;

(e) Lot or Building Site Coverage and Landscape Surface Area;

(f) If the Plot Development Plan includes any Critical Area, Lot or Building Site, a Critical Area, Lot or Building Site Plan, which shall be reviewed as part of the Plot Development Plan, based on the care taken to minimize the area of the Critical Area, Lot or Building Site subject to grading, the cut/fill required to prepare the Critical Area, Lot or Building Site for Construction, and the effectiveness of the Critical Area, Lot or Building Site Plan to preserve the natural features of each Critical Area, Lot or Building Site, including without limitation, Driveways designed at a 10% or less grade, such Critical Area, Lot and Building Site Plan to:

(i) include a survey of existing conditions and details of the proposed Development of the site or Construction of Buildings or other Structures to be built on each Critical Area, Lot or Building Site, which

(a) shall be drawn at a scale of 1"=20'-0";

(b) 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 Plot Development Plan or other required Plan or 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 Area, Lot or Building Site;

(c) show (A) the exact proposed footprints of Building(s) or other Structures and ground floor elevations, (B) the location of other proposed Lot or Building Site Improvements, (C) proposed contour lines (including Driveways) at 2-foot intervals, (E) top and bottom elevations of retaining walls and materials of wall construction, (F) specified and illustrated methods of stabilization of slopes greater than 33% grade, (G) limits of grading, (H) trees to be preserved and methods of preservation; and (I) methods of managing stormwater runoff; and

(d) include Book and Page Number of the Recorded Final Subdivision Plat, which shall show the Critical Area, Lot or Building Site.

d. Buildings & Other Structures.

(1) All of the following for each proposed Building or other Structure:

(a) Descriptions, locations, designs, and dimensions of all Buildings, Structures, and Improvements proposed to remain or to be constructed, erected,

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Altered or moved, including depictions of such Buildings, Structures, and Improvements on the applicable Lot or Building Site Plan required under Section 8.5.6.G.c(1)(a);

(b) Percentage of Building and Wall at Frontage Line-to-Lot or -Building Site Width (Frontage Buildout) of each Lot or Building Site;

(c) Identification of each Principal Building and Accessory Building on each Lot or Building Site;

(d) Building Type of each Principal Building;

(e) Height, floor area, ground floor elevation above grade, floor-to-ceiling height, foundation height, and other regulated dimensions;

(f) Exterior Building materials and materials of other Structures;

(g) Building Elevations and architectural renderings of the Facade, sides, and rear of each Building or other Structure;

(h) Roof type & pitch;

(j) Retaining wall details.

e. Non-Building Components.

(1) Locations, types, and footprints, as applicable, of proposed non-Building components, including HVAC units, refuse receptacles, utility boxes, and service meter accommodations and any required or provided Screening.

f. Private Frontages.

(1) With respect to each proposed Building, Lot, and Building Site:

(a) Private Frontage elements; and

(b) Private Frontage type.

g. Uses.

(1) For each proposed Building, Lot, or Building Site:

(a) Principal Use(s);

(b) Accessory Use(s); and

(c) Temporary Use(s)

h. Parking.

(1) For each proposed Lot or Building Site:

(a) Location(s), dimensions, layouts, designs, and landscaping of Parking Area(s);

(b)) Number of Parking spaces provided within or otherwise available to each Lot or Building Site;

(c) Locations and dimensions of

(i) Any Garage(s);

(ii) Driveways for Parking Area(s);

(iii) Any other points of vehicular ingress and egress to and from each Lot or Building Site, including any cross-access Easements; and

(d) Any Parking Screens or Streetscreens and their respective locations, types, dimensions and materials of each, including species of any relevant plant material.

i. Landscaping & Buffers.

(1) For each proposed Lot or Building Site:

(a) Landscape Plan(s), fully dimensioned and showing both landscaping and hardscaping, with materials and plant species and sizes at time of planting, as applicable, all Walls and Fences and their dimensions and materials;

(b) Tree preservation details;

(c) Any Screens or Streetscreens and their respective locations, types, dimensions and materials of each, including species of any relevant

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plant material; and

(d) Any Buffers, showing locations, dimensions, and materials of each, including species of any relevant plant material.

j. Sidewalks, walkways, ADA ramps, and curb cuts.

(1) For each proposed Lot or Building Site:

(a) Locations and dimensions of Sidewalks and other walkways, ADA ramps, and curb cuts for the same;

k. Signs.

(1) For each proposed Lot or Building Site:

(a) Location, type, and dimensions of any proposed Signs;

l. Land Disturbance, Drainage, Utilities & Subsurface Sewage Disposal.

(1) For each proposed Lot or Building Site:

(a) Land Disturbance Plan complying with all applicable City stormwater and other regulations;

(b) Proposed means, locations, and descriptions of surface drainage and storm drainage, including any applicable proposed drainage easements;

(c) Location and types of all existing and proposed utility lines and facilities, including any applicable proposed drainage easements; and

(d) Percolation tests and Tennessee Department of Health and Environment approval if subsurface sewage disposal is anticipated, approving the Lot or Building Site for each proposed Use.

m. Easements.

(1) For each proposed Lot or Building Site:

(a) Location and types of all easements and rights-of-way.

n. Other Information.

(1) Such other information concerning each Lot, Building Site, Building, Structure and other Improvements and all Adjacent Lots, Building Sites, or Parcels as may be deemed necessary by the Zoning Administrator, Director of Public Works, or City Engineer for determining whether the provisions of this Ordinance and other applicable provisions of the City Codes are being met; and

o. Compliance with Ordinance.

(1) Demonstration that all requirements of this Ordinance have been met.

H. Site Development Plan Requirements

In addition to complying with Section 8.5.6.F, each Site Development Plan must include, show, demonstrate, and be prepared and submitted in accordance with the following requirements:

a. General.

(1) Application. Be submitted with an Application for Site Development Plan approval, which shall be signed and submitted in accordance with Section 8.5.4 by or on behalf of the Owner of the applicable property, and if signed or submitted on behalf of such Owner, must be accompanied by a written durable irrevocable power of attorney authorizing such actions to be taken on behalf of the Owner;

(2) Preparation. Be prepared in accordance with this Section 8.5.6.H and either signed by a professional planner and sealed by an architect, landscape architect, engineer, or surveyor licensed to practice in the State of Tennessee, as applicable, or prepared, signed, and sealed by an architect, landscape architect, engineer, or land surveyor licensed to practice by the State of Tennessee, as applicable;

(3) Detailed, Dimensioned, & Scale. Be fully detailed, dimensioned, and presented at a scale no smaller than one inch (1") equals 60 feet unless otherwise provided in this Ordinance or approved by the Zoning Administrator;

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(4) Digital File. If prepared using Computer Aided Drafting and Design (CADD), be accompanied by a digital file of the submitted Site Development Plan and, when and if approved, the approved Site Development Plan; and

(5) Compliance. Comply with the standards and requirements of the Zoning Map, any other applicable approved Plan, and this Ordinance;

b. Existing Conditions.

(1) Existing Conditions Survey, which shall be a certified ALTA Survey of existing conditions of the property, prepared and sealed by a licensed Tennessee surveyor, and showing at a minimum:

(a) Property lines and measurements,

(b) Legal description and street address,

(c) Tax lot designation,

(d) Buildings, other Structures and Improvements, including locations and dimensions,

(e) Easements, rights-of-way, streets and roads with designations, and pedestrian walkways,

(f) Floodplain and Flood Hazard Areas,

(g) Utility lines and connections,

(h) Curb cuts,

(i) North arrow,

(j) Scale Legend, and

(k) Name, address, telephone number, and email address of the surveyor;

(2) Existing Conditions Plan, reflecting or including:

(a) Photographs of the Property and surrounding areas;

(b) Property General Description and description of and its physical features;

(c) Descriptions and depictions of all existing Improvements, and an indication of any which are to remain or be removed;

(d) Description of all existing restrictions or covenants applicable to the subject property;

(e) Any existing historical Buildings, Structures or areas, and the location, dimensions, and purposes of all other existing Buildings, Structures, Improvements, Easements, Setbacks, Yards, reservations and areas, both within and Adjacent to the property, and whether any or all of the same are to remain or be preserved, or to be altered, moved, demolished, or abandoned, as applicable, in the proposed Development;

(f) Existing vegetation, including the locations of all groupings of trees and whether they will be incorporated into the proposed Development, the locations, trunk diameter, and species of all Specimen Trees, existing wooded areas, other significant individual trees with a diameter at breast height of eight (8) inches or more, all trees to be removed, and all trees to be preserved in the proposed Development; and

(g) Existing Civic Spaces and Open Spaces;

(3) Existing Conditions Topographic Plan showing contour intervals of two feet (2'), extended at least fifty feet (50') into Adjoining properties, showing any natural drainage systems, and delineating areas of all slopes greater than 20%;

c. Project Information and Data.

(1) Project Information Table. Include in tabular form the following information:

(a) Project Name;

(b) Project Site Address;

(c) Contact Information, including names, addresses, telephone numbers, and email addresses of the Applicant and of the Owner of

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record, if different from the Applicant;

(d) Plan Date of original preparation and each revision, if any;

(e) Recording Data of Deed(s) evidencing the Owner's ownership of the subject property;

(f) Identification of all Adjacent property owners according to the latest tax roll available at the Williamson County Property Assessor's Office;

(h) Current Zoning Classification, including any applicable Overlay District of the subject property and all Adjacent properties;

(i) Property Dimensions & Area;

(j) Tax Map & Parcel Number(s); and

(k) Federal Emergency Management Act Flood information regarding the subject property.

(2) Project Data Table. Include in tabular form the following data:

(a) Proposed Total Number of Project Parking Spaces;

(b) Proposed Use Category(ies) of the subject property and Adjacent properties;

(c) Proposed Project Maximum Number of Dwelling Units and Maximum Non-Residential Finished Floor Area;

(d) Proposed Maximum Number of Dwelling Units per Gross Acre of Project Site;

(f) Proposed Project Ground Coverage;

(g) Proposed Project Landscape Surface Area Ratio; and

(h) Proposed Building Heights.

(3) Project Location Map, drawn to a scale of not less than one inch (1") equals 800 feet, showing the subject property, a North arrow, and written and graphic scale legend;

d. Overall Project - General. All of the following proposed for the overall Project, and if applicable, for each District within the overall Project:

(1) Project Overall Plan, showing the actual shape, location, dimensions, and area of the overall Project site and, as applicable, the general locations and dimesions of each Street, Internal Drive, Alley, and Block, and each proposed Development Site, Lot or Building Site within the Project, which Project Overall Plan shall show and be based on one or more Standard or Linear Pedestrian Sheds, as applicable, with each Pedestrian Shed having a Common Destination near its center and being located according to proposed or existing conditions, such as traffic intersections, Development, Civic Spaces, or natural features. See **Illustration 9.3.P-2 (Pedestrian Sheds)**;

(2) Project Written Description, including information addressing the overall concept;

(3) Project Illustrative Master Plan showing all proposed streets, streetscapes, Development Sites, Lots or Building Sites, Buildings, and Structures;

(4) Project Estimated Commencement & Completion Dates and Phasing Plan, indicating as applicable for the overall Project and each Project phase the estimated completion and commencment dates;

(5) Project Floodplain Map showing the extent of floodplain, flood hazard areas, or stormwater overflows, including Special Flood Hazard Areas as established by the Federal Emergency Management Agency, and if any of the subject property is located, either wholly or in part, within a Floodplain (a Floodplain Development Permit will be necessary if required under Chapter__ Article __ of the City Municipal Code);

(6) Project Regulating Plan, if applicable, showing the different Districts or Overlays, if any within the Project, and showing each Development Site, each Building Site and any proposed Lots to be considered as part of the Site Development Plan and the Streets, Internal

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Drives and Alleys, and any Special Requirements, keyed, as applicable, to the **Project Overall Plan** provided pursuant to Section 8.5.6.H.d(1), the **Project Lots & Building Sites Plan** provided pursuant to Section 8.5.6.H.e(1), and the **Project Detailed Streets, Internal Drives, and Alleys Plan** provided pursuant to Section 8.5.6.H.i(2) and

(7) Environmental Impact Analysis, if required by the Decision-Making Authority, in form and substance and prepared by a firm acceptable to the Decision-Making Authority;

e. Project Lots & Building Sites.

(1) Project Range of Typical Lots and Building Sites, including diagrams and respective range of widths and setbacks and if regulated in the applicable District, areas;

(2) Project Lots, Building Sites & Development Sites Plan showing for each proposed Lot, if any, and for each proposed Building Site or Development Site, the following:

(a) Locations, dimensions, and areas;

(b) Layers;

(c) Setbacks or Yards;

(d) Encroachments;

(e) Easements;

(g) Lot, Building Site, or Development Site, as applicable, Coverage and Landscape Surface Area.

(3) Initial Recorded Final Subdivision Plat of any Lots being created contemporaneously with the submission of the Site Development Plan Building Sites Plat;

(4) Proposed Preliminary Plat of all Building Sites to be created within the subject property;

(5) Critical Area, Lot or Building Site Plan if the Site Development Plan includes any Critical Area, Lot or Building Site, a Critical Area, Lot or Building Site Plan, which shall be reviewed as part of the Site Development Plan, based on the care taken to minimize the area of the Critical Area, Lot or Building Site subject to grading, the cut/fill required to prepare the Critical Area, Lot or Building Site for Construction, and the effectiveness of the Critical Area, Lot or Building Site Plan to preserve the natural features of each Critical Area, Lot or Building Site, including without limitation, Driveways designed at a 10% or less grade, such Critical Area, Lot and Building Site Plan to include:

(a) a survey of existing conditions and details of the proposed Development of the site or Construction of Buildings or other Structures to be built on each Critical Area, Lot or Building Site, which shall be drawn at a scale of 1"=20'-0" and show:

(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 Development Plan or other required Plan or 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 Area, Lot or Building Site;

(b) the exact proposed footprints of Building(s) or other Structures and ground floor elevations;

(c) the location of other proposed Lot or Building Site Improvements;

(d) proposed contour lines (including Driveways) at 2-foot intervals,

(e) top and bottom elevations of retaining walls and

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materials of wall construction,

(f) specified and illustrated methods of stabilization of slopes greater than 33% grade,

(g) limits of grading, (g) existing trees to be preserved and methods of preservation; and (h) methods of managing stormwater runoff; and

(h) the Book and Page Number of the Recorded Final Subdivision Plat showing the Critical Area, Lot or Building Site.

f. Project Buildings, Structures & Non-Building Components.

(1) Project Range of Principal Building Types & Building Type Mix;

(2) Project Buildings & Structures Plan showing for each proposed Building or Structure, as applicable:

(a) Locations, footprints, dimensions (length, width, ground floor Elevation above grade, floor-to-ceiling height for each floor, total Height in feet and Stories, total Floor Area and Floor Area of each floor, foundation Height details, and other regulated dimensions), and design of all Buildings or other Structures to remain or to be constructed, erected, Altered or moved, keyed to the **Project Illustrative Master Plan** provided pursuant to Section 8.5.6.H.d(3), if applicable, and the **Project Preliminary Architectural Renderings** provided pursuant to Sections 8.5.6.H.f(3);

(b) Percentage of Building and Wall at Frontage Line-to-Lot Width or -Building Site Width (Frontage Buildout) for each Building;

(c) Principal Buildings;

(d) Accessory Buildings and other Accessory Structures;

(e) Building Type of each Principal Building;

(f) Exterior materials;

(g) Elevations of Facade, sides, and rear;

(h) General floor-by-floor plans that indicate the Use type(s) for each level of floor space; and

(i) Roof Type & Pitch;

(3) Project Preliminary Architectural Renderings of all Buildings or other Structures to be built, moved, Altered, or to remain for the entire Project and showing the location, total area, height, massing, Elevations, exterior materials, and design of all sides of each such Building or other Structure, with each keyed to the **Project Illustrative Master Plan** provided pursuant to Section 8.5.6.H.d(3);

(4) Project Final Architectural Renderings of all Buildings and Structures must be provided for site plan review and approval prior to issuance of a Building Permit or commencement of any Development or Construction.

(5) Project Non-Building Components Plan showing all non-Building components within the Project, including HVAC equipment, refuse receptacle or waste material collection facility, utility box, and service meter for each proposed Lot, Building Site or Development Site, and all of the following for each non-Building component, as applicable:

(a) Location, type, size, and footprint, as applicable;

(b) Detailed Plan for each waste receptacle and related concrete pad and enclosure;

(c) Location, dimensions, and description of any other personal property or fixtures that are not to be affixed to a Building; and

(d) Screening, whether required or otherwise to be provided Screening, if any.

g. Project Private Frontages.

(1) Range of Private Frontage Types; and

(2) Project Private Frontages Plan showing for each Lot, Building Site, or Development Site, as applicable, the following:

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(a) Private Frontage Type; and

(b) Private Frontage elements;

h. Project Uses.

(1) Range of Principal Use Categories; and

(2) Project Principal Use Categories Plan showing for each Lot, Building Site, Development Site, or Building or floor thereof, as applicable

(a) the specific Principal Use(s);

(c) any Accessory Use(s); and

(d) any Temporary Use(s);

i. Project Streets & Internal Drives (including Public Frontages), Alleys, Circulation & Block Size.

(1) Project Detailed Right-of-Way, Access & Circulation Plan, including routes, dimensions, designs, pavement specifications, finished grades, curbing, and striping of all Streets, Internal Drives, Alleys, Driveways, Sidewalks and other pedestrian ways, and Bikeways to be constructed or modified, which shall align with Adjacent Streets, Internal Drives, Alleys, Driveways, Sidewalks and other pedestrian ways, and Bikeways in Adjacent developed and undeveloped properties consistent with **Article 6 (Supplemental Standards)**, the adopted Comprehensive Plan, the adopted Major Thoroughfares Plan, and except to the extent inconsistent with this Ordinance, the City Subdivision Regulations and the Engineering Design and Construction Manual, keyed to the **Project Detailed Streets, Internal Drives, and Alleys Plan** required under Section 8.5.6.H.i(2);

(2) Project Detailed Streets, Internal Drives, and Alleys Plan, showing routes, types and network of all Streets, Internal Drives, Alleys, within the Project and including in the case of all Streets and Internal Drives, their respective Public Frontages (Curb face, Sidewalk or other pedestrian ways, and Landscape Strip), Travel Lanes, Parking Lanes, medians, crosswalks, signalization, and Bikeways, laid out according to Section 5.2, creating a Block Structure in compliance with the applicable Block Perimeter Standards of Section 5.2.D, and keyed, as applicable, to the **Project Street Types and Assemblies Plan** required under Section 8.5.6.H.i(1) and 8.5.6.H.i(3);

(3) Project Street Types and Assemblies Plan, showing plan view and cross - sections of all Streets, Alleys, and Internal Drives, as applicable, including Public Frontage (Curb face, Sidewalk or other pedestrian way, and Landscape Strip, as applicable), Travel Lanes, Parking Lanes, and Bicycle Ways, and ride-sharing and loading accommodations as applicable;

(4) Project Detailed Street Improvements Plan showing street improvements required or to be otherwise provided;

(5) Project Pedestrian Accommodations Plan, showing the location and widths of all pedestrian trails/ pathways, sidewalks, other pedestrian walkways, keyed to the **Project Detailed Right-of-Way, Access & Circulation Plan** provided pursuant to Section 8.5.6.H.i(1) and the **Project Detailed Streets, Internal Drives, & Alleys Plan** provided pursuant to Section 8.5.6.H.i(2),;

(6) Project Bikeway Plan, showing the locations, types, and dimensions of all bikeways, keyed to the **Project Detailed Right-of-Way, Access & Circulation Plan** provided pursuant to Section 8.5.6.H.i(1) and the **Project Detailed Streets, Internal Drives, & Alleys Plan** provided pursuant to Section 8.5.6.H.i(2);

(7) Project Preliminary Traffic Impact Analysis Report consistent with Section 6.5 using existing data and estimates of traffic volumes and movements to and from the completed Project, along the boundary streets, and specific intersections as identified by the Engineering Department;

(8) Project Final Traffic Impact Analysis Report consistent with Section 6.5 shall provide detailed evaluations based on comprehensive site-specific data, and must be provided in form and substance approved

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by the Planning Commission and the Engineering Department for site plan review and approval prior to issuance of a Building Permit or commencement of any Development or Construction.

(9) Project Detailed Traffic Control & Access Management Plan consistent with (a) **Article 6 (Supplemental Standards)**, (b) the adopted Comprehensive Plan, (c) the adopted Major Thoroughfares Plan, and (d) except to the extent inconsistent with this Ordinance, the City Subdivision Regulations and the Engineering Design and Construction Manual, which shall be keyed to the **Project Detailed Right-of-Way, Access & Circulation Plan** provided pursuant to Section 8.5.6.H.i(1) the **Project Detailed Streets, Internal Drives, & Alleys Plan** provided pursuant to Section 8.5.6.H.i(2); and the **Project Fully Engineered Detailed Right-of-Way, Access, & Circulation Plan provided pursuant to Section 8.5.6.HG.i(10)**

(10) Project Fully Engineered Detailed Right-of-Way, Access, & Circulation Plan consistent with (a) the **Project Detailed Right-of-Way, Access & Circulation Plan** provided pursuant to Section 8.5.6.H.i(1)**,** (b) the **Project Detailed Streets, Internal Drives, and Alleys Plan** provided pursuant to Section 8.5.6.H.i(2), (c) the **Project Street Types and Assemblies Plan** provided pursuant to Section 8.5.6.H.i(3)**,** and (d) the **Project Detailed Streets Improvement Plans** provided pursuant to Section 8.5.6.H.i(4), which must be provided for site plan review and approval prior to issuance of a Building Permit or commencement of any Development or Construction.

j. <u>Project Parking, Loading, Drive-Throughs & Drive-Ins, Refuse Receptacles, Equipment & Service Areas.</u>

(1) Project Parking Location Plan, showing the locations and types of all Parking Areas, Parking Lots, Parking Structures, and on-street Parking accommodations within the Project;

(2) Project Detailed Parking Plan, showing the following and keyed to the **Project Parking Location Plan** provided pursuant to Section 8.5.6.H.j(1)

(a) the location, design, layout, dimensions, landscaping, grades and pavement sections for all Parking Areas and Parking Lots,

(b) the locations of all on-street Parking spaces,

(c) the locations and design of all Parking Structures and associated Liner Buildings, including four (4) side Elevations,

(d) dimensions of all Parking spaces, drive aisles, turning radii, etc,

(d) any Garages, including the locations, dimensions, design, and four (4) sided elevations dimensions,

(e) the number of Parking spaces provided in each Parking Area, Parking Lot, Garage, Parking Structure, and on-street, the number of Parking spaces available to each Lot, Building Site, or Development Site calculated pursuant to Section 4.3.12, and the total number of Parking spaces provided within the overall Project,

(f) any requested reductions to the number of Parking spaces required in accordance with Section 4.3.12(B),

(g) Driveways and vehicular entrances for the subject property and all Adjacent properties, including Driveway designs and profiles from the Adjacent roadway through the curb cut to each Parking Area, Parking Lot, Parking Structure, or Garage, with slopes indicated by percent of grade, and the respective distances of each Driveway or vehicular entrance from the nearest street corner;

(h) any other points of vehicular ingress and egress to and from each proposed Lot, Building Site, or Development Site, including any cross-access Easements;

(i) position, type, and dimensions of each Screen or Streetscreen, including species of any relevant plant material and materials of any non-vegetative

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Screen or Streetscreen; and

(j) bicycle Parking accommodations, including without limitation number of spaces;

k. Project Civic Spaces & Open Spaces.

(1) Project Range of Civic Space & Open Space Types;

(2) Project Civic Space & Open Space Location Plan;

(3) Detailed Open Space & Civic Space Plan, keyed to **Project Civic Space & Open Space Location Plan** referred to in Section 8.5.6.H.k(2) and showing

(a) specific location, dimensions, area, acreage, and type of each Civic Space or other Open Space that will be permanently protected as such, an indication for each whether the same will be available for Active Recreation or Passive Recreation, and showing all landscaping, hardscaping, Walls, and Fences, vegetation, waterbodies, paths and recreational facilities;

(b) calculations of total Civic Space area, percentage of Civic Space Area-to-Gross Site Area, total other Open Space, percentage of other Open Space Area-to- Gross Site Area, and percentage of total Civic Space Area and Open Space Area-to-Gross Site Area;

(c) Civic Spaces, Open Spaces, Civic Buildings, and District CD-CV, assigned, as applicable, pursuant to Section 5.3.1, Section 5.3.3, and Section 2.4.2;

(d) description of means of permanent protection of Open Spaces and Civic Spaces; and

(e) description of the organizational arrangements for the ownership, maintenance, and preservation of all Open Spaces and Civic Spaces;

l. Project Landscape, Fences, Walls, Screening, Streetscreens & Buffers.

(1) Project Public Landscape Plan, detailed and dimensioned and showing all proposed Public Landscaping, including Civic Spaces, Open Spaces, and Public Frontages, with plant species and sizes at time of planting and maturity, and as applicable, hardscaping, retaining and other Walls, and Fences, including in each case, materials;

(2) Project Private Landscape Plan, detailed and dimensioned and showing for all non-Residential sites and all Residential sites other than Houses and Duplexes, with plant species and sizes at time of planting and maturity, and as applicable, landscaping, hardscaping, retaining and other Walls, and Fences, including in each case, materials;

(3) Project Tree Preservation Plan, showing all trees proposed to be removed, all proposed replacement trees, and all trees proposed to be preserved, in each case indicating locations and species, as well as calculations pursuant to Section 6.8 (Tree Protection), and all Development and Construction methods to protect trees;

(4) Project Buffer Plan, showing location, type, dimensions and materials of each Buffer, and the arrangement and species of plants, plant sizes at time of planting and maturity, and all Specimen Trees within any Buffer area;

(5) Project Screen & Streetscreen Plan, showing position, type, dimensions, and materials of each Screen or Streetscreen, including species and sizes at time of planting and maturity of any relevant plant material and dimensions and materials of any non-vegetative Screen or Streetscreen;

(6) Specific Landscape Plan for each proposed Lot, Building Site, or Development Site, as applicable, showing all landscaping, hardscaping, Walls, Fences, Screens, Streetscreens, and Buffers and keyed, as applicable to the **Project Public Landscape Plan** provided under to Section 8.5.6.H.l(1), the **Project Private Landscape Plan** provided under Section 8.5.6.H.l(2), the **Project Tree Preservation Plan** provided under Section 8.5.6.H.l(3), the **Project Buffer Plan** provided under Section 8.5.6.H.l(4) and the **Project Screen & Streetscreen Plan** provided under

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Section 8.5.6.H.l(5);

m. Project Signs.

(1) Project Range of Sign Types;

(2) Project Detailed Sign Plan, including locations, Sign Type, and description of each Sign; and

(3) Specific Sign Plan for each proposed Lot, Building Site, or Development Site, as applicable, showing locations, types, and detailed dimensioned drawings of each proposed Sign, keyed to the **Project Detailed Sign Plan** provided under Section 8.5.6.H.m(2);

n. Project Lighting.

(1) Project Lighting Plan, including photometric plan, location, pole height, luminaire/head type, pole/standard type, shielding, manufacturer's specifications, illumination, and hours of operation for all exterior light fixtures, including all public lighting and all private lighting for all non-Residential uses other than Residential Use of Houses and Duplexes;

o. Project Utilities & Telecommunications.

(1) Project Preliminary Utilities Plan, detailed and showing the general locations and types of all proposed sanitary sewer, septic, water supply, and other utilities, utilities easements, utility lines, equipment, and facilities;

(2) Project Percolation Tests and Tennessee Department of Health and Environment Approval if subsurface sewage disposal is anticipated, approving the Lot or Building Site, Project site, or Development Site, as applicable, for each Use; and

(3) Project Capacity & Will Serve Letters from each applicable utility provider; and

(4) Project Fully Engineered Detailed Utilities Plan must be provided for site plan review and approval prior to issuance of a Building Permit or commencement of any Development or Construction.

p. Project Natural Resources.

(1) Project Steep Slopes Plan, keyed to the **Existing Conditions Topographic Plan** provided pursuant to Section 8.5.6.H.b(3) and reflecting measures to be implemented to comply with Section 6.9.1 (Steep Slopes);

(2) Project Tree Preservation Plan (See Project Landscape, Fences, Walls, Screening, Streetscreens & Buffers - Project Tree Preservation Plan under Section 8.5.6.H.l(3))**;**

(3) Project Riparian Setbacks Plan showing all riparian areas and setbacks from the same;

(4) Project Erosion and Sedimentation Control Plan, showing locations, types, and description of Erosion Control Measures and means, locations, and descriptions of surface drainage and storm drainage, including any applicable drainage easements;

(5) Project Land Disturbance Plan showing contours at two foot (2') intervals and keyed to the **Existing Conditions Topographic Plan** provided pursuant to Section 8.5.6.H.b(3);

(6) Project Stormwater Management Plan, complying with applicable City stormwater regulations and showing general locations, types, description, and means, of surface drainage and storm drainage, including any applicable drainage easements;

(7) Project Detailed Engineered Stormwater Management Plan must be provided for site plan review and approval prior to issuance of a Building Permit or commencement of any Development or Construction;

q. MIscellaneous Requirements.

(1) Project Public Address System Plan, if applicable, including type, location, design, manufacturer's specifications and hours of operation;

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(2) Project Statement of Operations & Maintenance, regarding method of operating and maintaining the Project;

(3) Project Statement of Financial Responsibility, stating as follows: "The Owner/Developer of this property is responsible for all financial matters"**;**

(4) Project Statement Regarding Performance Guarantee provided pursuant to Section 1.26 (Performance Guarantees);

(5) Project Detailed Fire Equipment Access Plan, including **Fire Hydrant and Hose Pull Plan**;

r. Compliance with Ordinance.

(1) Demonstration that all requirements of this Ordinance have been met.

s. Other Information.

(1) Any other items required by this Ordinance with respect to such Site Development Plan;

(2) Such other studies, information, or items concerning the Project or any contiguous property as may be deemed necessary by the Zoning Administrator, Director of Public Works, City Engineer, or applicable Decision-Making Authority to determine whether the provisions of this Ordinance and other applicable provisions of the City Codes and regulations are being met;

(3) If the Project will require other approvals, such as Rezoning, Variances, Administrative Adjustments, or Conditional Use approvals, the Applicant shall identify and comply with all such other required approvals;

(4) Demonstration to the satisfaction of the Decision-Making Authority that the Site Development Plan and Application comply with all:

(a) all applicable standards for Land Disturbance Activities, Grading, Drainage and Stormwater Management, Sewage, Utilities, Traffic Circulation, and Facilities for Persons with Disabilities, as set forth in the City Subdivision Regulations or the Engineering Design and Construction Manual; and

(b) other applicable provisions of the City Ordinances, City Code, City Subdivision Regulations, City Engineering Design and Construction Manual, and other applicable City rules and regulations, and all applicable state and federal statutes and regulations.

I. Development Plan Procedures - Pre-Application Conference & Review

1. Prior to formal submission of a Development Plan Application, an Applicant shall schedule a Pre-Application Conference with the Zoning Administrator by completing and submitting a project proposal form, as provided on the City website or by the Planning Department.

2. The Pre-Application Conference is intended to define potential issues with the project proposal and to identify any required Variances, Administrative Adjustments, Conditional Uses, or other necessary certifications, approvals or permits. Additionally, the pre-submission conference serves to educate the Applicant on the Development approval process and the information required to submit a complete Development Plan Application.

3. No later than three (3) months after the Pre-Application Conference, the Applicant shall provide one complete draft copy of a proposed Development Plan Application to the Zoning Administrator for 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 Plan 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 Plot Development Plan, in the discretion of the Zoning Administrator based on the scale, complexity, or potential impacts.

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4. Feedback from the Zoning Administrator, and if applicable, the Plan 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.

5. No pre-submission discussion, statement, advice, feedback or review will be binding on the City.

J. Development Plan Procedures - Coordination with other Approvals

When a Development Plan requires other approvals, the Applicant shall identify in the Development Plan Application all such other approvals that such Applicant is seeking and shall 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 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 /she 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 Plot Development Plan Application and upon payment by the Applicant of all fees and reimbursable costs due to the City, the Zoning Administrator shall review the Application and take action pursuant to Section 8.5.6.O.1.

2. Upon issuance of a Certificate of Completeness for a Site Development Plan Application for which the Zoning Administrator is the Decision-Making Authority, upon receipt of payment by the Applicant of all fees and reimbursable costs due to the City, the Zoning Administrator shall review the Application and take action pursuant to Section 8.5.6.O.1.

3. Upon issuance of a Certificate of Completeness for a Site Development Plan Application for which the Planning Commission is the Decision-Making Authority, the Zoning Administrator shall review the Application for compliance with the conditions, standards, and requirements of this Ordinance and if the Application complies with such Articles, he or she shall issue a Certificate of Compliance, certifying such compliance, and shall forward the same with the Certificate of Completeness and the Site Development Plan Application, to the Planning Commission.

4. Upon receipt of the items described in Section 8.5.6.M.3, the Planning Commission shall promptly schedule a public

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hearing on the matter, which shall be set within sixty-two (62) days of such receipt and shall provide public notice of such hearing in compliance with the public notice requirements set forth in Section 8.5.4.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 and 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 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 compliance with all applicable previously approved Plans, such as earlier Development Plans. 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 Development and Construction requirements;

d. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with City standards, specifications and guidelines; and

e. Compliance with requirements for Easements or dedications.

O. Development Plan Procedures -Decision-Making Authority's Action

1. Within sixty-two (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 sixty-two (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 this Ordinance. 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.

3. A Development Plan and Application shall be disapproved if the Decision-Making Authority determines that the Plan and Application do not comply with any one or more of the review criteria set forth in Section 8.5.6.N.

4. 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

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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. RESERVED

S. Inspection of Required Improvements

Inspections during the installation of site Improvements shall be made by the entity responsible for such Improvements that is required to certify compliance with approved Development Plans. Without limitation to the foregoing, no Improvements shall be accepted for maintenance by the City unless and until the requirements regarding public improvements have been met.

T. Fees

The Applicant shall pay to the City the fees established in the Fee Schedule 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 by certiorari to a court of competent jurisdiction.

V. Development, Construction, Use & Occupancy Pursuant to Approved Application, Plans, & Permits

1. Development, Construction, Use, and Occupancy of Improvements, Buildings and Structures may occur and be commenced, continued, and completed only strictly in accordance with the applicable approved Application, Development Plan, and related issued Permits, including without limitation, Building Permits, any applicable Conditional Use Permits and Variances, Zoning Permits, and Certificates of Occupancy, as the same shall be modified and in effect from time to time in accordance with Section 8.5.6.W. All such related Permits shall be approved or issued, as applicable, only the basis of the applicable approved Development Plan and Application as the same shall be modified and in effect from time to time in accordance with Section 8.5.6.W..

2. Each such Application, Development Plan and related Permits authorize only the Use, arrangement, Development and Construction set forth therein and none other. Any Development, Construction, Improvements, Buildings, Structures, Use, or Occupancy 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.

W. Modifications to Approved Development Plans

1. An approved Development Plan may be modified at the request of an Applicant in accordance with this Section 8.5.6.W.

2. There are two (2) types of Development Plan modifications that may be requested, a Major Modification and a Minor Modification.

a. A Major Modification is one or more changes to an approved Development Plan, which either alone or together with other requested changes would result, either directly or indirectly, in any of the following with respect to the approved Development Plan or any related approval:

(1) any revision to an approved Development Plan for Development or Construction or part thereof that has been completed;

(2) revision or removal of a specific condition that was imposed with respect to the approved Development Plan by the applicable Decision-Making Authority;

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(3) an increase in the number of Dwelling Units in the overall Development or any Development phase;

(4) an increase by more than two percent (2%) in the total square footage of floor area approved for any Non-Residential Use;

(5) a change of permitted Lot or Building Site sizes, Setbacks, or Lot Frontage widths;

(6) modification of the location and/or number of the primary access points for the Development or any Lot or Building Site therein;

(7) reduction by more than two percent (2%) of the area approved as reserved open space;

(8) increase by more than three (3) percent the total ground area covered by Buildings;

(9) any change of bulk, height, exterior building materials, or any other standards or requirements expressly enumerated in the approved Development Plan;

(10) change in the number of Parking spaces;

(11) changes to the drainage, stormwater, utilities, or other accommodations or Improvements reflected in the approved Development Plan;

(12) change to any Thoroughfare, Internal Drive, Alley, Drive Aisle, Driveway, or roadway trajectory or alignment or to any Lot or Building Site layout that significantly deviates from the approved Development Plan;

(13) change in Screening area or change planting plan.

(14) any change of any boundary of, or inclusion of any land outside the boundaries of the approved Development Plan; or

(15) any change in the Uses permitted in the approved Development Plan.

b. A Minor Modification is any of the following:

(1) any change to an approved Development Plan, which would not alone or together with other requested changes would result either directly or indirectly in any of the items listed in Section 8.5.6.W.2.a;

(2) any insubstantial change in the location or configuration of Buildings or other Structures required by engineering or other circumstances not foreseen at the time the approved Development Plan was approved.

3. No modification shall be approved:

a. if it would result in any violation of this Ordinance;

b. unless the applicable Decision-Making Authority makes a determination prior to the approving the modification that each of the following conditions apply to the particular circumstances:

(1) requiring strict adherence to the requirements of the approved Development Plan would result in practical difficulties or unnecessary hardship;

(2) granting the requested modification will not be detrimental to the public welfare or injurious to property or Improvements in the neighborhood of the premises;

(3) granting the requested modification under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the Applicant; and

(4) the requested modification is within the intent and purpose of this Ordinance and the approved Development Plan and will not adversely affect the community objectives of the Comprehensive Plan or the provisions of the Major Thoroughfares Plan; or

c. if it is greater than the absolute minimum modification necessary.

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4. A request for modification to an approved Development Plan shall be in writing and submitted to the Zoning Administrator. Such request shall:

a. describe the overall effect of the proposed changes,

b. include a proposed modified Development Plan,

c. set forth the reasons for seeking the modifications, and

d. provide a written description of how the proposed modifications accomplish the intent of the approved Development Plan and this Ordinance.

5. Upon receipt of a complete request, the City Planner shall make a written determination within thirty (30) days on whether the proposed modification is a Major Modification or a Minor Modification.

6. Major Modifications shall be reviewed and acted on in the same manner as the approved Development Plan and Application, provided that at the option of the Applicant, the modified Development Plan may show only the requested revisions or the complete Development Plan with the requested modifications.

7. Minor Modifications shall be reviewed and acted on by the Zoning Administrator within thirty (30) days of the Zoning Administrator's determination pursuant to Section 8.5.6.W.5.

8.5.7 Floodplain Development Permit

Floodplain Development Permits are provided for in Section 3.7.3.C.

8.5.8 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.G 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 thirty (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.G 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 (5) 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

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may extend this time period by up to sixty (60) days at his/her discretion provided the request is made at the time of original application.

4. Temporary Use Permits may be renewed one time by the Zoning Administrator unless other renewal standards are specified in Section 4.3.9.G or in other provisions of this Section.

D. Revocation of Temporary Use Permit

A Temporary Use Permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

E. Appeal

Final action on a Temporary Use Permit may be appealed in accordance with Section 8.5.17.

8.5.9 Home Occupation Permit

A. Applicability

Any Home Occupation shall require a permit, as set forth below.

B. Application Requirements

A Home Occupation Application shall be submitted in accordance with Section 8.5.4.C.

C. Action by Zoning Administrator

1. Upon review of the Application, the Zoning Administrator shall approve the Home Occupation Permit, provided the Home Occupation meets all requirements of this Ordinance.

2. The Zoning Administrator shall maintain a record of all Home Occupation Permits that have been issued by the City.

D. Time Limit

A Home Occupation Permit shall be valid for a period not to exceed two (2) years.

E. Revocation

A Home Occupation Permit shall be revoked if the Zoning Administrator finds the Home Occupation to be in violation of the requirements of this Ordinance.

F. Appeal

Final action on a Home Occupation Permit may be appealed in accordance with Section 8.5.17.

8.5.10 Certificate of Occupancy

A. Required

No land, Building, Structure, or part thereof hereafter erected, Altered, or changed in its use shall be used or occupied until the Zoning Administrator shall have approved and the Building Inspector 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 and the Building Code.

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. Occupancy or use of a Lot, Building Site, or other Parcel of land;

3. Change in occupancy or use of a Lot, Building Site, or other Parcel of land or an existing Building or Structure; or

4. Any change in a Nonconforming Use or Nonconforming Structure.

C. Application Requirements

A Certificate of Occupancy Application shall be submitted in accordance with Section 8.5.4.C.

D. Action by Zoning Administrator

The Zoning Administrator shall review an Application for a Certificate of Occupancy for conformance with the approved Development Plan and the requirements of this Ordinance. The Zoning Administrator shall provide comments and recommendations to the Building Inspector.

E. Action by the Building Inspector

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Upon review of the Application and approval by the Zoning Administrator, the Building Inspector 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, Construction, or Improvements have not been completed in accordance with the approved Development Plan.

G. Temporary Certificate of Occupancy

1. In the case of hardship not related to the applicable Building, Structure, or premises, at the discretion of the Building Inspector, he or she may issue a temporary Certificate of Occupancy provided that such portion of the Building, Structure, or premises for which the temporary certificate is issued is in conformity with the provisions of this Ordinance. A temporary Certificate of Occupancy shall not be effective for a time period in excess of three (3) months.

2. In order for a temporary Certificate of Occupancy to be issued, all required Improvements must be substantially complete. The temporary certificate may include safeguards and conditions as will protect the safety of the occupants and the public.

3. An Applicant for a temporary Certificate of Occupancy shall post a Performance Bond acceptable to the City in an amount equal to $10,000 or the 125% of the cost of completing all required Improvements, whichever is greater.

H. Appeal

Final action on a Certificate of Occupancy may be appealed in accordance with Section 8.5.17.

8.5.11 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 one hundred eighty (180) days. After one hundred eighty (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 8.5.18, 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.

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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 City to identify neighborhoods, areas, sites, property, Structures and objects that have historic, community, architectural, or aesthetic importance, interest, or value. Before the Historic Zoning Commission shall on its own initiative nominate any Historic District, it shall develop a plan for completion of a survey of the entire City.

F. Historic Zoning Commission Review & Recommendation

1. The Historic Zoning Commission shall, within sixty (60) days from receipt of a completed nomination in proper form, adopt by resolution a recommendation that the nominated Historic District does or does not meet the criteria for nomination set out in 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;

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c. That it is a Structure, or contains Structures or groups of Structures, which embody the distinctive characteristics of a type, period or method of Construction, or that represent the work of a master, or that pose high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;

d. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

e. That it is listed in the National Register of Historic Places.

3. Prior to the establishment or designation of a Historic District, the Historic Zoning Commission shall adopt for each such area or property a set of Design Guidelines, which it will apply in ruling upon the granting or denial of a Certificate of Appropriateness, as provided for in this Article. Such guidelines shall be consistent with this Ordinance and with the requirements for such, as established and provided for by 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:

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1. The adopted Comprehensive Plan and Major Thoroughfare Plan.

2. Any re-Development or restoration plans.

3. Utility plans (including need for Easements).

4. Impact on or possible modification required in base District zoning.

5. All other matters normally considered in recommending a Rezoning, excepting those aspects of the report that pertain specifically and solely to the Historic District and as otherwise specified in Section 8.5.12.F.

H. 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 fifteen (15) days prior to the date of the hearing in accordance with Section 8.5.4.D.4. 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 Development Code to reflect the same in the manner specified in Section 8.5.17. Upon designation, a Historic District shall be classified as "Historic Overlay District" shall be classified as such and the designating ordinance shall prescribe significant exterior architectural features, the types of construction, Alteration, demolition, and removal, other than those requiring a Building Permit or Demolition Permit that should be reviewed for appropriateness; the Design Guidelines for applying

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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 Development Code, the Official Zoning Map of the City shall be amended to show the location of the Historic District. The Applicant shall not be required to go through the Rezoning process in Section 8.5.18.

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 8.5.18.

8.5.12 Certificate of Appropriateness

A. Applicability

A Certificate of Appropriateness shall be required before the any of the following actions may be taken, which affect the Exterior Architectural Appearance of any Structure or other property within a Historic District:

1. Any Construction, Alteration, or removal requiring a Building Permit.

2. Any demolition in whole or in part requiring a Demolition Permit.

3. Any Construction, Alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the Historic District.

B. Application for Certificate Appropriateness

A Certificate of Appropriateness Application shall be submitted in accordance with Section 8.5.4. In addition:

1. Every Application for a Demolition Permit or a Building Permit, including the accompanying plans and specifications, affecting the Exterior Architectural Appearance of a designated Historic District or property within a designated Historic District shall be forwarded by the Planning Department within seven days following its receipt of the Application for action pursuant to the City Historic Guidelines.

2. The 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 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 availability of sufficient data, grant a Certificate of Appropriateness with or without attached conditions or deny the certificate, and shall state the grounds for denial in writing.

3. In its review of any Application submitted hereunder, the Historic Zoning Commission shall apply all applicable

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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.

7. The surface cleaning of Structures shall be undertaken with the most gentle means possible. Sandblasting and other cleaning methods that will damage the historic materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or Adjacent to, any project.

9. Contemporary design for Alterations and additions to existing properties shall not be discouraged when such Alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

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E. Final Action by Historic Zoning Commission

The Historic Zoning Commission shall either:

1. Approve the Application for Certificate of Appropriateness; or

2. Approve the Application for Certificate of Appropriateness with conditions; or

3. Deny the Application for Certificate of Appropriateness.

F. Denial of Certificate of Appropriateness

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Zoning Commission shall make recommendations to the Applicant concerning changes, if any, in the proposed action that would cause the Historic Zoning Commission to reconsider its denial and shall confer with the Applicant and attempt to resolve as quickly as possible the differences between the owner(s) and the Historic Zoning Commission. The Applicant may resubmit an amended Application or submit a new Application that takes into consideration the recommendations of the Historic Zoning Commission.

8.5.13 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;

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

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investigation that is initiated by a petition from any person who is familiar with the subject property, which may include but not be limited to a City employee.

2. On receipt of a petition alleging the existence of a Condition of Neglect, the Zoning Administrator shall notify the owner(s) in writing of the allegation and the process for making a decision regarding the petition, including any applicable deadlines. Among other things, the notice shall offer the owner the opportunity to meet in person with the Zoning Administrator and to present any relevant information. Notice shall be delivered by personal service, or by certified or registered mail, return receipt requested. If certified mail is refused or unclaimed, notice may be delivered by first class mail, and shall be considered effective if such mail is not returned by the post office within fifteen (15) days of mailing. In the case of notice by first class mail, notice shall also be posted on the property. Notice of the investigation may also be given to the owners of nearby or adjacent properties or neighborhood associations.

3. The Zoning Administrator shall:

a. Investigate the allegation that a Condition of Neglect exists;

b. Hold one or more meetings at a time to be set by the Zoning Administrator in which the owner(s), other persons who have received notice, or other interested persons may give information;

c. Issue a written determination, supported by findings of fact, regarding the allegation within forty-five (45) days of the owner's receipt of notice;

d. Include within the determination a time period for correcting the Condition of Neglect, if a Condition of Neglect has been found;

e. Retain all information presented by the owner(s) or other persons;

f. Deliver the written determination through any of the means for delivery of notice, as described above;

g. Designate the written determination as a final administrative determination with the right of appeal to the Historic Zoning Commission; and

h. Include information regarding rights to a de novo hearing before the Historic Zoning Commission in accordance with the process described in Section 8.5.14.D.5.

4. The above process may be suspended in the event the owner(s) agrees in writing to correct the alleged Condition of Neglect within a time period determined to be reasonable by the Zoning Administrator. If the condition is not corrected within that time period, the process shall continue where it was suspended.

5. If the owner(s) disagrees with the Zoning Administrator's determination, the owner may appeal and may request a de novo hearing before the Historic Zoning Commission.

6. The request shall be delivered to the 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

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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:

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 (2) 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 (2) 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 (2) years.

j. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.

k. Annual cash flow, if any, for the previous two (2) years.

16. Nothing contained within this Section 8.5.14 shall diminish the City's power to declare a Structure unsafe or in violation of the minimum housing code or any other applicable statute or code. In addition, the procedures described herein are mandatory only for determinations being made solely under the authority of this Section 8.5.14.

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Where other Sections of this Ordinance, the City 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 City may apply for any appropriate equitable remedy to enforce the provisions of this Section 8.5.14.

b. The City may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Section 8.5.14. Whenever the party is cited for contempt by the court and the City has executed the order of abatement, the City shall have a lien on the property for the cost of executing the order of abatement.

c. Civil penalties may be assessed for failure to comply with a final administrative determination or an un-appealed Historic Zoning Commission decision under the provisions and guidelines for assessing such penalties for violations of this Ordinance. Prior to imposing a civil penalty, the Zoning Administrator shall deliver a written notice by personal service or by registered or certified mail, return receipt requested, to the person responsible for the violation indicating the nature of the violation and ordering corrective action. Where the violation is the failure to remedy a Condition of Neglect within the time periods provided by the Zoning Administrator or the Historic Zoning Commission, no additional time period for compliance need be given. The notice shall include information regarding the possible assessment of civil penalties and other possible enforcement actions. If this notice is appealed to the Board of Zoning Appeals, the Board of Zoning Appeals shall not rehear any issue that was heard by the Historic Zoning Commission or could have been so heard had an appeal to the Historic Zoning Commission been made; rather, the Board of Zoning Appeals shall limit the scope of its review to whether there has been compliance with the Zoning Administrator's determination or the Historic Zoning Commission's determination, as applicable.

8.5.14 RESERVED

8.5.15 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 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 requests for Conditional Use Permits in accordance with the provisions of this Ordinance.

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),** or **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.

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D. Variances

1. The Board of Zoning Appeals shall hear and decide requests for Variances in accordance with the provisions of this Ordinance.

2. The Board of Zoning Appeals may authorize, upon appeal 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

j. Private Frontage Type

k. Building Type

l. Lack of Frontage on a Thoroughfare or Civic Space

m. Conditions created by Person having an interest in affected property

4. In addition to Variances that may be granted pursuant to Section 8.5.16.D.2, the Board of Zoning Appeals may grant Variances for the reconstruction, rehabilitation, or restoration of Structures within Historic Districts.

E. Pre-Application Conference

All Applicants for a Conditional Use Permit or a Variance shall schedule a Pre-Application Conference in accordance with Section 8.5.4.B.

F. Application Requirements

An Application for a Conditional Permit or a Variance shall be filed in writing with the Board of Zoning Appeals in accordance with Section 8.5.4.C 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 sixty (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.

5. All notices shall be made at least ten (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. The notice shall be mailed in accordance with Section 8.5.4.D.7.

H. Zoning Administrator Action

1. The Zoning Administrator shall transmit one (1) copy of the Application and all supporting information to the City Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and

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erosion protection, the adequacy of drainage facilities, and other technical matters.

2. If the property with respect to which a Variance or a Conditional Use is located within a Historic District, the Zoning Administrator shall transmit one (1) copy of the Application and all supporting information to the Historic Zoning Commission.

3. The Zoning Administrator shall prepare a report that reviews the Application in light of any requirements of this Ordinance and technical input from the City Engineer or other review bodies. A copy of the report shall be provided to the Board of Zoning Appeals and to the Applicant.

I. Historic Zoning Commission Action

1. If the proposed Use is located within a Historic District and a Certificate of Appropriateness is required, the Applicant shall obtain the certificate according to the procedure in Section 8.5.13, prior to proceeding.

2. If no Certificate of Appropriateness is required but the proposed use is within a Historic District, the Zoning Administrator shall include comments and recommendations in the report prepared by the Zoning Administrator.

J. Board of Zoning Appeals Action

1. The Board of Zoning Board of Appeals shall conduct a public hearing pursuant to Section 8.5.16.G.

2. After conducting the public hearing, and considering the recommendations of the Zoning Administrator and the requirements listed in Sections 8.5.16K and 8.5.16.L, the Board of Zoning Appeals shall:

a. Approve the request;

b. Approve the request with conditions;

c. Deny the request; or

d. Continue the hearing.

3. In acting on an Application for a Variance, the Board of Zoning Appeals shall limit its review and action to the specific standard, condition, or requirement from which relief is requested.

K. Conditional Use Permit Specific Requirements

1. A Conditional Use Permit may be granted provided the Board of Zoning Appeals finds that the request conforms to the following requirements:

a. The proposed Use is listed as a Conditional Use for the applicable District;

b. The proposed Use conforms to all applicable standards listed in Section 4.3.9.D, for the proposed Use;

c. The proposed Use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

d. The proposed Use will not adversely affect other property in the area in which it is located;

e. The proposed Use conforms to all applicable provisions of this Ordinance for the District in which it is to be located.

f. A Conditional Use Permit shall not be considered an entitlement, and shall be granted by the Board of Zoning Appeals only after the applicant has demonstrated to the satisfaction of the Board that all required standards are met.

g. The proposed Use shall comply with all applicable regulations, including any specific standards for the proposed use set forth in this Ordinance. Any Accessory Use to a Principal Use that is indicated as Conditional Use for the applicable District is subject to express approval by the Board of Zoning Appeals.

h. A Conditional Use shall be in accordance with the Comprehensive Plan, Major Thoroughfare Plan, and any other Land Use Plans. The Board of Zoning Appeals shall determine from its review of the Development Plan that the location, design and operation of a Conditional Use is not an impediment to projected growth plans for

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the planning jurisdiction and to determine that adequate public facilities are available to accommodate the proposed Use.

i. The proposed Use shall not adversely affect the safety and convenience of vehicular or pedestrian circulation and, in the opinion of the City Engineer, shall not decrease traffic flow below "Level of Service D" along any portion of public Thoroughfare where the property has Frontage.

j. The facility shall provide Parking and loading accommodations as required by this Ordinance.

k. The Board of Zoning Appeals may restrict the hours of operation, establish permit expiration dates, and impose other reasonable conditions necessary to protect the public health, safety and welfare.

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 City Engineer, all relevant factors, and standards specified in other Sections of this Ordinance, and:

(1) The danger that materials may be swept onto the other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(5) The importance of the services provided by the proposed facility to the community;

(6) The necessity to the facility of a waterfront location, where applicable;

(7) The availability of alternative locations, not subject to flooding or erosion damage;

(8) The compatibility of the proposed use with existing Development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the Comprehensive Plan, the Major Thoroughfare Plan, any other Land Use Plan, and floodplain management program for that area;

(10) The safety of access to and from the property in times of flood for ordinary and emergency vehicles;

(11) The expected heights, velocity, duration, rate of rise, and Sediment transport of the flood waters expected at the site; and

(12) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer,

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gas, electrical, and water systems, and streets and bridges.

L. Variance Specific 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 City's Comprehensive Plan, Major Thoroughfare Plan, other Land Use Plans, or this Ordinance.

f. That the proposed Variance will not impair an adequate supply of light and air to the Adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the Applicant or any Person having an interest in the property.

2. Notwithstanding anything to the contrary contained or implied in Section 8.5.16.L.1, none of the following shall be deemed or considered to be, or be considered in making a determination whether strict compliance with this Ordinance presents, a peculiar and exceptional practical difficulty to or exceptional or undue hardship upon the owner of property:

a. Pecuniary considerations

b. Aesthetic considerations

c. Historic preservation

d. Public good

e. Over-compliance with other provisions of this Ordinance

f. Personal situations

g. Proximity to inconsistent or incompatible Uses or Development

h. Other Variances that have been granted

i. Nonconformities

j. District boundaries

k. Conditional Uses or Uses Permitted Subject to Limited Use Standards; or

l. Deterioration of surrounding area.

3. Neither any Nonconforming Use of neighboring lands, Structures, or Buildings in the same District, nor any non-permitted or Nonconforming Use of lands, Structures, or Building in other Districts shall be considered grounds for the issuance of a Variance.

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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 of 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 City, who is aggrieved by a decision of the Board of Zoning Appeals on a Variance, may appeal by *certiorari* to a court of competent jurisdiction. The judgment and findings of the Board of Zoning Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Ordinance shall be final and subject to review only for illegality or want of jurisdiction.

8.5.16 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 thirty (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.

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 ten (10) days prior to the scheduled Board of Zoning Appeals meeting.

6. The notice shall be published in accordance with 8.5.4.D.

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.

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3. The Board of Zoning Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Zoning Appeals shall have all the powers of the officer from whom the appeal is taken.

4. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

5. The concurring vote of a majority of the entire membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the Applicant on any matter upon which it is required to pass under this Ordinance, or to effect any Administrative Adjustment in the Application of this Ordinance.

6. Any motion to overturn an administrative decision shall state the reasons or findings of fact that support the motion.

E. Effect of Appeal

1. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Zoning Appeals that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

2. An appeal shall not stop action lawfully approved (including construction activities authorized by a Building Permit); only actions presumed in violation of this Ordinance are stayed.

F. Further Appeal

Any person, including without limitation, any agency of the City, who is aggrieved by a decision of the Board of Zoning Appeals on appeal of an administrative decision may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board of Zoning Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Ordinance shall be final and subject to review only for illegality or want of jurisdiction.

8.5.17 Development Code Amendment

A. Applicability

This Section 8.5.17 is applicable to requests for amendment of the text or other content of this Ordinance (an "Ordinance Amendment, Development Code 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 8.5.18.

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 this Development Code or whenever the public necessity, convenience, and general welfare require such amendment.

C. Consistency with Plans

1. All petitions for Development Code Amendment must be consistent with the Comprehensive Plan, the Major Thoroughfare Plan and any other adopted City plans. Unless initiated by the City, a proposal for Development Code Amendment shall not be approved by the Board of Commissioners when there is a conflict with the Comprehensive Plan, the Major Thoroughfare Plan, or any other applicable adopted City plans as determined by the Planning Commission.

2. When required, an Application for an amendment to the Comprehensive Plan, the Major Thoroughfare Plan, or any other adopted City plans may be submitted concurrently with an Application for Development Code Amendment. The decisions, however, shall be rendered with separate motions.

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D. Initiation of Amendment

A Development Code 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 City.

E. Application for Amendment

1. An Application for Development Code Amendment shall be filed with the Zoning Administrator.

2. An Application for Development Code Amendment shall be submitted in accordance with Section 8.5.4.C.

3. An Application for Development Code Amendment shall be accompanied by a conceptual Plot 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 Development Code 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 thirty (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 Development Code Amendment and shall note the same in the official record as follows:

a. The extent to which the proposed Development Code Amendment is consistent with the remainder of this Ordinance, including, specifically, any purpose and intent statements;

b. The extent to which the proposed Development Code 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 Development Code Amendment corrects an error in this Ordinance; and

d. Whether or not the proposed Development Code Amendment revises this Ordinance to comply with state or federal statutes or case law.

H. Board of Commissioners Hearing Schedule

The petition for Development Code 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 Development Code Amendment shall require a public hearing before the Board of Commissioners.

2. Notice of the proposed Development Code Amendment shall be published in accordance with Section 8.5.4.D.

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.

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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 Development Code Amendment, approve the it with modifications, deny it, or send it 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 Development Code Amendment and shall note the same in the official record as follows:

a. The extent to which the proposed Development Code Amendment is consistent with the remainder of this Ordinance, including, specifically, any purpose and intent statements;

b. The extent to which the proposed Development Code 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 Development Code Amendment corrects an error in this Ordinance; and

d. Whether or not the proposed Development Code 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 Development Code Amendment is denied, the Application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except upon initiation by the Board of Commissioners or Planning Commission.

L. Entry of Development Code Amendment

Upon enactment of a Development Code 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 this Development Code 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.

8.5.18 Rezoning

A. Applicability

This Section 8.15.18 is applicable to requests for a change in the District boundaries of property, including without limitation the District assignment 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., Code Amendment, Development Code Amendment or a zoning text amendment) are governed by Section 8.5.17.

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, the Major Thoroughfares Plan, and any other Land Use 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.

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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 must be capable of being subdivided in accordance with the City Subdivision Regulations and Developed in accordance with the requirements of this Ordinance.

2. All requirements of this Ordinance must be met within the boundaries of the area being Rezoned. 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 concept Plot Development Plan meeting the requirements of Section *8.5.6.G shall be provided as part of a Rezoning Application. Submission of such concept Plot Development Plan shall not be construed as satisfying the requirement of providing a Plot Development Plan or Site Development Plan for Development or Construction on the Rezoned land.

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 recommendations within sixty (60) days of the first hearing of a request, absent a significant modification to the plan or request by the Applicant. The time period for a recommendation may be altered, 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, the Major Thoroughfare Plan or any other applicable adopted City plan;

b. It has been determined that the Rezoning is for a legal purpose 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 Rezoning 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.

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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 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 City shall post signs on the property indicating the action requested in accordance with Section 8.5.4.D.3.

4. Initial zoning of properties newly annexed into the City shall not require the posting of a sign.

5. Notice of the Rezoning shall be mailed in accordance with Section 8.5.4.D.4.

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 (2) 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. The Rezoning is in agreement with the Comprehensive Plan and any applicable local area plans;

b. It has been determined that the legal purposes for which zoning exists are not contravened; and

c. It has been determined that there will be no adverse effect upon Adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

L. Effect of Denial of Application

Whenever an Application for a Rezoning of any property is denied, no Application for Rezoning of all or any part of such property may be made or considered for one year following such denial, except in the following cases:

1. Upon initiation by the 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.

3. If the previous Application was denied for the reason that the proposed Rezoning would not conform to the Comprehensive Plan, the Major Thoroughfare Plan, or any other applicable adopted City plan and such plan was subsequently amended in a manner which would allow the proposed zoning.

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M. Districts as Applied to Territory Added to Jurisdiction of City

Whenever new territory is added to the zoning jurisdiction of the City by any means, the land shall be zoned to District CD-2.

N. Reflection on Zoning Map

1. Upon approval of a Rezoning, 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.

8.5.19 Plan Amendment / Adoption

A. Applicability

1. This Section 8.5.19 is applicable to the adoption of, or amendments to, the Comprehensive Plan, the Major Thoroughfare Plan, and any other Land Use Plans and maps.

2. The Board of Commissioners shall consider adoption of, or amendments to, Land Use Plans as may be required from time to time.

3. The process for adoption of a Land Use Plan shall be the same as that for a Land Use Plan amendment, as set forth herein.

B. Coordination with Rezoning Application

An Application for a Land Use Plan amendment may be submitted and reviewed concurrently with a Rezoning Application. The public hearings on both the proposed Land Use Plan amendment and the proposed Rezoning may be heard at the same meeting; however, decisions shall be rendered with separate motions.

C. Pre-Application Conference

An Applicant applying for a Land Use Plan amendment may schedule a Pre-Application Conference with the Zoning Administrator in accordance with Section 8.5.4.B.

D. Application Requirements

An Application for a Land Use Plan amendment shall be submitted in accordance with Section 8.5.4.C, Application Requirements. The Zoning Administrator shall review the Application and make any recommendations to the Planning Commission.

E. Action by Planning Commission

1. Before making any recommendation on a Land Use Plan amendment, the Planning Commission shall consider any recommendations from the Zoning Administrator, and shall conduct a public hearing.

2. Notice and public hearing requirements shall be in accordance with Section 8.5.4.D.

3. It is expected that the Applicant or a representative of the Applicant will appear at the meetings to explain why the Land Use Plan should be changed.

4. Following the public hearing, the Planning Commission shall make a recommendation on the Application to the Board of Commissioners.

5. The Planning Commission shall make its recommendation within thirty (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.

6. If 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.

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F. Criteria for Planning Commission Action

The recommendations of the Planning Commission to the Board of Commissioners shall show that the Planning Commission has studied and considered the proposed Land Use Plan amendment in relation to the following, where applicable:

1. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of all other applicable adopted Land Use Plans;

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

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

4. Whether conditions affecting the area have changed to a sufficient extent to warrant the proposed change; and

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

G. Action by Board of Commissioners

1. Before taking action on a Land Use Plan amendment, the Board of Commissioners shall consider the recommendations of the Planning Commission and any recommendations of Zoning Administrator, and shall conduct a public hearing.

2. Notice and public hearing requirements shall be in accordance with Section 8.5.4.D.

3. It is expected that the Applicant or a representative of the Applicant will appear at the meetings to explain why the Land Use Plan should be changed.

4. Following the public hearing, the Board of Commissioners may approve the amendment, deny the amendment, or send the amendment back to the Planning Commission for additional consideration.

5. An approval shall be by written resolution. The approval may be subject to any conditions specified by the Board of Commissioners. The effective date may be immediate or may be a date otherwise specified in the approval.

H. Official Copies of Land Use Plans

Official, current copies of all Land Use Plans adopted by the City, as amended, shall be maintained in the office of the Zoning Administrator and shall be available for review during normal business hours.

8.5.20 Sign Permits

A. Sign Permit Required

No Sign other than an Exempt Sign may exist or be erected, installed, altered, modified, or restored in the City unless it is the subject of a valid Sign Permit approved by the Zoning Administrator and issued by the Building Inspector in accordance with this Section 8.5.21.

B. Applications

Sign Permit Applications shall be made with the Building Inspector.

C. Application Requirements

Each Application for a Sign Permit shall be accompanied by a fully dimensioned Sign Plan that reflects that such Sign, the method and means of its installation, its type, and its location on the applicable Building or Lot comply with all applicable standards and requirements of this Ordinance, together with such other information as may be necessary to determine and provide for the enforcement of **Article 7 (Sign Standards)**.

D. Review by Zoning Administrator; Certificate of Compliance

Upon receipt of an Application for a Sign Permit, the Building Inspector shall forward to the Zoning Administrator a copy thereof and copies of all accompanying materials, including without limitation the Sign Plan.

The Zoning Administrator shall review such Application, Sign Plan, and other materials to determine whether the proposed Sign complies with **Article 7 (Sign Standards)**.

If the Zoning Administrator determines that the Application, Sign Plan, and other materials, comply with **Article 7 (Sign Standards)**, he or she shall issue a Certificate of Compliance, certifying compliance **Article 7 (Sign Standards**), and shall forward a copy of the same to the Building Inspector.

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E. Issuance of Sign Permit

A Sign Permit shall be issued by the Building Inspector if and only if:

1. the Applicant pays the Application fee in accordance with a fee schedule adopted by the Commission,

2. the Building Inspector determines that the Application, proposed Sign, and the Sign Plan and other materials accompanying the Application conform to the applicable requirements of the Building Code and all applicable electrical codes, and

3. the Building Inspector has received a copy of the Zoning Administrator's Certificate of Compliance, certifying compliance with **Article 7 (Sign Standards)**.

8.5.21 Preliminary Plats & Final Plats

Preliminary Plats and Final Plats must meet the standards and requirements of this Ordinance and the City Subdivision Regulations as the same are in effect from time to time, and must be prepared, submitted, reviewed and acted upon in accordance with such City Subdivision Regulations.

SECTION 8.6 ENFORCEMENT

8.6.1 Enforcement; Violations; Penalties; & Remedies - General

A. Enforcement

This Ordinance and the provisions of any Plan, approval, permit, or certification approved, issued, or granted under this Ordinance shall be enforced by the Building Inspector, the Zoning Administrator, the applicable Decision-Making Authority, the City Codes Enforcement Inspector, or City law enforcement officer.

B. Complaints / Notice of Violation

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

2. If, after such investigation or at his own initiation, the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator, Building Inspector, or a law enforcement officer of the City, shall serve a notice of violation on the owner, agent or contractor of the Structure or Lot, Building Site, or other land where such violation has been committed or shall exist, and on any lessee or tenant of the part of, or of the entire Structure or the Lot, Building Site or other land where such violation has been committed or shall exist and/or on the agent, architect, contractor, or any other Person who takes part or assists in such violation or who maintains any Structure or the Lot, Building Site or other land with respect to which any such violation has been committed or shall exist.

3. If the violation is one of those for which the premises may or must be vacated, such fact shall be stated in the notice, and a notice to that effect shall be affixed to the front of the premises giving notice thereof. To the extent permitted by state law, if notice is given by service via a newspaper of general circulation, a USPS mailing, and posting at the property in question, the violation must be corrected within fifteen days of the last required notice.

4. Irrespective whether notice is otherwise required, notice of violation shall be served by certified mail, return receipt requested, or by personal service.

C. Correction of Violation

1. If notice of violation is given by certified mail, the violation must be corrected not later than five (5) days after the time of mailing.

2. If notice of violation is given by personal service, the violation must be corrected within two (2) days after such service.

D. Service of Appearance Ticket

In addition, if those Persons notified shall fail to correct any violation within the required period, the Zoning Administrator, Building Inspector, or any City law enforcement 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.

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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 City or any Adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, Alteration, extension, conversion or use, to correct or abate the violation, or to prevent the occupancy of such Structure or land.

2. Where a violation of this Ordinance exists, the Zoning Administrator may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re-establishment of service be withheld until such time as the Structure or premises are no longer in violation of this Ordinance.

F. Certain Remedies for Specific Violations

1. If the violation is one of the following, and if those Persons notified shall fail to correct such violation within the allotted time period, the Zoning Administrator, the Building Inspector, the Codes Enforcement Inspector, and/or any City law enforcement officer shall charge them with such violation of this Ordinance before the appropriate court of law:

a. No Tree Removal Permit, Grading Permit, Building Permit, and/or no Certificate of Occupancy.

b. Tree Removal Permit, Grading Permit, Building Permit, and/or Certificate of Occupancy has been revoked.

c. The Structure, in the opinion of the Building Inspector, constitutes an immediate danger to health or a fire hazard. An immediate danger to health shall consist of:

(1) No heat or heat below 50°F in the months of December, January, February or March.

(2) Inoperable plumbing facilities.

(3) Structural instability.

(4) No water service to the Building or applicable part thereof.

(5) Heating units, systems, or venting not in conformity with the requirements of the Building Code and Fire Code.

2. Such charge may be made by an appearance ticket, which the Zoning Administrator, the Building Inspector, and/or City law enforcement officer is authorized to issue.

3. Other provisions of this Ordinance notwithstanding, no notice shall be required by the Zoning Administrator, the Building Inspector, or City 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 Building Inspector to close a Structure, said Person may file a written request for reconsideration review, together with the applicable fee, within the time provided to correct the defect, and the right to remove shall be stayed until one (1) day after notice of the decision on reconsideration is provided by personal service or three (3) days after notice of the decision on reconsideration is provided certified mailing or, if the Zoning Administrator or Building Inspector shall grant an extension of the time allowed to correct the violation, until the end of that extension.

H. Each Violation Separate

Each violation of this Ordinance shall constitute a separate and distinct violation and each day a violation of this Ordinance continues after expiration of the allotted time for its cure, if any, shall constitute 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 Variances, Conditional Uses, and temporary Certificate of Occupancy shall constitute a misdemeanor and shall be punished as provided for by

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law. This includes a fine of the greater of $50 per day or the maximum permitted by state law, including, but not limited to, remedial costs, for each violation and/or separate offense.

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 Building, Structure, Development, Use, permit, license, approval, or certificate issued or granted pursuant to this Ordinance any violation or failure to comply with any requirement, standard, or condition of this Ordinance or any such permit, license approval, or certificate, any or all of the following actions or proceedings may be taken on behalf of the City, whether by legal process or otherwise:

1. Revocation or suspension of any or all approvals, permits, certificate or licenses related to such Lot, Building Site, Development Site, or other land or any Building, Structure, Development, or Use;

2. Denial of any or all Applications, approvals, permits, certificates or licenses related to such Lot, Building Site, Development Site, or other land or any Building, Structure, Development, or Use;

3. Issuance of one or more stop work or cease and desist orders;

4. Taking or instituting any other action or proceeding, whether by legal process or otherwise, to require compliance with the requirements, standards, and conditions of this Ordinance, and all permits, license, certificate, or approvals granted or issued pursuant to this Ordinance; and

5. Taking or instituting any other action or proceeding to prevent the unlawful erection, Construction, re-Construction, Alteration, repair, conversion, moving, maintenance, Use, Development, Improvement, Building, or Structure, to restrain, correct or abate such violation, to prevent the occupancy of such Building, Structure, Lot, Building Site, or Development Site, 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 other Zoning Permits

A. Notice of Non-Compliance

Without limitation to any of the other penalties, remedies, and rights of enforcement provided for under this Ordinance, if the Zoning Administrator or the Building Inspector determines that a violation exists under this Ordinance or any permit, license, or certificate, or approval granted or issued pursuant to this Ordinance, or that one or more of the terms of any approval, permit, license, or certificate granted or issued under this Ordinance 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 Zoning Administrator or Building Inspector shall revoke any such permit, license, or certificate, or approval.

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 Building Inspector shall reinspect the site, and, if any of such violations still exist, the Zoning Administrator and Building Inspector shall revoke the permit, license, or certificate, or approval with respect to which any violation exists, post a notice of revocation on the property, Building, or Structure and mail a notice, by certified mail, to the owner thereof as shown on the latest tax assessment roll.

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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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9-1 ARTICLE 9
Definitions

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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 City.

SECTION 9.2 TERMS

9.2.1 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.

9.2.2 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:

A

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.

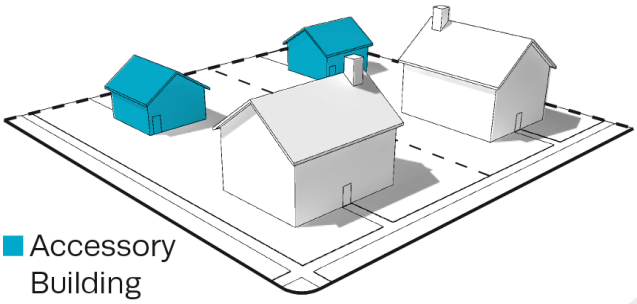
Access: as a noun, a legal and physical means of entering premises, whether by Adjacency, Easement, or otherwise; as a verb, the act of entering premises.

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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 (Accessory Building)**.

Illustration 9.3.A-1 (Accessory Building)



Accessory Dwelling Unit: 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, Rural Retreat, 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.

Active Recreation: outdoor recreational activities that require physical activity, exercise, and bodily movement. Examples include walking, hiking, jogging, canoeing or kayaking, and swimming.

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.

Additional Primary Dwelling: one or more additional Primary Dwelling Units located on a single Lot/Building Site with another Primary Dwelling Unit where allowed under Section 4.3.9.D.6.

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.

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: any corporation, partnership, or business of any kind which has as its principal or predominant stock in trade books, magazines, or other periodicals and which offers, sells, or rents for a fee: (A) any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; (B) any sexually-oriented material which has a substantial portion of contents devoted to

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the pictorial depiction of sadism, masochism, or bestiality; or (C) any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age.

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 Continuing Education / Personal Improvement Education / 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 Day Care Facility: premises at which Adult Day Care Services are provided.

Adult Day Care Services: as defined in the Rules of Tennessee Department of Human Services Community and Social Services.

Adult Mini Motion Picture Theater or **Adult Motion Picture Theater:** an enclosed Building used for presenting films which are distinguished by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities for observation by patrons therein.

Adult Oriented Business: a Commercial enterprise that offers as its principal or predominant stock or trade sexually-oriented material, devices, or paraphernalia or Specified Sexual Activities or any combination or form thereof, where printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults. Adult Oriented Businesses include, without limitation, Adult Arcades, Adult Bookstores, Adult Mini-Motion Picture Theaters, Adult Motion Picture Theaters, and Adult Shows or Adult Peep Shows.

Adult Show or **Adult Peep Show:** an establishment which includes all adult shows, exhibitions, performances, or presentations which contain acts or depictions of Specified Sexual Activities.

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)**.

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 Farm 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.

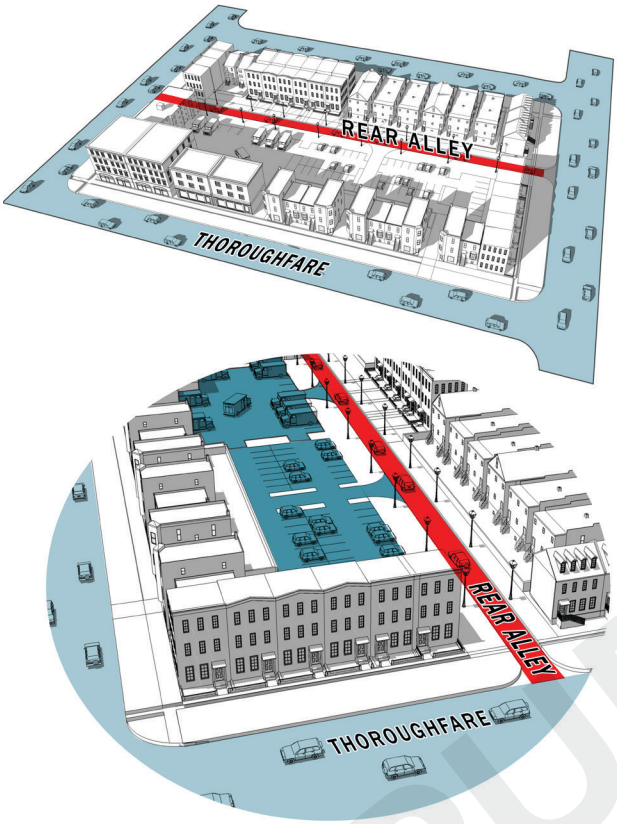
Alcoholic Beverage Retail Sales: an establishment engaged in the Retail sale of Alcoholic Beverages for off-premises consumption.

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.

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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.

Ambulance Service: an establishment in which patient transport services, non-transport pre-Hospital life support services, and advanced life support, paramedic, and medical first-responder services are provided.

Amphitheater: an open-air venue used for entertainment, performances, exhibitions, sports, etc.

Animal Enclosure: a designated area, typically contained by a Fence or other Structure, used to keep animals within a specific space.

Antenna: any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Apartment: See Multi-Family Dwelling.

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.

Arsenal: an establishment for the storing, manufacturing, testing, or repairing of arms, ammunition, and other military items.

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.

Assisted Living Facility: multiple unit Residential premises for elderly, infirm, or disabled residents, in which housekeeping, meals, and other assistance are available to residents.

Atomic Reactor: a facility designed to produce energy through the nuclear fission of uranium or plutonium.

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, Townhouses, and Small Multi-Family Buildings.

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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)



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)**.

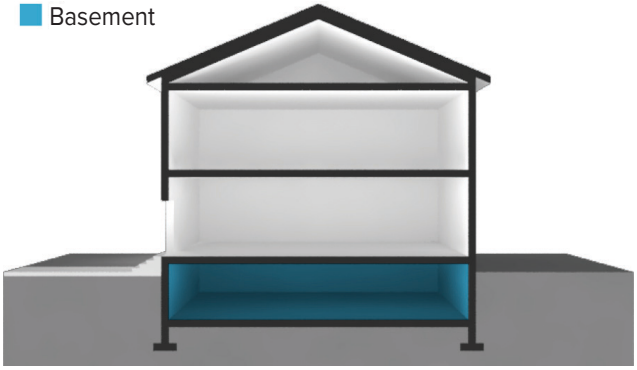
B

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).**

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.

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)



Basic Manufacturing: (1) Industrial / Manufacturing Uses characterized by:

(a) the conversion, processing, and storage of extracted or raw materials;

(b) the Use and/or storage of flammable or explosive materials; or

(c) Manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, other than those classified as Hazardous Manufacturing.

(2) The Industrial / Manufacturing Uses subcategory that includes the Uses described in (1) above. See **Table 4.3.9.1-A (Building, Lot, & Building Site Principal Uses)**.

Bed and Breakfast: an Accommodations / Lodging Use characterized by one (1) to five (5) bedrooms of an owner-occupied Building or Accessory Building being offered to paying guests for overnight Lodging with breakfast.

Bicycle Lane: a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping. *See* **Table 5.2.4.B (Bikeway Types)**.

Billboard: a Sign intended for viewing from extended distances, having a display area greater than fifty (50) feet.

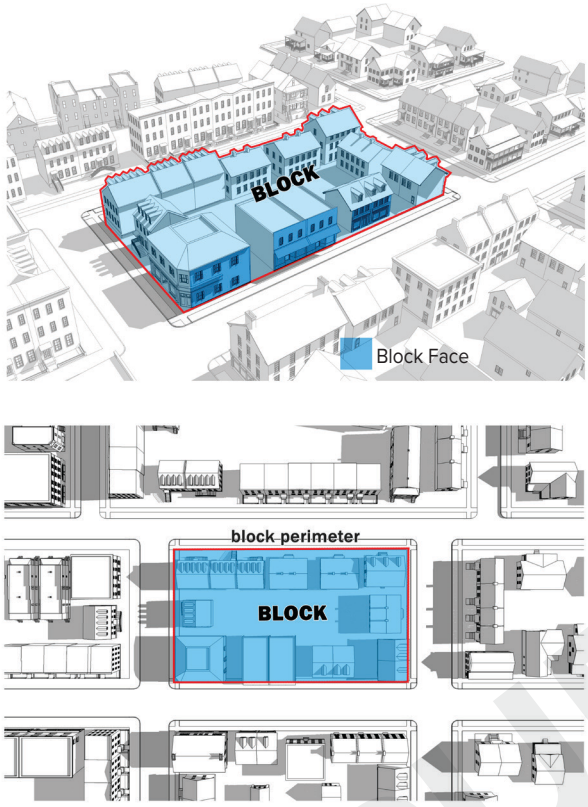
Blade Sign: the Sign Type described as such in **Table 7.1.2.B-1 (Sign Types - Summary)** and **Table 7.1.2.B-2 (Sign Types - Specific Standards)**.

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).**

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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 City.

Board of Zoning Appeals: the Board of Zoning Appeals of the City.

Boat-Related Uses: (1) the term referring collectively to Boat Sales, Rental, or Leasing Uses; (2) the Commercial Use subcategory that includes the Uses described in (1) above.

Boat Sales, Rental, or Leasing: a Structure, premises, or establishment in, on, or from which watercraft are available for sale, rental, or leasing.

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.

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."

Buffered Bicycle Lane: a dedicated lane paired with a designated buffer space which separates the bicycle lane from the Vehicular Lane. *See* **Table 5.2.4.B (Bikeway Types)**.

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 latest version(s), and any amendments thereto, of the International Code Council, as adopted by the City.

Building Element: any component or part of a Building.

Building Inspector: the City Building Inspector or designee.

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 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".

Business: operation of or engagement in for-profit activities and endeavors, including without limitation Commercial and Industrial activities and endeavors.

Business Office: Use characterized by premises available for any function of a Business, excluding Professional Offices.

Business Service: An establishment primarily engaged in rendering services to other Business establishments on a fee of contract basis, such as advertising and mailing, Building maintenance personnel and employment services, protective services, management and consulting services, equipment rental and leasing, photo finishing, copying and printing, travel, office supply and similar services.

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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, University, or Community College.

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.

Car Wash: an establishment containing equipment for washing cars or other vehicles automatically.

Catering 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.

Center for Observation and Rehabilitation: A licensed medical facility wherein services more intensive than those required for room, board, Personal Services, and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

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.

Character District: one of several areas on a Zoning Map to which certain Character District Development, Lot or Building Site, Building, Development Parcel standards are applied. *See* **Tables 4.3.1-A - 4.3.1.G (District Standards - Character Districts)** *and* **Table 4.3.1-J (District Standards - Civic Character District)**.

Child Day Care in Home: an occupied Dwelling in which a Person provides day care for children other than such Person's own Family.

Children Day Care Facility: a licensed establishment wherein an agency, person, or persons regularly provides non-medical care for a group of five (5) or more children for periods of less than twenty-four (24) hours a day. Notwithstanding the foregoing, Children Dat Care Facility does not include Pre-Schools, Nursery Schools, Kindergartens, or other facilities wherein the primary purpose is educational, recreational, or medical.

Children's Day Camp: premises at which activities are offered to school-aged children in a social setting and the children return home in the evenings.

City: the City of Fairview, Tennessee.

City Code: the municipal code of the City, as the same may be amended and in effect from time to time.

City Planner: the City Planner for the City of Fairview, Tennessee.

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, 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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

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 Uses)**.

Civic District: an area on the Official Zoning Map designated for Civic Building(s) and/or Civic Space(s). *See* **Table 4.3.1-J (District Standards - Civic Character District)**.

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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.

Civic Space: an outdoor area dedicated for Civic Use, which meets the applicable standards of this Ordinance. *See* **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-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.

Civil Support: (1) Uses helpful to emergency and burial needs of the City; (2) the Use category collectively referring to such Uses. *See* **Table 4.3.9.A-1 (Building, Lot, & Building Site Principal Uses)**.

Clinic: a Medical Clinic or Dental Clinic.

College, University, or Community College: an educational institution that offers courses of general or specialized study leading to a Post-Secondary 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 (Commercial), Indoor Recreation, Group Assembly, Outdoor Recreation, Parking, 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, Health Care Uses, Office Uses, Industrial / Manufacturing 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 Uses)**.

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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

Commercial Extended Stay: 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 thirty (30) days, regardless of the presence of leases for shorter periods of time. A Commercial Extended Stay is not a Hotel, Motel, Bed and Breakfast, Inn or Short-Term Rental Unit.

Commercial Street: the Thoroughfare or Internal Drive type described as such in **Table 5.2.2.F (Thoroughfare / Internal Drives Types - Summary)** and **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards)**.

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 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

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zoning restrictions or communications towers under one hundred (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 (1) person or Family, described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-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 City's Comprehensive Plan adopted by the Planning Commission and Board of Commissioners in effect from time to time.

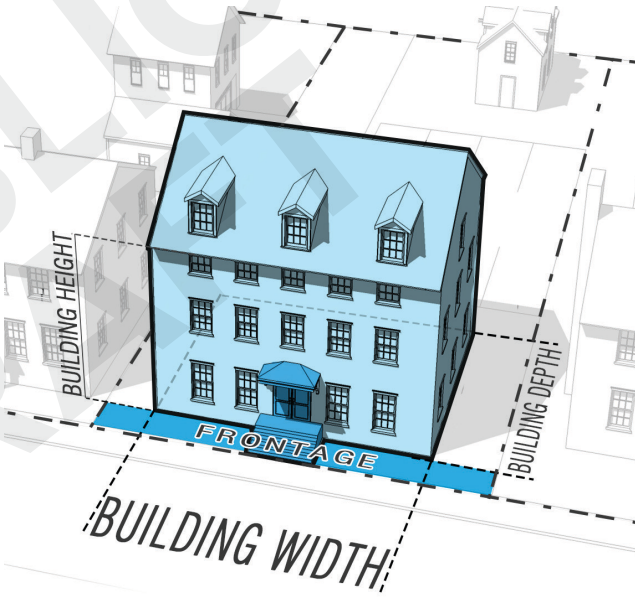
Conditional Use: a Use that would not be appropriate generally or without restriction throughout the applicable District, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, 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.

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)



Construction: the act of adding an Addition to an existing Structure or the erection of a new Structure.

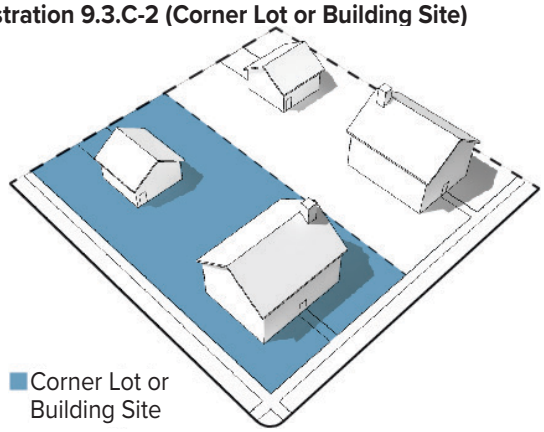
Convenience Store: an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to customers who generally purchase only a few items.

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)**.

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Illustration 9.3.C-2 (Corner Lot or Building Site)



Correctional Facility: a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted.

Corridor: a lineal geographic system incorporating a Thoroughfare, Internal Drive, Greenway, or other Civic Space.

Courthouse: a Building in which courts of law are held.

Crematory: an establishment where the bodies of the dead are cremated. Also known as a crematorium.

Critical Lot or Building Site: a Lot, Building Site,or other Parcel that is designated as such pursuant to this Ordinance or the City Subdivision Regulations, based on soil conditions, degree of slope or other features, to address concerns related to the feasibility of Development or Construction.

Critical Lot or Building Site Plan: a plan required to be submitted as part of each Development Plan submitted pursuant to this Ordinance and of each Plat submitted pursuant to the City'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 20% 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 ten (10) foot wide pedestrian access reserved between Buildings.

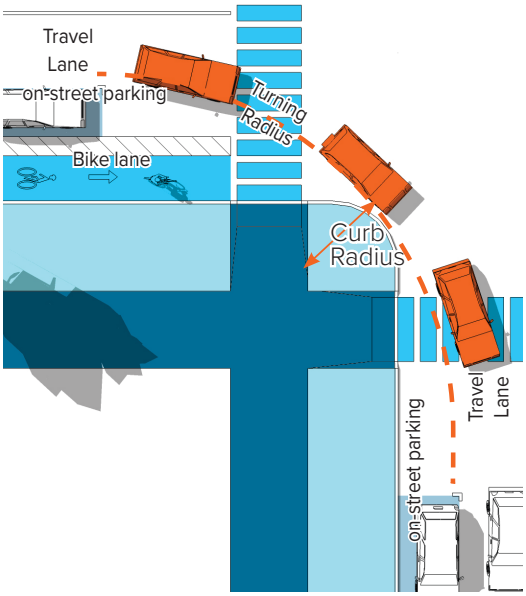
Curb: the edge of the vehicular pavement that may be either raised or flush with a Swale to the extent allowed by this Ordinance. It usually incorporates or is associated with the drainage system. See **Table 4.3.8.A-1 (Thoroughfare Types - Summary)** and **Table 4.3.8.A-2 (Thoroughfare Assemblies and Standards).**

Curb Radius: the radius of the curb at an intersection. *See* **Illustration 9.3.C-3 (Curb Radius).**

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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

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 City administrative Person, legislative or quasi-legislative body, or appellate body authorized to make decisions under this Ordinance, including without limitation, the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals, and the 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. Density shall be calculated based on gross acreage of a Lot/Building Site.

Dental Office: 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.

Design Guidelines: 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.

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.

Developable: land that can be Developed, not including surface waterbodies, protected wetlands, protected habitat, riparian corridors, preserved open space, and protected slopes.

Development Code Amendment: as defined in Section 8.5.18. Synonymous with “Code Amendment” and “zoning text amendment”.

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Development Entrance 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)**.

Development Permit: *See* "Zoning Permit".

Development Plan: a Plot Development Plan or a Site Development Plan, as described in Section 8.5.6.

Development Site: 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.

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, POD 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".

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 two (2) or more sections to be attached on site.

(1) Double-Wide Manufactured Home does not include Manufactured Homes or Mobile Homes constructed as a single self-contained unit and mounted on a single chassis.

(2) A Double-Wide Manufactured Home shall be considered a single-Family Dwelling and shall be subject to all standards and regulations applicable to Single-Family Detached Dwellings, as provided by this Ordinance.

(3) A Double-Wide Manufactured Home is not a Modular Building Unit House.

Drive: the Thoroughfare or Internal Drive type described as such in **Table 5.2.2.F (Thoroughfare / Internal Drives Types - Summary)** and **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards)**.

Drive Aisle: a vehicular accessway that serves and is within a Parking Area, Parking Lot, or Parking Structure. A Drive Aisle is not a Thoroughfare, Internal Drive, or Driveway.

Drive-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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

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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, Commercial Extended Stay, Motel, Short-Term Rental, 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 Uses)**.

Educational Facility: public and private (including charter or religious) schools at the Pre-School, Kindergarten, Primary, Intermediate, or Secondary School levels; Colleges, Universities, or Community Colleges, Graduate / 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.

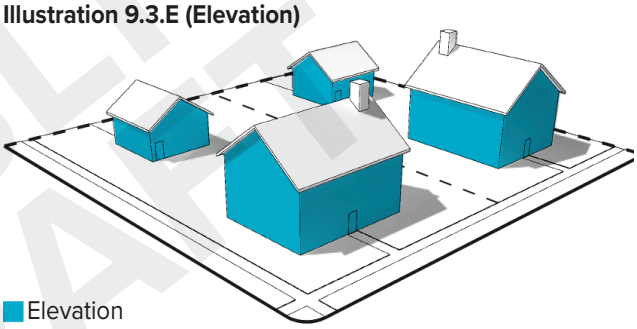
Effective Turning Radius: the measurement of the inside Turning Radius, taking parked cars into account.

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.

Elementary School: a public, private or parochial school offering instruction between Kindergarten and grade 5 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 (Elevation)**.

Illustration 9.3.E (Elevation)



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.

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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.

Excavation: the act of removing dirt or soil (see "Cut").

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 one hundred (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.

Existing Local Codes: all City laws, codes, and ordinances in effect on the Effective Date.

Existing Planned Development: as defined in Section 1.3.2.C.

Existing Planned Development District or Existing PDD: as defined in Section 3.3.4.

Existing Sign: a Sign existing as of the Effective Date.

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.

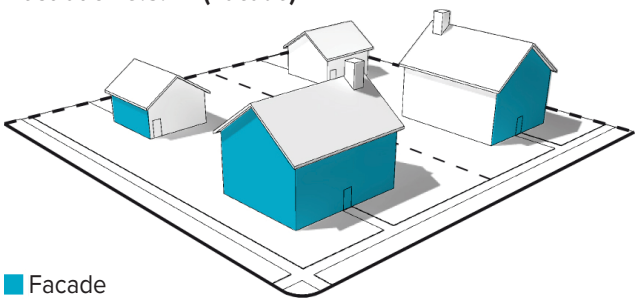
Extractive Uses: sub-category of the Agricultural and Extractive Uses Category characterized by Uses in which minerals or other solids or liquids are extracted from the earth, including without limitation, chemical fertilizer and non-metallic mineral mining, clay, ceramic, and refectory mineral mining, 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

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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 Care Facility: a licensed facility wherein Residential services are provided to eight (8) or fewer unrelated individuals who are handicapped, aged, and disabled or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing Residential services to delinquent minors, the criminally dangerous, and the addicted, and/or mentally ill individuals.

Family Day Care Facility: a facility that provides day care and supervision services for up to eighteen (18) hours per day for no more than twelve (12) recipients at any one time, without overnight accommodations, by a provider of such services who is not related to such recipients, which provider has received and maintains in full force and effect all necessary State approvals and licenses. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendants.

Farm Animals: pigs, horses, cows, sheep, goats, chickens, roosters, ducks, turkeys, donkeys, mules, geese, llamas, alpacas, rabbits, fowl, quail, buffalo, emus, ostriches, pheasants, bees, fish, farm dogs, and farm cats. Exotic animals and other animals not listed within this definition are not considered farm animals.

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: (1) the portion of land surface or area to which soil, rock or other materials have been or will be added; (2) the height above original ground surface after the material has been or will be added; or (3) the act of adding soil, rock or other materials to land.

Final Plat: a final subdivision plan or plat submitted under the City Subdivision Regulations.

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-2 (Finished Grade).**

Illustration 9.3.F-2 (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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

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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.

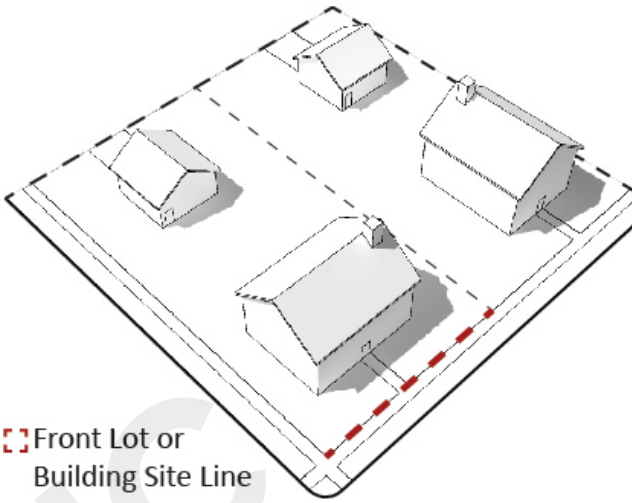
(2) In the case of Non-Residential facilities: arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

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.

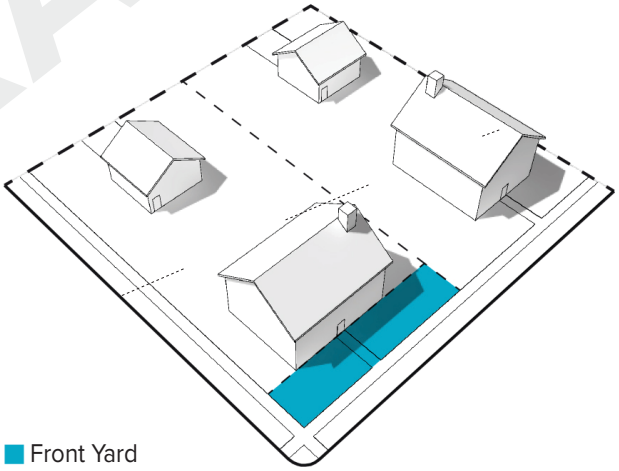
Front Lot or Building Site Line: the boundary at the front of a Lot or Building Site along the Thoroughfare right-of-way or Internal Drive. *See* **Illustration 9.3.F-3 (Frontages and Lot or Building Site Lines).**

Illustration 9.3.F-3 (Frontages and Lot or Building Site Lines)



Front Setback Area or Yard: a portion of a Lot or Building Site that is situated between (1) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot or Building Site and (2) the Front Lot or Building Site Line, extending the full width of the Lot or Building Site, from Side Lot or Building Site Line to Side Lot or Building Site Line. *See* **Illustration 9.3.F-4 (Front [Street] Setback Area or Yard).** Sometimes referred to as "Street Yard".

Illustration 9.3.F-4 (Front [Street] Setback Area or Yard)



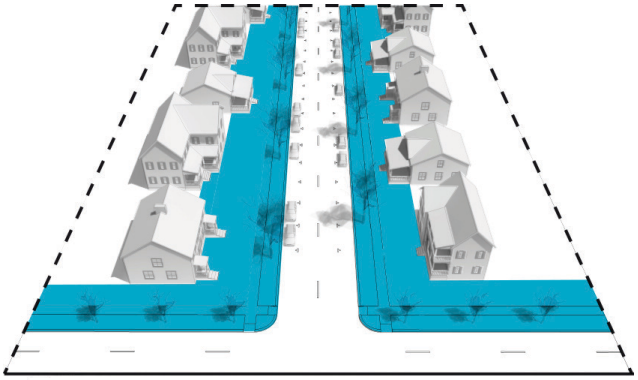
Frontage: the area between a Building Facade and a Path, Passage, waterbody, Civic Space, or the curb (or if there is no curb, the edge) of the Vehicular Lanes of a Thoroughfare or Internal Drive having Vehicular Lanes, inclusive of the built and planted components of such area. Frontage is divided into Private Frontage and Public Frontage. *See* **Illustration 9.3.F-3 (Frontages and Lot or Building**

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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 (2) Frontages, a Principal Frontage and a Secondary Frontage. *See* **Illustration 9.3.F-5 (Principal Frontage and Secondary Frontage)**.

Illustration 9.3.F-5 (Principal Frontage and Secondary Frontage)



Frontage

Frontage Buildout: the percentage of a Lot or Building Site width at the wider of the Front Setback Line or the Front Lot or Building Site Line, which is occupied by the Façade of the Principal Building on the Lot or Building Site; provided that any Streetscreen coplanar with such Façade or along the Front Lot Line may be counted for up to twenty percent (20%) of a Frontage Buildout requirement. *See* **Illustration 4.3.5.A.2 (Frontage Buildout)**.

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-4 (Frontages and Lot or Building Site Lines)**. On a Corner Lot or Building Site, there are two (2) Frontage Lines.

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 City Engineer from (2) the current assessed value of the Structure.

Current Assessed Value of Structure - *Estimated Value of Foundation* = *Full Value*

Funeral Home: an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

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 Crematory.

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.

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, EMS / Fire / Police Station, 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 Grading.

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 man-made, is relocated on any site, thereby creating an unprotected area.

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Graduate / Professional School: an establishment which provides academic courses of study that offer more advanced programs of study (beyond a bachelor's degree) in certain disciplines.

Green: a type of Civic Space for unstructured recreation, spatially defined by landscaping rather than Buildings, described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-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. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

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 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, Family Care Facility, Convalescent Home, Nursing Home, Retirement Home, or Rest Home, and certain dormitories.

H

Hazardous Manufacturing: (1) Industrial / Manufacturing Uses characterized by the storage of, as well as Manufacturing operations involving the use of, substances that may present serious hazards to human life and health. In any instance where the nature of operations or of materials utilized in such operations can be substantiated as presenting serious hazards to human life and health, such Use(s) shall be classified as Hazardous Manufacturing. (2) The Industrial / Manufacturing Uses subcategory that includes the Uses described in (1) above. See **Table 4.3.9.1-A (Building, Lot, & Building Site Principal Uses)**.

Hazardous Materials Storage: the compliant keeping and protection of dangerous and toxic chemicals and other hazardous materials.

Health Care: a Use category, characterized by establishments providing medical or surgical care to patients. Some Uses may offer overnight care. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

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).**

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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 Sign, 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 9 through grade 12.

Hilltop: the part of a hill over 700 feet in elevation, as shown on the U.S.G.S. 7.5 minute quadrangle maps, where (a) the average slope is less than five (5) percent and such area is less than ten (10) acres; or (b) the maximum width of such 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.

Hospice Facility: an establishment which provides 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, 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 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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

Household Living: the subcategory 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.

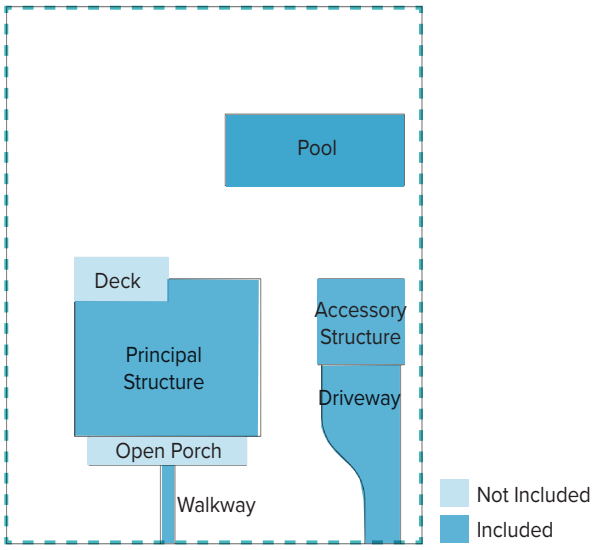
I

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.

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 Ordinance.

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)



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Impound Yard: a facility that provides temporary outdoor storage for: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or theirs agents; and/or (2) wrecked Motor Vehicle 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.

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 Business, 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. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

Indoor Recreation, Entertainment, or 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.

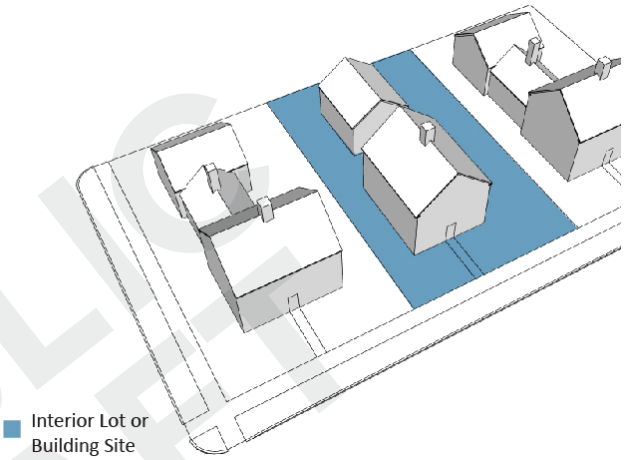
Industrial / Manufacturing Uses: (1) Uses characterized by manufacturing, re-manufacturing, processing, fabricating, creating, producing, packaging, converting, altering, assembling, handling, storing, stockpiling, sorting, recycling, treating, disposing of, wholesaling, warehousing, and distributing 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)**.

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.

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.

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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

Land Disturbance Activities: means any site work involving clearing, Stripping, Excavation, Cutting, Filling, transporting, Grading, grubbing, or tree removal.

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 weathered wood; or (2) the activity of installing or maintaining such materials.

Land Use Plans: the Comprehensive Plan, the Major Thoroughfare Plan, and any other adopted City land use plans and maps.

Large Scale Commercial Building: a Building of fifty thousand (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. *See* **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (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 twenty (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,

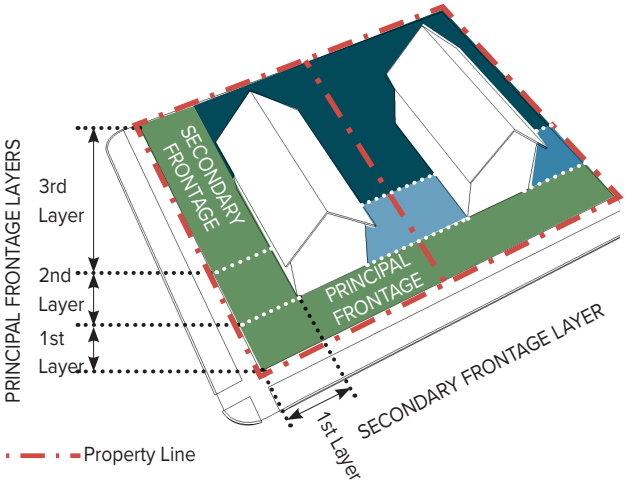
(b) the Rear Lot or Building Site Line, and

(c) the line of the Second Layer as described in paragraph 2(c). of this definition. *See* **Illustration 9.3.L-1 (Layers)**.

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Illustration 9.3.L-1 (Layers)



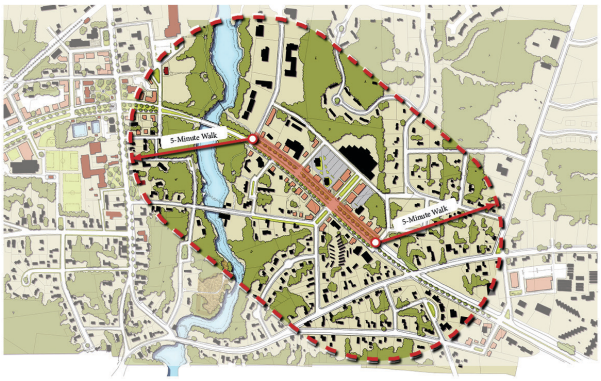
Library: a Building or part thereof containing collections of books, periodicals, and/or other media for Persons to read, borrow, or refer to.

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).**

Limited Manufacturing: (1) Industrial / Manufacturing Uses characterized by the compounding, processing, assembling, packaging, treatment, or fabrication of materials necessary to create a final product or component products ready for retail sale. (2) The Industrial / Manufacturing Uses subcategory that includes the Uses described in (1) above. See **Table 4.3.9.1-A (Building, Lot, & Building Site Principal Uses)**.

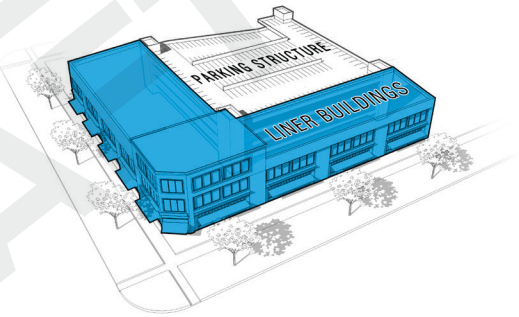
Linear Pedestrian Shed: a Pedestrian Shed that is elongated along an important Corridor. A Linear Pedestrian Shed extends approximately 1/4 mile from each side of the Corridor. The resulting area is oblong. *See* **Illustration 9.3.L-2 (Linear Pedestrian Shed)**.

Illustration 9.3.L-2 (Linear Pedestrian Shed)



Liner Building: a Building that is a least twenty (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)



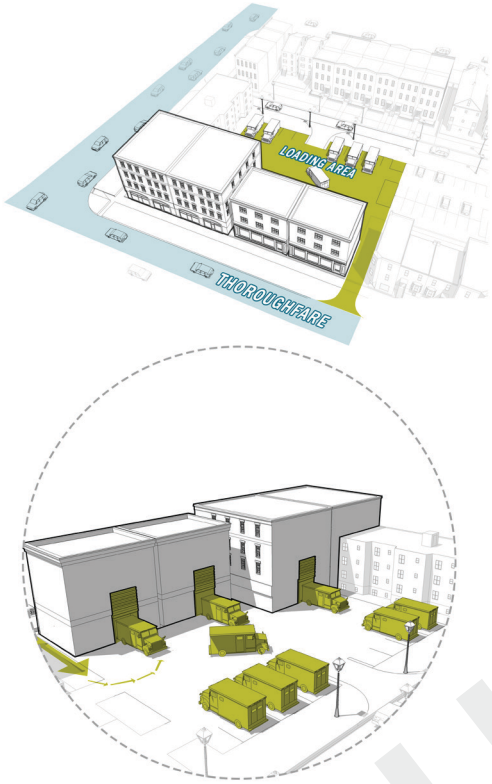
Live/Work Building: a small- to medium-sized attached or detached Principal Building type, which includes a flexible space for Commercial Use and an internally connected Residential Dwelling Unit above and/or behind the flexible space. *See* **Table 4.3.8.A-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

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)**.

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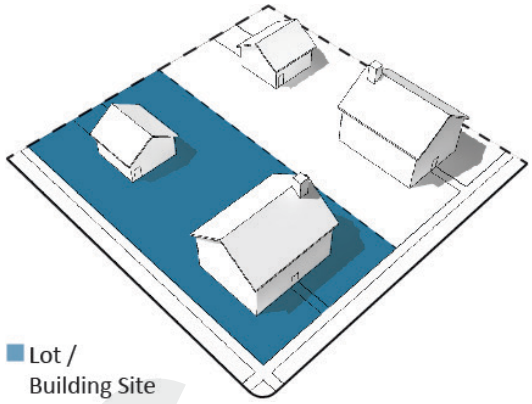
Illustration 9.3.L-4 (Loading Area)



Loading Space: a space within a Loading Area that meets the design and dimensional requirements of Section 4.3.14.

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)



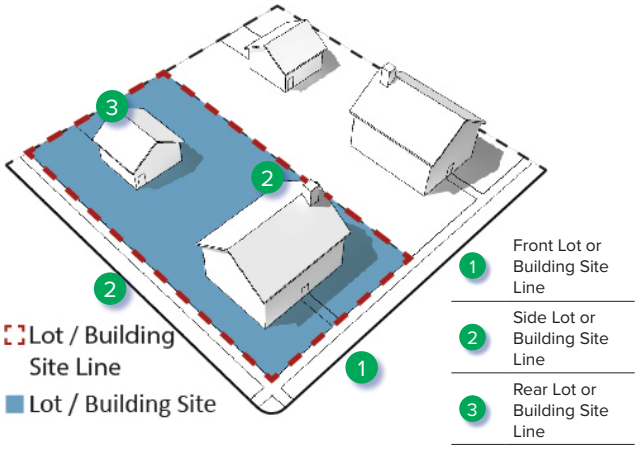
Lot / Building Site / Parcel Buffer: a buffer provided along the boundary lines of a Lot, Building Site or Parcel Buffer, as set forth in Section 4.3.11.H.

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.

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

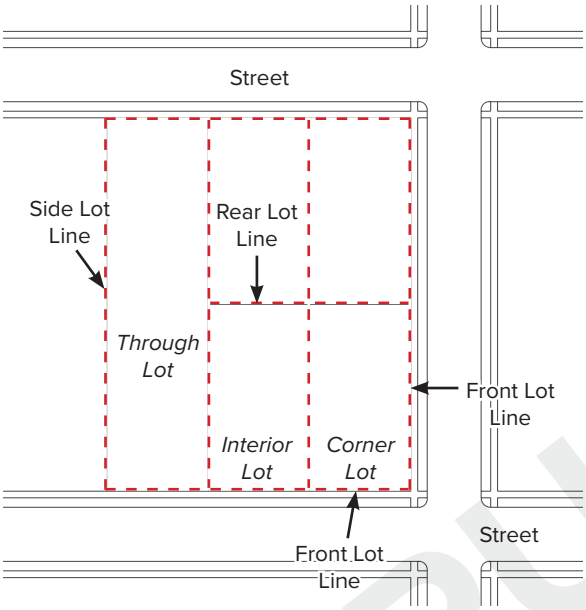
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described by metes and bounds, the description of which has been so recorded.

Lot or Building Site Type: the classification of a Lot or Building Site , as shown in the following **Illustration 9.3.L-7 (Lot or Building Site Types)**:

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

Main Civic Space: the primary outdoor gathering place within a Development Parcel. The Main Civic Space may be associated with an important Civic Building.

Major Thoroughfare Plan: the thoroughfare, greenways, and sidewalks plan(s) as adopted by the Board of Commissioners.

Manufactured Home: a Structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any Structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

Manufactured Building House: a House that (1) either (a) meets the definition of "Modular Building Unit" under T.C.A. Section 68-126-303(8) or (b) is a Manufactured Home or Mobile Home that is not a single self-contained unit and mounted on a single chassis, (2) complies with all standards and requirements applicable to Buildings and Building Types under this Ordinance, (3) is factory-built, and (4) is permanently installed on and attached to a foundation.

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 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.

Mausoleum: an above-ground, free-standing Building that has crypts or any other type of burial compartments to hold remains.

Massing: the overall shape or arrangement of the Bulk or volume of a Building.

Medical Office or Medical Clinic: an Office or other premises for the private practice of health care professionals licensed by the State, wherein a majority of patient encounters involve examination, diagnoses, treatment, or surgical procedures on an outpatient basis not extending beyond a twenty-four (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.

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Membership Club or Lodge: a Use characterized by a Structure and/or land owned by or leased to one or more Social or Fraternal Club or Organizations for meeting, recreational, or social purposes primarily by their members and their guests.

Middle School: premises at which Education is provided for children from Grade 6 through Grade 8.

Mining & Quarrying: an operation and facility either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, sand, and gravel, clay, and other nonmetallic minerals (such as phosphate rock). Such Use includes without limitation:

(a) Borrow Pits involving Soil Extraction and off-site use;

(b) Chemical fertilizer and nonmetallic mineral mining;

(c) Clay, ceramic, and refractory minerals mining;

(d) Coal mining;

(e) Crude petroleum and natural gas production;

(f) Metal ore and mineral mining;

(g) Sand and gravel quarrying;

(h) Stone quarrying.

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-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

Mobile Home: 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 compiled in 42 U.S.C., Section 5401 et. seq. It is a Structure that is transportable on one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the Structure.

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)**.

Mortuary: a room or Building where dead bodies or corpses are kept for temporary hygienic storage and/or examination until the time of burial or cremation. May also known as a morgue.

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, Commercial Extended Stay, or unit therein, nor a Short-Term Rental Unit is a Motel.

Motor Vehicle: every vehicle that is self-propelled by a motor, which can be licensed and registered to be driven on public streets, roads or rights-of-ways, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Examples are passenger vehicles, trucks, motorcycles and other consumer motor vehicles, and motorized Recreational Vehicles.

This term does not include Boats or other watercraft, non-motorized Recreational Vehicles, Manufactured Homes, or farm and Construction equipment.

Motor Vehicle Body Shop: premises or a portion of premises used for the adjustment, painting, replacement of parts, or body repair of Motor Vehicles.

Motor Vehicle Maintenance, Repair, 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 full vehicle service including alignment shop, auto upholstery shop, towing service, limited vehicle service including

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auto detailing, auto repair, battery sales and installation, fuel sales, quick lubrication facilities, and tire services.

This term does not include Parking Lots, Motor Vehicle Storage, Motor Vehicle Body Shop, or Convenience Store with Fuel Sales.

Motor Vehicle-Related Uses: (1) the term collectively referring to Motor Vehicle Body Shop, Motor Vehicle Maintenance, Repair, Service, or Cleaning, Motor Vehicle Sales, Rental, or Leasing, and Motor Vehicle Storage Uses; (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)**.

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, Impound Yards, Towing Facilities, and any dismantling, Scrap and Salvage Yards/ Service, or Junkyards.

Multi-Family Building: a Small Multi-Family Building. *See* **Table 4.3.8.A-1 (Principal Building Types - Summary)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

Multi-Family Dwelling: a Building containing three (3) or more Dwelling Units, including without limitation Residential condominiums, cooperatives and other Apartments, 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

Natural Area: a Civic Space type that is a natural preserve available for unstructured recreation, described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-B (Civic Space - Specific Standards)**.

Neighborhood Street: the Thoroughfare or Internal Drive type described as such in **Table 5.2.2.F (Thoroughfare / Internal Drives Types - Summary)** and **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards)**.

Nightclub: an establishment for nighttime entertainment, typically serving Alcoholic Beverages for consumption on site and offering music, dancing, or other entertainment. Adult Oriented Business 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.

Nursing Home: a general term used to describe a licensed establishment providing bed care and in-patient services for individuals needing regular medical attention, but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Retirement Home, Rest Home, and Convalescent Home are included within this term.

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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.

(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)**.

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 Space: Use characterized by large expanses of land.

Ordinance or Zoning Ordinance: this City of Fairview, Tennessee Development Code, 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. See **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

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 Recreation: (1) 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 Recreation Uses are excluded from Outdoor Recreation.

(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)**.

Outdoor Storage: one (1) 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).

P

Park: 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; (2) the act of stopping and disengaging a Motor Vehicle and leaving

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it unoccupied; (3) Use characterized by a Parking Lot operated as a for-profit endeavor; or (4) the Commercial Use subcategory that includes the Uses described in (3) above. See **Table 4.3.9.A-1 (Building, Lot, & Building Site Principal Uses)**.

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).

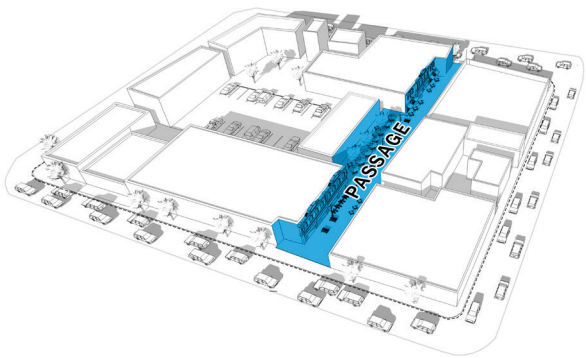
Parking Space: an area required or provided for Parking a vehicle, meeting the requirements of Section 4.3.12.

Parking Structure: a vertical or vertical and subterranean Improvement other than a Garage, containing one (1) or more levels of vehicular Parking above grade. A Parking Structure may not be used for a Motor Vehicle Body Shop or Motor Vehicle 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)

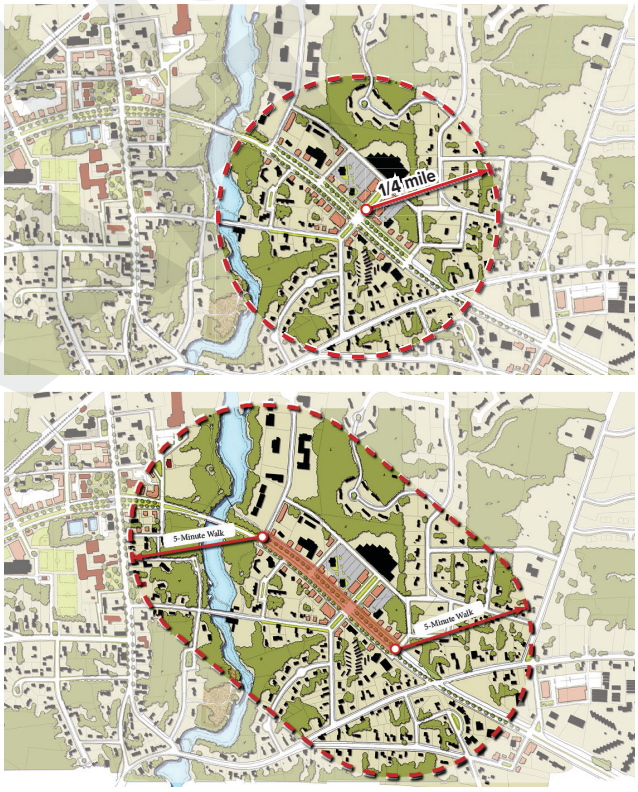


Passive Recreation: outdoor recreational activities that require minimal or no physical activity, exercise, or bodily movement. Examples include nature observation, fishing, meditation, and picnicking.

Path (PT): a pedestrian way traversing a Park, with landscape matching the contiguous Civic Space, ideally connecting directly with the urban Sidewalk network.

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.

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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 City.

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 Business.

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.

Philanthropic Institution: a nongovernmental, nonprofit organization, with assets provided by donors and managed by its own officials and with income expended for socially useful purposes.

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, site plan, or any other plan submitted or prepared pursuant to this Ordinance.

Planned Development, Planned Overlay 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 Residential Units, and/or a quantity of Civic, Civil Support, Educational, Health Care, Commercial, Office, Industrial / Manufacturing, or Utilities Uses, or any combination of these.

Planning Commission: the Planning Commission of the City of Fairview, Tennessee.

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 that is an open area designed and equipped for the recreation of children, described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-B (Civic Space - Specific Standards)**.

Plaza: a Civic Space type that is an open area for Civic purposes, spatially defined by Building Frontages, and described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-B (Civic Space - Specific Standards).**

Pocket Park: a Civic Space type that is a small predominantly green open area available for unstructured Passive Recreation, described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-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)**.

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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, or Community Colleges, Graduate / 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)**

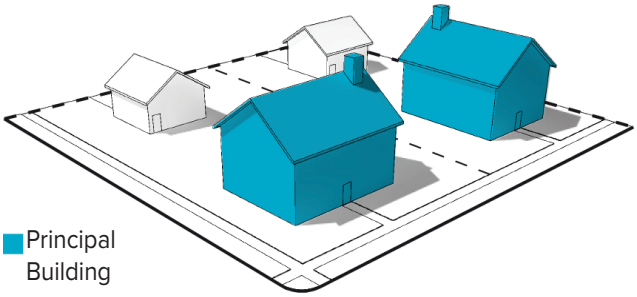
Pre-School: a school, licensed by the State, with an accredited training program and staffed with certified teachers, providing day time care or instruction for two (2) or more children between the ages of two (2) and five (5) years old. Synonymous with Nursery School.

Pre-School / Primary / Intermediate / Secondary Schools: the Educational Use subcategory that includes Pre-School, Kindergarten, Elementary School, Middle School, and High School. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

Preliminary Plat: a preliminary plan or plat submitted under the City Subdivision Regulations.

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)**.

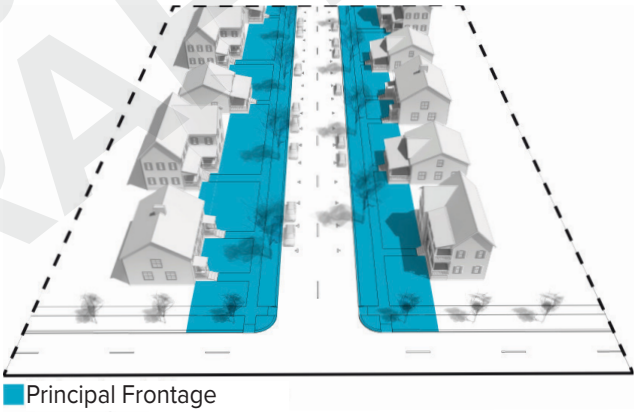
Illustration 9.3.P-3 (Principal Building)



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)



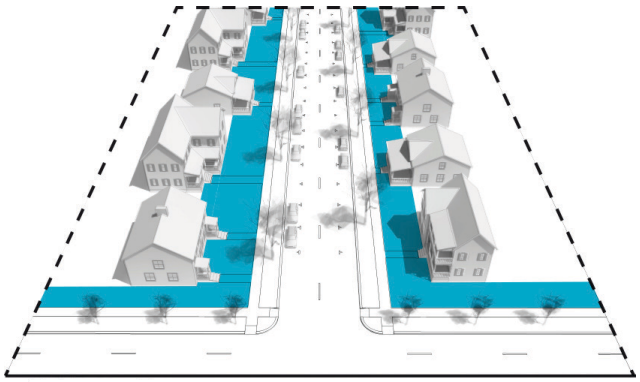
Principal Use: the primary or predominant Use of a Lot, Building Site, or Structure.

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 (Frontages and Lot or Building Site Lines)**.

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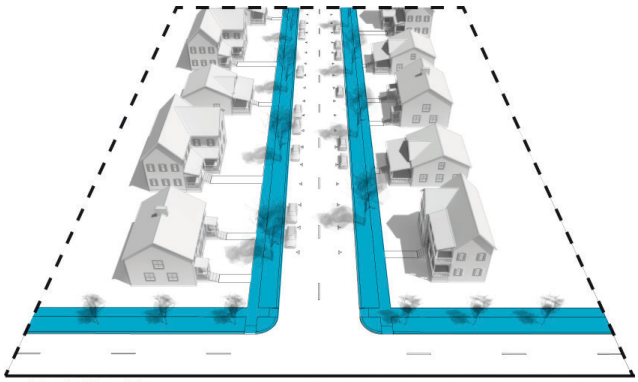
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Illustration 9.3.P-5 (Private Frontage)



Private Frontage

Illustration 9.3.P-6 (Public Frontage)



Public 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.

Protected Bicycle Lane: a bikeway type in which a dedicated lane is provided, paired with a protective Buffer space, such as a painted Buffer, Curb, or planter strip. *See* **Table 5.2.4.B (Bikeway Types).**

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 / Internal Drive Assemblies and Standards);** *and* **Illustration 9.3.F-5 (Frontages and Lot or Building Site Lines)**

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

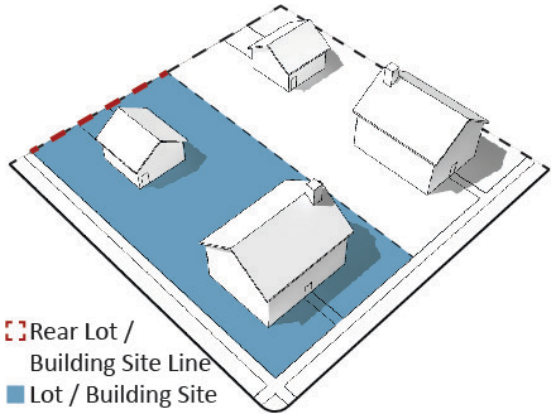
Rear Alley: See "Alley".

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).**

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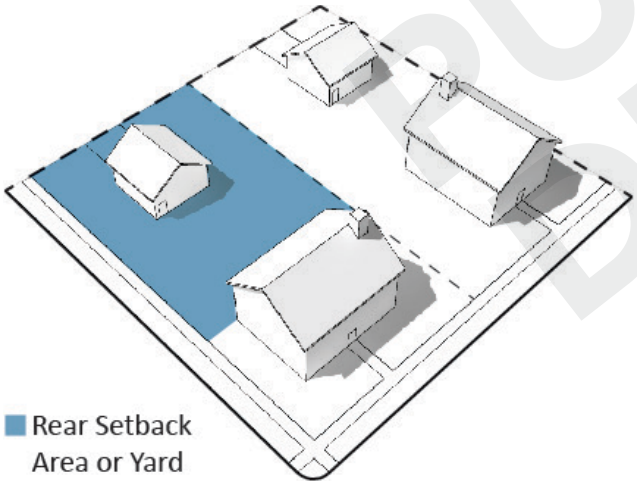
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Illustration 9.3.R-1 (Rear Lot or Building Site Line)



Rear Setback Area or Yard: a portion of a Lot or Building Site that is situated between (1) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot or Building Site and (2) the Rear Lot or Building Site Line, extending the full width of the Lot or Building Site, from Side Lot or Building Site Line to Side Lot or Building Site Line. See **Illustration 9.3.R-2 (Rear Setback Area or Yard).**

Illustration 9.3.R-2 (Rear Setback Area or Rear Yard)



Recreation 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.

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 church, mosque, synagogue, temple, monastery, convent, retreat center or any permanent or temporary Structure providing regular, organized religious worship of any denomination and religious education incidental thereto. A property tax exemption for a religious group or institution obtained pursuant to state law shall constitute prima facie evidence of a Religious Facilities Use.

Athletic, tennis, swim or health club (see Retail Sales and Service), Educational Uses, Day Care facilities, for distribution or production of products, including printed matter, for groups other than immediate membership, public neighborhood arts center or similar community facility, community center, revival or gospel tent, senior center, social service facility, and treatment center, Transient lodging, or shelter for the homeless 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 thirty (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.

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, or residence-apartment hotels. Residences shall not include:

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(1) Transient accommodations, such as Hotels, Motels, Short-Term Rental Units, 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)**: 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 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)**.

The following are excluded from the Retail / Service / Repair / Arts / Artisan sub-category :

Adult Oriented Business 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, Crematory, 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 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. Synonymous with Zoning Map Amendment.

Ridgetop: the part of a ridge which at any point is over 700 feet in elevation, as shown on the U.S. Geological Survey's (USGS) 7.5 minute quadrangle sheets covering the City, 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: the Thoroughfare or Internal Drive type described as such in **Table 5.2.2.F (Thoroughfare / Internal Drives Types - Summary)** and **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards)**.

Roadside Stand: a small open air Structure for the Retail sale of produce or other goods grown or produced on the property where the Roadside Stand is located. Roadside Stand does not include Farmer's Markets or Outdoor Markets.

Rooming Unit: a unit of Residential occupancy.

Rural Retreat: a Principal Commercial Use owned and operated by a non-governmental entity for the purpose of providing a rural setting in which Accommodations / Lodging and related camping, conference/meeting/event venue facilities, dining, and recreational amenities are provided.

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add page numbers to entire document "467"

Clarify the rec amenities as : trails, mountai trails, aquatic

S

School: Business or Trade School, College, University, or Community College, High School, Middle School, Pre-School or Nursery School, Primary or Elementary School, or Secondary School.

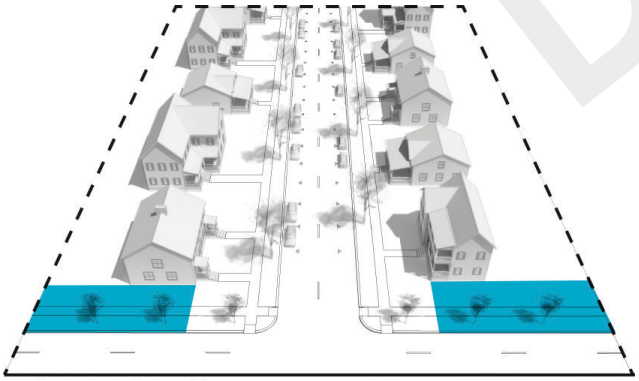
Scrap and Salvage Yard / Services: a Use, other than an Impound Yard or Towing Facility, in which an establishment is engaged primarily in the sale, storage, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials, including 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)



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.

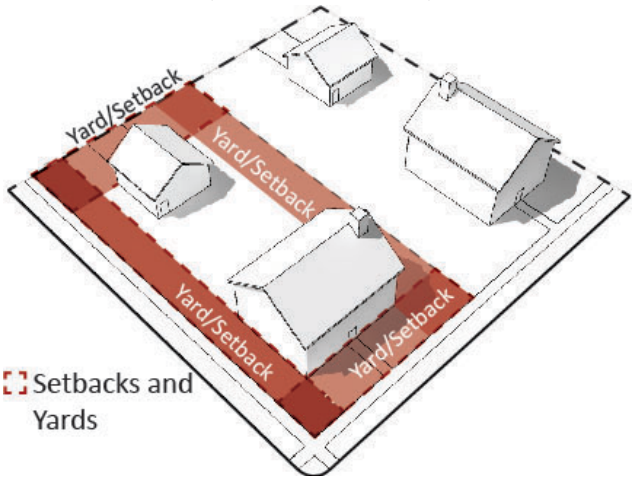
The following are not Self-Service Storage Facilities:

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. *See* **Table 4.3.9.A-1 (Building, Lot & Building Site Principal Uses)**.

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.J (District Standards)**. *See* **Illustration 9.3.S-2 (Setbacks and Yards)**. This is synonymous with Yard.

Illustration 9.3.S-2 (Setbacks and Yards)



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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 (2) 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.6 (Shared Parking Factor)**.

Shared Use Lane: a bikeway type in which bicycles and vehicles share the road. Such type is marked by painted "sharrows" or lane markings. *See* **Table 5.2.4.B (Bikeway Types)**.

Shared Use Path: a bikeway type in which bicycles and pedestrians share the path. *See* **Table 5.2.4.B (Bikeway Types)**.

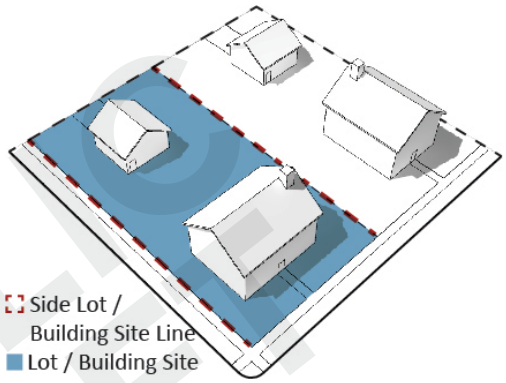
Shopfront: a Private Frontage Type conventional for Retail / Personal Service / Repair / Art / Artisan Use, wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at Sidewalk grade. This Frontage has substantial glazing at the Sidewalk level and may include an awning 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, Commercial Extended Stay, Motel, Bed and Breakfast, or Inn is not a Short-Term Rental Unit.

Side Lot or Building Site Line: any Lot or Building Site Line that is not a Front Lot or Building Site Line or a Rear Lot or Building Site Line. *See* **Illustration 9.3.S-3 (Side Lot or Building Site 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 9.3.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)**.

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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.

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 (1) 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) Apartment houses.

(2) Dwelling Units in which more than two rooms are rented to unrelated tenants.

(3) 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-Built House: a House that meets all standards and requirements applicable to Buildings and Building Types and which is constructed on the site where it is intended to remain, using minimal or no factory-assembled components other than floor or truss systems.

Site Development Plan: a Plan 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

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horizontally stacked Dwelling Units, typically with one or more shared entries. *See* **Table 4.3.8.A-1 (Principal Building Types - Summary)** *and* **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

Social or Fraternal Club or 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.

Solar Panel(s): a renewable energy source through the use of capturing solar energy. May be roof-mounted or freestanding.

Solid Waste Facility: premises, appurtenances and Improvements used for treating, storing, or disposing of solid waste, whether publicly or privately owned or operated. A Solid Waste Facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

Special District: an area which, due to its intrinsic size, Use, Configuration, cannot conform to the requirements and standards of one or more of the applicable Character Districts or Civic District as specified in this Ordinance.

Special Exception: synonymous with Conditional Use.

Special Requirements: provisions of Section 2.2 and Section 5.7 and/or the associated designations on the Zoning Map for those provisions.

Specified Anatomical Areas: less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specimen Tree: any canopy tree with a diameter of twenty-four (24) inches or greater measured at diameter breast height (DBH).

Sports Field or Court: a Civic Space type that accommodates the play of athletic endeavors, described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-B (Civic Space - Specific Standards)**; excluding Sports Venues. May include associated Structures.

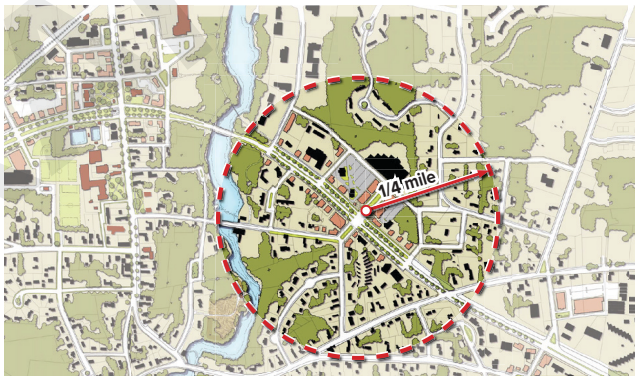
Sports Venue: premises at which athletic events are presented.

Square: a Civic Space type that is an open area for unstructured recreation and Civic purposes, spatially defined by Building Frontages, and described as such in **Table 5.3.2-A (Civic Space Types - Summary)** and **Table 5.3.2-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 1,320 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)



Steep Slope: as defined in Section 6.9.1.

Stepfront: a Private Frontage type 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 or Commercial Use. *See* **Table 4.3.7.A (Private Frontage Types)**.

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)



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.

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.

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.

Structure: anything constructed, installed, or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, regardless whether the same is horizontal or vertical. The word "Structure" includes Buildings and other Improvements and all parts thereof.

Swimming Pool: a constructed basin or Structure for swimming and aquatic recreation, excluding plastic, canvas or rubber pools temporarily erected upon the ground and holding less than three hundred (300) gallons of water.

T

Tag/Garage/Yard Sale: a sale of miscellaneous household goods, often held in the Garage or Front Yard of someone's property.

Tasting Room: an establishment or portion of an establishment that allows customers to taste samples of beer, alcoholic spirits, or vinous beverages. In addition to such products, a Tasting Room may include the Retail sale of related items, marketing events, special events, entertainment, and/or food sales.

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.

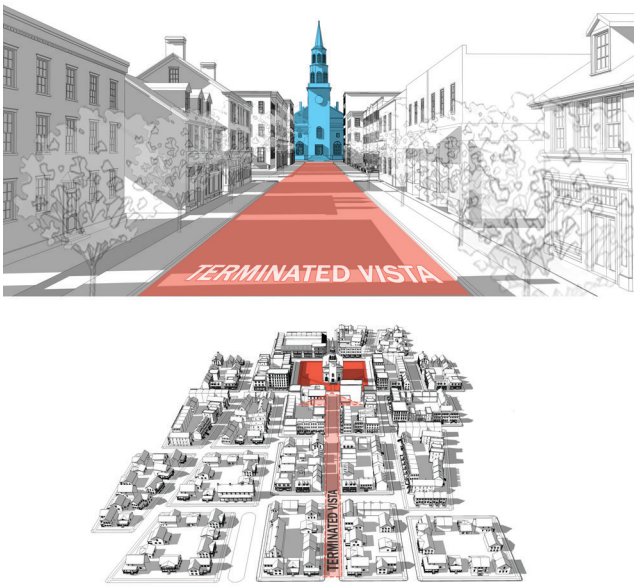
Temporary Use: Use of premises for fewer than sixty (60) days or such other period as may be specifically provided in this Ordinance, and permitted by right, by conditional use, or subject to limited use standards under Section 4.3.9.G in accordance with **Table 4.3.9.A-3 (Building, Lot & Building Site 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).**

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Illustration 9.3.T-1 (Terminated Vista)



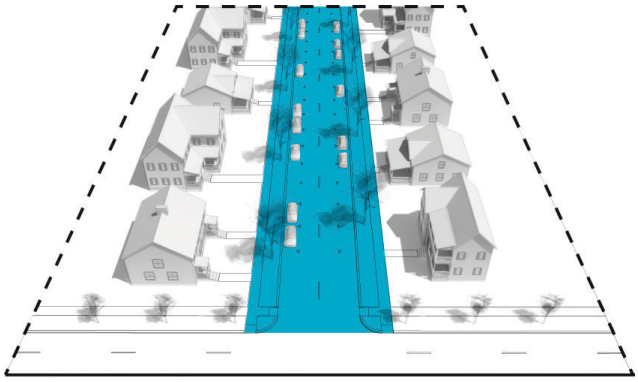
Terrace/Lightwell: a Private Frontage type wherein the Facade is set back from the Frontage Line by an elevated landing and a sunken Lightwell. This type buffers Residential Uses from urban Sidewalks with the first Story elevated from the Sidewalk for privacy, and may allow for activation of space below 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".

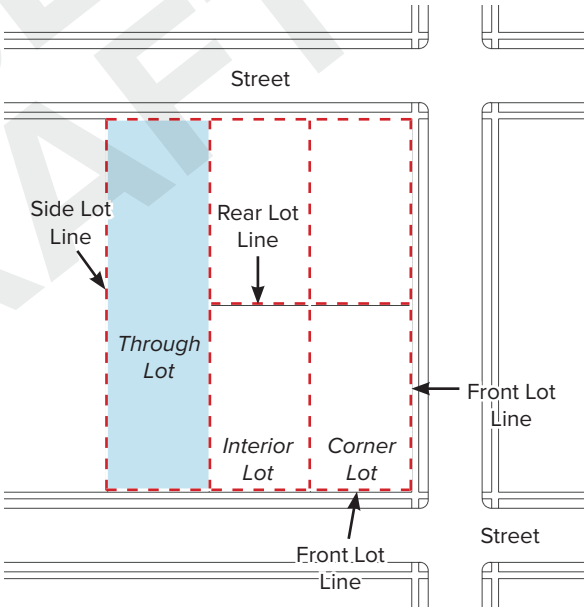
Thoroughfare: a way, whether public or private, open for common and general use by vehicular and/or pedestrian traffic and to provide access to Lots or Building Sites and Civic Spaces, consisting of Vehicular Lanes and the Public Frontage. *See* **Illustration 9.3.T-2 (Thoroughfare).** *See also* **Table 5.2.2.F (Thoroughfare / Internal Drive Types - Summary)** and **Table 5.2.2.G-1 (Thoroughfare / Internal Drive Assemblies and Standards**). See also "Internal Drive".

Illustration 9.3.T-2 (Thoroughfare)



Through Lot or Building Site: a Lot or Building Site type that extends through from Thoroughfare or Internal Drive to Thoroughfare or Internal Drive. *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

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carrier towers, cellular telephone towers, alternative tower structures and the like.

Towing Facility: an establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked Motor Vehicles awaiting insurance adjustments and transport to repair shops.

The term "Towing Facility" excludes automotive services that have a tow truck on-site; Salvage or Scrap Yard / Service; Junkyards, Impound Yards; Motor Vehicle Storage; and storage of inoperable vehicles.

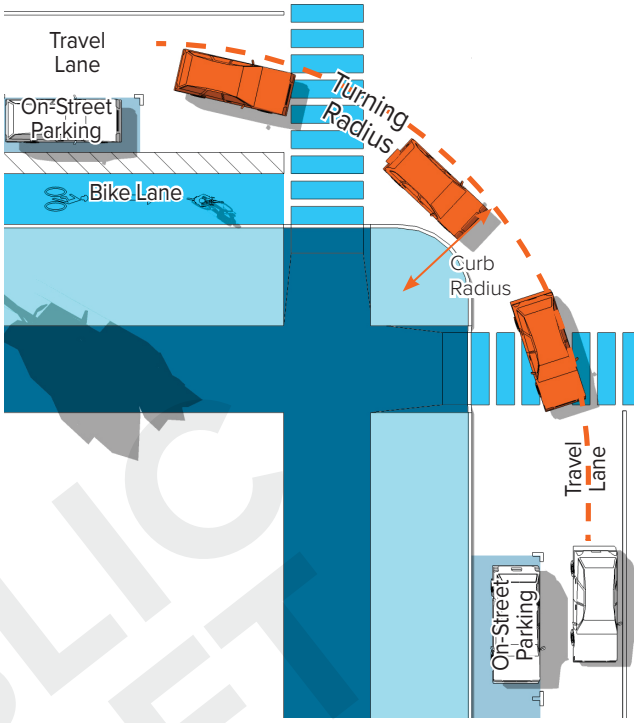
Townhouse: a Building in a collection of very narrow- to medium-sized attached Buildings on contiguous Lot or Building Sites with a Rearyard (and Sideyard if an end unit), which collection consists of side-by-side Dwelling Units with individual entries facing a Thoroughfare or Internal Drive. Each Building 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-1 (Principal Building Types)** and **Table 4.3.8.A-2 (Principal Building Types - Specific Standards)**.

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.

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.

U

Undisturbed: not altered or interfered with.

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 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)**.

Use and Occupancy Permit: 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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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*	=	*Usable 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 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 Storage Tank & Facility, a water or wastewater pump station, a water reclamation facility, a sewage facility, a utility generation facility, a Wireless Communications Facility, a Communications Tower, or other facility used to provide a Utility service, excluding, however, Utility Lines.

Maintenance yard or Building, Utility office, television and radio studio, and Reservoir or water supply are not included in this Use Category.

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.

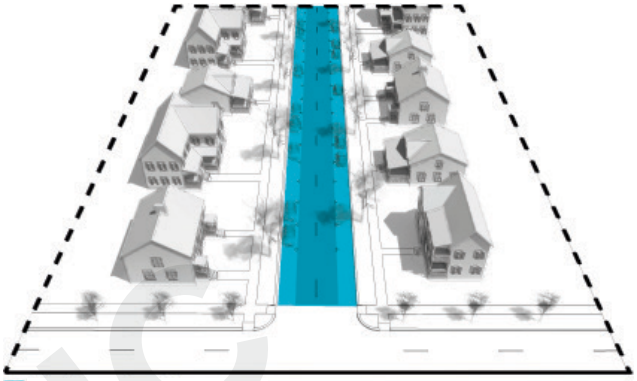
Utility Transmission Line: line used for the movement of high powered electricity or high pressure gas.

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)



Vehicular Lanes

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.

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 / Manufacturing Use subcategory that includes the Uses described in (1) above.

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Warehousing: the indoor storage of goods, not including storage in Self-Service Storage facilities.

Waste Disposal Service: (1) Uses characterized by the storage, hauling and ultimate disposal of waste products. The grouping does not include operations involved in storage, processing, and shipping of scrap materials for recycling or reuse except when such materials are classified as hazardous or include activities that may present serious hazards to human life and health. The grouping does include all operations engaged in disposal of solid waste as defined in the most current version of Tennessee Code Annotated.

(2) the Industrial / Manufacturing Use subcategory that includes the Uses described in (1) above.

Water Storage Tank & Facilities: facilities for the supply of potable, irrigation, or industrial water supply.

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.

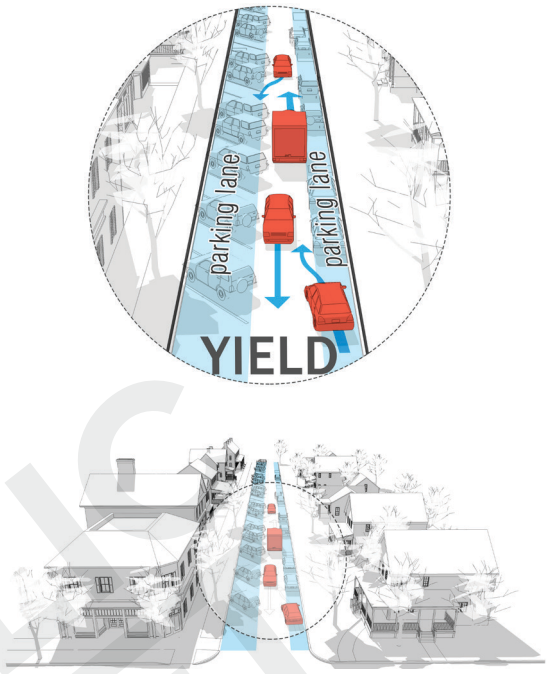
Wireless Communications Facility: any facility for the receiving or transmitting of wireless signals for commercial purposes. As used herein, the term shall include any necessary support Structure, connection cables and equipment Buildings as well as Towers or monopoles.

Y

Yard: synonymous with Setback or Setback Area.

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)



Z

Zoning Administrator: the City Planner of the City of Fairview, Tennessee.

Zoning Change: any applicable Zoning Map Amendment (Rezoning) or of any applicable Development Code Amendment or the effective date of any such Zoning Map Amendment or amendment of this Ordinance.

Zoning District: a Character District, Special District, Civic District, or Existing Planned Development 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 City.

Zoning Map Amendment: *See* "Rezoning".

Zoning Permit: a permit or approval issued, granted, or required to Develop, construct, reconstruct, Improve, Alter, or use any Structure, Lot, Building Site, Development Site or other Parcel. Synonymous with "Development Permit".

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Page Label	Comments
23	Have performance bond be set prior to approval of final plat. -
4	Check
4	Review. Add #4 if the development has direct traffic to a non-standard road
11	Ordinance 2025-10
5	Remove. Change to 150 lots and 50 acres.
5	10-30%
5	30-60%
5	Change to CD-2
7	change to "be"
25	Change to "City Planner, City Engineer or Designee"
7	Remove. Make NP
18	Min. Interior Dimensions 12' x 22' for single car garage and 24' x 24' for double car garage. Change for all garage design section in the code.
18	26' max in 1st 10' of length; otherwise 20' max. This is applicable for driveway width in cd-2, cd-2w, and cd-3L.
24	125'
24	30'
28	Side entry garage allowed within 2nd layer. Side entry garage to allow for single garage door. Applicable to CD-2w, Cd-3L, CD-3
34	10' min rear setback
34	30' rear setback
34	100' min
36	Change language to "Building Materials" Remove "primary"
36	Change to NP for all districts.
44	70' min
44	25' min
44	25' min
44	10' min
44	25' min
44	Provide setbacks if alley access. Front 8' min. side setback 8' min. follow franklin rear setback for alley load.
44	Reduce to 50' min for alley load house.
45	provide exception for frosted glass in bathrooms
45	min 6' instead of 8'. reword to min 6' clear depth.
48	33% for all districts
50	Add to all Character districts that no fence shall be constructed within a Drainage Easement.
54	change min to max
54	change to 22' min
54	provide rear setback if accessed from alley. See Franklin's Code
54	provide side setback for house and duplex. 5' min
63	16 dwelling units per acre
64	provide rear setback for house and duplex. 5' min
64	See Franklin's alley rear setback.
67	Add Large Multifamily. See Columbia's code.
36	Add additional segments.
36	
36	See additional segments. This is intended to maintain the rural character of our street network.
4	remove "forty (40)" change to "all residential projects"
5	remove zoning administrator and change to City Arborist
5	Remove 2w.

10	30%
10	90%
11	Add an additional sentence "Except for lots or building sites that are part of an approved Development plan. Such lots or building sites shall be governed by 6.9.1.A.2.a or 6.9.1.A.2.b.
12	Clarify if hilltop extends past the property boundary or if a developer can disturb up to 80% of the hilltop on their property.
12	Clarify if ridgetop extends past the property boundary or if a developer can disturb up to 50% of the hilltop on their property.
15	1 acre
15	1 acre
20	875 Feet
35	875 feet
35	add page numbers to entire document "467"
35	Clarify the recreational amenities as : walking trails, mountain bike trails, aquatic facilities, spa, greenhouse, retail. All other amenities shall be approved by the Board of Zoning Appeals.