

SPRING HILL

UNIFIED
DEVELOPMENT
CODE

UDC *Adopted*
August 20, 2018

Revised December 2025

Adopted:

Ordinance/Resolution	Date	Authority	Changes
Ordinance 18-21	August 20, 2018	Board of Mayor and Aldermen	Articles 1-14, 18, 19, Official Zoning Map
Ordinance Resolution 18-01	May 29, 2018	Board of Mayor and Aldermen	Design Review Commission
Resolution 18-44	May 14, 2018	Planning Commission	Article 15, 16, 17
Resolution 19-38	March 18, 2019	Design Review Commission	Appendix A
Resolution 21-106(B)	October 11, 2021	Planning Commission	Article 2, 7, 10, 13, 15, 17

Amendments:

<i>Resolution 19-14</i>	<i>February 11, 2019</i>	<i>Planning Commission</i>	<i>Articles 3,4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17</i>
<i>Resolution 19-01</i>	<i>February 11, 2019</i>	<i>Design Review Commission</i>	
<i>Ordinance 19-09</i>	<i>April 15, 2019</i>	<i>Board of Mayor and Aldermen</i>	<i>Articles 3, 4, 8, 9, 10, 11, 12, 13</i>
<i>Ordinance 19-28</i>	<i>September 16, 2019</i>	<i>Board of Mayor and Aldermen</i>	<i>Article 8.3.Z</i>
<i>Resolution 20-11</i>	<i>March 9, 2020</i>	<i>Planning Commission</i>	<i>Articles 15, 16</i>
<i>Resolution 20-18</i>	<i>April 13, 2020</i>	<i>Planning Commission</i>	<i>Articles 15, 16</i>
<i>Ordinance 21-14</i>	<i>November 15, 2021</i>	<i>Board of Mayor and Aldermen</i>	<i>Articles 2, 13, 15, 17</i>
<i>Ordinance 21-29</i>	<i>November 15, 2021</i>	<i>Board of Mayor and Aldermen</i>	<i>Articles 7, 8, 10</i>
<i>Ordinance 22-18</i>	<i>September 6, 2022</i>	<i>Board of Mayor and Aldermen</i>	<i>Article 2, 13</i>
<i>Ordinance 22-19</i>	<i>September 6, 2022</i>	<i>Board of Mayor and Aldermen</i>	<i>Article 8</i>
<i>Ordinance 22-20</i>	<i>September 6, 2022</i>	<i>Board of Mayor and Aldermen</i>	<i>Article 13</i>
<i>Ordinance 22-21</i>	<i>September 6, 2022</i>	<i>Board of Mayor and Aldermen</i>	<i>Article 8</i>
<i>Ordinance 22-22</i>	<i>October 17, 2022</i>	<i>Board of Mayor and Aldermen</i>	<i>Article 7</i>
<i>Resolution 23-79</i>	<i>August 14, 2023</i>	<i>Planning Commission</i>	<i>Article 15</i>
<i>Ordinance 25-14</i>	<i>June 2, 2025</i>	<i>Board of Mayor and Aldermen</i>	<i>Articles 8, 11, 15</i>
<i>Ordinance 25-20</i>	<i>September 15, 2025</i>	<i>Board of Mayor and Aldermen</i>	<i>Articles 2, 8, 13, 17</i>
<i>Ordinance 25-2</i>	<i>November 3, 2025</i>	<i>Board of Mayor and Aldermen</i>	<i>Articles 8, 9, 15, 17</i>



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ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1.1 TITLE**
- 1.2 PURPOSE**
- 1.3 APPLICABILITY**
- 1.4 DIVISION OF AUTHORITY**
- 1.5 TRANSITION RULES**
- 1.6 SEVERABILITY**

1.1 TITLE

This Unified Development Code, which incorporates the Zoning Ordinance, Official Zoning Map, Subdivision Regulations, and Design Review Guidelines, is known, cited, and referred to as the “City of Spring Hill Unified Development Code,” “Unified Development Code,” or “Code.”

1.2 PURPOSE

The intent of this Code is to establish land use regulations to serve the City of Spring Hill. The purpose of this Code is to:

- A.** Promote public health, safety, and welfare.
- B.** Promote the orderly development of the City in accordance with the *Spring Hill Rising 2040*, hereby referenced as “Comprehensive Plan,” and adopted land use policies.
- C.** Divide the City into zoning districts, according to the use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code.
- D.** Preserve and enhance the value of structures, communities, and neighborhoods that constitute distinct places.
- E.** Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- F.** Maintain, develop, and plan for public facilities and utilities in an economical, efficient, and resilient manner.
- G.** Provide for the protection and adequate provision of public investment in transportation, water, stormwater management, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- H.** Focus growth to support the principles of smart growth by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life.
- I.** Provide for the gradual elimination of nonconformities.
- J.** To regulate subdivision by the authority and powers granted by Tennessee Code Annotated (TCA), 13-4-301, et seq.
- K.** To create a Design Review Commission and develop design guidelines for the exterior appearance of non-residential and multi-family development by the authority and powers granted by Tennessee Code Annotated § 6-54-133.

1.3 APPLICABILITY

A. Territorial Application

This Code applies to all land, uses, and structures within the City of Spring Hill.

B. General Application

In their interpretation and application, the provisions of this Code are held to be the minimum requirements for the promotion and protection of public health, safety, and welfare.

C. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, altered, or enlarged in conformance with the requirements of this Code. The division of land, the development of land, and all structures or land must be developed and used in conformance with the requirements of this Code.

D. Relation to Private Agreements

This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement, covenant, or deed restriction, this Code controls. Those charged with administration and enforcement of this Code do not enforce any private agreement, covenant, or deed restriction.

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Code controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Code.

F. Rules Regarding Illustrations and Graphics

Any illustrations, graphics, and/or photos contained in this Code are to assist the reader in understanding and applying the Code. If there is any inconsistency between the text of the Code and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

1.4 DIVISION OF AUTHORITY

Tennessee State Law requires divided authority and responsibility between zoning regulations, subdivision regulations, and design review guidelines. This division of authority is described herein. All other articles within this Code not cited below are amended by the Board of Mayor and Aldermen per Section 13.2 of this Code.

A. Subdivision Regulations

The Planning Commission is charged with adopting, administering, and amending the subdivision regulations, per Tennessee Code Annotated (TCA), 13-4-301, et seq.

1. The following Articles comprise the subdivision regulations that are adopted, administered, and amended by the Planning Commission:
 - a. Article 15. Subdivision Regulations - Required Improvements and Bonds
 - b. Article 16. Subdivision Regulations - Right-of-Way Design and Access Management
 - c. Article 17. Subdivision Regulations - Approval Process
2. Text amendments to the above articles in item A are approved by the Planning Commission as described in Section 17.2 of this Code.

B. Design Review Guidelines

The Design Review Commission is charged with adopting, administering, and amending design review guidelines per Tennessee Code Annotated § 6-54-133.

1. Article 18 - Design Review Guidelines are adopted, administered, and amended by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission.
2. Text amendments to Article 18 are approved by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission, as described in Article 18 of this Code.
3. The Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission, is charged with adopting, administering, and amending the following design standards:
 - a. Section 5.4 - Design Standards
 - b. Section 6.4 - Design Standards
 - c. Section 5.5.C – Design Standards
 - d. Section 5.6.B – Design Standards
 - e. Section 7.1.D - Design Standards
 - f. Section 7.3.D - Design Standards

- g. Section 8.3.K - Dwelling - Multi-Family or Townhouse (design standards only as indicated)
- h. Section 8.3.M - Dwelling - Two-Family or Three-Family (design standards only as indicated)

The above design guidelines are also referred to as design standards in this Code.

- 4. Text amendments to design standards cited in item 3 above are approved by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission.

1.5 TRANSITION RULES

A. Existing Violations

Any violations of previously in-force Zoning Ordinances and Subdivision Regulations continue to be a violation of this Code and are subject to the enforcement provisions of Article 18.

B. Existing Established Uses

The following rules apply to established uses in existence as of the effective date of this Code or any subsequent amendment to this Code.

- 1. Any structure or land used in a manner that was classified as a permitted use prior to the effective date of this Code or any subsequent amendment to this Code, and that use is classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use remains a permitted use.
- 2. Any structure or land used in a manner that was classified as a “use on appeal” prior to the effective date of this Code or any subsequent amendment to this Code, and that use is classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use on appeal is deemed a special use subject to any conditions placed upon its approval.
- 3. Any structure or land used in a manner that was classified as a permitted use prior to the effective date of this Code or any subsequent amendment to this Code, and now that use is classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.
- 4. Any structure or land used in a manner that was classified as a “use on appeal” prior to the effective date of this Code or any subsequent amendment to this Code, and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a permitted use. The use is no longer subject to any conditions placed upon its approval; however, the continued operation and/or any subsequent addition, enlargement, or expansion of that use must conform to all Code requirements for such use.
- 5. Any structure or land used in a manner that was classified as either a permitted use or “use on appeal” prior to the effective date of this Code or any subsequent amendment to this Code, but this Code no longer allows that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 14.

C. Structures Rendered Nonconforming

If a structure existing on the effective date of this Code was a conforming structure before the effective date of this Code or any subsequent amendment to this Code, but such structure does not meet all standards set forth in this Code in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 14.

D. Lots Rendered Nonconforming

If a lot existing on the effective date of this Code was a conforming lot before the effective date of this Code or any subsequent amendment to this Code, but such lot does not meet all standards set forth in this Code in the zoning district in which it is located, that lot is deemed a nonconforming lot and is controlled by the provisions of Article 14.

E. Previously Issued Building Permits

If a building permit for a structure was issued prior to the effective date of this Code, or any subsequent amendment to this Code, and if construction has begun prior to the expiration of such building permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

F. Previously Granted Variances

All variance approvals granted prior to the effective date of this Code, or any subsequent amendment to this Code, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. Variances that have been approved but not acted upon are subject to the expiration provisions of this Code for variances.

G. Previously Approved Development Plans: PUD, TND, PZD, and Site Plans

1. As of the effective date of this Code, all previously approved Planned Unit Developments (PUD), Planned Zoning Districts (PZD), Traditional Neighborhood Districts (TND), and site plans remain in effect and are subject to all plans, regulations, processes, and/or conditions of their approval.
2. Where such approvals include processes for amendment and/or development approval, such approvals control. When an approval does not contain any such processes, such developments are subject to the Planned Development (PD) or site plan amendment and/or development approval procedures, as applicable, of this Code.
3. For the purposes of the Official Zoning Map, existing Planned Unit Developments (PUD), Planned Zoning Districts (PZD), and Traditional Neighborhood Districts (TND) are shown as Planned Developments (PD). Such indication is not intended to imply that previously approved developments are subject to the Planned Development approval and amendment standards, but rather the process and amendment procedures of their original approval control.

H. Pending Applications

1. Any complete application that has been submitted and accepted for processing, but where no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, is reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete by the City.
2. If the applicant fails to comply with any required submittal deadlines or other procedural requirements, the application automatically expires and all subsequent applications are subject to the requirements of this Code.
3. Any re-submittal for an expired application must meet the standards in effect at the time of re-submittal for the new application.
4. An applicant with a pending application may waive the review available under the previous ordinance through a written letter to the Planning Director and request review under this Code.

1.6 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Code. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

- 2.1 RULES OF INTERPRETATION**
- 2.2 GENERAL ABBREVIATIONS**
- 2.3 DEFINITION OF GENERAL TERMS**
- 2.4 RULES OF MEASUREMENT**

2.1 RULES OF INTERPRETATION

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

- A.** The singular number includes the plural, and the plural the singular.
- B.** The present tense includes the past and future tenses, and the future tense includes the present.
- C.** The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- D.** The terms “must not,” “will not,” “shall not,” “cannot,” “won’t,” “can’t” and “may not” are prohibited.
- E.** Any gender includes all genders.
- F.** Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Code:

- A.** BTL is an abbreviation for “built-to line.”
- B.** BTZ is an abbreviation for “built-to zone.”
- C.** GFA is an abbreviation for “gross floor area.”
- D.** ft is an abbreviation for “feet.”
- E.** N/A is an abbreviation for “not applicable.”
- F.** sf is an abbreviation for “square feet.”
- G.** SF is an abbreviation for “single-family.”
- H.** 2F is an abbreviation for “two-family.”
- I.** 3F is an abbreviation for “three-family.”
- J.** TH is an abbreviation for “townhouse.”
- K.** MF is an abbreviation for “multi-family.”

2.3 DEFINITION OF GENERAL TERMS

- A.** The following are definitions of general terms used throughout this Code with the following exceptions:
 - 1.** General definitions for the F-1 District are located in Article 7.
 - 2.** Use definitions are located in Article 8.
 - 3.** Subdivision regulation definitions are located in Article 17.

B. Definition of General Terms

Abut. To share a common wall or lot line without being separated by a street or alley. Also includes the term “contiguous.”

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a structure.

Accessory Structure. A detached structure located on the same lot as the principal structure that is customarily incidental and subordinate to the principal structure.

Accessory Use. A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

Addition. Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Alley. A right-of-way that normally affords a secondary means of access to abutting property.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Ancillary. In regard to principal uses a structure or use that provides support and is typically integral to a principal structure or the operation of the principal use.

Apiary. A structure for the keeping of honeybees.

Aquaculture/Aquaponics. A structure designed for the farming of aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under controlled conditions.

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Attention Getting Device. Signs, devices, or ornamentations designed for the purpose of attracting attention or promotion, except as otherwise expressly permitted in this Code. Attention-getting devices include banners, sails/feather signs, temporary on-premise pole signs, and the like. Federal, state, or local flags, flags of fraternal, religious, and civic organizations, and temporary holiday decorations are not considered attention-getting vices.

Awning. A roof-like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building and is not supported by posts or columns extending to the ground.

Banner. A temporary sign printed upon flexible material mounted with or without rigid frames on a building or the ground.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or the ground.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other similar purposes.

Block. A block is a tract of land bounded by streets or a combination of streets and railroad rights-of-way or municipal boundary lines. See measurement methodology in Section 2.4.

Blockface. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets. See measurement methodology in Section 2.4.

Blue Roof. A roof designed to store water and discharge rainfall.

Book Exchange Box. An outdoor accessory structure maintained by a property owner on private property where books and recorded performing arts and media are kept for public and/or exchanges with no fees or sales and are publicly accessible.

Buffer Yard. Land areas with landscape plantings and other components are used to separate incompatible uses or varying intensities of uses from one another and to shield or block noise, lights, or other nuisances.

Build-To Line (BTL). A build-to line (BTL) is a set building line on a lot, located parallel to the applicable lot line, where the structure must be located. The building facade or a percentage of the facade must be located on the build-to-line. See measurement methodology in Section 2.4.

Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, located parallel to the applicable lot line, where a structure must be located within the minimum and maximum range of setback provided. The building facade or a percentage of the facade must be located within the build-to zone. See measurement methodology in Section 2.4.

Build-To Percentage. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line (BTL) or build-to zone (BTZ), as a percentage of the lot width. See measurement methodology in Section 2.4.

Buildable Area. The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

Building. A structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

Building Coverage. That portion of the lot that is or may be covered by the principal structure and any detached accessory structures. See measurement methodology in Section 2.4.

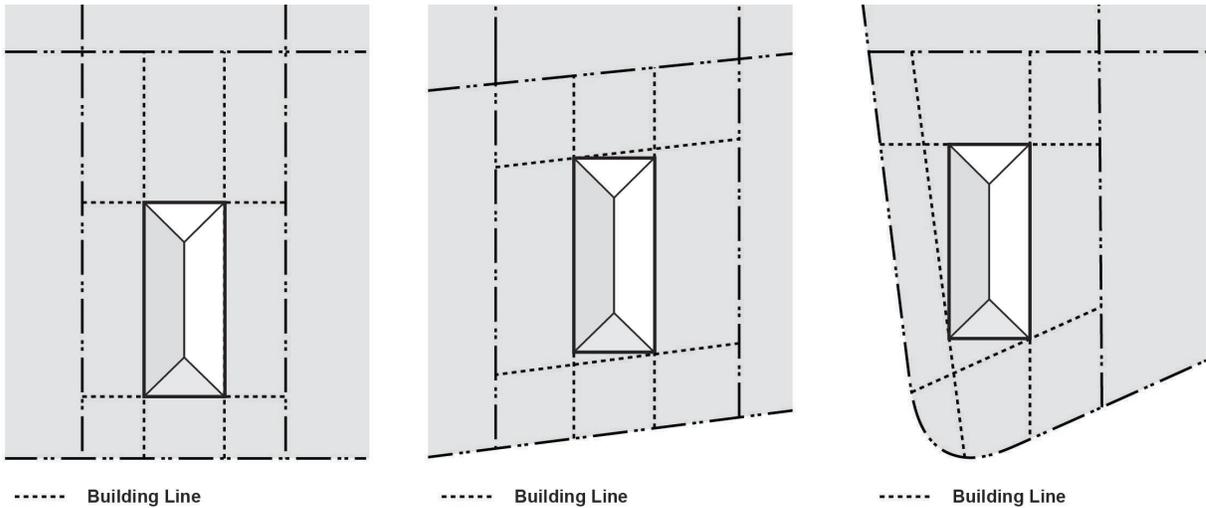
Building Height. Building height is measured as the vertical distance from the adjacent average grade at the front lot line to:

1. The top of a flat roof, including parapet walls and flat roofs designed with a decorative mansard roof concealing a flat roof.
2. The deck line of a mansard or gambrel roof.
3. The midpoint height between the eaves and the ridge in the case of a pitched roof.

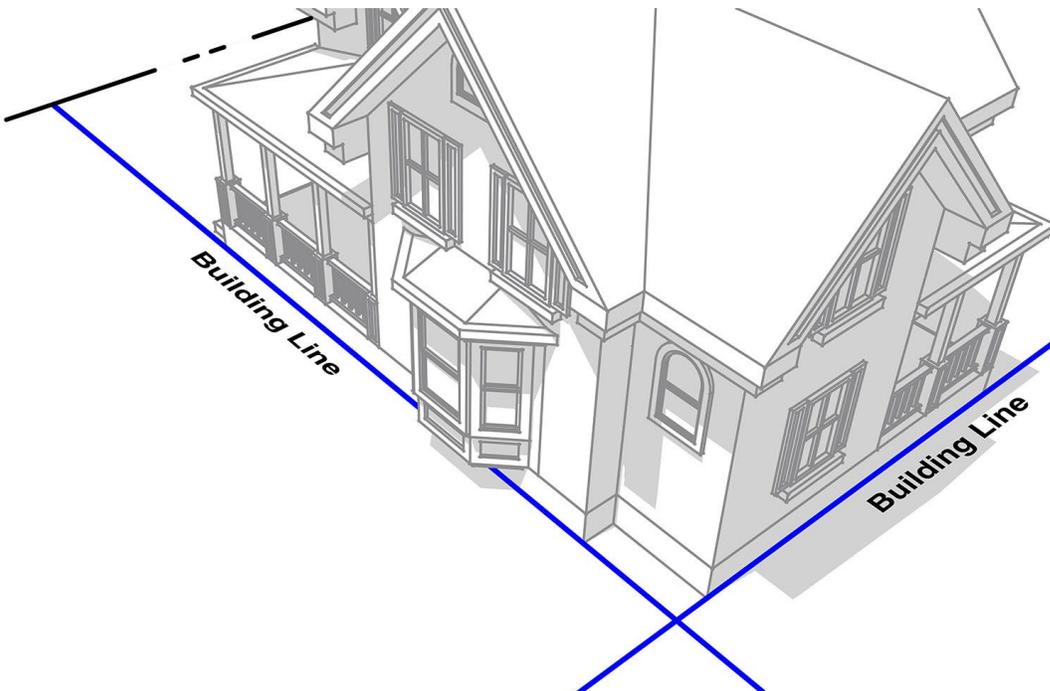
See measurement methodology in Section 2.4.

Building Line. A line measured at the building wall of a structure between opposing lot lines, at that part of the building closest to the applicable lot line (for example, for a front building line regulation, the front lot line would be the applicable lot line). For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

BUILDING LINE (PLAN VIEW)



BUILDING LINE (3-D VIEW)



Building Pad. The foundation area of a building.

Caliper. The diameter of a tree trunk. See measurement methodology in Section 2.4.

Canopy. A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building, or which is freestanding, and with supports that extend to the ground. (See sign, and canopy for illustrations of canopy types.) A canopy may be one of two types:

1. **Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or

vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the *ground*.

2. Canopy - Structural. A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, that is constructed as part of and attached to a building and extends outward from the building, and is supported both by the structure and by supports that extend to the *ground*. Certain structural canopies may also constructed a freestanding accessory structures on the same lot with the principal use and/or structure.

Carpport. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

Chicken Coop. A structure where hens and roosters are kept.

Chimney. A vertical shaft of reinforced concrete, masonry, or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Co-Location. Placement of equipment from more than one service or service provider on a single tower, structure, or site.

Contiguous. See abut.

Contour Line. Contour lines denote elevation or altitude and depth on maps.

Cooking Facilities. Equipment installed within a structure to be used for the cooking or preparation of food, including stoves and ovens, and any wiring or piping containing energy or power source for such facilities.

Cool Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected, solar energy.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties for the purpose of providing connections from one lot to another without re-entering a public or private street.

Curb Lawn. A strip of grass-covered land located between the sidewalk and curb may be planted with street trees and other landscaping materials.

Day. A business day, excluding holidays and weekends.

Deck. A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill, or land disturbance, or any change in use, or alteration or extension of the use, of land.

Diameter at Breast Height (DBH). The diameter of a tree trunk. See measurement methodology in Section 2.4.

Driveway. A pathway for motor vehicles extending from a street or alley to a lot is used to access parking areas of the lot. A driveway may also serve as parking for single-family detached and two-family dwellings.

Dwelling. A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings - detached and attached, two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding manufactured homes and hotels.

Dwelling Unit. A structure or portion of a structure providing complete, independent living facilities for one household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement. An irrevocable agreement of record between landowners, public authorities, and/or persons for a specific purpose such as, but not limited to, utilities, stormwater management, driveways, pedestrian ways, or conservation.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Encroachment. The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

Erect. To build, construct, attach, hang, place, suspend, or affix.

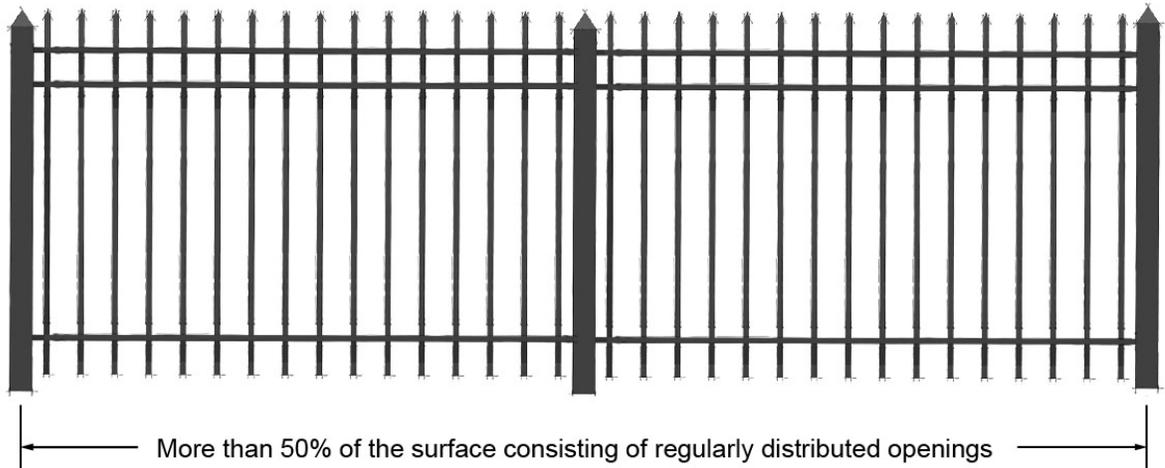
Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

Fence. A structure used as a boundary, screen, separation, means of privacy, protection, barrier, and/or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material.

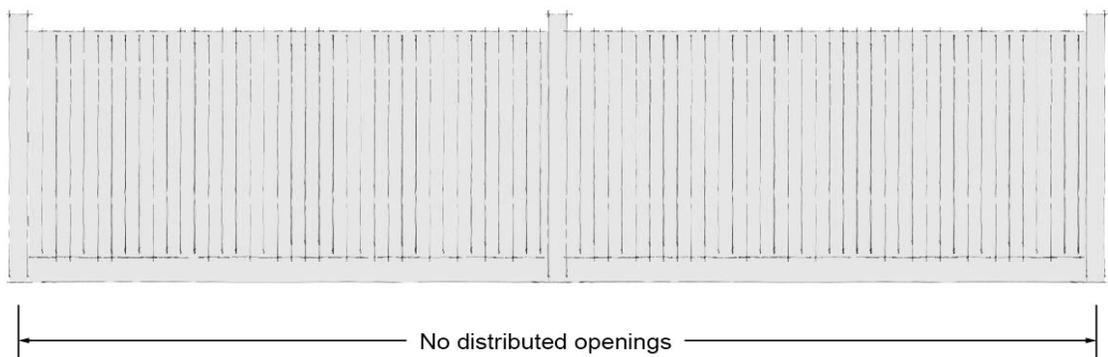
Fence - Open. A fence that has, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings.

OPEN FENCE



Fence - Solid. A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

SOLID FENCE



Floodlight. A powerful light, typically in a grouping of several lights, often used to illuminate the exterior of a building, yard, or sign.

Foot-Candle. A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

Garage. A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, a garage does not include a commercial parking structure.

Gazebo. A freestanding outdoor structure designed for recreational use and not for habitation.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, causes discomfort, and, in extreme cases, causes momentary blindness.

Grade. The average level of the finished surface of the ground at the front lot line. See measurement methodology in Section 2.4.

Green Roof. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Greenhouse (Accessory). A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Floor Area (GFA). The sum of the gross horizontal areas of all floors of the structure. See measurement methodology in Section 2.4

Hedge. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Historically Significant Site. A property that embodies distinctive characteristics of a type of architecture or is associated with significant historical events or persons.

Home Occupation. A limited commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit.

Household. A group of individuals related by blood, marriage, civil union, adoption, guardianship, or, other custodial relationship, or not more than four persons not so related, living together in a dwelling unit as a single housekeeping unit. For the purposes of zoning law in Tennessee, the classification "single-family dwelling" includes any household in which eight or fewer unrelated persons with disabilities reside, and may include three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home.

Illumination, External. Illumination by an artificial source of light not internal to the sign face.

Illumination, Internal. Illumination by an artificial source that is internal to and shielded by the sign face.

Impervious Surface Coverage. A measure of the intensity of land use that represents the portion of a site that is occupied by all structures, pavement, and any other impervious surfaces that do not allow for the absorption of water into the ground. See measurement methodology in Section 2.4.

Infrastructure. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, utilities, water lines, sewer lines, and rights-of-way.

Intensity of Use. Square feet of gross floor area, number of dwelling units, number of employees, or other factors used as a basis for requiring off-street parking or loading facilities.

Invasive Species. Any plant species, including its seeds, spores, or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction does or is likely to cause environmental harm, or which has been classified as "invasive" by the State of Tennessee or the U.S. Government.

Light Pole. Pole on which a luminaire is mounted.

Light Pole Banner. Banners mounted on and with arms installed perpendicular to light poles.

Loading Berth. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

Lot. The basic development unit for determining compliance with lot area, depth, and other area and dimensional regulations of the Code, or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. See measurement methodology in Section 2.4.

Lot Area. The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet. See measurement methodology in Section 2.4.

Lot, Corner. A lot situated at the junction of, and abutting on, two or more intersecting streets. See measurement methodology in Section 2.4.

Lot Depth. The distance measured from the front lot line to the rear lot line. See measurement methodology in Section 2.4.

Lot, Double-Frontage. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A double-frontage lot is also called a through lot. See measurement methodology in Section 2.4.

Lot, Interior. A lot other than a corner or through lot, bounded by two interior side lot lines. See measurement methodology in Section 2.4.

Lot Line. A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or a public or private street or any other public or private space. See measurement methodology in Section 2.4.

Lot Line, Corner. On a corner lot, the lot line is perpendicular or approximately perpendicular to the front lot line and the longer street abutting lot line of a corner lot. See measurement methodology in Section 2.4.

Lot Line, Front. The lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. See measurement methodology in Section 2.4.

Lot Line, Interior. On an interior lot, the lot line perpendicular or approximately perpendicular to the front lot line and abutting the adjacent lot. See measurement methodology in Section 2.4.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. See measurement methodology in Section 2.4.

Lot Line, Street. Any lot line separating a lot from a street right-of-way. See measurement methodology in Section 2.4.

Lot, Through. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double-frontage lot. See measurement methodology in Section 2.4.

Lot Width. The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone. See measurement methodology in Section 2.4.

Mixed-Use Development. A development that includes primary residential uses and primary nonresidential uses that are part of the same integrated development, whether within the same building or on the same walkable, interconnected site.

Modular Home. Modular buildings and modular homes are not considered manufactured homes and refer to a method of construction. Modular buildings and modular homes are built in one or more sections called modules at a facility and then delivered to the site where the modules are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes must conform to all zoning requirements for the dwelling type and must meet all local building code requirements. Manufactured homes are a principal use and are defined in Article 8.

Multi-Tenant Retail Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Noncommercial Message. The expression of noncommercial ideas and messages. A noncommercial message does not direct attention to a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises.

Nonconforming Lot. A lot of records that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Code no longer conform to the applicable lot dimensions.

Nonconforming Structure. A principal or accessory structure that once conformed to zoning district regulations but because of subsequent amendments to the Code no longer conforms to applicable dimensional standards.

Nonconforming Use. The use of a structure or land that at one time was an allowed use within a zoning district but because of subsequent amendments to the Code is no longer allowed.

Nits. A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source

Off-Street Parking. The storage space for an automobile on premises other than streets or rights-of-way.

Open Space. That portion of land, either improved or unimproved, which is used to meet active or passive recreation needs, public parks, and land that protects and preserves water, air, or plant resources and sensitive habitats.

Outdoor Display and Sales Area. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outlot. An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line. Also called an out parcel.

Overlay District. A district established in the Code that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts.

Owner. Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated; or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

Parapet. The extension of a false front or wall above a roof line.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another but is in joint use by each building.

Patio. A hard surface designed and intended for recreational use by people and not used as a parking space.

Performance Standards. A set of criteria or limits relating to elements that a particular use or process must either meet or may not exceed.

Pergola. A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

Pervious Paving. A range of sustainable materials and techniques for permeable paving with a base and sub-base that allow the movement of stormwater through the surface. Gravel and loose rock are not considered pervious paving.

Porch. An architectural feature that projects from the exterior wall of a structure, has access to the street level of the building but typically not at grade, and is covered by a roof.

Porch – Unenclosed. A porch that is open on all sides that does not abut a principal building wall.

Porch – Enclosed. A porch enclosed by walls, screens, lattices, or material. A screened-in porch is an enclosed porch. An enclosed porch is considered part of the principal structure.

Porte Cochere. A permanent structure built over a driveway or entry drive that provides temporary shelter to persons exiting a vehicle.

Property Line. For the purposes of this Code, a property line is a lot line. (See lot line definition.)

Principal Structure. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structures is distinguished from an accessory use.

Recreational Vehicle. Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

Residential Use. A use that includes, but is not limited to, the following dwelling types: single-family – detached, two-family, three-family, townhouse, and multi-family dwellings. When dwellings are located only above the ground floor of non-residential use they are considered mixed-use, which is a non-residential use for the purposes of this Code.

Right-of-Way. A strip of land not on a lot that is dedicated for public or private use to accommodate a transportation system, including curb lawns, sidewalks, bike lanes, and shoulders, and may accommodate necessary public utility infrastructure.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites or other services.

Searchlight. An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

Setback. The required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building unless permitted by this Code. See measurement methodology in Section 2.4.

Setback, Front. The required minimum distance per the zoning district that a principal building must be located from the front lot line. See measurement methodology in Section 2.4.

Setback, Interior Side. The required minimum distance per the zoning district that a principal building must be located from the interior side lot line. See measurement methodology in Section 2.4.

Setback, Corner Side. The required minimum distance per the zoning district that a principal building must be located from the corner side lot line. See measurement methodology in Section 2.4.

Setback, Rear. The required minimum distance per the zoning district that a principal building must be located from the rear lot line. See measurement methodology in Section 2.4.

Setback, Reverse Corner Side. The required minimum distance per the zoning district that a principal building must be located from the corner side lot line. See measurement methodology in Section 2.4.

Shed. An accessory structure often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

Sign. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, inform or promote a business, service, or the sale of a product.

Sign, A-Frame. A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

A-FRAME SIGN



Sign, Animated. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs or video display signs.

Sign, Awning. An awning sign is a sign printed or displayed upon an awning.

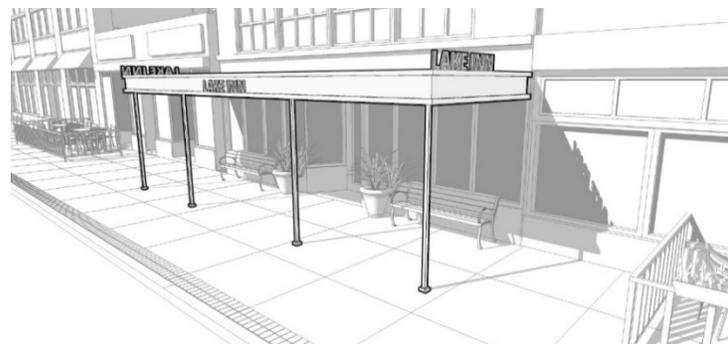
AWNING SIGN



Sign, Balloon. A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation. This definition also includes any product made with the appearance of a balloon, although it may not require inflation.

Sign, Canopy. A canopy sign is a sign printed, mounted, or installed upon a canopy. A canopy sign may be non-structural or structural.

CANOPY SIGN - NON-STRUCTURAL

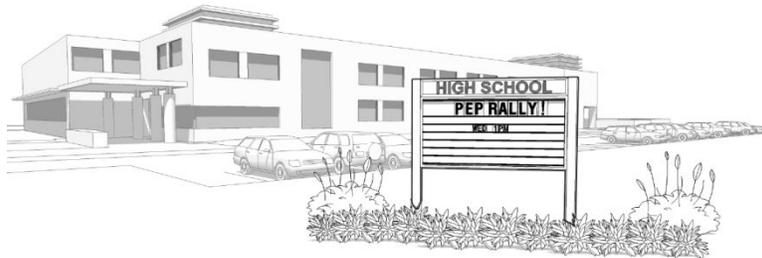


CANOPY SIGN– STRUCTURAL



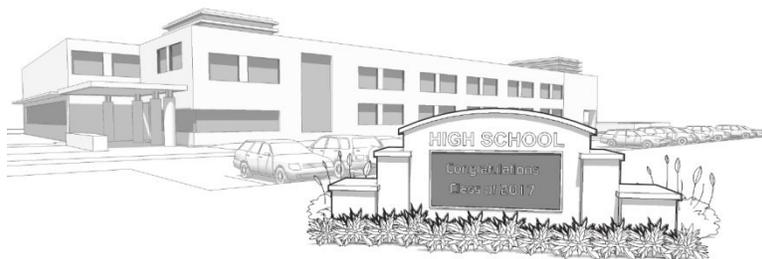
Sign, Changeable Message Board. A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader-board signs.

CHANGEABLE MESSAGE BOARD SIGN



Sign, Electronic Message. A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs, flashing signs, animated signs, and video display signs are not considered electronic message signs. Also called an electronic message center sign.

ELECTRONIC MESSAGE SIGN

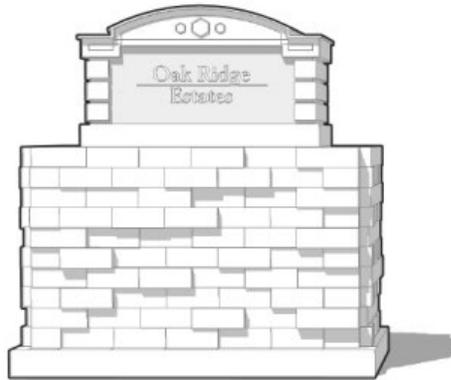


Sign, Flashing. A sign with an intermittent or sequential flashing light source is used primarily to attract attention. Flashing signs do not include electronic message signs, animated signs, or video display signs.

Sign, Freestanding. A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Code:

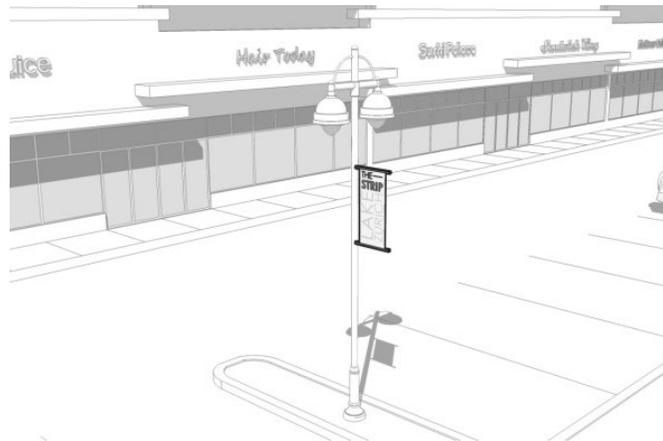
1. **Freestanding Sign – Residential Subdivision.** A freestanding sign used to identify a residential subdivision.
2. **Freestanding Sign – Multi-Tenant Retail Center.** A freestanding sign used to identify a commercial development with two or more tenants.
3. **Freestanding Sign – Standard.** A freestanding sign that identifies an establishment that is not specifically categorized as a residential subdivision freestanding sign or a multi-tenant retail center freestanding sign.

FREESTANDING SIGN



Sign, Light Pole Banner. Banners mounted on and with arms installed perpendicular to light pole

LIGHT POLE BANNER SIGN



Sign, Marquee. A sign incorporated into a permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

MARQUEE SIGN



Sign, Menu board. A sign constructed as part of drive-through facilities.

MENU BOARD SIGN



Sign, Moving. A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered a moving sign. Moving signs do not include clocks or barber poles.

Sign, Nonconforming. A sign that once conformed to zoning regulations but because of subsequent amendments to the Code, or due to annexation, does not conform to applicable sign regulations.

Sign, Obscene. A sign that is found to meet the three established criteria of obscenity: 1) prurient in nature; 2) completely devoid of scientific, political, educational, or social value; and 3) a violation of local community standards.

Sign, Obsolete. A sign that advertises or identifies a business or service on-premises but remains on-site once that business or service is no longer in operation or offered.

Sign, Off-Premise Commercial – Permanent. A permanent commercial sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also called a billboard.

Sign, Off-Premise Commercial – Temporary. A temporary commercial sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any \ sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

Sign, Portable Reader-Board. A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable reader-board signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable reader-board signs do not include a-frame signs.

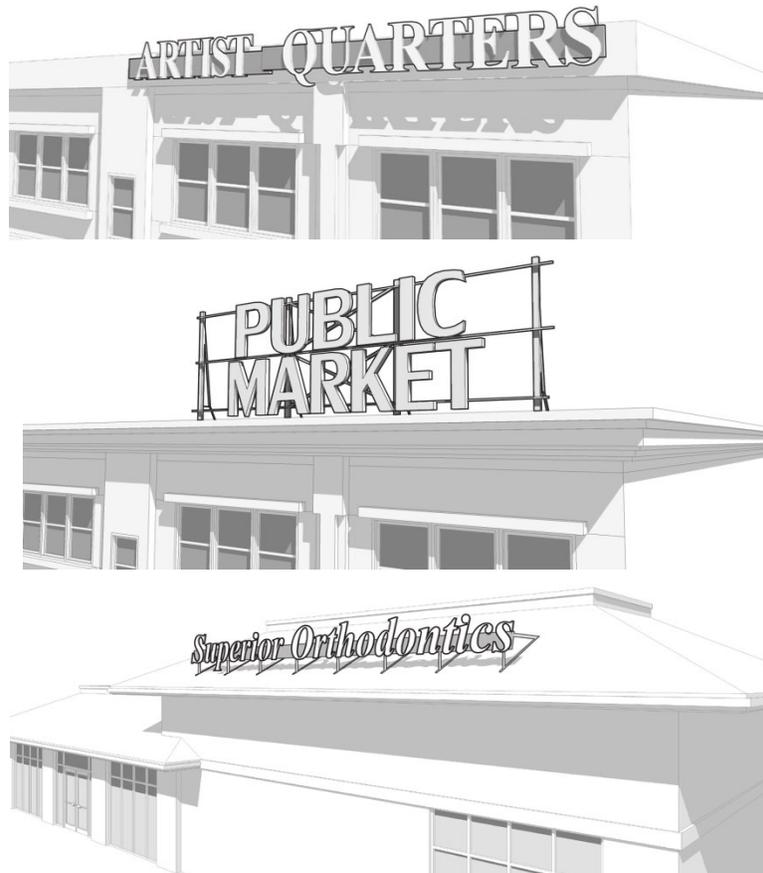
Sign, Projecting. A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached. A marquee sign is not considered a projecting sign.

PROJECTING SIGN



Sign, Roof. A sign that is erected, constructed, and/or maintained on or extending above the roof or roofline, including the parapet of any building.

ROOF SIGN



Sign, Video Display. A sign, or portion of a sign, that displays pre-recorded or streaming electronic video. This includes the projection of pre-recorded or streaming electronic video on a wall or other surface.

Sign, Wall. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

WALL SIGN



Sign, Window. A sign that is attached to, placed upon, painted, or printed on the interior or exterior of a window or glass portion of the door of a building, or displayed on the interior within four feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted block view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

WINDOW SIGN



Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

Stoop. An exterior floor is typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings but cannot be enclosed.

Street. A public or private thoroughfare that affords a means of vehicular access to abutting property but does not include alleys or driveways.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water. All buildings are considered a structure.

Substantial Compliance. An application includes all required documents, plans, and forms as identified by the unified development code {specifically excluding concept plans or other pre-submittal documentation),

and that each submission is complete, accurate, and conforms to the city's zoning ordinance, subdivision provisions, and all applicable general regulations or relevant regulatory actions or agreements. The application must demonstrate that the proposed plan meets the intent and substantive requirements of all applicable codes, even if minor, technical, or non-material errors or omissions are present.

Traffic Impact Study. A study to provide City staff with sufficient information concerning transportation impacts of a project, including determining appropriate mitigation measures for the project. The TIA shall consider traffic capacity and service, traffic controls, intelligent transportation systems (ITS), multi-modal accommodations, transportation demand management measures, and safety issues in accordance with the City of Spring Hill Transportation Manual guidelines.

Unified Control. For planned unit developments, the combination of two or more tracts of land wherein each owner has agreed that his/her tract of land will be developed under the same development approval.

Use. The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Flow and Capacity Analysis for Water and Sewer Services. A study or analysis to evaluate the capacity of existing water and sewer utility infrastructure to serve a proposed development and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the proposed development if approved. The cost of the preparation of the water and sewer capacity analysis shall be the responsibility of the applicant (*Ord. 21-14*)

White Roof. A roof designed to deliver high solar reflectance, typically white-colored, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected, solar energy. Also called a cool roof.

Yard. The open space area between the building line, of a principal building and the adjacent lot line. Defined in Section 2.4.

Yard, Front. The area located between a principal building line and the front lot line. See measurement methodology in Section 2.4.

Yard, Interior Side. The area located between a principal building line and the interior side lot line. See measurement methodology in Section 2.4.

Yard, Corner Side. The area located between a principal building line and the corner side lot line. See measurement methodology in Section 2.4.

Yard, Rear. The area located between a principal building line and the rear lot line. See measurement methodology in Section 2.4.

Zoning Lot. A lot or combination of lots within a single block, which is designated by the owner or developer to be used, developed, or built upon as a single lot. A zoning lot may or may not coincide with a lot of records. For the purposes of this Code, when regulations refer to a lot they refer to a zoning lot unless specifically identified otherwise.

Zoning Map. The map or maps that are a part of this Code and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City adopted pursuant to TCA Title 13, Chapters 4 or 7 for the purpose of regulating by district, land development or use for a designated area.

Zoning Ordinance. A statute, legally adopted pursuant to TCA Title 13, Chapters 4 or 7 for the purpose of regulating by district, land development, or use for a designated area.

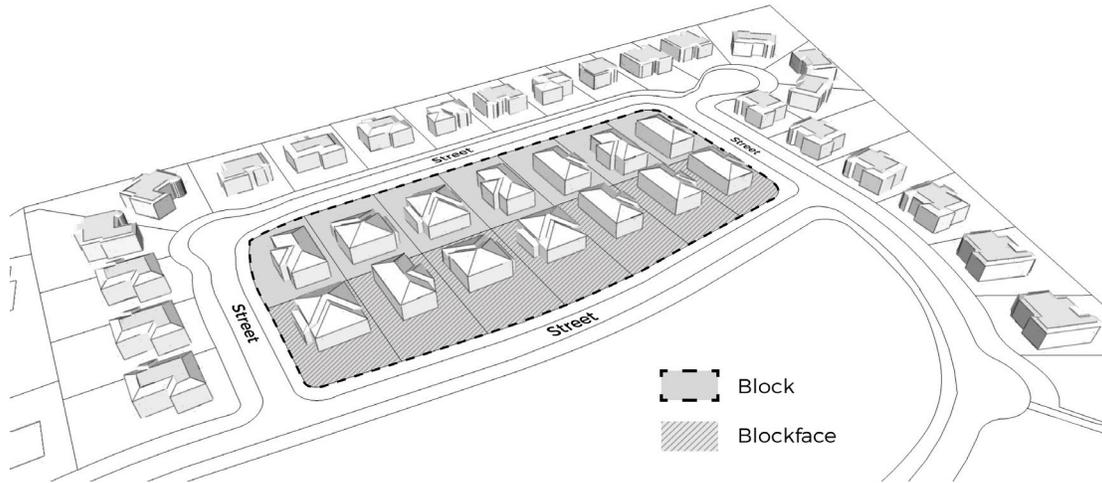
2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Code.

A. Block and Blockface

1. A block is a tract of land bounded by streets or a combination of streets and railroad rights-of-way or municipal boundary lines.

2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

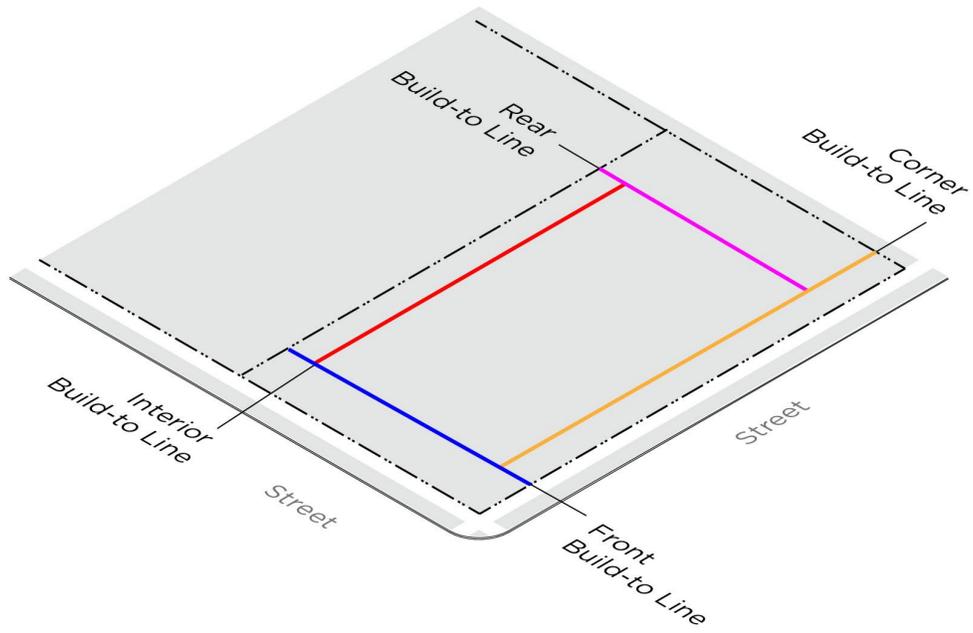


B. Build-To Dimensions

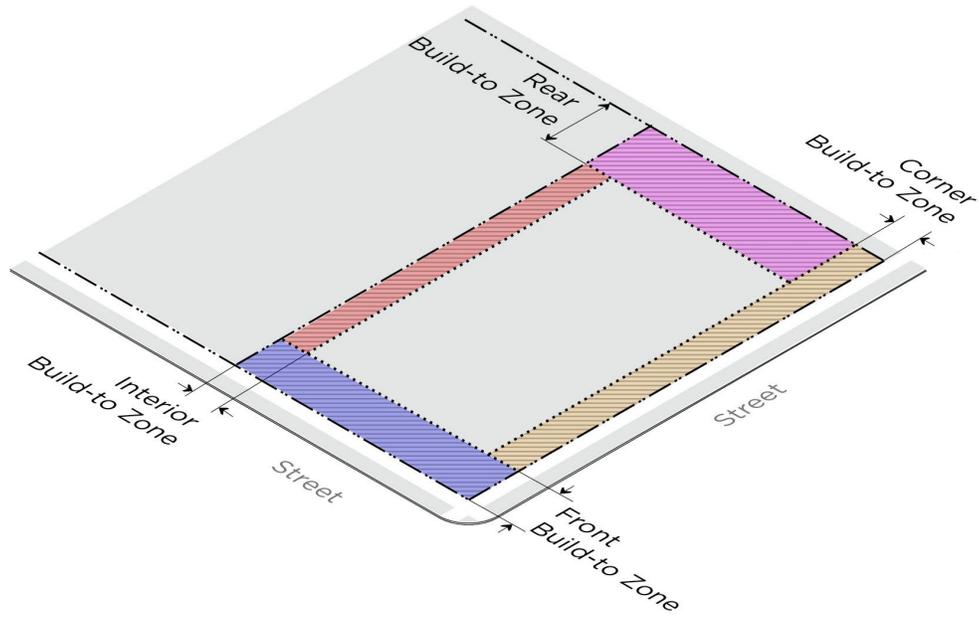
Certain dimensional requirements of a district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Code includes three types of build-to dimensions:

1. A build-to line (BTL) is a set building line on a lot, located parallel to the applicable lot line, where the structure must be located. The building facade must be located on the build-to-line. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.
2. A build-to zone (BTZ) is the area on a lot, located parallel to the applicable lot line, where a structure must be located within the minimum and maximum range of setbacks provided. The building facade must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.
3. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line or build-to zone, as a percentage of the lot width. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.

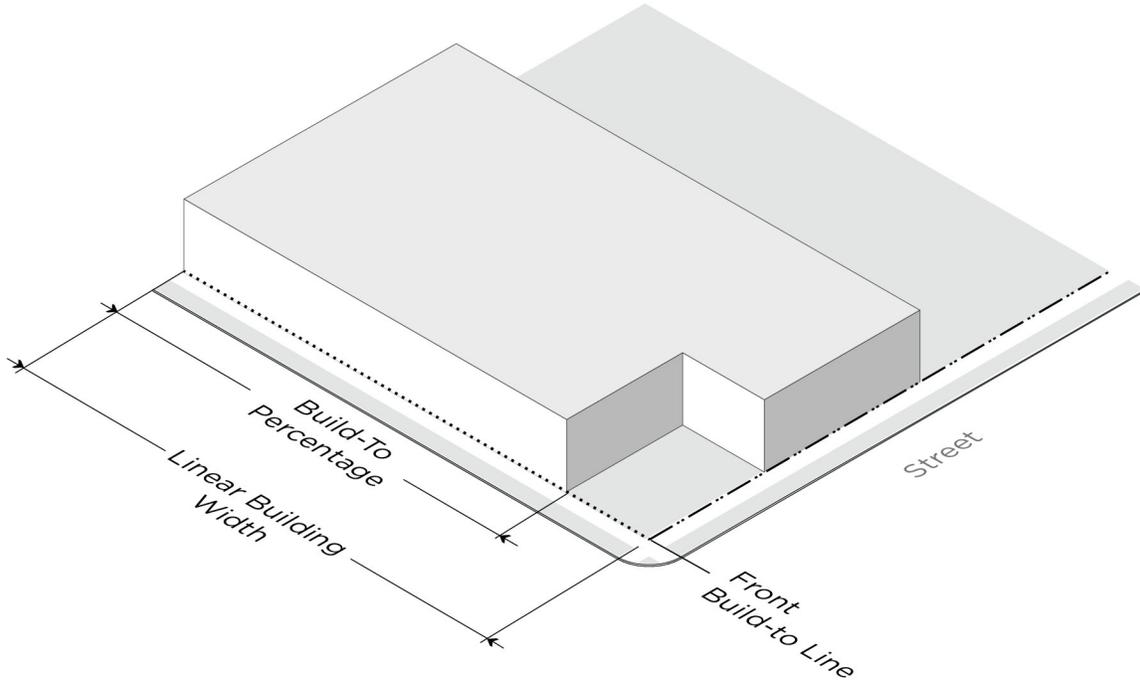
BUILD-TO LINE



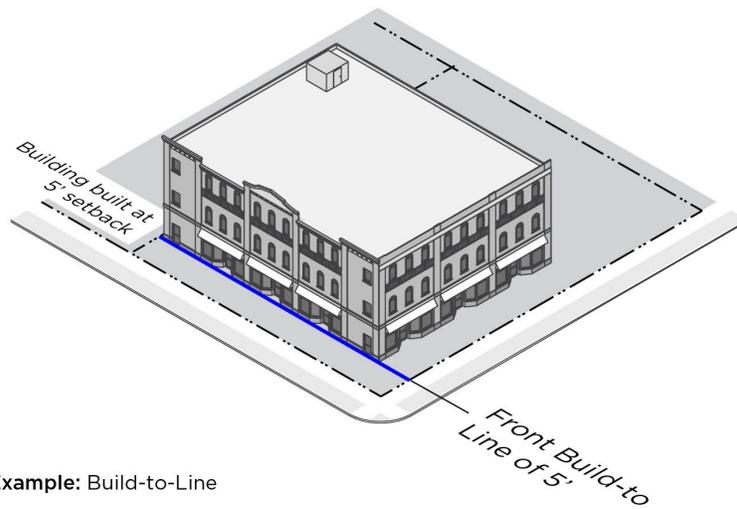
BUILD-TO ZONE



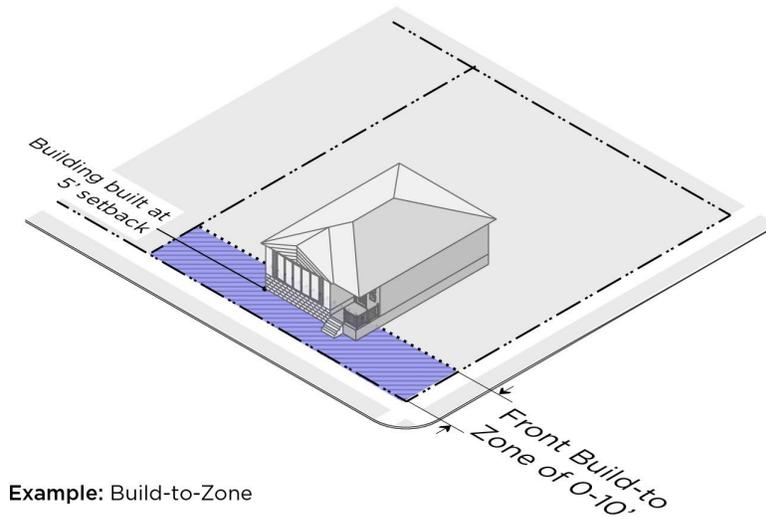
BUILD-TO PERCENTAGE



The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.



Example: Build-to-Line



Example: Build-to-Zone

C. Building Coverage

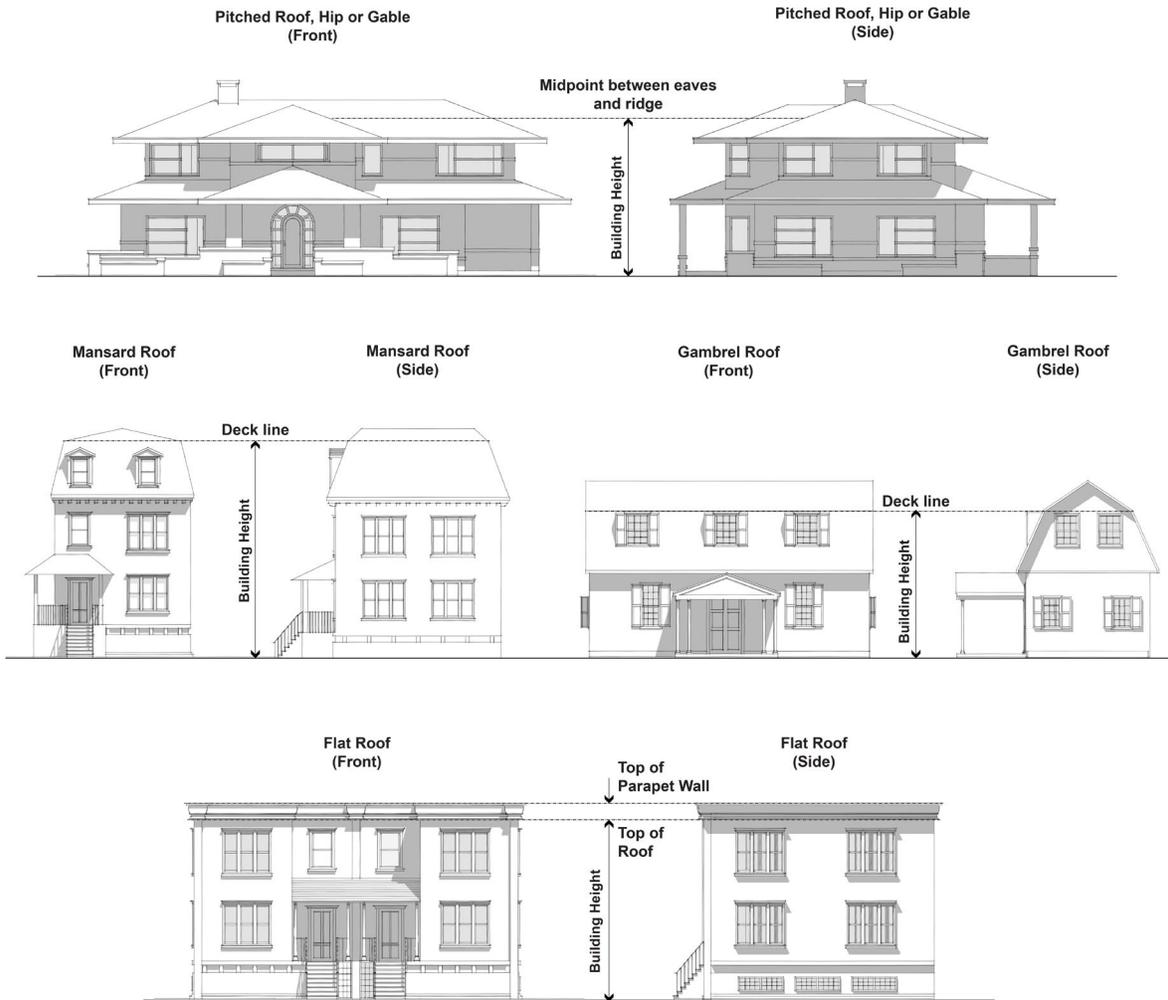
That portion of the lot that is or may be covered by the principal structure and any detached accessory structures.

D. Building Height

1. Maximum building height is measured as the vertical distance from the adjacent average grade at the front lot line to:
 - a. The top of a flat roof, including parapet walls and flat roofs designed with a decorative mansard roof concealing a flat roof.
 - b. The deck line of a mansard or gambrel roof.
 - c. The midpoint height between the eaves and the ridge in the case of a pitched roof.
 - d. Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the top of the dormer.
2. For the purposes of building height measurement, roof types are defined as follows:
 - a. Flat Roof: A roof that is not pitched and where the surface of the roof is generally parallel to the ground. A mono-pitched roof, also called a shed roof, is a single-sloping roof surface and is also considered a flat roof.
 - b. Mansard or Gambrel Roof: A two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep. A gambrel roof has vertical gable ends, while a mansard roof is hipped at the four corners of the building.
 - c. Pitched Roof: A gable or hip roof having a slope or pitch of at least one foot rise for every four feet of horizontal distance in the direction of the slope or pitch of the roof. A hipped roof is sloped in two pairs of directions compared to the one pair of directions for a gable roof.
3. The following structures or parts thereof are exempt from maximum height limitations unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
 - a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Code.
 - b. Water tanks and standpipes.

c. Building appurtenances such as chimneys, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

BUILDING HEIGHT



E. Caliper and Diameter at Breast Height (DBH)

1. Caliper is the diameter of a tree trunk measured at 12 inches above the ground.
2. Diameter-at-breast-height (DBH) is the diameter of a tree trunk measured at four and one-half feet above the ground.

F. Fractions

In terms of the calculation of Code requirements, any fraction under one-half is rounded down, and any fraction of one-half or more is rounded up to the nearest whole number.

G. Grade

The average level of the finished surface of the ground at the front lot line.

H. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. This does not include any floors devoted to parking.

I. Impervious Surface Coverage

1. Impervious surface coverage is a measure of the intensity of land use that represents the portion of a site that is occupied by all structures, pavement, and any other impervious surfaces that do not allow for the absorption of

water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.

2. When pervious paving is used, it is calculated at a reduced percentage of impervious coverage, as follows:

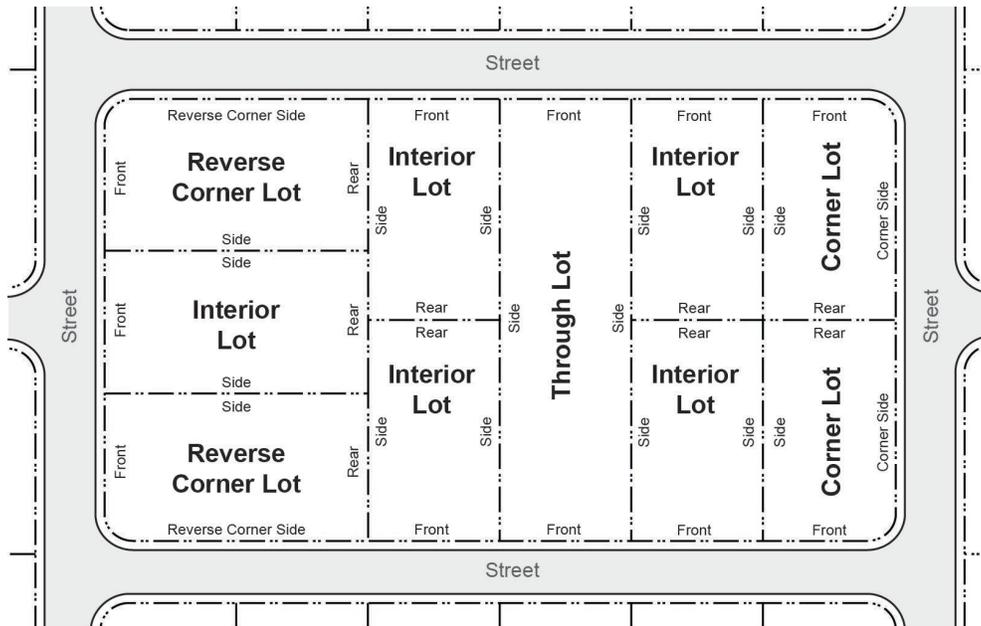
- a. Pervious concrete and open grid paving systems are calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Open grid pavers must be installed on a sand base, without an impervious liner, to qualify.
- b. Other types of pervious surfaces, such as permeable pavers, porous asphalt, or gravel-crete, are credited based upon field performance data and coefficients of permeability provided by the manufacturer.

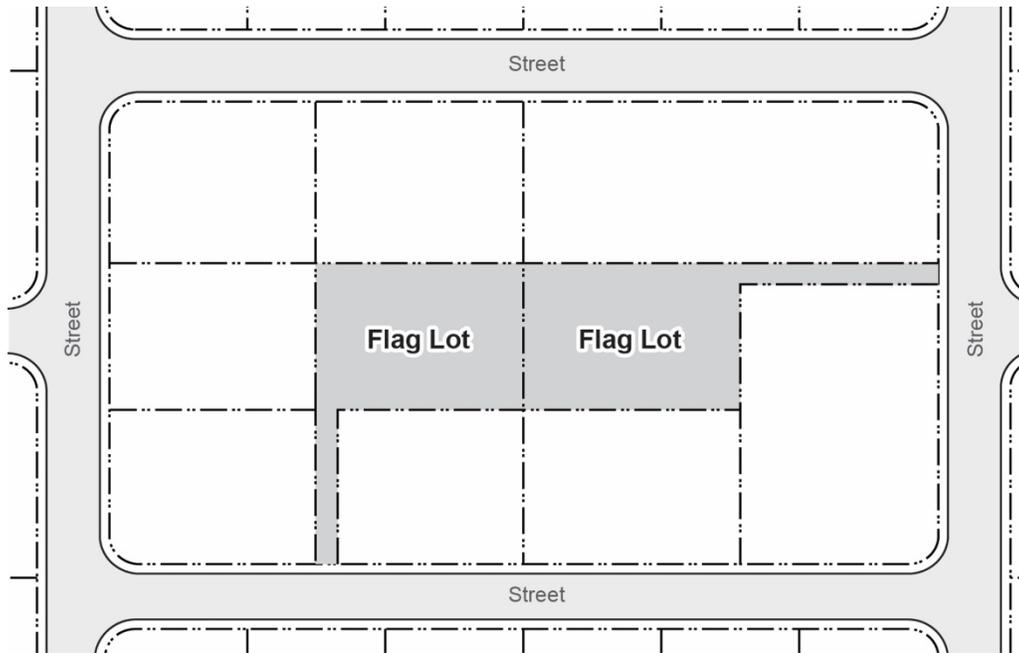
J. Lot

A lot is the basic development unit for determining compliance with lot area, depth, and other area and dimensional regulations of the Code, or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

- 1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
- 2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
- 3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
- 4. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.
- 5. A flag lot is platted so that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street. The creation of new flag lots is prohibited.

LOT TYPES



FLAG LOT**K. Lot Area**

The total area within the boundaries of a lot, excluding any street right-of-way, is usually defined in acres or square feet. Residential lot area does not include any lot area included within the 100-year floodplain.

L. Lot Depth

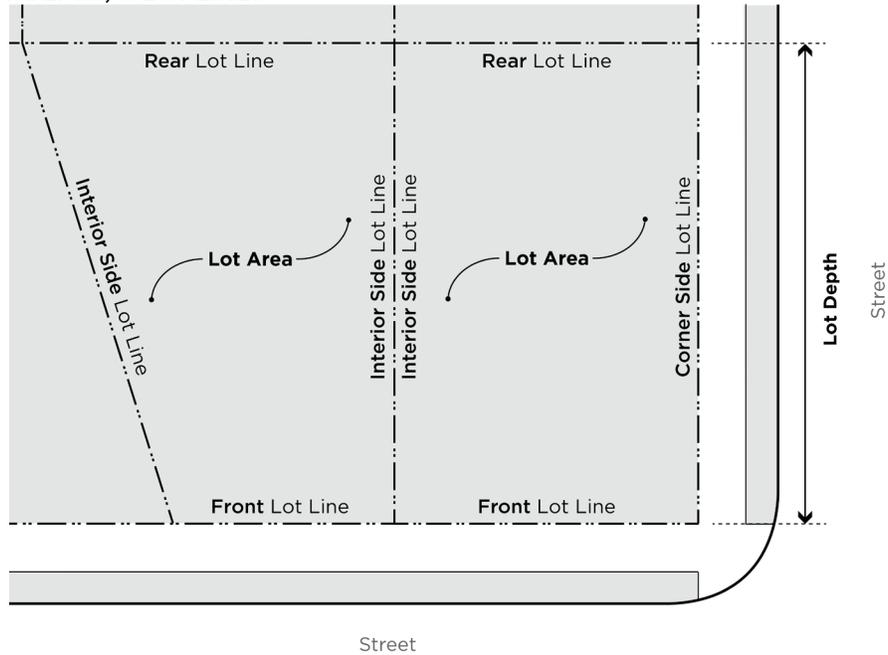
The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is the depth calculated at the deepest part of the lot.

M. Lot Line

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
2. A rear lot line is the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. On a corner lot, the corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts the adjacent lot.
5. A street lot line is any lot line separating a lot from a street right-of-way.

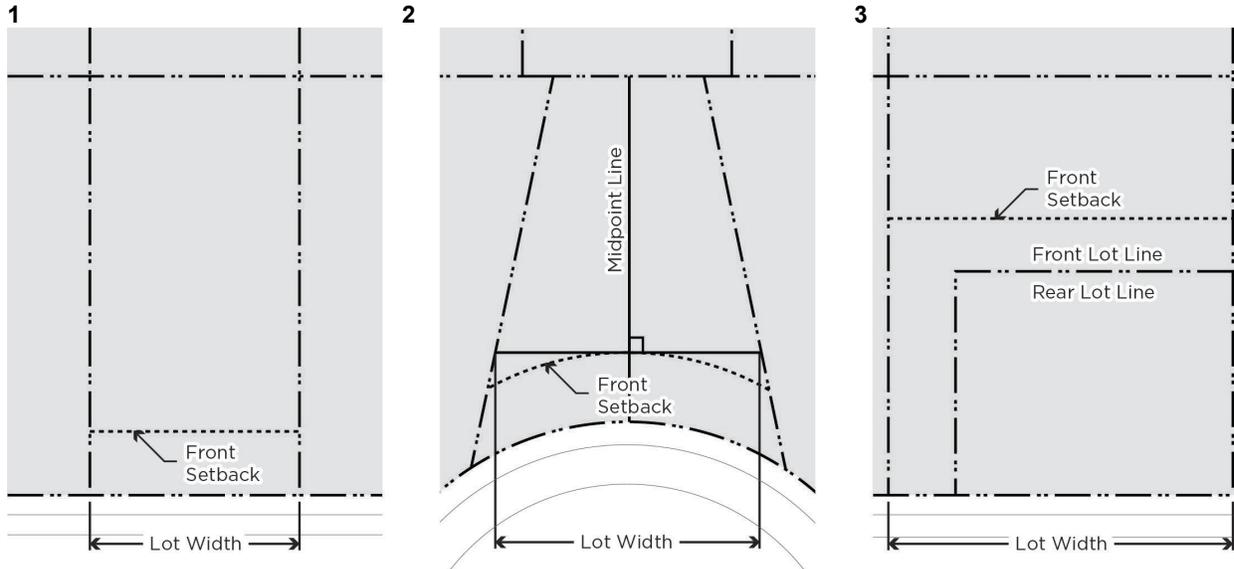
LOT AREA, LOT DEPTH, & LOT LINES



N. Lot Width

1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone.
2. On a lot with a radial (curved) front lot line, lot width is measured as follows:
 - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
 - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
 - c. Lot width is determined as the length of the line between side lot lines.
3. For flag lots, lot width is measured at the required front setback as defined in this section. The creation of new flag lots is prohibited.

LOT WIDTH

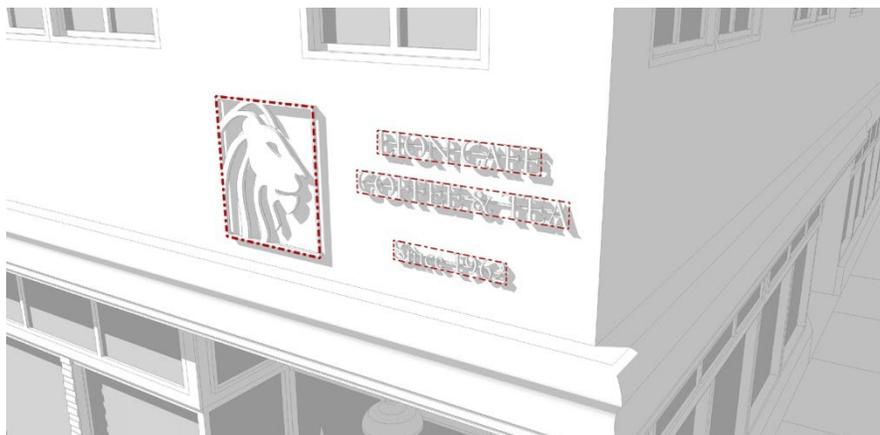


O. Sign Dimensions

1. Calculation of Sign Area

- a. Sign area is calculated as the total exposed surface area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise a sign's message, including all background, ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of the sign area does not include any supports or bracing. This applied to both signs on a background and channel letter signs.

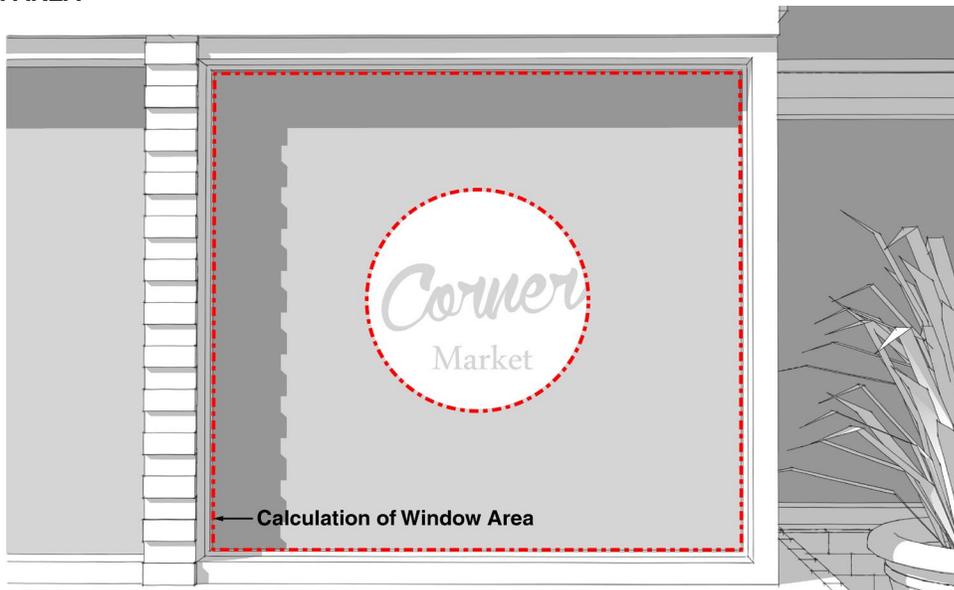
SIGN AREA





b. Window area for the purpose of calculating the maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides the window area. Window sign area is calculated as the total surface area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise a sign's message. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door are exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

WINDOW SIGN AREA



2. Measurement of Sign Height

For freestanding signs, sign height is measured as the vertical distance between the highest part of the sign, including any decorative elements, and either the ground level at its supports or the centerline of the public right-of-way, whichever is higher in elevation.

SIGN HEIGHT



3. Measurement of Vertical Clearance

For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

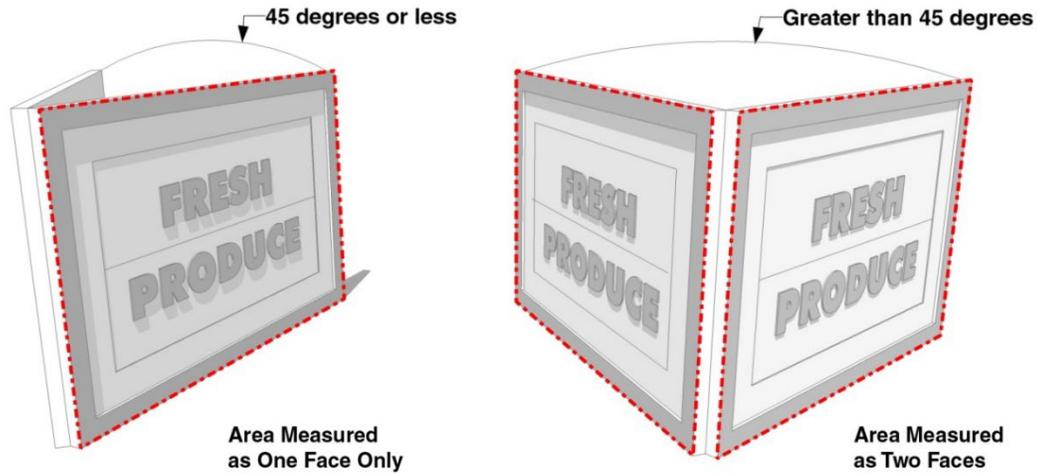
VERTICAL CLEARANCE



4. Determination of the Number of Sign Faces

If the interior angle between two sign faces is 45° (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than 45° (degrees), the total sign area is computed as the sum of the areas of the two faces.

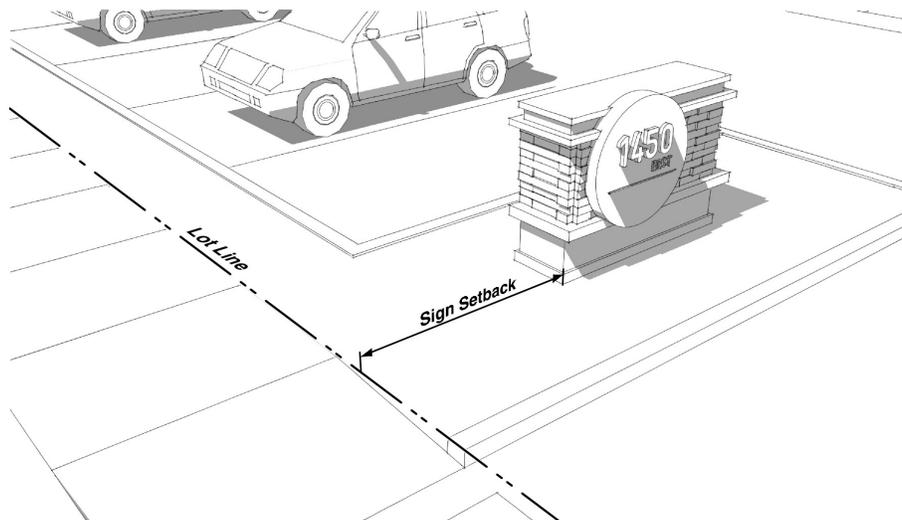
SIGN FACE



5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest point of the sign.

SIGN SETBACK



P. Transparency

Where transparency is required as part of building or use design standards, it is calculated as the percentage of the total area of all windows and any architectural features and/or doors constructed of glass that allow a view into the structure that comprises the total area of the façade where they are located.

Q. Yards and Setbacks

1. General Definitions

a. A yard is the open space area between the building line, of a principal building and the adjacent lot line, exclusive of facade articulation, such as window or wall recesses and projections.

b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building unless permitted by this Code.

- i. A build-to zone or build-to line is considered a required setback.
 - ii. In the case of a build-to line it is where the principal building must be located.
 - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such a lot is located.

2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. **Front Yard:** A front yard is located between a principal building line and the front lot line.
- b. **Front Setback:** A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. A front setback is measured from the right-of-way line.
- d. Front setbacks on irregular lots are subject to these additional provisions:
 - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line. (See lot width illustration in item N above)
 - ii. For flag lots, the front yard and setback are measured from the rear lot line of the lot that separates the flag portion of the lot from the street. (See lot width illustration in item N above)

3. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. **Interior Side Yard:** An interior side yard is located between a principal building line and the interior side lot line.
- b. **Interior Side Setback:** An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For townhouse developments, the interior side yard and interior side setback are applicable to end units only.

4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. **Corner Side Yard:** A corner side yard is located between a principal building line and the corner side lot line.
- b. **Corner Side Setback:** A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

5. Rear Yard and Rear Setback

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a. **Rear Yard:** A rear yard is located between a principal building line and the rear lot line.
- b. **Rear Setback:** A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.

- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the, measured perpendicular to the rear lot line.

6. Reverse Corner Side Yard and Setback

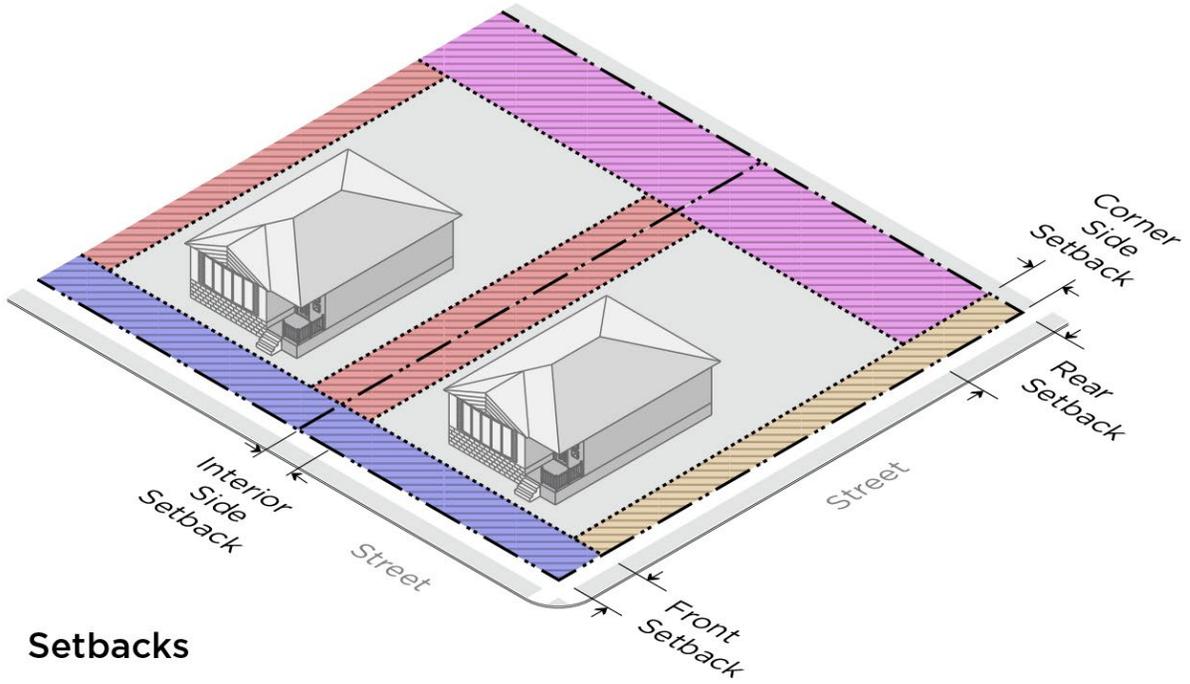
The reverse corner side yard and setback extend along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line. The corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

- a. Reverse Corner Side Yard: A reverse corner side yard is located between a principal building and the corner side lot line.
- b. Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

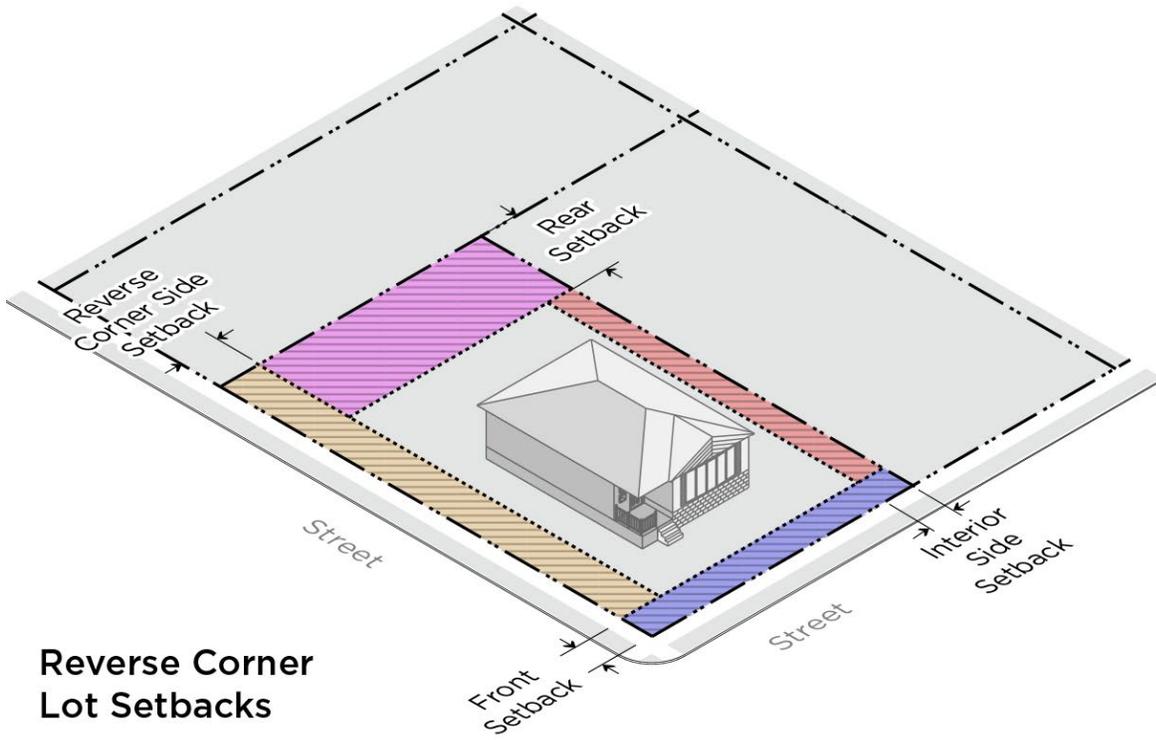
7. Yard and Setback Requirements for Through Lots

- a. For through lots, both street setbacks must meet the required front setback of the zoning district.
- b. In addition, any structure located within 25 feet of a street setback line must be no closer to any side lot line than the distance required for side setbacks on adjoining properties fronting that street.

SETBACKS

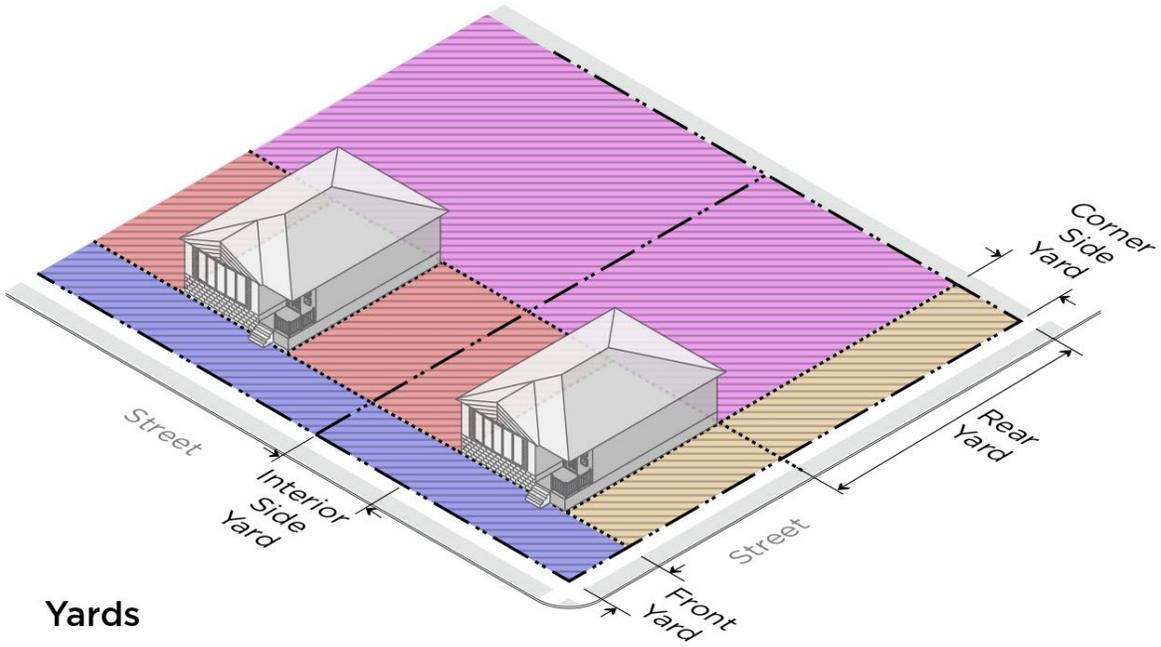


Setbacks

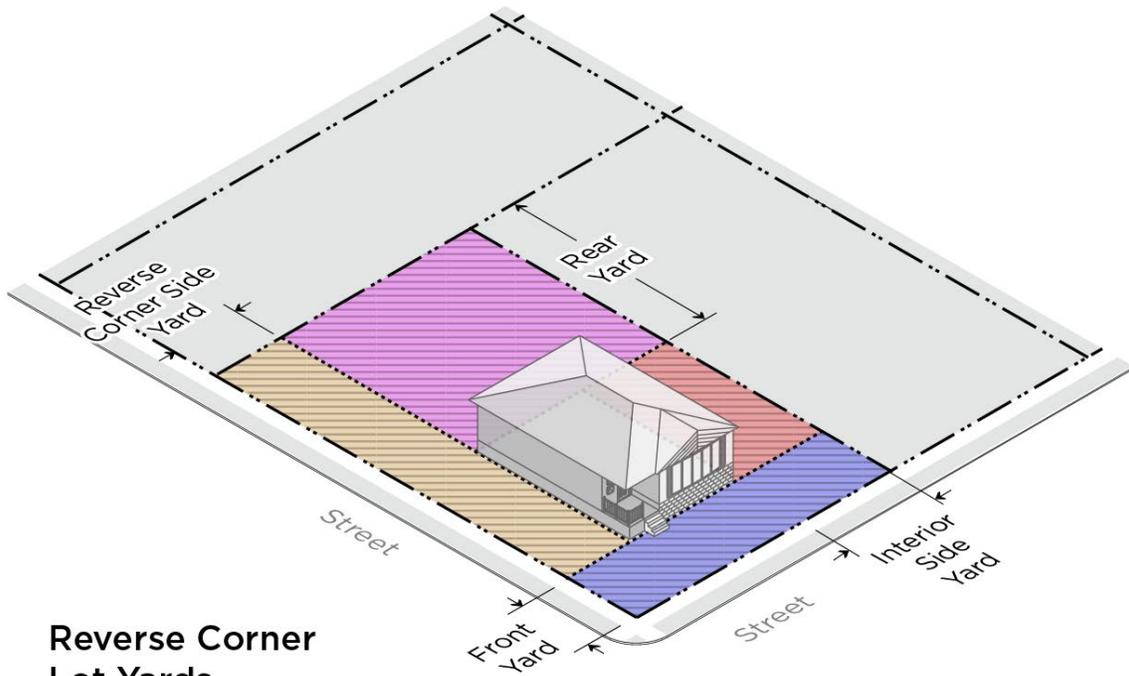


Reverse Corner Lot Setbacks

YARDS



Yards



Reverse Corner Lot Yards

ARTICLE 3. ZONING DISTRICTS AND ZONING MAP

- 3.1 ZONING DISTRICTS**
- 3.2 ZONING MAP**

3.1 ZONING DISTRICTS

In order to carry out the purpose and intent of this Code per Section 1.2, the City is divided into the following zoning districts:

A. Residential Districts

- R-A Rural Agricultural District
- R-R Rural Residential District
- R-1 Single-Family District
- R-2 Single-Family District
- R-3 Single-Family District
- R-4 Single-Family District
- R-5 Single-Family and Two-Family District
- R-6 Multi-Family District
- R-7 Multi-Family District
- R-MH Manufactured Home Park District

B. Commercial Districts

- C-1 Local Commercial District
- C-2 Professional Office District
- C-3 Corridor Commercial District
- C-4 General Commercial District
- C-5 Regional Commercial District
- C-D Downtown District
- C-G Gateway Mixed-Use District

C. Industrial Districts

- I-1 Light Industrial Zoning District
- I-2 General Industrial Zoning District
- RD Research and Development District

D. Special Purpose Districts

- IC Institutional Campus District
- AG Agricultural District
- PR Public Recreation District
- NA Natural Areas District
- F-1 Open Floodway District
- HS Hillside Slope District
- H Historic Overlay District

3.2 ZONING MAP

A. Location of Districts

The location and boundaries of the zoning districts established by this Code are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into and made part of, this Code.

B. Annexation

Upon annexation of any area by the City of Spring Hill, such area is automatically classified as the AG District. At any time following the annexation of property by the Board of Mayor and Aldermen, the property owner may authorize an application to rezone the property in accordance with Article 13 of this Code. (*Ord. 19-09*)

C. Interpretation of Boundary Lines

1. Where a district boundary line is shown as being within or along a street, other public or private way, or an extension of any of them, the boundary is the centerline of that street, other public or private way, or extension of any of them.
2. Where a district boundary line is shown as along a lot line, the boundary is that lot line.

3. Where the location of a district boundary line is indicated by a designated number of feet, that distance controls.
4. Where a district boundary line is shown as being along a railroad right-of-way, the boundary line of that railroad right-of-way controls.
5. Where multiple zoning districts shall not be applied to a single property with the exception of Planned Unit Developments and similar specific overlay type rezonings. Existing property with more than one zoning classification shall be considered to have property lines along the zoning district lines and shall comply with the zoning as applicable.

D. Applicability of Map Amendments

When a map amendment is approved, the ordinance approving such amendment controls the zoning of the lot(s) even if the official Zoning Map is not immediately updated.

ARTICLE 4. RESIDENTIAL DISTRICTS

- 4.1 PURPOSE STATEMENTS**
- 4.2 USES**
- 4.3 AREA AND DIMENSIONAL STANDARDS**
- 4.4 R-MH DISTRICT STANDARDS**
- 4.5 GENERAL STANDARDS OF APPLICABILITY**

4.1 PURPOSE STATEMENTS

A. R-A Rural Agricultural District

The R-A District is intended for limited single-family residences within agricultural areas. All residences within this district must be compatible with surrounding agricultural operations, with regulations that ensure compatibility with the larger surrounding agricultural character.

B. R-R Rural Residential District

The R-R District is intended for large-lot, estate-type residential areas within a low-density environment that relate to a more rural character. Limited non-residential uses are allowed that are compatible with the low-density, open character of the district.

C. R-1 Single-Family District

The R-1 District is intended to provide for a neighborhood environment of single-family detached dwellings located on lots of 20,000 square feet or larger. Limited non-residential uses that are compatible with the residential neighborhood may be permitted.

D. R-2 Single-Family District

The R-2 District is intended to provide for a neighborhood environment of single-family detached dwellings located on lots of 10,000 square feet or more. Limited non-residential uses that are compatible with the residential neighborhood may be permitted.

E. R-3 Single-Family District

The R-3 District is intended to provide for a neighborhood environment of single-family detached dwellings located on lots of 8,000 square feet or more. Limited non-residential uses that are compatible with the residential neighborhood may be permitted.

F. R-4 Single-Family District

The R-4 District is intended for higher-density detached single-family development. Limited non-residential uses that are compatible with the residential neighborhood may be permitted.

G. R-5 Single-Family and Two-Family District

The R-5 District is intended for the higher detached single-family and attached two-family, three-family, and townhouse development. Limited non-residential uses that are compatible with the residential neighborhood may be permitted. *(Ord. 19-09)*

H. R-6 Multi-Family District

The R-6 District accommodates a variety of residential structures, such as single-family, two-family dwellings, townhouses, and multi-family housing. The R-6 District is intended for areas where adequate public utilities and other infrastructure exist that can serve higher-density residential development, as well as areas where such development will not negatively impact adjoining lower-density residential neighborhoods. Limited non-residential uses that are compatible with the residential neighborhood may be permitted. *(Ord. 19-09)*

I. R-7 Multi-Family District

The R-7 Multi-Family District is intended to provide for a higher-density residential environment of townhouses and multi-family dwellings. The R-7 District is intended for areas where adequate public utilities and other infrastructure exists that can serve higher-density development, as well as areas where such development will not negatively impact lower-density residential neighborhoods. Limited non-residential uses that are compatible with the residential neighborhood may be permitted.

J. R-MH Manufactured Home District

The R-MH District is intended for manufactured home parks, which are areas containing manufactured home sites arranged on a large tract, typically under single ownership, and designed to accommodate manufactured homes.

4.2 USES

Article 8 lists permitted, and special principal uses and temporary uses for the residential districts.

4.3 DIMENSIONAL STANDARDS

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. However, standards for development in the R-MH District are found in Section 4.4 below. Design standards for residential dwellings of all types are found in Article 8 as use standards for the specific dwelling types.

See Table 4-1 (next two pages) for amendments related to this item. (*Ord 19-09*).

Table 4-1: Residential Districts Dimensional Standards									
	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7
Bulk									
Minimum Lot Area	2 acres	1 acre	20,000sf	10,000sf	8,000sf	6,000sf	SF: 6,000sf 2F: 9,000sf 3F: 12,000sf TH: Min. 2,500sf for each individual lot Min. 1 acre required for each TH development site Max. density for TH development of 9 du/ac <i>(Ord. 19-09)</i>	SF: 6,000sf 2F: 9,000sf 3F: 12,000sf TH: Min. of 2,500sf for each individual TH lot Min. of 1 acre required for each TH development site Max. density for TH development of 9 du/ac MF: 2,400sf/du but minimum of 1 acre Max. density of 18 du/ac	TH: Min. of 2,000sf for each individual TH lot Min. of 1 acre required for each TH development site Max. density for TH development of 12 du/ac MF: 2,400sf/du but minimum of 1 acre Max. density of 18 du/ac
Minimum Lot Width	200'	125'	100'	75'	60'	50'	SF, 2F, 3F: 50' TH: 22'/du for each individual TH lot; 75' for TH development site <i>(Ord. 19-09)</i>	SF, 2F, 3F: 50' TH: 22'/du for each individual TH lot; 75' for TH development site MF: 75'	TH: 22'/du for each individual TH lot; 75' for TH development site MF: 75'
Maximum Number of Attached Units - Townhouse							4 attached units per building <i>(Ord. 19-09)</i>	8 attached units per individual townhouse development	8 attached units per individual townhouse development
Maximum Building Length - Multi-Family Structure								175'	175'

Table 4-1: Residential Districts Dimensional Standards									
	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7
Maximum Building Height	40'	40'	40'	40'	40'	40'	40'	50'	50'
Maximum Building Coverage ^	20%	25%	25%	35%	35%	35%	SF, 2F, 3F: 35% TH: 50% of development site (Ord 19-09)	SF, 2F, 3F: 35% TH, MF: 50% of development site	50% of development site
Maximum Impervious Surface *	35%	35%	40%	50%	50%	60%	SF: 60% 2F, 3F: 50% TH: 70% of development site (Ord 19-09)	SF, 2F, 3F: 60% TH, MF: 70% of development site	70% of development site

Table 4-1: Residential Districts Dimensional Standards									
	R-A	R-R	R-1	R-2	R-3	R-4	R-5 ~	R-6 ~	R-7 ~
Setbacks									
Minimum Front Setback	30'	30'	30'	25'	25'	Build-To Zone: 20' to 25'	SF, 2F, 3F Build-To Zone: 20' to 25' TH: 20' for each individual TH lot (Ord. 19-09)	SF, 2F, 3F: 20' TH: 15' for each individual TH lot MF: 20'	TH: 15' for each individual TH lot MF: 20'
Minimum Interior Side Setback	25'	20'	15'	10'	7.5	5'	SF: 5' 2F, 3F: 5' from side lot line or 10' between residential buildings TH: None (Ord. 19-09)	SF, 2F, 3F: 5' from side lot line or 10' between residential buildings TH: None MF: 10' from side lot line for one and two-story buildings with an additional 5' for each additional story, or 20' between residential buildings with an additional 10' between buildings for each additional story	TH: None MF: 10' from side lot line for one and two-story buildings with an additional 5' for each additional story, or 20' between residential buildings with an additional 10' between buildings for each additional story
Minimum Corner Side Setback	35'	25'	20'	15'	10'	10'	10'	SF, 2F, 3F: 10' TH: None	TH: None MF: 25'

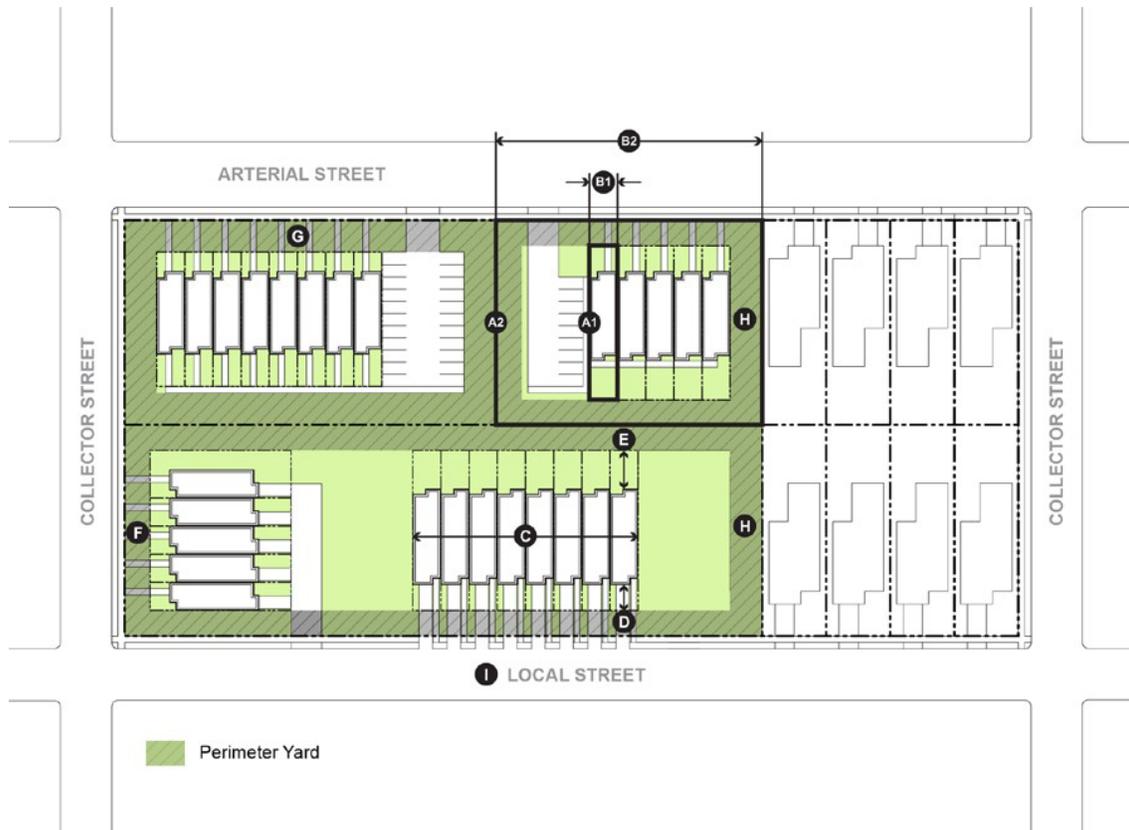
Table 4-1: Residential Districts Dimensional Standards									
	R-A	R-R	R-1	R-2	R-3	R-4	R-5 ~	R-6 ~	R-7 ~
							TH: None (Ord. 19-09)	MF: 25'	
Minimum Reverse Corner Side Setback (SF, 2F, & 3F Only)	30'	30'	30'	25'	25'	20'	20'	20'	20'
Minimum Rear Setback	100'	60'	30'	25'	25'	25'	25'	SF, 2F, 3F, TH: 25' MF: 30'	TH: 25' MF: 30'

^ Maximum Building Coverage and Maximum Impervious Surface is per individual single-family lot in the R-A through R-6 District when one dwelling is located on one platted lot. Where more than one dwelling is located on a lot or development site (condo, multi-family, or townhome) the maximum is applicable to the development site.

* Maximum Impervious Surface is per individual single-family lot in the R-A through R-6 District when one dwelling is located on one platted lot. Where more than one dwelling is located on a lot or development site (condo, multi-family, or townhome) the maximum is applicable to the development site.

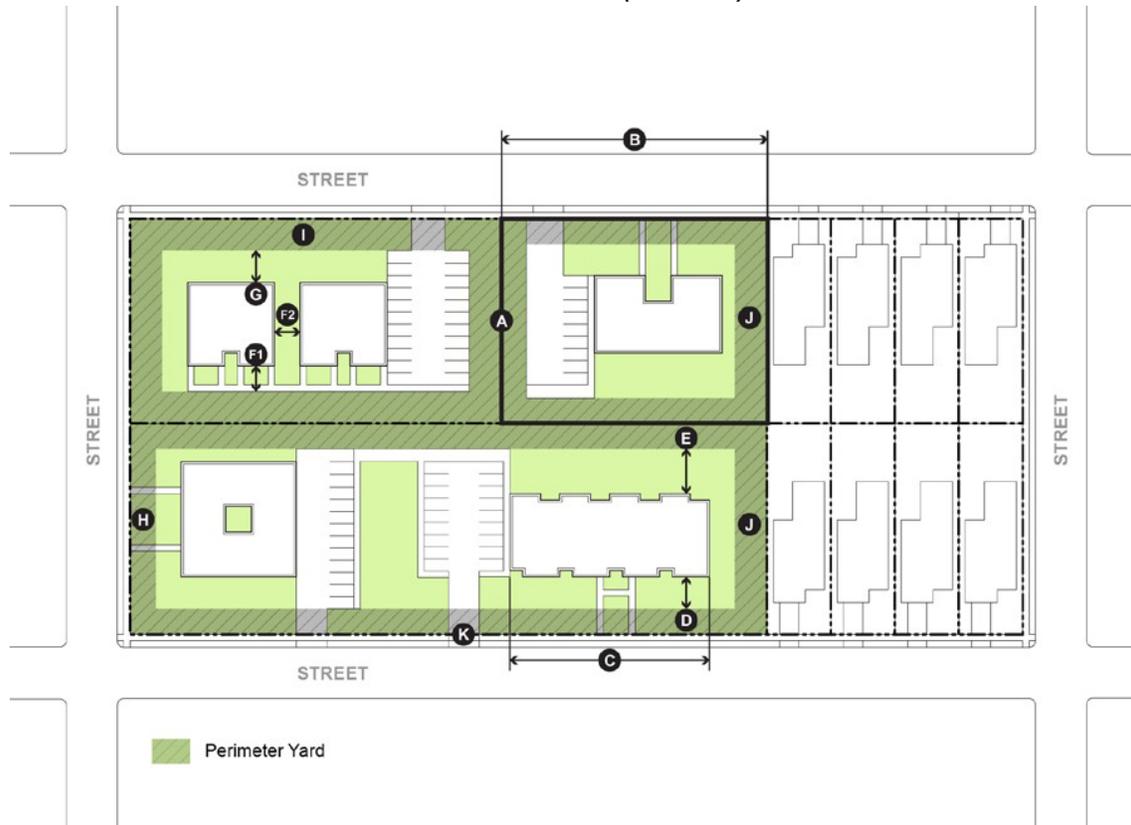
~ See article 8.3.K.1 for multi-family and townhome building separation and perimeter yard requirements. (Ord. 19-09)

TOWNHOUSE DEVELOPMENT DIMENSIONAL STANDARDS (Ord 19-09)



- A1** Minimum lot area for individual townhouse unit
- A2** Minimum lot area for townhouse development
- B1** Minimum lot width
- B2** Minimum site width
- C** Maximum number of attached units
- D** Minimum front setback
- E** Minimum rear setback
- F** Oriented toward a public street, perimeter yard per Section 8.3.K
- G** Oriented away from a public street, perimeter yard per Section 8.3.K
- H** Abutting single-family, two-family and three-family dwellings in the R-6 District, perimeter yard per Section 8.3.K
- I** For a townhouse use, direct vehicular access to public streets shall only be allowed to a local street and only with Planning Commission approval and determination that such access shall not adversely affect traffic flow and public safety. Parking garages and/or parking spaces for townhouse units shall not have direct access to a collector or arterial street. See Article 8.3.K.2.g.
- J** See Article 8.3.K for townhouse siting and design standards.

MULTI-FAMILY DEVELOPMENT DIMENSIONAL STANDARDS (Ord 19-09)



- A** Minimum lot area
- B** Minimum lot width
- C** Maximum building length
- D** Minimum front setback
- E** Minimum rear setback
- F1** Minimum interior side setback
- F2** Minimum distance between residential buildings
- G** Minimum corner side setback
- H** Oriented toward a public street, perimeter yard per Section 8.3.K
- I** Oriented away from a public street, perimeter yard per Section 8.3.K
- J** Abutting single-family, two-family and three-family dwellings in the R-6 District, perimeter yard per Section 8.3.K
- K** For a multi-family use, parking areas shall be accessed by shared driveway only. Individual parking spaces may not back into a public street. See Article 8.3.K.2.h.
- L** See Article 8.3.K for multi-family siting and design standards.

4.4 R-MH DISTRICT STANDARDS

Development in the R-MH District is limited to manufactured home parks, which are subject to the following standards. Site plan review approval is required per Article 13 prior to the issuance of any building permit for a new or within any existing manufactured home park. Manufactured homes not located within a manufactured home park must meet the standards set forth in Section 8.3.

A. Manufactured Home Park Site Requirements

1. The minimum area of a manufactured home park is five acres.
2. The maximum overall density of a manufactured home parks is four manufactured homes per gross acre.

3. Direct vehicular access to the manufactured home park must be by means of an abutting improved public right-of-way. Access to each manufactured home site must be by a permanently maintained private street that is protected by a permanent easement. Sole vehicular access cannot be via an alley.

B. Required Services and Facilities

All of the following services and facilities must be provided in manufactured home parks.

1. Each manufactured home parks must be served by a public water supply. Adequate fire protection, including fire flows and fire hydrant coverage, must be provided for each manufactured home located within the park.
2. All manufactured homes within a manufactured home park must be served by a public sewer main.
3. Solid waste collection stands must be provided for waste containers. Such standards must be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. All dumpsters and recycling containers must be screened in accordance with this Code.
4. Service buildings housing sanitation and laundry facilities must be permanent structures complying with all applicable City ordinances and State statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
5. Adequate recreation facilities for the residents of the project must be provided in locations easily accessible to the manufactured home sites and where they do not significantly impair the privacy of each site. There must be a minimum of one recreation area for every 100 individual manufactured home sites, or fraction thereof.

C. Required Perimeter Yard

1. A 25-foot perimeter yard is required along the perimeter of the manufactured home park site.
2. A buffer area of 15 feet is required within the 25-perimeter yard, measured from the abutting lot line, and must contain the following:
 - a. One shade tree and one evergreen tree must be planted at an average of one tree for every 25 linear feet of perimeter yard. These trees may be clustered to allow for access points or to maximize the screening effect, conditioned on approval of the landscape plan.
 - b. Two ornamental trees may be substituted for one shade tree, for up to 25% of required trees.
 - c. Evergreen shrubs must be planted at an interval of one shrub for every three feet of linear yard width, on center, and must be designed to present a continuous hedge or screen upon maturity.
 - d. The remainder of the buffer area must be planted with live groundcover or sod.
3. All areas outside the buffer yard of the perimeter yard outlined above in Item 2 must be landscaped as follows:
 - a. The landscape yard must be planted with live groundcover or sod.
 - b. One tree must be planted for every 750 square feet of yard area. These trees may be clustered to allow for access points or to maximize the screening effect, conditioned on approval of the landscape plan. A minimum of 25% up to a maximum of 50% of the trees provided must be ornamental in nature. Shade trees are required for the remainder of the trees to be planted.

D. Individual Manufactured Home Site

1. Manufactured home sites must be located so that there is a minimum of 35 feet clearance between the sides of manufactured homes. For manufactured homes parked end-to-end, the end-to-end clearance of sites must be a minimum of 25 feet. Bay windows, porches, canopies, or other projections are considered sides or ends of a manufactured home when determining these requirements.
2. A minimum of ten feet is required between the boundary of any individual manufactured home site and any abutting interior street.

3. A manufactured home cannot occupy an area in excess of 25% of its respective site area. The total area occupied by the manufactured home including any attached features such as a porch, detached accessory structures, and paved areas cannot exceed 60% of the total site area. Areas of any site that are not covered by structures or pavement must be planted with live landscaping.
4. Any projections, such as porches and canopies, must be constructed of fireproof material that meets the requirements of the Building Code.
5. Each manufactured home site must have a concrete slab or runway for the manufactured home to set on, and be of a size large enough to accommodate a manufactured home in such a fashion that the concrete will extend at least two inches around the walls of the manufactured home on all sides.
6. There must be a concrete slab along the side of each manufactured home site of that can accommodate two vehicle parking spaces, each being nine feet in width and 20 feet in length, either side by side or in tandem to be used as a parking space for the occupants of the manufactured home. If a canopy is to be used over the area designated as car storage, it must be of fire-resistant material and is allowed only at the rear end of each carport area.
7. All manufactured homes must be designed with skirting that is constructed of noncombustible or fire-resistant material that meets the requirements of the Building Code.

E. Internal Street Width and Construction, Including Sidewalks

1. All manufactured home parks must include safe and convenient pedestrian and vehicular access from abutting public right-of-way.
2. Access to individual manufactured home park sites require safe vehicular access from abutting public or private right-of-way that complies with the City specifications for local streets and any additional right-of-way and access standards applicable.
3. Within the manufactured home park, sidewalks of five feet in width are required on both sides of the streets.
4. A common walk system must be provided and maintained between locations where pedestrian traffic is concentrated. Common walks must have a minimum width of five feet.
5. All manufactured home sites must be connected to common walks, sidewalks, streets, driveways, and parking spaces by individual walks. Individual walks must have a minimum width of four feet.

4.5 GENERAL STANDARDS OF APPLICABILITY

A. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape standards and requirements.

D. Signs

See Article 12 for standards governing signs.

ARTICLE 5. COMMERCIAL DISTRICTS

- 5.1 PURPOSE STATEMENTS**
- 5.2 USES**
- 5.3 DIMENSIONAL STANDARDS**
- 5.4 DESIGN STANDARDS**
- 5.5 C-D DISTRICT STANDARDS**
- 5.6 C-G DISTRICT STANDARDS**
- 5.7 GENERAL STANDARDS OF APPLICABILITY**

5.1 PURPOSE STATEMENTS**A. C-1 Neighborhood Commercial District**

C-1 District is intended for small-scale commercial uses that primarily serve residents in the nearby neighborhoods. This district can be integrated into select residential neighborhoods to achieve the goals of mixed-use neighborhood development in the Comprehensive Plan. Low intensity mixed-use is encouraged, with dwellings above the ground floor allowed in addition to basic commercial uses. Development standards focus on compatibility with surrounding neighborhoods.

B. C-2 Professional Office District

C-2 District is intended to address areas in the City suitable for professional offices, including medical offices, which can serve as a transition between residential and commercial areas. This district is oriented to low-intensity office developments.

C. C-3 Corridor Commercial District

The C-3 District is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along the arterials and collectors in the City. Both mixed-use development and auto-oriented uses can be accommodated in these areas.

D. C-4 General Commercial District

The C-4 District is intended for higher-intensity mixed-use commercial corridors and commercial intersections. The district standards address its relationship to adjacent neighborhoods due to the higher intensity of use, especially access, connectivity, and buffering.

E. C-5 Regional Commercial District

The C-5 District is intended to for areas with a variety of retail, personal service, entertainment, and offices that serve both the local and regional markets within larger-scale, auto-oriented developments that generate a sizeable amount of traffic and a significant demand for off-street parking.

F. C-D Downtown District

The C-D District is intended to recognize the historic significance of properties located within the district while facilitating development and redevelopment as envisioned in the Comprehensive Plan. Standards focus on preserving and enhancing historic character while also facilitating the creation of a vibrant, pedestrian-friendly, mixed-use district identifiable as the center of the City.

G. C-G Gateway Mixed-Use District

The C-G District is intended for the highest intensity of development in the City. The district is a very high intensity mixed-use district allowing for a variety of uses.

5.2 USES

Article 8 lists permitted and special principal uses and temporary uses for the commercial districts.

5.3 DIMENSIONAL STANDARDS

A. Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts, with the exception of the C-D and C-G Districts. The dimensional standards for development in the C-D and C-G Districts are found in Sections 5.4 and 5.5 respectively, below. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. In the C-1 and C-2 Districts, additional gross floor area (above what is allowed in Table 5-1) may be permitted during site plan review by the Planning Commission, it is found that the development meets the following standards:

1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design minimizes potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

C. In the C-4 and C-5 Districts, additional height (above what is allowed in Table 5-1) up to a maximum of 75 feet may be permitted during site plan review by the Planning Commission, it is found that the development meets the following standards:

1. The development maintains the privacy of adjacent residential lots through additional landscape and screening measures, and building massing and design to mitigate adverse impacts of noise and lighting.
2. For each two feet of height above the maximum allowed by the district, an additional one foot of setback from any lot line abutting a residential district is provided above the minimum required by the district.

Table 5-1: Commercial Districts Dimensional Standards					
	C-1	C-2	C-3	C-4	C-5
Bulk					
Minimum Lot Area	10,000sf	10,000sf	10,000sf	10,000sf	20,000sf
Minimum Lot Width	None	None	None	60'	80'
Maximum Gross Floor Area	5,000sf unless meeting the standards of Section 5.3.B	5,000sf unless meeting the standards of Section 5.3.B	None	None	None
Maximum Building Height	30'	30'	40'	50' unless meeting the standards of Section 5.3.C	50' unless meeting the standards of Section 5.3.C
Minimum Building Height	None	None	14'	14'	None
Maximum Impervious Surface	80%	80%	80%	80%	80%
Setbacks					
Front Setback	None	None	10'	10'	30'
Interior Side Setback	5', unless abutting residential district, then 10'	5', unless abutting residential district, then 10'	None, unless abutting residential district, then 10'	None, unless abutting residential district, then 20'	15', unless abutting residential district, then 25'
Corner Side Setback	10'	10'	10'	20'	25'
Rear Setback	15', unless abutting residential district, then 25'	15', unless abutting residential district, then 25'	None, unless abutting residential district, then 15'	10', unless abutting residential district, then 20'	15', unless abutting residential district, then 25'

5.4 DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, or additions to an existing structure in the commercial districts. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to the C-D and C-G Districts. Design standards for the C-D and C-G Districts are found in Sections 5.5 and 5.6 respectively, below. Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that a design standard may be waived in its entirety.

A. Commercial Districts Design Standards

Table 5-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

Table 5-2: Commercial Districts Design Standards					
	C-1	C-2	C-3	C-4	C-5
Façade Design					
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.	•	•	•	•	•
Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet.	•	•	•	•	•
Buildings should be designed with a defined base and cap.	•	•	•	•	•
Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.	•	•	•	•	•
All buildings must be oriented to and have a public entrance from the highest street classification that the lot fronts. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.	•	•	•	•	•
Building materials and visual elements used on the primary building frontage must continue on all building façades unless a buffer yard, per this Code, is established. Where a buffer yard is established along an interior side and/or rear yard, the building material and visual elements do not need to continue on such facades. (This does not allow for the use of materials listed as prohibited.)	•	•	•	•	•
Building materials of natural, earth tone colors are required on all facades.	•	•	•	•	•
“Stage set” facades are prohibited.	•	•	•	•	•
Fenestration & Entryway Design					
The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade.	•	•	•		
The ground floor of the front façade must maintain a transparency of 35%, measured between two and ten feet in height.				•	•
Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story.	•	•	•	•	•
Door and window framing systems color should blend with the overall design of the building.	•	•	•	•	•
Roof Design					
Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.	•	•	•	•	•
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.	•	•	•	•	
Any roof that is visible from a public right-of-way must be architectural shingle or colored standing seam metal roofing.	•	•	•	•	•
Green roof, blue roof, and white roof designs are encouraged.	•	•	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•	•	•
Commercial Center Site Design					
Development sites with multiple buildings must incorporate a strong visual relationship between buildings. A consistent architectural style or theme should be used throughout a commercial center, and in particular to tie outlot buildings to the primary/inline building(s). Building entrances are appropriate locations to express individual building character or identity.	•	•	•	•	•

Table 5-2: Commercial Districts Design Standards					
	C-1	C-2	C-3	C-4	C-5
A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.	•	•	•	•	•
Sites must be designed to ensure safe pedestrian access to the center from the public right-of-way, and safe pedestrian circulation within the development.	•	•	•	•	•
Retail centers must provide definition along the street frontage by locating part of the center or outlot buildings within 0' to 30' of the front lot line for a minimum of 30% of the frontage. The center or any outlot buildings may be placed within a required setback to comply with this standard.				•	•
Any outlot buildings must meet the minimum transparency requirements of the district excluding any façade that would offer views of kitchen, storage, and other operational areas.				•	•
In order to achieve unity between all buildings in a commercial site, buildings in the center, including out parcel buildings, must be constructed of building materials from the color and materials palette approved for the center.				•	•
Site Elements					
Site elements, such as furniture, amenities and public spaces are encouraged within a site to create an authentic sense of place and enhance the visitor's experience.	•	•	•	•	•
Site furniture should be provided to allow for visitor resting places, eating or gathering. Furniture should be of high-quality materials and should coordinate with the scale and design of the development and should be a natural color. Colors such as cream, black, dark brown and dark green are appropriate.	•	•	•	•	•
When provided, planters must be made of durable materials and compatible with other site elements.	•	•	•	•	•
The use of public art, water fountains, and/or other water features are encouraged.	•	•	•	•	•
When provided, trash receptacles must be coordinated and made of metal, wrought iron, stone or other durable material.	•	•	•	•	•
Prototype Design					
Buildings should reflect the unique style of the City and not develop according to a standard "corporate" or "franchised" style that is typically found with big-box or other national businesses.	•	•	•	•	•
Prototype designs must be adapted to reflect these design standards and should be compatible with the site's immediate surroundings.	•	•	•	•	•

B. Building Material Restrictions

The following building material restrictions apply in the commercial districts. These standards do not apply to the C-D and C-G Districts. Building material restrictions for the C-D and C-G Districts are found in Sections 5.5 and 5.6 respectively, below.

1. The following building materials are prohibited on any part of a façade:
 - a. Plain concrete block
 - b. Plastic

2. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:
 - a. Corrugated metal
 - b. Aluminum, steel or other metal sidings
 - c. Exposed aggregate (rough finish) concrete wall panels
 - d. T-111 composite plywood siding

- e. Vinyl
- f. Exterior insulating finish systems (EIFS)

3. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

C-1 THROUGH C-5 DISTRICTS DESIGN STANDARDS: GENERAL APPLICABILITY.



- A** Street abutting building façades must not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
- B** Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of elements, such as color change, texture change, material module change, or articulation of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. Elements must repeat at an interval of 40 feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- D** The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade, and 60% as measured between two and 10 feet in height.
- E** Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story.
- F** Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.
- G** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.

5.5 C-D DISTRICT STANDARDS

A. Sub-Districts Established

The C-D District is intended to facilitate the development of a City Center as envisioned in the City's Comprehensive Plan. To facilitate such development, the C-D District is divided into three sub-districts that include tailored dimensional and design standards, intended to both recognize the existing character of the area, and to achieve the change envisioned in the Comprehensive Plan. These sub-districts are:

1. C-D-C Downtown Center Sub-District

The C-D-C Downtown Center Sub-District is intended to facilitate the creation of a compact, walkable environment that promotes a sense of place and community, and encourages active living and community interaction. It accommodates moderate to high density mixed-use development that may include a mix of residential, professional office, retail, entertainment, and cultural uses.

2. C-D-E1 Downtown Edge 1 Sub-District

The C-D-E1 Downtown Edge 1 Sub-District is intended to address areas of transition between the higher intensity environment of the Downtown Center and adjacent residential districts and small-scale neighborhood commercial. The C-D-E1 Sub-District is intended to facilitate mixed-use development with standards that focus on compatibility with adjacent development. The C-D-E1 Sub-District includes specific standards related to the reuse and redevelopment of existing residential structures located within the Downtown.

3. C-D-E2 Downtown Edge 2 Sub-District

The C-D-E2 Downtown Edge 2 Sub-District is intended to address areas of transition from the C-D-E1 Sub-District to lower-intensity residential districts. The C-D-E2 Sub-District is intended to facilitate mixed-use development, with standards that focus on compatibility with adjacent development. The C-D-E2 Sub-District includes specific standards related to the reuse and redevelopment of existing residential structures, as well as a set of use restrictions designed to create a lower-intensity mixed-use environment.

B. Dimensional Standards

Table 5-3: Downtown Sub-Districts Dimensional Standards establishes the dimensional standards for the downtown sub-districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. However, existing residential uses in the C-D-E1 and C-D-E2 Sub-Districts are subject to the dimensional standards of item C below.

Table 5-3: Downtown Sub-Districts Dimensional Standards			
	C-D-C	C-D-E1	C-D-E2
Bulk			
Minimum Lot Area	None	None	None
Minimum Lot Width	None	None	None
Maximum Building Height	50'	40'	40'
Minimum Building Height	18'	14'	14'
Maximum Impervious Surface	90%	90%	90%
Setbacks			
Front Setback	0'-5' build-to zone	0'-10' build-to zone	0'-10' build-to zone
Front Setback Required Percentage	80%	60%	60%
Interior Side Setback	None	None, unless abutting residential district, then 10'	None, unless abutting residential district, then 10'
Corner Side Setback	0'-10' build-to zone	0'-10' build-to zone	0'-10' build-to zone
Corner Side Setback Required Percentage	60%	60%	60%
Rear Setback	None	None, unless abutting residential district, then 15'	None, unless abutting residential district, then 15'

C. C-D District Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, or additions to an existing structure in the C-D District. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that including a determination that a design standard may be waived in its entirety.

1. Residential Conversions in the C-D-E1 and C-D-E2 Sub-Districts

- a. Conversions of single-family or two-family dwellings into a non-residential use requires site plan review.
- b. When existing residential structures are reused for non-residential purposes, the principal structure must remain primarily residential in character, and must meet the design standards for the dwelling type in Article 8.

c. The structure and any non-residential use within must maintain a residential appearance from the exterior, and the site must be designed consistent with residential uses in the surrounding neighborhood including similar landscaping and minimal paving for parking and driveways.

2. Façade Design

a. Street abutting building façades must not contain blank wall areas that exceed 15 linear feet, measured parallel to the street.

b. Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib, to visually break up the massing of the ground floor into segments of no more than 40 feet.

c. All buildings must be oriented to and have a public entrance from the highest street classification that the lot fronts. Ground floor entrances must be visually distinctive or prominent on the building façade. This may be accomplished through the use of architectural features such as entranceway roofs, canopies or awnings, entranceway recesses, a chamfered corner, sidelight windows, transom windows, or other adjacent window designs.

d. Buildings should be designed with a defined base and cap.

e. Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.

f. Ground floor building entrances may be recessed no more than six feet from the required front build-to zone, and must be no wider than ten feet. Such a recess is considered to meet any required minimum build-to percentage.

g. Street abutting building façades must provide a building entrance no less than once every 40 feet.

h. Vents, air conditioners, and other utility elements are prohibited as part of a front or corner-side façade, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

i. Building materials and visual elements used on the primary building frontage must continue on all building façades unless a buffer yard, per this Code, is established. Where a buffer yard is established along an interior side and/or rear yard, the building material and visual elements do not need to continue on such facades. (This does not allow for the use of materials listed as prohibited.)

j. Building materials of natural, earth tone colors are required on all facades.

k. "Stage set" facades are prohibited.

3. Fenestration Design

a. A bulkhead or knee-height wall a minimum of 18 inches and a maximum of 24 inches in height is required along any street abutting façade to provide a definable base and give visual weight to required ground-floor glazing.

b. In the C-D-C Sub-District, the ground floor must maintain a minimum transparency of 60%, measured between at minimum two and ten feet in height from grade.

c. In the C-D-E1 and C-D-E2 Sub-Districts, the ground floor must maintain a minimum transparency of 50%, measured between at minimum two and ten feet in height from grade.

d. Upper stories must maintain a minimum transparency of 25% of the wall area of the story.

e. Door and window framing systems color should blend with the overall design of the building.

4. Roof Design

- a. Rooflines over 100 linear feet in length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.
- b. Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- c. Any roof that is visible from a public right-of-way must be architectural shingle or colored standing seam metal roofing.
- d. Green roof, blue roof, and white roof designs are encouraged.
- e. Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
- f. Mechanical equipment on roofs must be screened from view from all sides by the use of parapet walls or enclosures designed to conceal the equipment as required by this Code.

5. Site Elements

- a. In the C-D District, parking is prohibited between the front building façade and the front lot line, and between the corner side façade and the corner side lot line.
- b. In addition to the requirements of Section 11.5, when parking is located adjacent to a building, a continuation of the street wall must be created along the street lot line of the parking through the use of a solid masonry wall designed to complement the building or combination of landscape and an open decorative fence as follows:
 - i. A solid masonry wall must be between three and four feet in height. An open, decorative feature may be included in the design of such a wall, and may extend up to a maximum height of five feet.
 - ii. An open decorative fence must be between four and six feet in height, and must be constructed of high-quality durable material such as wrought iron.
- c. Site elements, such as furniture, amenities and public spaces are encouraged within a site and contribute to create authentic sense of place and enhance the visitor's experience.
- d. Site furniture should be provided to allow for visitor resting places, eating or gathering. Furniture should be of high-quality materials and should coordinate with the scale and design of the development and should be a natural color. Colors such as cream, black, dark brown and dark green are appropriate.
- e. When provided, planters must be made of durable materials and compatible with other site elements.
- f. The use of public art, water fountains, and/or other water features are encouraged.
- g. When provided, trash receptacles must be coordinated and made of metal, wrought iron, stone or other durable material.

6. Prototype Design

- a. Buildings in the C-D District must reflect the unique style of the City. Standard “corporate” or “franchised” styles typically found with big-box or other national businesses are prohibited.
- b. Prototype designs must be adapted to reflect these design standards and must be compatible with the site's immediate surroundings.

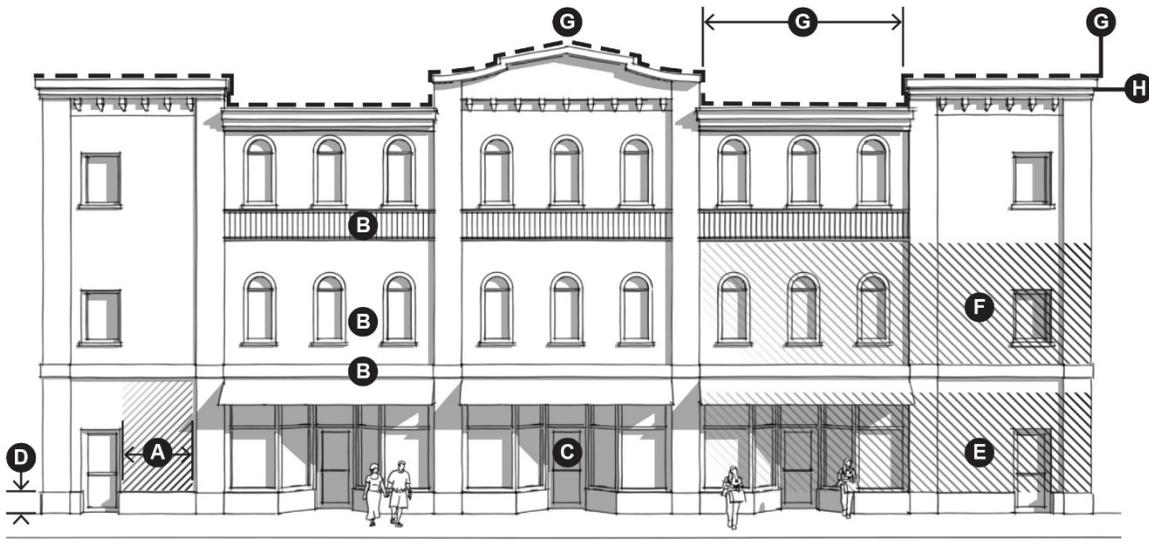
D. C-D District Building Material Restrictions

The following building material restrictions apply in the C-D District.

1. The following building materials are prohibited on any part of a façade:

- a. Plain concrete block
 - b. Plastic
2. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:
 - a. Corrugated metal
 - b. Aluminum, steel, or other metal sidings
 - c. Exposed aggregate (rough finish) concrete wall panels
 - d. T-111 composite plywood siding
 - e. Vinyl
 - f. Exterior insulating finish systems (EIFS)
3. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

C-D DISTRICT DESIGN STANDARDS: GENERAL APPLICABILITY



- A** Street abutting building façades must not contain blank wall areas that exceed 15 linear feet, measured parallel to the street.
- B** Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two elements, such as color change, texture change, material module change, or articulation of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. Elements must repeat at an interval of 40 feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Ground floor entrances must be visually distinctive or prominent on the building façade. Ground floor building entrances may be recessed no more than six feet from the required front build-to zone, and must be no wider than ten feet. A building entrance must be provided at an interval of no less than once every 40 feet.
- D** A bulkhead or knee-height wall a minimum of 18 inches and a maximum of 24 inches in height is required along any street abutting façade.
- E** In the C-D-C Sub-District, the ground floor must maintain a minimum transparency of 60%, measured between at minimum two and ten feet in height from grade.

In the C-D-E1 and C-D-E2 Sub-Districts, the ground floor must maintain a minimum transparency of 50%, measured between at minimum two and ten feet in height from grade.
- F** Upper stories must maintain a minimum transparency of 25% of the wall area of the story.
- G** Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.
- H** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.

5.6 C-G DISTRICT STANDARDS

A. Dimensional Standards

Table 5-4: C-G District Dimensional Standards establishes the dimensional standards for the C-G District.

Table 5-4: C-G District Dimensional Standards	
C-G	
Bulk	
Minimum Lot Area	3 acres
Minimum Lot Width	200'
Maximum Building Height	180'; however, structures must set back an additional 1' for every 2' of height over 65' from any required setback abutting a residential district
Maximum Impervious Surface	65%
Setbacks	
Setback from Street Frontage (Including Interstate)	15' unless any residential district is located across the street, then 30'
Interior Side Setback	20' unless abutting a residential district, then 40'
Rear Setback	20' unless abutting a residential district, then 40'
Minimum Separation Between Structures	50' when one or more structures exceed 50' in height

B. C-G District Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, or additions to an existing structure in the C-G District. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that including a determination that a design standard may be waived in its entirety.

1. Façade Design

The following standards for façade articulation and reduction of mass and scale apply to all façades that face a public right-of-way, including interstates, or that abut a residential district, as well as all façades where building entrances are located.

- a.** All façades must include one of the following architectural features to avoid the appearance of blank walls: windows, color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster or projecting rib.
- b.** Building façades over 100 feet in length must incorporate projections or recesses, or changes in the wall plane a minimum of two feet in depth a maximum of every 75 linear feet.
- c.** Where commercial uses are located along the ground floor of a structure, a minimum transparency of 50% is required, measured between two feet and ten feet from grade. Windows must be constructed of clear or lightly tinted glass. Reflective glass or tinting above 20% is prohibited.
- d.** All buildings must be oriented to and have a public entrance from the highest street classification that the lot fronts. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- e.** Building materials and visual elements used on the primary building frontage must continue on all building façades.
- f.** Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.

- g.** “Stage set” facades are prohibited.

2. Roof Design

- a.** Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.
- b.** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- c.** Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.
- d.** Green roof, blue roof, and white roof designs are encouraged.
- e.** Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
- f.** Mechanical equipment on roofs must be screened from view from all sides of building by the use of parapet walls or enclosures designed to conceal the equipment as required by this Code

3. Site Design and Site Elements

- a.** Public entrances and primary building elevations must face public streets. Main entrances to buildings must be well defined and visually distinctive from the remaining portions of the façade along which they are located.
- b.** In multi-building complexes, a distinct visual link must be established among various buildings by using architectural or site design elements such as plazas, courtyards, walkways and landscape elements to unify the development. A comprehensive architectural concept is encouraged. This includes the use of similar design features, construction, material and colors.
- c.** The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, must be compatible in design concept with the overall development and the main buildings on the site.
- d.** Service doors must be integrated into the overall design of the building.
- e.** No electrical, mechanical and/or other equipment may be installed or located in a required front yard. Equipment that is installed between a building and a street line or on the roof of a structure must be completely screened from view by a fence, landscape, or an architectural feature.
- f.** All refuse containers and service areas must be sited and enclosed so as to be completely screened from view from the public right-of-way and any abutting residential district as required by this Code.
- g.** Site elements, such as furniture, amenities and public spaces are encouraged within a site and contribute to create authentic sense of place and enhance the visitor's experience.
- h.** Site furniture should be provided to allow for visitor resting places, eating or gathering. Furniture should be of high-quality materials and should coordinate with the scale and design of the development and should be a natural color. Colors such as cream, black, dark brown and dark green are appropriate.
- i.** When provided, planters must be made of durable materials and compatible with other site elements.
- j.** The use of public art, water fountains, and/or other water features are encouraged.
- k.** When provided, trash receptacles must be coordinated and made of metal, wrought iron, stone or other durable material.

4. Prototype Design

- a. Buildings should reflect the unique style of the City and not develop according to a standard “corporate” or “franchised” style that is typically found with big-box or other national businesses.
- b. Prototype designs must be adapted to reflect these design standards and should be compatible with the site’s immediate surroundings.

5. C-G District Building Material Restrictions

The following building material restrictions apply in the C-G District.

- a. The following building materials are prohibited on any part of any façade:
 - 1. Plain concrete block
 - 2. Plastic
 - 3. Mirror glass or highly reflective wall surface material
- b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:
 - 1. Corrugated metal
 - 2. Aluminum, steel, or other metal sidings
 - 3. Exposed aggregate (rough finish) concrete wall panels
 - 4. T-111 composite plywood siding
 - 5. Vinyl
 - 6. Exterior insulating finish systems (EIFS)
- c. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

C-G DISTRICTS DESIGN STANDARDS: GENERAL APPLICABILITY



- A** All façades must include one of the following architectural features to avoid the appearance of blank walls: windows, color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster or projecting rib.
- B** Building façades over 100 feet in length must incorporate projections or recesses, or changes in the wall plane a minimum of two feet in depth a maximum of every 75 linear feet.
- C** Where commercial uses are located along the ground floor of a structure, a minimum transparency of 50% is required, measured between two feet and ten feet from grade.
- D** Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.
- E** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- F** Public entrances and primary building elevations must face public streets. Main entrances to buildings must be well defined and visually distinctive from the remaining portions of the façade along which they are located.

5.7 GENERAL STANDARDS OF APPLICABILITY

A. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape standards and requirements.

D. Signs

See Article 12 for standards governing signs.

ARTICLE 6. INDUSTRIAL DISTRICTS

- 6.1 PURPOSE STATEMENTS**
- 6.2 USES**
- 6.3 DIMENSIONAL STANDARDS**
- 6.4 DESIGN STANDARDS**
- 6.5 GENERAL STANDARDS OF APPLICABILITY**

6.1 PURPOSE STATEMENTS

A. I-1 Light Industrial District

The I-1 District is intended to provide for a wide variety of light manufacturing, fabricating, processing, testing and scientific laboratories, wholesale distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity, non-nuisance light fabrication and assembly-type manufacturing, as well as office and research and development facilities with little to no outside impacts.

B. I-2 General Industrial District

The I-2 District is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing and warehousing uses. The industrial uses include fabrication, warehousing and assembly-type manufacturing, as well as office and research and development facilities, which may result in some moderate external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

C. RD Research and Development District

The RD District is intended as an innovation district that would accommodate research and development, technology, and medical facilities, and may include some light industrial uses. The district is oriented to large-scale office complexes, which may include ancillary services for employees within the campus such as personal services, restaurants, and retail.

6.2 USES

Article 8 lists permitted and special principal uses and temporary uses for the industrial districts.

6.3 DIMENSIONAL STANDARDS

Table 6-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts.

Table 6-1: Industrial Districts Dimensional Standards			
	I-1	I-2	RD
Bulk			
Minimum Lot Area	10,000sf	10,000sf	10,000sf
Minimum Lot Width	100'	100'	100'
Maximum Building Height	50'	50'	80'
Maximum Impervious Surface	80%	80%	80%
Setbacks			
Minimum Front Setback	30'	30'	30'
Minimum Interior Side Setback	10', unless abutting a residential district, then 20'	10', unless abutting a residential district, then 40'	10', unless abutting a residential district, then: Structure 50' or less in height: 20' Structure greater than 50' in height: 40'
Minimum Corner Side Setback	30'	30'	30'
Minimum Rear Setback	10', unless abutting a residential district, then 20'	10', unless abutting a residential district, then 40'	10', unless abutting a residential district, then: Structure 50' or less in height: 20' Structure greater than 50' in height: 40'

6.4 DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, or additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of

these design standards for a development under review, including a determination that including a determination that a design standard may be waived in its entirety.

A. Design Standards

Table 6-2: Industrial Districts Design Standards establishes the design standards for the industrial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

Table 6-2: Industrial Districts Design Standards			
	I-1	I-2	RD
Façade Design			
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 35 linear feet, measured parallel to the street.	•		•
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.	•		
All buildings must be oriented to and have a public entrance from the highest street classification that the lot fronts. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.	•		•
Building materials and visual elements used on the primary building frontage must continue on all building façades unless a buffer yard, per this Code, is established. Where a buffer yard is established along an interior side and/or rear yard, the building material and visual elements do not need to continue on such facades. (This does not allow for the use of materials listed as prohibited.)			•
Building materials of natural, earth tone colors are required on all facades.	•	•	•
Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.			•
Roof Design			
Green roof, blue roof, and white roof designs are encouraged.	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•
Mechanical equipment on roofs must be screened from view from all sides by the use of parapet walls or enclosures designed to conceal the equipment as required by this Code.	•	•	•
Entrance Design			
Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.	•		•
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.			•
Site Design			
In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.	•	•	•
Development sites with multiple buildings must incorporate a strong visual relationship between buildings. A consistent architectural style or theme should be used throughout.			•
Parking lots must be adequately buffered from the primary roadway, and no parking is allowed within the required front setback.	•	•	•
Developments should provide a pedestrian link to adjacent non-residential uses, where applicable, to provide safe pedestrian access between the site and commercial uses outside the development.	•	•	•
Site Elements			
Site elements, such as furniture, amenities and public spaces are encouraged within a site contribute to create an authentic sense of place and enhance the visitor's experience.			•
Site furniture should be provided to allow for visitor resting places, eating or gathering. Furniture should be of high-quality materials and should coordinate with the scale and design of the development and should be a natural color. Colors such as cream, black, dark brown and dark green are appropriate.			•

Table 6-2: Industrial Districts Design Standards			
	I-1	I-2	RD
When provided, planters must be made of durable materials and compatible with other site elements.			•
The use of public art, water fountains, and/or other water features are encouraged.			•
When provided, trash receptacles must be coordinated and made of metal, wrought iron, stone or other durable material.			•

B. Building Material Restrictions

1. I-1 and I-2 District Building Materials

- a. No more than 60% of the wall area, excluding all windows, doors, roofs, and walkway covers, visible from the public right-of-way may be constructed of tilt-up concrete on a building’s exterior.
- b. The Design Review Commission has the discretion to permit metal facades on the side and rear of a building not generally visible from a public right-of way, and where that side or rear elevation of the building does not abut a residential zoning district,
- c. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

2. RD District Building Materials

The following building material restrictions apply only in the RD District.

- a. The following building materials are prohibited on any part of any façade:
 - i. Plain concrete block
 - ii. Plastic
 - iii. Mirror glass or highly reflective wall surface material
- b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:
 - i. Corrugated metal
 - ii. Aluminum, steel, or other metal sidings
 - iii. T-111 composite plywood siding
 - iv. Vinyl
 - v. Exterior insulating finish systems (EIFS)
- c. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

INDUSTRIAL DISTRICTS DESIGN STANDARDS: GENERAL APPLICABILITY



- A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 35 linear feet, measured parallel to the street.
- B** Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.
- C** Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.
- D** Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.
- E** Parking lots must be adequately buffered from the primary roadway, and no parking is allowed within the required front setback.

6.5 GENERAL STANDARDS OF APPLICABILITY

A. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape standards and requirements

D. Signs

See Article 12 for standards governing signs.

ARTICLE 7. SPECIAL PURPOSE DISTRICTS

- 7.1 IC INSTITUTIONAL CAMPUS DISTRICT
- 7.2 AG AGRICULTURAL DISTRICT
- 7.3 PR PUBLIC RECREATION DISTRICT
- 7.4 NA NATURAL AREAS DISTRICT
- 7.5 F-1 OPEN FLOODWAY DISTRICT
- 7.6 HS HILLSIDE SLOPE DISTRICT
- 7.7 H HISTORIC OVERLAY DISTRICT

7.1 IC INSTITUTIONAL CAMPUS DISTRICT

A. Purpose Statement

The IC Institutional Campus Zoning District is intended to accommodate governmental uses, larger public and private educational facilities, cultural facilities, institutional uses, and similar uses located within the City.

B. Uses

Article 8 lists permitted and special principal uses and temporary uses for the IC District.

C. Dimensional Standards

Table 7-1: IC District Dimensional Standards establishes the dimensional standards for the IC District.

Table 7-1: IC District Dimensional Standards	
Bulk	
Minimum Lot Area	1 acre
Maximum Building Height	80'
Setbacks	
Minimum Front Setback	20'
Minimum Interior Side Setback	10', unless abutting a residential district, then: Structure 50' or less in height: 20' Structure greater than 50' in height: 40'
Minimum Corner Side Setback	20'
Minimum Rear Setback	10', unless abutting a residential district, then: Structure 50' or less in height: 20' Structure greater than 50' in height: 40'

D. Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, or additions to an existing structure to an existing structure in the IC District. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that including a determination that a design standard may be waived in its entirety.

1. Façade Design

- a. Street abutting building façades must not contain blank wall areas that exceed 15 linear feet, measured parallel to the street.
- b. Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib, to visually break up the massing of the ground floor into segments of no more than 40 feet.
- c. All buildings must be oriented to and have a public entrance from the highest street classification that the lot fronts. Ground floor entrances must be visually distinctive or prominent on the building façade. This may be accomplished through the use of architectural features such as entranceway roofs, canopies or awnings,

entranceway recesses, a chamfered corner, sidelight windows, transom windows, or other adjacent window designs.

d. Building materials and visual elements used on the primary building frontage must continue on all building façades unless a buffer yard, per this Code, is established. Where a buffer yard is established along an interior side and/or rear yard, the building material and visual elements do not need to continue on such façades. (This does not allow for the use of materials listed as prohibited.)

e. Building materials of natural, earth tone colors are required on all façades.

f. Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.

g. Vents, air conditioners, and other utility elements are prohibited as part of a front or corner-side façade, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

2. Roof Design

a. Rooflines over 100 linear feet in building length must be varied, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variation on the roofline must occur at intervals of no more than 75 linear feet.

b. Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.

c. Any roof that is visible from a public right-of-way must be architectural shingles or colored standing seam metal roofing.

d. Green roof, blue roof, and white roof designs are encouraged.

e. Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

f. Mechanical equipment on roofs must be screened from view from all sides of building by the use of parapet walls or enclosures designed to conceal the equipment.

3. Building Material Restrictions

a. The following building materials are prohibited on any part of any façade in the IC District:

- i.** Plain concrete block
- ii.** Plastic
- iii.** Aluminum, steel, or other metal sidings
- iv.** Vinyl
- v.** T-111 composite plywood siding

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:

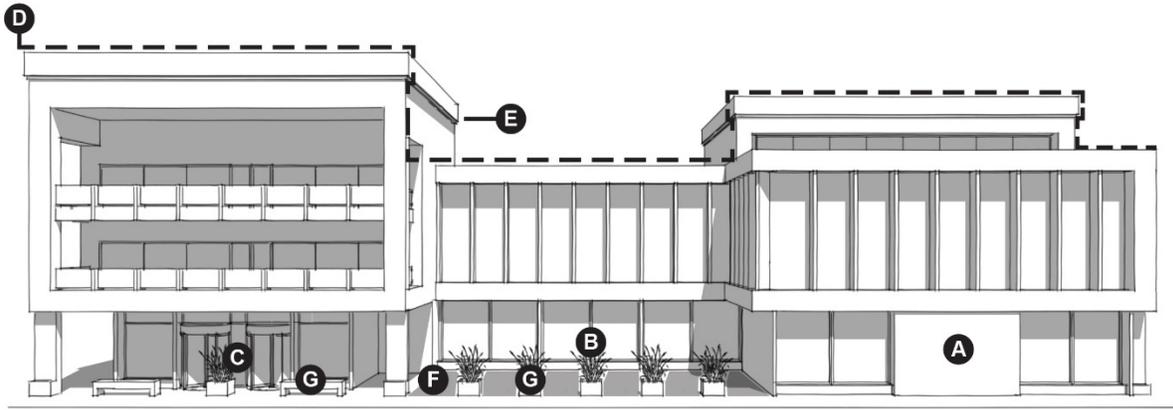
- i.** Exterior insulating finish systems (EIFS)
- ii.** Exposed aggregate (rough finish) concrete wall panels

b. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

4. Site Elements

- a.** Buildings within the IC District should be designed to encourage public use and activity within and nearby its site. Building should be organized around public spaces, such as plazas.
- b.** Required security elements, such as bollards, should be tied to the architectural theme of the building and/or the surrounding landscape and hardscape design.
- c.** Development sites with multiple buildings must incorporate a strong visual relationship between buildings. A consistent architectural style or theme should be used throughout.
- d.** A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.
- e.** Sites must be designed to ensure safe pedestrian access to the center from the public right-of-way, and safe pedestrian circulation within the development.
- f.** Site elements, such as furniture, amenities and public spaces are encouraged within a site contribute to create an authentic sense of place and enhance the visitor's experience.
- g.** Site furniture should be provided to allow for visitor resting places, eating or gathering. Furniture should be of high-quality materials and should coordinate with the scale and design of the development and should be a natural color. Colors such as cream, black, dark brown and dark green are appropriate.
- h.** When provided, planters must be made of durable materials and compatible with other site elements.
- i.** The use of public art, water fountains, and/or other water features are encouraged.
- j.** When provided, trash receptacles must be coordinated and made of metal, wrought iron, stone or other durable material.

IC DISTRICT DESIGN STANDARDS: GENERAL APPLICABILITY



- A** Street abutting building façades must not contain blank wall areas that exceed 15 linear feet, measured parallel to the street.
- B** Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib, to visually break up the massing of the ground floor into segments of no more than 40 feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage or at the corner, if a corner lot. Ground floor entrances must be visually distinctive or prominent on the building façade.
- D** Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.
- E** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- F** Buildings within the IC District should be designed to encourage public use and activity within and nearby its site. Building should be organized around public spaces, such as plazas.
- G** Required security elements, such as bollards, should be tied to the architectural theme of the building and/or the surrounding landscape and hardscape design.

E. General Standards of Applicability

1. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

2. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

3. Landscape

See Article 11 for landscape standards and requirements.

4. Signs

See Article 12 for standards governing signs.

7.2 AG AGRICULTURAL DISTRICT

A. Purpose Statement

The AG Agricultural District is intended to promote and protect agricultural land. The standards of the district promote the continuation of farming and protect agricultural land uses from encroachment of incompatible developments.

B. Uses

Article 8 lists permitted, and special principal uses and temporary uses for the AG District.

C. Dimensional Standards

Table 7-2: AG District Dimensional Standards establishes the dimensional standards for the AG District.

Table 7-2: AG District Dimensional Standards	
Bulk	
Minimum Lot Area	15 acres*
Minimum Lot Width	200'
Maximum Building Height	40'
Setbacks	
Minimum Front Setback	35'
Minimum Interior Side Setback	30'
Minimum Corner Side Setback	35'
Minimum Rear Setback	60'

**In the event that an existing parcel is smaller than the minimal lot area, one single family residential structure shall be permitted to be built on the parcel.*

D. General Standards of Applicability

1. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

2. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

3. Landscape

See Article 11 for landscape standards and requirements.

4. Signs

See Article 12 for standards governing signs.

7.3 PR PUBLIC RECREATION DISTRICT

A. Purpose Statement

The PR Public Recreation District is intended to provide for and protect open space and public recreational facilities, both outdoor and indoor. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary commercial activities, such as cultural facilities, performance venues, and eating establishments.

B. Uses

Article 8 lists permitted and special principal uses and temporary uses for the PR District.

C. Dimensional Standards

Table 7-3: PR District Dimensional Standards establishes the dimensional standards for the PR District.

Table 7-3: PR District Dimensional Standards	
Bulk	
Minimum Lot Area	None
Maximum Building Height	40'
Setbacks (Apply to Structures Only)	
Minimum Front Setback	15'
Minimum Interior Side Setback	25'
Minimum Corner Side Setback	15'
Minimum Rear Setback	25'

D. Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, or additions to an existing structure to an existing structure in the PR District. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning

Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that including a determination that a design standard may be waived in its entirety.

1. Façade Design

- a.** Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib, to visually break up the massing of the ground floor into segments of no more than 40 feet.
- b.** All buildings must be oriented to and have a public entrance from the highest street classification that the lot fronts. Ground floor entrances must be visually distinctive or prominent on the building façade. This may be accomplished through the use of architectural features such as entranceway roofs, canopies or awnings, entranceway recesses, a chamfered corner, sidelight windows, transom windows, or other adjacent window designs.
- c.** Building materials and visual elements used on the primary building frontage must continue on all building façades unless a buffer yard, per this Code, is established. Where a buffer yard is established along an interior side and/or rear yard, the building material and visual elements do not need to continue on such façades. (This does not allow for the use of materials listed as prohibited.)
- d.** Building materials of natural, earth tone colors are required on all façades.
- e.** Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.
- f.** Vents, air conditioners, and other utility elements are prohibited as part of a front or corner-side façade, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

2. Roof Design

- a.** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- b.** Any roof that is visible from a public right-of-way must be architectural shingle or colored standing seam metal roofing.
- c.** Green roof, blue roof, and white roof designs are encouraged.
- d.** Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
- e.** Mechanical equipment on roofs must be screened from view from all sides of building by the use of parapet walls or enclosures designed to conceal the equipment.

3. Building Material Restrictions

- a.** The following building materials are prohibited on any part of any façade in the PR District:
 - i.** Plain concrete block
 - ii.** Plastic
 - iii.** Aluminum, steel, or other metal sidings
 - iv.** Vinyl
 - v.** T-111 composite plywood siding

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:

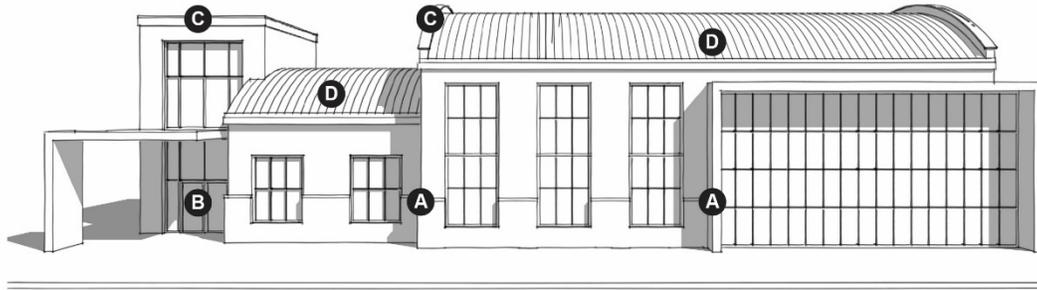
- i. Exterior insulating finish systems (EIFS)
- ii. Exposed aggregate (rough finish) concrete wall panels

c. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

4. Site Elements

Buildings within the PR District should be designed to encourage public use and activity within and nearby its site. Building should be organized to relate to the surrounding open space uses, such as parks.

PR DISTRICT DESIGN STANDARDS: GENERAL APPLICABILITY



- A** Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture material module change, or a wall articulation change of no less than two feet in depth into segments of no more than 40 feet.
- B** All buildings must have a public entrance from the sidewalk along the primary building frontage or at the corner, if a corner lot. Ground floor entrances must be visually distinctive or prominent on the building façade.
- C** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- D** Any roof visible from a public right-of-way must be shingle or colored standing seam metal roofing.

E. General Standards of Applicability

1. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

2. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

3. Landscape

See Article 11 for landscape standards and requirements.

4. Signs

See Article 12 for standards governing signs.

7.4 NA NATURAL AREAS DISTRICT

A. Purpose Statement

The NA Natural Areas District is intended to protect and preserve existing natural areas and undeveloped sites that are of historic or cultural significance. These areas are maintained in a predominantly undeveloped, natural state, with very limited improvements that allow only for passive recreation, such as trails, and educational purposes.

B. Uses

Article 8 lists permitted and special principal uses and temporary uses for the NA District.

C. Dimensional Standards

Table 7-4: NA District Dimensional Standards establishes the dimensional standards for the NA District.

Table 7-4: NA District Dimensional Standards	
Bulk	
Minimum Lot Area	None
Maximum Building Height	40'
Setbacks	
Minimum Front Setback	35'
Minimum Interior Side Setback	30'
Minimum Corner Side Setback	35'
Minimum Rear Setback	60'

D. General Standards of Applicability

1. On-Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

2. On-Site Parking and Loading

See Article 10 for on-site parking and loading standards and requirements.

3. Landscape

See Article 11 for landscape standards and requirements.

4. Signs

See Article 12 for standards governing signs.

7.5 City of Spring Hill Floodplain Regulation and Overlay District

A. 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 City of Spring Hill, Tennessee, Mayor and the Spring Hill Board of Alderman, do ordain as follows:

B. Findings of Fact

1. The City of Spring Hill, Tennessee, Mayor and its Board of Alderman wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Spring Hill, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. 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, floodproofed, or otherwise unprotected from flood damages.

C. Purpose

It is the purpose of this Floodplain regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Floodplain regulation is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

This district applies to all areas within the incorporated area of the city. The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

E. Definitions

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

Accessory Structure. Means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- a. Accessory structures shall only be used for parking of vehicles and storage.
- b. Accessory structures shall be designed to have low flood damage potential.
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- d. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- e. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

"Area of Shallow Flooding" 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.

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

"Area of Special Flood Hazard" see "Special Flood Hazard Area".

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

"Building" see "Structure".

"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.

"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 solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" 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 amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Equal Conveyance" means having the same pre-development conveyance properties after development.

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

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"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 NFIP.

"Existing Structures" see **"Existing Construction"**.

"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).

"Flood" or "Flooding"

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" 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.

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

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

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

"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.

"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 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.

"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 and structures and their contents.

"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.

"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.

"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 floodplain management regulations.

"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.

"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, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

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

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

"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 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 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 the City of Spring Hill, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

"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.

"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.

"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 Ordinance.

"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".

"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.

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

"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 Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

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

"100-year Flood" see **"Base Flood"**.

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

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;

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

"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.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet.

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

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

"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.

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

"State Coordinating Agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local

code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"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 Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

F. GENERAL PROVISIONS

1. **Application:** This Ordinance shall apply to all areas within the incorporated area of the City of Spring Hill, Tennessee.
2. **Basis for Establishing the Areas of the Special Flood Hazard Area:** The Areas of Special Flood Hazard identified on the City of Spring Hill, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated May 04, 2009 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47119C0065E, 47119C0070E, 47119C0090E, 47119C0180E, 47119C0185E, and 47119C0205E dated April 16, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.
3. **Requirement for Development Permit:** A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.
4. **Compliance:** No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
5. **Abrogation and Greater Restrictions:** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.
6. **Interpretation:** In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
7. **Warning and Disclaimer of Liability:** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Spring Hill, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.
8. **Penalties for Violation:** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of

variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Spring Hill, Tennessee from taking such other lawful actions to prevent or remedy any violation.

G. Administration

1. Designation of Ordinance Administrator: The City Engineer or his designee is hereby appointed as the Administrator to implement the provisions of this Ordinance.
2. Permit Procedures: Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:
 - a. Application stage
 - i. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - ii. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - iii. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
 - iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - v. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
 - (A) An itemized cost of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
 - (B) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
 - (C) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
 - (D) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.
 - b. Construction Stage: Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base 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. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

- c. Finished Construction Stage: A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.
3. Duties and Responsibilities of the Administrator: Duties of the Administrator shall include, but not be limited to, the following:
- a. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
 - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - c. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
 - d. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
 - e. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
 - f. 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 and substantially improved buildings, in accordance with Article IV, Section B.
 - g. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
 - h. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
 - i. 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), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
 - j. When Base Flood Elevation data and floodway data have not been provided by FEMA, 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 City of Spring Hill, Tennessee FIRM meet the requirements of this Ordinance.
 - k. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined file.

- I. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

H. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General Standards: In all areas of special flood hazard, the following provisions are required:
 - a. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
 - b. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
 - c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - e. 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;
 - f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - g. 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;
 - h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 - i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
 - j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
 - k. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
 - l. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
 - m. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

- n. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.
- o. When deemed appropriate by the administrator and as per Article V, development endeavors within the city of Spring Hill’s Special Flood Hazard Areas shall be required to certify, utilizing a professional engineer licensed in the state of Tennessee, that the development endeavors of one property owner or community do not adversely affect flood risks for other properties or communities as measured by increased flood stages, increased flood velocity, increased flows, increased potential for erosion, or any other impact deemed important or as specified by the city of Spring Hill. This certification shall employ industry standards for hydraulic and hydrological analysis to determine no adverse impact and all data shall be provided in hard copy and digitally for review and corroboration by the city’s engineer, his designee, or any governmental review agency acceptable to the city of Spring Hill.
- p. Alterations of the floodplain shall not result in a rise of the 1% annual chance storm (100-year) water surface elevations on other properties under separate ownership unless the results of the study are not objected to by effected property owners upon notice.
- q. Alterations of the floodplain that could result in any degree of increased flooding to other properties, adjacent, upstream, or downstream is strictly prohibited unless the results of the study are not objected to by effected property owners upon notice and results in structures being reasonably safe from flooding as determined the Administrator.
- r. Alterations of the floodplain shall not create an erosive water velocity or increase erosive velocities on- or off-site. Alteration to the floodplain that would increase velocities of flood waters to the extent that the erosion of floodplain and channel soils will occur or increase either on the subject property or on other properties up or downstream is prohibited. Erosive velocities are defined by TDOT in the TDOT hydraulic engineering manual.

Tractive Force Equation (erosive water velocity equation):

$$\tau_{max} = \gamma d S$$

- Where:
- τ_{max} = maximum shear stress, (lb/ft²)
 - γ = unit weight of water, (62.4 lb/ft³)
 - d = maximum depth of flow, (ft)
 - S= average bed slope or energy slope, expressed as a decimal, (ft/ft)

Lining Category	Lining Type	Permissible Unit Shear Stress	
		(lb/ft ²)	(Pa)
Erosion Control Blanket ^a	Type I	1.5	72
	Type II	1.75	84
	Type III	2.00	96
	Type IV	2.25	108
Turf Reinforcement Mat ^a	Unvegetated	3.0	143.6
	Class I	6.0	288
	Class II	8.0	384
	Class III	10.0	480
Grass ^b	Class A	3.70	177.2
	Class B	2.10	100.5
	Class C	1.00	47.9
	Class D	0.60	28.7
	Class E	0.35	16.8
Rock Riprap	Class A1	3.00	143.6
	Class B	5.00	239.4
	Class C	6.70	320.8
Bare Soil	Non-cohesive	(See Hydraulic Engineering Circular No. 15)	
	Cohesive		

General values based on vendor information, assuming a vegetated condition. Maximum permissible shear stress for an unvegetated mat is 3.0 lb/ft²)
 Consult with individual vendors for more specific information.

Grassed linings are classified into 5 vegetal retardance classifications
 See Section 5.04.6.1 and Table 5A-4

Table 5A-7
 Permissible Shear Stresses for Lining Materials
 Reference: USDOT, FHWA, HDS-4 (2001) &
 Erosion Control Technology Council, St. Paul, Minnesota

Material	Maximum Velocity (feet/second)
Bare Soil	
Silt or fine sand	1.5
Sandy loam	1.75
Silt loam	2
Stiff clay	3.75
Ordinary firm loam	2.5
Fine gravel	2.5
Graded, loam to cobbles (noncolloidal)	3.7
Graded, silt to cobbles (colloidal)	4
Alluvial Silts (noncolloidal)	2
Alluvial Silts (colloidal)	3.7
Coarse gravel (noncolloidal)	4
Cobbles and shingles	5
Shales and hard pans	6
Sod	4
Lapped Sod	5.5
Vegetation	See Table 5A-5
Rigid	10

Table 5A-3
Maximum Velocities for Comparing Lining Materials
 Reference: USDOT, FHWA, HDS-3 (1961) &
 USDA, SCS, TP-61 (March, 1947)

- s. Alterations of the floodplain shall be permitted only to the extent permitted by equal conveyance on both sides of the natural channel. Staff's calculation of the impact of the proposed alteration shall be based on the "equal conveyance" principle in order to ensure equitable treatment for all property owners. Under equal conveyance, if the city allows a change in the flood carrying capacity (capacity to carry a particular volume of water per unit of time) on one side of the stream due to a proposed alteration of the floodplain, it shall also allow an equal change to the owner on the other side. The combined change in flood carrying capacity, due to the proposed alteration, plus corresponding alteration to the other side of the stream, shall not cause either an increase in flood elevation or an erosive velocity, or violate the other criteria established in this ordinance.
 - t. All streams shall remain in a natural (unaltered) condition when possible. Drainage may be channelized (lined or unlined) provided all environmental considerations are addressed satisfactorily with FEMA and the US Army Corps of Engineers (examples being endangered species, and section 404 of the Clean Water Act) as approved by the Floodplain Administrator.
2. Specific Standards: In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:
- a. Residential Structures
 - i. In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basements, elevated to no lower than two (2) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

- ii. New construction and substantial improvement of any residential building (or manufactured home) within approximate A Zones where Base Flood Elevations have not been established, alternative data are not available and relevant Base Flood Elevations are not obtainable from the US Army Corps of Engineers or FEMA, the administrator shall require a detailed hydrologic and hydraulic analysis in accordance with acceptable engineering practices to establish Base Flood Elevations through the FEMA CLOMR/LOMR process that will update the City's FIRM and FIS in which the flooding source is located, and shall be regulated as development within a Zone AE.
 - b. Non-Residential Structures
 - i. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basements, elevated or floodproofed to no lower than two (2) feet above the level of 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 shall be provided in accordance with the standards of this section: "Enclosures".
 - ii. New construction and substantial improvement of any residential building (or manufactured home) within approximate A Zones, where Base Flood Elevations have not been established, alternative data are not available and relevant Base Flood Elevations are not obtainable from the US Army Corps of Engineers or FEMA, the administrator shall require a detailed hydrologic and hydraulic analysis in accordance with acceptable engineering practices to establish Base Flood Elevations through the FEMA CLOMR/LOMR process that will update the City's FIRM and FIS in which the flooding source is located, and shall be regulated as development within a Zone AE.
 - iii. Non-Residential 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 Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.
 - c. Enclosures
 - i. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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 Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - (1) 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;
 - (2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (B) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - (C) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.
 - d. Standards for Manufactured Homes and Recreational Vehicles

- i. 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.
 - ii. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
 - iii. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - iv. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - (A) Be on the site for fewer than 180 consecutive days;
 - (B) 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), or;
 - (C) The recreational vehicle must meet all the requirements for new construction.
 - e. Standards for Subdivisions and Other Proposed New Development Proposals: Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
 - i. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - ii. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - iii. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - iv. Within all approximate A Zones or unmapped streams, require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data for the purpose of updating the City’s FIRM through the FEMA’s CLOMR/LOMR process.
3. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- a. Encroachments or increase in runoff are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway and the floodplain in which it resides. Development or increase in runoff within the regulatory floodway and the floodplain in which it resides may be permitted however, provided it is demonstrated through an hydrologic and hydraulic analyses performed in accordance with standard engineering principles and practices by a Tennessee registered professional engineer with supporting technical data and certification thereof that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not result in an increase to the water surface elevations, increase of floodway widths, or result in an increase of the open channel velocities that will create or worsen erosive velocities during a base flood discharge at any point within the City of Spring Hill, Tennessee;
- b. The City of Spring Hill, Tennessee may permit encroachments or increased runoff within the adopted regulatory floodway and the floodplain in which it resides, that results in an increase to the water surface elevations and/or floodway widths provided the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and the results of the study are not objected to by

effected property owners upon notice, are accepted by the City of Spring Hill's Administrator, and receives the approval of the FEMA.

- c. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

4. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- a. Require until a regulatory floodway is designated, that no new construction, substantial improvements, increased runoff, or other development, including fill shall be permitted within a Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering principles and practices by a Tennessee registered professional engineer with supporting technical data and certification thereof that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not result in an increase to the water surface elevations or result in an increase of the open channel velocities that will create or worsen erosive velocities during a base flood discharge at any point within the City of Spring Hill, Tennessee.
- b. A community may permit encroachments or increased runoff within Zones AE on the community's FIRM that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and establishes a floodway, fulfills the requirements as established under the provisions of § 65.12, and the results of the study are not objected to by effected property owners upon notice, are accepted by the City of Spring Hill's Administrator, and receives the approval of the FEMA;
- c. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

5. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- a. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
- b. Require that all new subdivision proposals, increased runoff, and other proposed developments (including proposals for manufactured home parks and subdivisions) within approximate Zone A include within such proposals Base Flood Elevation data.
- c. Require until a regulatory floodway is designated, that no new construction, substantial improvements, increased runoff, or other development, including fill shall be permitted within approximate A Zones on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering principles and practices by a Tennessee registered professional engineer through supporting technical data and certification thereof that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not result in an increase to the water surface elevations, increase or decrease in the floodplain inundation boundary widths, or result in an increase of the open channel velocities that will create or worsen erosive velocities during a base flood discharge at any point within the City of Spring Hill, Tennessee.
- d. The community may permit encroachments or increased runoff within approximate A Zones on the community's FIRM that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and establishes a floodway, fulfills the requirements as established under the provisions of § 65.12, and

the results of the study are not objected to by effected property owners upon notice, are accepted by the City of Spring Hill's Administrator, and receives the approval of the FEMA;

- e. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

6. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- a. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
- b. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B (1) (c) and Article V, Section B (2).
- c. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7. Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- a. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

8. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

9. Standards for Unmapped Streams

Located within the City of Spring Hill, Tennessee, are unmapped streams that are regulated by the United States Army Corps of Engineers under the Clean Water Act Section 404, where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

- a. Require until a regulatory floodway is designated, that no new construction, substantial improvements, increased runoff, or other development, including fill shall be permitted within unmapped streams (at least equal to twice the width of the stream, measured from the top of each stream bank or 20 feet, whichever is greater, measured from the closest top of bank), unless it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering principles and practices by a Tennessee registered professional engineer with supporting technical data and certification thereof that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not result in an increase to the water surface elevations or result in an increase of the open channel velocities that will create or worsen erosive velocities during a base flood discharge at any point within the City of Spring Hill, Tennessee and establishes a SFHA accepted by FEMA.

- b. A community may permit encroachments or increased runoff within unmapped streams that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and establishes a floodway, fulfills the requirements as established under the provisions of § 65.12, and the results of the study are not objected to by affected property owners upon notice, are accepted by the City of Spring Hill's Administrator, and receives the approval of the FEMA;
- c. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.
- d. ONLY if Article V, Section I, provisions (1) and (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

10. No Adverse Impact Determination

After examination of the National Flood Insurance Program standards for floodplain development, the Board of Mayor and Alderman of the city of Spring Hill has made the judgment that additional protections must be employed to protect the lives and property within the jurisdiction of the city of Spring Hill.

No structure or land shall be located, extended, converted, altered or developed in any way within the special flood hazard area, nor shall any floodplain development permit be issued except as otherwise provided in this ordinance, until the Administrator makes a determination that the project would not increase danger to life or property and would have no adverse impact based upon the affirmative findings that:

- a. The granting of the floodplain development permit will not create a danger that fill, construction materials or other debris or construction spoils may be swept onto properties upstream from, downstream from, or adjacent to the project area, or increase erosion; and
- b. The granting of the floodplain development permit will not increase or alter the width or extent of the floodway or special flood hazard area except within the property or properties upon which the floodplain development is located or the property of a consenting owner, where such property is protected from future development by means of a drainage easement or other, similar restriction that is acceptable to the administrator; and
- c. The granting of the floodplain development permit will not increase the susceptibility of any property to flooding during the base flood except the property or properties upon which the floodplain development is located or the property of a consenting owner, where such property is protected from future development by means of a conservation easement or other similar deed restriction that is acceptable to the administrator; and
- d. The granting of the floodplain development permit will not increase the susceptibility of existing or proposed structure to flooding during the base flood; and
- e. The granting of the floodplain development permit will not detrimentally impact the functionality of any street, bridge or culvert, or public utility during the base flood; and
- f. The granting of the floodplain development permit will not increase the susceptibility of any critical facility to flooding, nor detrimentally impact access thereto during the base flood.

I. VARIANCE PROCEDURE

1. Municipal Board of Zoning appeals

- a. Authority
 - i. The City of Spring Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- b. Procedure
 - i. Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Board of Alderman.

c. Appeals: How Taken

- i. An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee determined by the local newspaper for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

d. Powers

- i. The Municipal Board of Zoning Appeals shall have the following powers:
 - (A) Administrative Review: To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.
- ii. Variance Procedures: In the case of a request for a variance the following shall apply:
 - (A) The City of Spring Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
 - (B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
 - (C) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (1) The danger that materials may be swept onto other property to the injury of others;
 - (2) The danger to life and property due to flooding or erosion;
 - (3) The susceptibility of the proposed facility and its contents to flood damage;
 - i. The importance of the services provided by the proposed facility to the community;
 - ii. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - iii. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - iv. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - v. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - vi. 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;
 - vii. 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, water systems, and streets and bridges.

- (4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- (5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances

- a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
- b. 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.
- c. 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- d. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

J. Legal Status Provision

1. Conflict with Other Ordinances

- a. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Spring Hill, Tennessee, the most restrictive shall in all cases apply.

2. Severability

- a. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

3. Effective Date

- a. This Ordinance shall become effective on August 1, 2022, in accordance with the Charter of the City of Spring Hill, Tennessee, and the public welfare demanding it.
- b. Approved and adopted by the City of Spring Hill, Tennessee, Mayor and the Spring Hill Board of Adleman.

7.6 HS HILLSIDE SLOPE DISTRICT

A. Purpose

Hillsides constitute significant natural topographic features of the community and create aesthetic settings, often visible citywide. In order to insure hillside preservation, the HS Overlay District regulations are established to recognize development in hilly areas. Special considerations are given for unique situations that result from the slope of the land. Where areas are developed on hillsides, such features as geological and special soil conditions may cause serious consequences, such as adverse effects from destruction of natural scenic beauty and unsightly developments, increased erosion, fire, or flood hazards, property damage from extensive soils slippage and subsidence, and sewage disposal or traffic circulation problems.

B. Applicability

These regulations apply throughout the City to any development sites or proposed subdivision containing natural slopes of 20% to 25%.

C. Hillside Development Regulations

1. All areas containing slopes of greater than 25% must be permanently maintained in their natural state and designated by a preservation easement.
2. Maximum density is limited to 50% of the base zoning district.
3. Each lot is limited to a maximum impervious surface of 33%.
4. A geo-technical report prepared by a licensed professional engineer in the State of Tennessee, specializing in geo-technical soils analysis and investigations, must be submitted for review and approval by the Planning Commission during site plan review. The report must include, at a minimum, identification of unstable soils and rock formations with recommendations and design details on stabilization of the unsuitable soils. The report should also identify any areas that are unsuitable for development. During permitting, minor changes to the approved site plan are permitted to accommodate changes that occur during site engineering.
5. Buildings may not violate the maximum building height of the district and are further limited to 15 feet below the top of any hill crest.
6. Any areas requiring stabilization by means of retaining walls, rip-rap stone, or applied concrete must be screened by landscaping buffers and materials as approved by the Planning Commission. All materials utilized for stabilization methods by means of retaining walls, rip-rap stone, or applied concrete must be reviewed and approved by the Planning Commission.
7. Retaining walls exceeding four feet in height must be designed by a licensed professional engineer in the State of Tennessee who specializes in structural engineering.
8. The maximum slope permitted on a driveway is 10% or less and must have landings at the top and bottom to prevent vehicles from scraping pavement. Turnaround areas at garages must provide a minimum distance of 30 feet from the face of structures to the edge of the driveway.
9. Cut and fill must be minimized by the following existing contours to the greatest extent possible and must avoid permanent hillside scarring. Driveway construction must minimize scars from cuts and fill.
10. Ditches must be a minimum of ten feet from principal buildings.
11. A site plan for each lot is required. The following additional information is required on the site plan.
 - a. Building footprint with the finished floor elevation (if in flood plain), and sidewalk and driveway plan and profile.
 - b. Existing and proposed drainage structures.
 - c. Ditches and swales to direct and redirect storm water runoff, types of stabilization if greater than 3:1 slopes, and provide details, such as geotechnical fabric, sod, rip-rap stone, engineered terrace walls, or other approved methods.
 - d. Proposed grading to direct surface runoff away from structures, provide positive drainage for the entire site, and indication that surface runoff will not be directed to adjacent properties.
 - e. A schedule of maintenance and all forms of erosion/siltation controls necessary to control surface runoff.
 - f. The grade at the driveway entrance, which must be constructed to prevent roadway drainage from flowing into the driveway and lot.

g. Utility locations, including but not limited to, cable, gas, sewer, telephone, and water. The site plan will be checked against construction plans for utility conflicts, including grading and services that were to be completed by the construction of the subdivision.

h. A geotechnical report to indicate any unstable soil types with recommended stabilization methods.

7.7 H HISTORIC OVERLAY DISTRICT

[Reserved]

ARTICLE 8. USES

- 8.1 GENERAL USE REGULATIONS**
- 8.2 USE MATRIX**
- 8.3 PRINCIPAL USE STANDARDS**
- 8.4 TEMPORARY USE STANDARDS**
- 8.5 USE DEFINITIONS**

8.1 GENERAL USE REGULATIONS

- A.** No structure or land may be used or occupied unless allowed as a permitted or special use within the zoning district.
- B.** All uses must comply with any applicable federal and state requirements, and any additional Federal, State, or City ordinances. For select uses, specific Federal, State, or City ordinances are cross-referenced but this is not intended to indicate that only those ordinances apply to such uses or that other uses within this Code are not subject to additional ordinances not referenced.
- C.** Any use that is not included in the use matrix is prohibited in all districts.
- D.** A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support or are functionally integrated into the principal use.
- E.** All uses must comply with the use standards of Section 8.3, as applicable, as well as all other regulations of this Code and the City.

8.2 USE MATRIX

- A.** Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district.
- B.** “P” indicates that the use is permitted by-right in the district. “S” indicates that the use is a special use in the district and requires special use approval. If a cell is blank, the use is not allowed in the district.
- C.** In the case of temporary uses, a “T” indicates the temporary use is allowed in the district and may require approval of a temporary use permit per the standards of Section 8.4.
- D.** For accessory uses, see Article 9.

Table 8-1: Use Matrix																									
P = Permitted Use S = Special Use T = Temporary Use Blank = Use not allowed in the district																									
PRINCIPAL USE	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-MH	C-1	C-2	C-3	C-4	C-5	C-D	C-G	I-1	I-2	RD	IC	AG	PR	NA	USE STANDARDS
Agriculture	P	P																				P			
Alternative Correction Facility									S						S							P			
Amusement Facility - Indoor											P		P	P	P	P	P	P							
Amusement Facility - Outdoor													P	P											
Animal Care Facility – Large Animal	S																						P		Sec. 8.3.A
Animal Care Facility – Small Animal											P		P	P	P	S							P		Sec. 8.3.A
Animal Kennel/Breeder	S	S																					P		Sec. 8.3.A
Art Gallery											P		P	P	P	P	P								
Arts Studio											P		P	P	P	P	P								
Bar											S		S	P	P	P	P								
Bed and Breakfast	P	P	P	P	P																				Sec. 8.3.B
Body Modification Establishment													S	P	P										
Broadcasting Facility TV/Radio - With Antennas																		P	P	P	P				
Broadcasting Facility TV/Radio - No Antennas											P	P	P	P	P	P	P	P	P	P	P				
Campground																							P		Sec. 8.3.C
Car Wash													S	S	S										Sec. 8.3.D
Cemetery																							P		
Children’s Home			S	S	S	S																P			
Community Center	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P						P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P												P	P	P	Sec. 8.3.E
Conservation Area																							P	P	P
Contractor’s Yard														P				P	P						Sec. 8.3.F
Country Club		S	S	S	S																		P		
Cultural Facility											P		P	P	P	P	P					P	P	P	S
Day Care Center											P	P	P	P	P	P	P	P			P				Sec. 8.3.G
Domestic Violence Shelter									P					P								P			
Drive-Through Facility													S	S	P										Sec. 8.3.H

Table 8-1: Use Matrix <i>P = Permitted Use S = Special Use T = Temporary Use Blank = Use not allowed in the district</i>																									
PRINCIPAL USE	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-MH	C-1	C-2	C-3	C-4	C-5	C-D	C-G	I-1	I-2	RD	IC	AG	PR	NA	USE STANDARDS
Drug/Alcohol Treatment Facility, Residential									S					P	P						P				
Dwelling - Above the Ground Floor														S	S	P	P								
Dwelling - Accessory Dwelling Unit: 900sf or Less in GFA	P	P	P	P	P																				Sec. 8.3.I
Dwelling - Accessory Dwelling Unit: 901sf or More in GFA	S	S	S	S	S																				Sec. 8.3.I
Dwelling—Manufactured Home	P									P															Sec. 8.3.J
Dwelling - Multi-Family								P	P							S	S								Sec. 8.3.K
Dwelling - Townhouse							P	P	P							S									Sec. 8.3.K
Dwelling - Single-Family	P	P	P	P	P	P	P	P								S						P			Sec. 8.3.L
Dwelling - Three-Family							P	P	P							S									Sec. 8.3.M
Dwelling - Two-Family							P	P								S									Sec. 8.3.M
Educational Facility - Primary or Secondary																						P			
Educational Facility - University or College														P	P		P					P			
Educational Facility - Vocational											S	S	S	P	P	S	P	P	P	P	P	P			
Financial Institution											P	P	P	P	P	P	P	P				P			
Financial Institution, Alternative													S	S	S										Sec. 8.3.N
Food Bank															P				P	P					
Food Pantry												P	P	P	P	P									
Food Truck Court											P	P	P	P	P	P	P	P	P	P	P				Sec. 8.3.O
Funeral Home													S	P	P										
Gas Station													S	P	P		S								Sec. 8.3.P
Golf Course/Driving Range																							P		
Government Office/Facility											P	P	P	P	P	P	P	P	P	P	P	P			
Greenhouse/Nursery - Retail														P	P				P				S		
Group Home	P	P	P	P	P	P	P																		
Halfway House														S	S							P			

Table 8-1: Use Matrix																												
P = Permitted Use S = Special Use T = Temporary Use Blank = Use not allowed in the district																												
PRINCIPAL USE	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-MH	C-1	C-2	C-3	C-4	C-5	C-D	C-G	I-1	I-2	RD	IC	AG	PR	NA	USE STANDARDS			
Healthcare Facility/Institution											P	P	P	P	P	P	P			P	P							
Heavy Retail, Rental, and Service														S	P				S									
Homeless Shelter														S								S						
Hotel													S	P	P	S	S			S								
Industrial - General																				P								
Industrial - Light																			P		P	P						
Industrial Design												P							P		P	P						
Live Entertainment - Secondary Use													S	S	S	S	S											
Live Performance Venue														P	P	S	P											
Lodge/Meeting Hall	S	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P					Sec. 8.3.Q		
Manufactured Home Park											P																	
Medical/Dental Office											P	P	P	P	P	P	P	P			P	P						
Micro-Brewery/Distillery/Winery													S	P	P	P	P	P	P	P								
Office											P	P	P	P	P	P	P	P	P	P	P	P						
Outdoor Dining											P	P	P	P	P	P	P	P			P						Sec. 8.3.R	
Parking Lot (Principal Use)														S	S			S	S			S					Article 10	
Parking Structure (Principal Use)												S	S	S	S			S	S			S	S					Article 10
Personal Service Establishment											P		P	P	P	P	P	P			P							
Place of Worship	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P						
Public Facilities	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S			
Public Park	P	P	P	P	P	P	P	P	P	P							P					P		P	P			
Reception Facility											S		S	P	P	S	P						S			Sec. 8.3.S		
Recreational Vehicle (RV) Park																								P		Sec. 8.3.C		
Research and Development												P						P	P	P	P	P						
Residential Care Facility								P	P					S	S							P				Sec. 8.3.T		
Restaurant											P	P	P	P	P	P	P	P	P	P	P	P						
Retail Goods Establishment											P	P	P	P	P	P	P	P	P	P	P	P						

Table 8-1: Use Matrix																									
PRINCIPAL USE	P = Permitted Use					S = Special Use					T = Temporary Use					Blank = Use not allowed in the district									
	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-MH	C-1	C-2	C-3	C-4	C-5	C-D	C-G	I-1	I-2	RD	IC	AG	PR	NA	USE STANDARDS
Retail Liquor Store												S	P	P											
Self-Storage Facility: Enclosed																		P	P						Sec. 8.3.U
Self-Storage Facility: Outdoor																		P	P						Sec. 8.3.U
Sexually-Oriented Business																			S						Sec. 8.3.V
Social Service Center												S	P	P							P				
Solar Farm																		P	P	P	P	S			Sec. 8.3.W
Specialty Food Service										P		P	P	P	P	P	P	P		P					
Storage Yard - Outdoor																		S	P						Sec. 8.3.X
Vehicle Dealership - Enclosed													P	P		P	S								
Vehicle Dealership - With Outdoor Storage/Display													S	P			S								
Vehicle Operation Facility																	P	P		P					
Vehicle Rental - Enclosed													P	P		P	S								
Vehicle Rental - With Outdoor Storage/Display													S	P			S								
Vehicle Repair/Service- Major															S		P	P							Sec. 8.3.Y
Vehicle Repair/Service - Minor												S	P	P			P								Sec. 8.3.Y
Warehouse																	P	P							
Wholesale Establishment															S		P	P							
Wind Energy System	S	S															S	S	S	S	S				Sec. 8.3.Z
Winery	S																					S			
Wireless Telecommunications - Co-location, Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 8.3.AA
Wireless Telecommunications - New Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		Sec. 8.3.AA
Wireless Telecommunications - Small Cell & DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 8.3.AA
Wireless Telecommunications - Small Cell & DAS New Pole	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 8.3.AA (Ord.19-28)

TEMPORARY USE	R-A	R-R	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-MH	C-1	C-2	C-3	C-4	C-5	C-D	C-G	I-1	I-2	RD	IC	AG	PR	NA	USE STANDARDS	
Farmers' Market	T	T									T	T	T	T	T	T	T			T	T	T	T		Sec. 8.4.A	
Food Truck, Fixed Location											T	T	T	T	T	T	T	T	T	T						Sec. 8.4.B
Food Truck, Mobile											T	T	T	T	T	T	T	T	T	T	T					Sec. 8.4.B
Real Estate Project Sales Office/Model Unit	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T					Sec. 8.4.C
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T					Sec. 8.4.D
Temporary Outdoor Entertainment	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T		T	T	T	T			Sec. 8.4.E
Temporary Outdoor Sales	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T		T	T	T				Sec. 8.4.F
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			Sec. 8.4.G

**Any requested use that does not have a comparable use within any zoning district may be allowed within the I-2 (General Industrial District) after approval of a special-use permit.*

(Ord. 19-09; 21-29; 22-21)

8.3 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Code.

A. Animal Care Facility – Small Animal and Animal Kennel/Breeder

Animal shelters operated by a public agency are exempt from these standards.

1. Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of seven feet in height is required for all exterior exercise areas.
2. Animal care facilities must locate all overnight boarding facilities indoors. Permitted outdoor facilities for daytime animal care only must be designed to provide shelter against sun/heat and inclement weather.
3. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
4. Outdoor use areas may not be used between 8 p.m. and 7 a.m. when within 200 feet of a residential zoning district or use.

B. Bed and Breakfast

1. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building facade.
2. Cooking equipment is prohibited in individual guest rooms. This does not include a mini-refrigerator and/or a microwave.
3. Leasing of a common dining area for social events is prohibited.
4. No retail sales are permitted with the exception of ancillary retail sales of related items such as souvenirs, postcards, toiletry and snack items.
5. Meals may only be served to registered guests.
6. One sign, either freestanding or wall, is permitted. Such sign may not exceed six square feet in sign area and is limited to five feet in height. A freestanding sign may be external illuminated and must be setback a minimum of 15 feet from all lot lines.

C. Campground and Recreational Vehicle (RV) Park

1. The minimum area for a campground or RV park is five acres.
2. Campgrounds and RV parks must comply with all applicable State and City regulations, including those governing the installation, construction, and/or operation of swimming pools, water supply, sewage disposal, food storage and services, plumbing, structures, electrical wiring, and fire prevention.
3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for counselors, overnight accommodations, living space, and other uses and structures customarily associated with the operation of a campground or RV park are permitted.
4. Storage of equipment must be within enclosed structures.
5. Permanent residency is prohibited at any campground or RV park. Use of camping units or recreational vehicles as a principal residence is prohibited. This excludes any structures erected for a caretaker or campground ranger, which may be a year-round residency.
6. A 25 foot perimeter setback from the lot line of the campground or RV park is required. No structures, campsites, or RV pads are allowed within this setback. The perimeter setback must be landscaped with shrubs planted at an interval of one shrub for every three feet of linear yard width, on center, and one shade or evergreen tree planted at an average of one tree for every 25 linear feet. Preservation of existing vegetation is encouraged and may be substituted for the required plantings.

D. Car Wash

1. Car wash facilities must be screened along interior side and rear lot lines with a solid fence or wall when such lot line abuts a residential lot line, a minimum of six feet and a maximum of eight feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall; plantings must be placed inside the face of the fence toward the interior of the lot.
2. The site must be graded to drain away from adjoining properties.
3. Where car wash bays face a public right-of-way, the bays shall be screened from public view with landscaping, walls, or a combination.

E. Community Garden

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted. All accessory structures must be located a minimum of five feet from any lot line.
3. No livestock, including chickens and bees, is permitted.
4. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

F. Contractor's Yards

All outdoor material storage areas must be screened from surrounding residentially zoned properties and public rights-of-way with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

G. Day Care Center

1. Each day care must comply with all applicable state and federal regulations.
2. The operator of a day care must be licensed by the State of Tennessee.
3. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

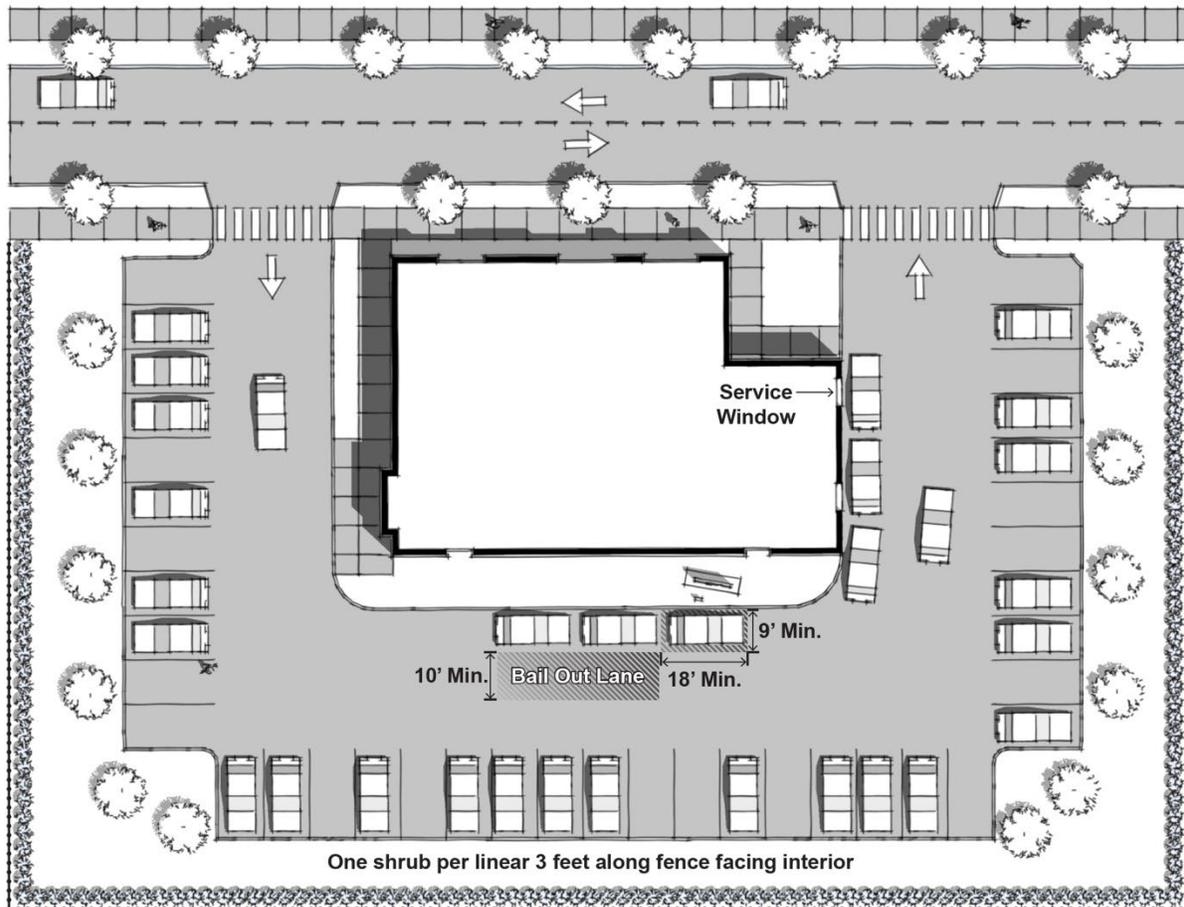
H. Drive-Through Facility

1. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Stacking spaces provided for drive-through uses must be:
 - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
 - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.
2. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.

3. Drive-through facilities must be screened along interior side and rear lot lines with a solid wall or fence when such lot line abuts a residential lot line, a minimum of six feet and a maximum of eight feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall; plantings must be placed inside the face of the fence toward the interior of the lot. This standard does not apply to drive-through facilities within multi-tenant retail centers.

4. A drive through lane must have bail out capability before the menu board for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of 10 feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

DRIVE-THROUGH FACILITY



I. Dwelling – Accessory Dwelling Unit

1. No more than one accessory dwelling unit is allowed per lot. For townhouse developments where individual lots are not created, one accessory dwelling unit is allowed per townhouse dwelling unit. When permitted, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.

2. Both the principal dwelling unit and the accessory dwelling unit must be owned by the same property owner. One of the units must be owner-occupied.

3. Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must be located ten feet from any lot line and from any principal building.

4. Both the principal dwelling unit and the accessory dwelling unit must maintain separate meter connections.

5. A detached accessory dwelling unit is subject to the height permitted for a detached garage.
6. No accessory dwelling unit may exceed 1,250 square feet in gross floor area. Accessory dwelling units above 901 square feet in gross floor area require a special use permit.
7. As of the effective date of this Code, existing detached garages may convert an upper floor to an accessory dwelling unit and may exceed the 1,250 square feet in gross floor area limit. Such conversions are subject to a special use permit if they exceed 901 square feet in area.
8. When a detached garage is converted to an accessory dwelling unit, the ground floor must be maintained as parking.
9. No additional parking is required for an accessory dwelling unit. Required parking for the principal structure must be maintained.

J. Dwelling – Manufactured Home

Manufactured homes must meet the following design standards when not located within a manufactured home park:

1. The front entry must be a dominant feature on the front elevation of a manufactured home, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings.
2. Windows, entrances, bay windows, or other architectural features are required on all street-facing walls.
3. Each manufactured home must utilize roofing materials such as asphalt shingles or similar material, similar in material and appearance to single-family dwellings. Metal roofing is not permitted.
4. The roof design must be a full height roof element with a minimum pitch of 3:12.
5. All manufactured homes must be designed with skirting that is constructed of a non-metal fire-resistant material that meets the requirements of the Building Code
6. The manufactured home must be set on a concrete slab or runway, and such slab or runway must be of a size large enough to accommodate a manufactured home in such a fashion that the concrete will extend at least two inches around the walls of the manufactured home on all sides.
7. Manufactured homes located within the RM-H District must meet the standards set forth in Section 4.4.

K. Dwelling - Multi-Family or Townhouse

1. Siting Standards

Siting standards are reviewed by the Design Review Commission but cannot be modified or waived by the Commission. Siting standards may only be modified by a variance.

- a. There must be a minimum separation of 15 feet between exterior sidewalls of townhouse and multi-family developments. Where the front or rear wall of a building faces the front or rear wall of another building in the development, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas, and site features like patios may be located within this minimum separation area.
- b. All townhouse and multi-family developments must provide a perimeter yard as required by this section. This perimeter yard must be designated as common open space. (See Article 4 for illustration of perimeter yard.)
 - i. Required minimum perimeter yard abutting a street:
 - (A) 20 feet when oriented toward (facing) a public street. (Section 11.7.D also applies if such street is a collector or arterial. However, the overall yard width required is not cumulative; the required width is whichever is greater.)
 - (B) 25 feet when oriented away from (backing up to) a public street. (Section 11.7.D also applies if such street is a collector or arterial. However, the overall yard width required is not cumulative; the required width is whichever is greater.)

- (C) 10 feet when abutting a private street or private drive, or any other private circulation ways internal to the development (excludes driveways and parking areas).
- ii. Required minimum perimeter yard abutting other zoning districts; required only along the lot line that abuts the district:
 - (A) Abutting an R-7 District: 15 feet
 - (B) Abutting multi-family and townhouse dwellings in the R-6 District: 15 feet
 - (C) Abutting single-family, two-family, and three-family dwellings in the R-6 District, and abutting all other districts: 25 feet
- iii. Individual townhouse lots and multi-family developments cannot encroach into this area, including accessory structures. Such perimeter yards are not counted toward meeting individual townhouse lot or multi-family structure minimums.
- iv. The required perimeter yards are not counted as part of the required on-site open space for multi-family developments per item c below.
- v. Where both a perimeter yard and a buffer yard are required by this Code, only the yard with the greater width is required. If a buffer yard controls, individual townhouse lots and multi-family developments cannot encroach into this area, including accessory structures. Such buffer yards are not counted toward meeting individual townhouse lot or multi-family structure minimums.
- vi. No structures, including those related to common open space uses, are allowed within the perimeter yard with the exception of fences or walls for the development. Fences or walls for individual townhouse lots are prohibited in the perimeter yard area.
- c. All multi-family developments must provide at least 100 square feet of useable on-site open space per dwelling unit. This open space may be either private open space for the dwelling unit or common open space for the use of residents. Such open space must meet the following requirements:
 - i. Common open space areas must be accessible to all residents of the subject development.
 - ii. The required common open space area is not required to be contiguous, but must be centrally located and incorporated into the site plan as a primary design feature. Multi-family developments must be sited to maximize opportunities for creating usable, well-integrated common spaces.
 - iii. Lighting must be provided as needed for active recreation areas within common open spaces to provide visual interest at night and additional security.
 - iv. Common outdoor spaces should not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses unless site constraints allow no other alternative.
 - v. If common outdoor spaces are located adjacent to a street right-of-way, landscaping must be used to provide a buffer that screens the view between the space and the right-of-way.
 - vi. The following active and passive open space uses are counted as common open space:
 - (A) Natural water features, wetlands, and conservation areas. This includes required buffers from natural resources that are not included as part of a private lot.
 - (B) A trail system connecting open space areas or greenways. This includes hiking, biking, and equestrian trails. Where feasible, any trail system or greenway must connect and provide access to the proposed bicycle and greenway network, as shown in the Bicycle and Greenway Plan.
 - (C) Recreational facilities containing hardscape or impervious surfaces such as swimming pools, tennis courts, and skateparks.
 - (D) Parks and playgrounds.
 - (E) Greenhouses and community gardens.

(F) Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing barn or silo for the use of the residents, etc.).

(G) On-site stormwater management facilities may be used to meet up to 30% of the required common open space amount provided such areas or facilities to be counted as common open space are accessible and useable as community amenities by the residents of the development (e.g., viewing platforms, seating/picnic areas, ponds for fishing and/or boating, etc.).

vii. Multi-family developments larger than five acres in gross area must provide a minimum of one formal recreational facility. Formal recreational facilities include, but are not limited to, clubhouses or community rooms, swimming pools, tennis courts, and playgrounds. This is included in the required amount of common open space.

d. Common facilities for townhouse and multi-family developments such as clubhouses and swimming pools must be located a minimum of 30 feet from any lot line.

2. Design Standards

Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that a design standard may be waived in its entirety.

a. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.

b. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.

c. Building forms must be tailored to fit within the existing topography of the site and other site features specifically existing trees and vegetation.

d. Development sites with multiple buildings must incorporate a strong visual relationship between buildings. A consistent architectural style or theme should be used throughout.

e. The following building materials are prohibited on any façade.

i. The following building materials are prohibited on any part of any façade:

(A) Plain concrete block

(B) Plastic

ii. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 20% of the façade:

(A) Corrugated metal

(B) Aluminum, steel or other metal sidings

(C) Exposed aggregate (rough finish) concrete wall panels

(D) T-111 composite plywood siding

(E) Vinyl

(F) Exterior insulating finish systems (EIFS)

iii. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed. The dimensional size of the material should relate to the size of the building. For example, a traditional size brick should be used on smaller buildings, with consideration being given for larger brick sizes on larger-scaled buildings.

MULTI-FAMILY/TOWNHOUSE DWELLING



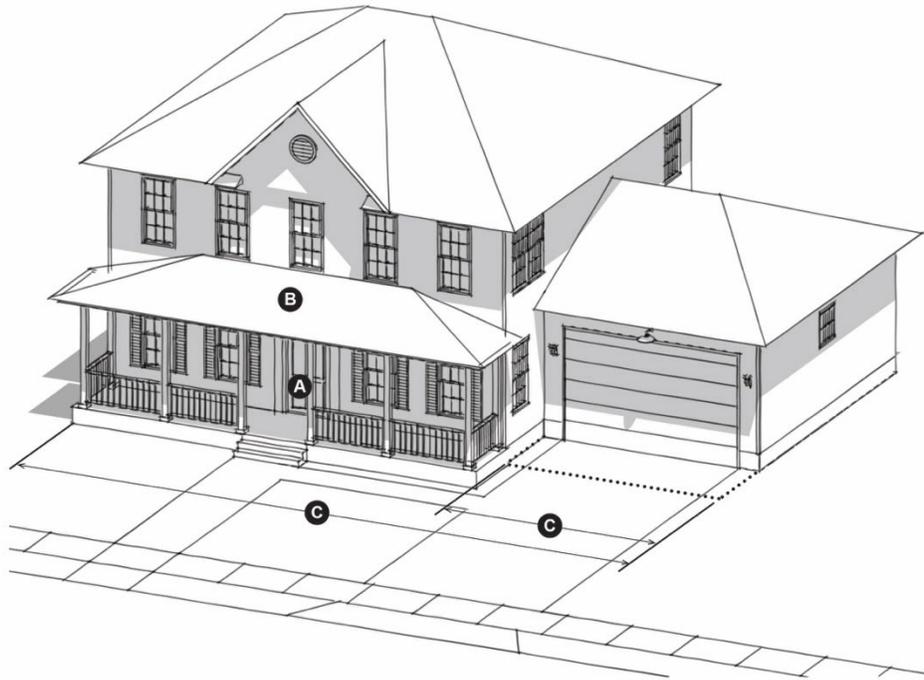
- A** Consistent materials and architectural treatments must wrap around all street facing façades. The entire townhouse or multi-family development must have a unifying architectural theme.
- B** Building façades must include windows, projected or recessed entrances, overhangs, and other architectural features to provide dimensional elements on a façade.
- C** Minimum separation of 15 feet between building sidewalls.

L. Dwelling - Single-Family

These single-family dwelling standards may only be modified by a variance. These standards cannot be modified or waived by the Design Review Commission.

1. A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.
2. Windows, entrances, porches, or other architectural features on habitable structures are required on all street-facing façades to avoid the appearance of blank walls. This requirement does not apply to garage façades.
3. Front-loaded attached garages are limited to 40% of the width of the front building line or 28 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measure between the edge of the outmost doors.
4. Buildings constructed on a concrete slab must be elevated a minimum of one foot from finished grade.
5. Concrete block foundations on a single-family home must be covered with a permanent durable material, such as brick, stone, or split face block.

SINGLE-FAMILY DWELLING



- A** The primary entrance from the façade must face the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure.
- B** Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- C** Front-loaded attached garages are limited to 40% of the width of the front building line or 28 feet, whichever is greater.

M. Dwelling - Two-Family or Three-Family

1. Siting Standards

Siting standards are reviewed by the Design Review Commission but cannot be modified or waived by the Commission. Siting standards may only be modified by a variance.

- a.** Front-loaded attached garages are limited to 40% of the width of the front building line or 28 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measure between the edge of the outmost doors.
- b.** Buildings constructed on a concrete slab must be elevated a minimum of one foot from finished grade.
- c.** A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.

2. Design Standards

Review for compliance with these design standards is conducted by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission. The Design Review Commission may modify any of these design standards for a development under review, including a determination that a design standard may be waived in its entirety.

- a.** Windows, entrances, porches, or other architectural features on habitable structures are required on all street-facing facades to avoid the appearance of blank walls. This requirement does not apply to garage

facades.

b. Concrete block foundations on a two-family home must be covered with a permanent durable material, such as brick, stone, or split face block.

N. Financial Services, Alternative (AFS)

1. Alternative financial services (AFS) must be located no closer than 1,000 feet from any other AFS that meets the definition as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.

2. Any existing AFS as of the effective date of this Code that does not meet the spacing requirement is deemed conforming; this applies only to AFS that are allowed as a permitted or special use within the district. If a AFS is no longer allowed within a district as of the effective date of this Code, it is nonconforming use.

O. Food Truck Court

In addition to the use standards applied to fixed location food trucks, the following standards shall also apply to food truck courts:

1. Two spaces per food truck are required in addition to the minimum required parking spaces for any other uses permitted on-site.
2. Shared seating areas shall be provided on-site.
3. Restroom facilities shall be provided on-site, or an access agreement shall be obtained for use of existing restrooms within 300 feet on the same side of the street. Temporary or portable facilities are not permitted.
4. Utility hookups must be provided on-site, including water and electricity at minimum.
5. Grease and waste management must be provided on-site, approved by the City of Spring Hill through a waste management system plan.
6. The site layout must maintain at least 10 feet of unobstructed distance between food trucks.
7. Operation plan is required.

P. Gas Station

1. All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 20 feet from interior side and rear lot lines when adjacent to residentially zoned areas.

2. Motor vehicle repair is permitted as part of a gas station when vehicle repair/service – minor is also permitted in the district, and is subject to separate approval. If allowed, repair of vehicles must take place entirely within an approved building and not outdoors. Storage of all merchandise, auto parts, and supplies, including items for sale to the public, must be within an enclosed structure.

3. The ancillary uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use. A car wash bay must be located only in the rear and interior side yard and is subject to the screening standards for a car wash if the rear or interior side lot line abuts a residential district.

4. Where garage doors face a public right-of-way, the doors shall be screened from public view using landscaping, wall or a combination of such treatments.

5. Where feasible, car wash and repair bays must not face a public right-of-way.

Q. Lodge/Meeting Hall

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.

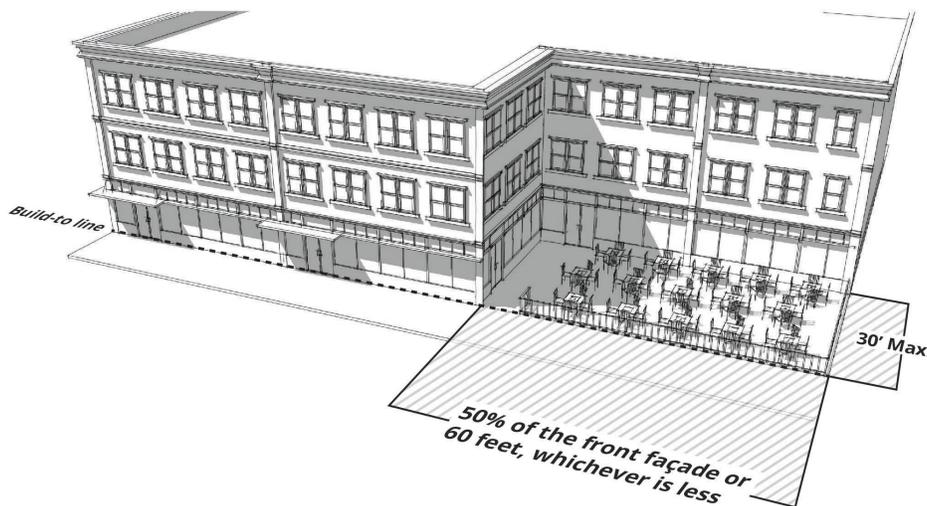
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests.

3. Sleeping facilities are prohibited.
4. Lodges/meeting halls leased or used as reception facilities must comply with the requirements for reception facilities.

R. Outdoor Dining

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant. The addition of outdoor dining to a restaurant impacts the parking calculation, as described in Table 10-2.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
3. Outdoor dining areas must be located on private property. Outdoor dining areas on public property (such as the sidewalk) is not controlled by this UDC; outdoor dining on public property is controlled by separately in the Municipal Code.
4. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining may be setback up to 30 feet from the required build-to line.

OUTDOOR DINING WITH BUILD-TO LINE OR BUILD-TO ZONE



S. Reception Facility

A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.

T. Residential Care Facility

1. Residential care facilities are subject to all Federal, State, and City regulations, and must be licensed.
2. When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.

U. Self-Storage Facility: Indoor and Outdoor

1. Storage units cannot be used for residential occupancy or business purposes.
2. No plumbing connections are permitted in self-storage units.

4. Storing hazardous, flammable, or toxic materials is prohibited.
5. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be independently allowed in the district.
6. The following additional standards apply to indoor self-storage facilities:
 - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units must be accessed from inside the building only.
 - b. All facilities must meet the design standards of the district for the exterior of the building.
 - c. No storage units located on the first floor may be located within the first 50 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
 - d. Loading areas must be located to the interior side or rear of the building.
7. The following additional standards apply to outdoor self-storage facilities:
 - a. Outdoor self-storage facilities shall be oriented so that storage unit access doors do not face the public right-of-way.
 - b. Outdoor self-storage facilities only are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
 - c. No storage of recreational vehicles is allowed within 25 feet of any lot line.
 - d. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall and one evergreen tree every 25 feet; plantings must be placed inside the face of the fence toward the interior of the lot.

V. Sexually-Oriented Business

1. All sexually-oriented businesses must be located a minimum of 1,000 feet from any residential district, day care center, educational facility, place of worship, public park, or cultural facility. This is measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
2. A sexually-oriented business must be located a minimum of 1,000 feet from any other sexually-oriented business. This is measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
3. No sexually-oriented business may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public or private right-of-way or any other property.

W. Solar Farm

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment, including, but not limited to, removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

X. Storage Yard – Outdoor

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
 - a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line, unless more is required elsewhere by this Code. Within that setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall, and one evergreen tree every 20 feet planted linearly; plantings must be placed outside the face of the fence facing the right-of-way.
 - b. Fences or walls along the rear or interior side lot line require the planting of shrubs a minimum of three feet in height at time of planting, planted linearly every three feet on-center along such fence or wall and one evergreen tree every 20 feet planted linearly; plantings must be placed inside the face of the fence toward the interior of the lot.
2. Storage of any kind is prohibited outside the fence or wall.
3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.
4. Outdoor storage areas must be surfaced and graded to drain all surface water.
5. A salvage yard is not an outdoor storage yard. Salvage yards, an establishment where vehicles or other machinery is broken up and the parts saved and processed for resale, are prohibited in the City of Spring Hill.

Y. Vehicle Repair/Service – Major or Minor

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are awaiting service may be stored outdoors.
2. Vehicle repair must take place entirely within an approved building and not outdoors. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height.
4. No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
5. The sale of new or used vehicles is prohibited.
6. No motor vehicles may be stored or parked, and no repair work may be conducted in the public right-of-way.

Z. Wind Energy System

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
3. All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
4. All electrical components of the wind energy system must conform to applicable local, state, and national

codes, and applicable international standards.

- 5.** An engineer's certificate must be completed by a structural engineer, licensed in the State of Tennessee, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
- 6.** Wind turbines must comply with the following design standards:
 - a.** Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
 - b.** Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
 - c.** Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
 - d.** Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
 - e.** On-site transmission and power lines between wind turbines must, to the maximum extent feasible, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
 - f.** Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennas.
 - g.** A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.
- 7.** The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
- 8.** Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- 9.** Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- 10.** All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
- 11.** All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
- 12.** The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the Municipal Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.

13. A shadow flicker study is required, and must be submitted with the application. A wind turbine's shadow flicker must not fall on any existing structure, measured at the nearest external wall or walls, or within the buildable area of an adjacent vacant lot, as defined by current setback requirements.

14. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 consecutive days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

AA. Wireless Telecommunications

The reader should also refer to Table 8-1: Use Matrix for use allowances and processes. To the extent that this ordinance does not address a subject related to small cell communications refer to Tennessee Public Chapter 819 for guidance.

1. Purposes Generally.

- a. The general purpose of this article is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city.
- b. Specifically, the purposes of this article are to:
 - I. Regulate the location of towers and wireless telecommunications facilities in the city;
 - II. Protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities;
 - III. Minimize adverse visual impact of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - IV. Promote and encourage shared use/colocation of towers and wireless antenna support structures as a primary option rather than construction of additional single-use towers and support structures;
 - V. Promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and wireless telecommunications facilities;
 - VI. Avoid potential damage to property caused by towers and wireless telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
 - VII. Ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.

2. Definitions

[The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Accessory equipment means any equipment used to house, protect, serve or being used in conjunction with cell towers, wireless telecommunications, DAS, small cell technology, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures. Accessory equipment for a cell tower is typically contained within an equipment shed located on the ground, while accessory equipment for a small cell or DAS facility may be mounted on a Potential Support Structure (PSS).

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of all types of wireless telecommunications services. This does not include satellite dish antennas.

Applicant means a person or entity with an application before the city for a permit for a tower, wireless telecommunications, or Potential Support Structure (PSS).

Application means a formal request submitted to the city to construct or install a cell tower, Potential Support Structure, antenna, or the wireless telecommunications equipment attached thereto. An application shall be deemed complete when all documents, information, and fees specifically enumerated in the city's regulations, ordinances and forms pertaining to the location, construction or operation of wireless facilities are submitted by the applicant to the city.

Applicable Codes means uniform building, fire, electrical, plumbing, or mechanical codes published by a recognized national code organization and adopted by the City of Spring Hill, as amended.

City-owned PSS means a Potential Support Structure owned or leased by the city in the rights-of-way, including a utility pole that provides lighting or traffic control functions, including light poles, traffic signals, and structures for signage; and (ii) a pole or similar structure owned/leased by the city in the rights-of-way that supports only wireless facilities. City-owned PSS does not include a PSS owned by a distributor of electric power.

City means City of Spring Hill, Tennessee.

Colocate, collocating, and colocation mean, in their respective noun and verb forms, to install, mount, maintain, modify, operate, and/or replace antenna, small wireless facilities, or DAS equipment on a cell tower or Potential Support Structure (PSS). "Colocation" does not include the installation of a new cell tower or Potential Support Structure (PSS), or replacement of a PSS.

Conceal means to enclose a PSS within a natural or manmade feature, resulting in the facility being either invisible or hidden by the feature enclosing it.

Distributed Antenna System (DAS) is a network of spatially separated antenna nodes connected to a common source via fiber optic cable or other transport medium that provides wireless service within a geographic area or structure. A distributed antenna system may be deployed indoors (an iDAS) or outdoors (an oDAS).

Day means calendar day.

Design means the appearance of a Potential Support Structure (PSS) or Wireless Telecommunication, including the structures, materials, colors and shape.

Disguise means to design a Potential Support Structure (PSS) or Wireless Telecommunications to appear to be something other than its conventional or traditional form, achieving a compatible appearance with the surrounding environs.

Equipment compound means an area, cabinet, or shed typically surrounding or adjacent to the base of a tower or typically located on a Potential Support Structure, either above or below ground, within which accessory equipment is located.

Fall zone means the area on the ground within a prescribed radius in all directions from the base of a tower, which is intended as a safety zone from potential falling debris or collapsing material.

Federal Communications Commission (or FCC) means the federal agency charged with licensing and regulating wireless communications at the national level.

Fee means a one-time, non-recurring charge.

Guyed tower means a mount that is anchored to the ground or to another surface by diagonally placed cables with the opportunity for antennas to be attached at the top of and/or along the primary structure.

Height means the distance measured from existing grade to the highest point of a tower or PSS, including any antenna(s).

Lattice tower means a mount with multiple legs and cross-bracing of structural steel with the opportunity for antennas to be attached at the top and/or along the structural support system.

Macrocell means a cell in a [mobile phone](#) network that provides radio coverage served by a high power [cell site](#) (tower, antenna or mast). Generally, macrocells provide coverage larger than [microcell](#). The antennas for macrocells are mounted on ground-based masts, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macrocell base stations have power outputs of typically tens of watts.

Mitigation means the reduction or elimination of visual impacts by the use of one or more methods, including

concealment, camouflage, and/or disguise.

Monopole means a type of mount that is self-supporting with a single shaft of wood, steel or concrete without the use of guyed wires, and with the opportunity for antenna placement at the top of and/or along or within the shaft.

Permittee means an applicant who has been granted a permit.

Potential Support Structure for a small wireless facility or "PSS" means a pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

Provider means an entity offering any personal wireless service. Under this definition, a tower builder does not constitute a provider. A provider licensed by the FCC to offer a personal wireless service is considered a "licensed provider" for purposes of this article.

Right-of-way or ROW means the space, in, upon, above, along, across, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the City or Tennessee Department of Transportation (TDOT), and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the city.

Site means that portion of a specific property or right-of-way where a proposed Potential Support Structure (PSS) is to be placed.

Siting means how the tower or PSS will be placed within a proposed site.

Small cell wireless technology means: (1) individual small cell wireless antennas; or (2) networks of spatially separated small cell wireless antenna nodes connected to a common source via fiber optic transport medium that provides wireless service within a geographic area.

Small cell technology potential support structure means a Potential Support Structure (PSS), designed to support or capable of supporting small cell wireless technology. Means a structure used for the installation of small cell wireless technology or DAS systems in lieu of traditional monopoles, guyed towers and lattice towers. Such structures typically include poles less than 42 feet in height, placed in close proximity to one another and used to supplement wireless communications. Requests for Small Cell and Distributed Antenna System installations shall follow the regulations contained in Section 4: SMALL CELL AND DISTRIBUTED ANTENNA SYSTEMS (DAS) contained herein.

Stealth technology means a method of concealing or reducing the visual impact of small cell technology and/or small cell technology potential support structures by use of incorporating features or design elements of the installation which either totally or partially conceals the structure; achieves the result of having the structure blend into the surrounding environment; or otherwise minimizes the visual impact of the structure.

Telecommunications Tower (Tower) means a structure designed and constructed to support macrocell technology, including one or more wireless telecommunications antennas and including all appurtenant devices attached to it. All new towers must be monopole in design. Towers are generally over 100' in height.

Wireless Facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network.

Wireless Telecommunications means the various technology and equipment hardware used to transmit and receive signals that facilitate wireless telecommunications. These facilities include, but are not limited to, towers, antennas, and support structures, accessory equipment that support macrocell facilities, Distributed Antenna Systems, and small cell facilities.

Wireless services provider means a person who provides wireless services.

3. TELECOMMUNICATION TOWERS - GENERAL SITE DEVELOPMENT REQUIREMENTS:

a. General Regulations.

- I. New telecommunication towers require a special use per Table 8-1.
- II. Telecommunications towers must maintain a galvanized steel finish or, be painted a neutral color, so as to reduce visual obtrusiveness. A requirement to the contrary according to any applicable standards of the Federal Aviation Administration or Federal Communications Commission, shall be followed.
- III. At a tower site, the design of the buildings and related structures must, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities into the natural setting and/or built environment.
- IV. Towers may not be artificially lighted, unless required by the Federal Aviation Administration, Federal Communications Commission or other applicable authority. If lighting is required, it must be done in a way that minimizes the disturbance to surrounding property, including right-of-way.
- V. The perceived environmental effects of radio frequency emissions may not serve as a basis to approve, deny or otherwise regulate a telecommunications tower to the extent that emissions comply with Federal Communications Commission regulations.
- VI. All decisions denying a request to place, construct or modify a telecommunications tower must be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision. Decisions must be made within a reasonable time from the date a completed application is duly filed.
- VII. Each applicant requesting approval of a telecommunications tower must provide to the City of Spring Hill as a part of the application, an inventory of its existing towers that are either within the city or within one-quarter mile of the city boundaries, including information regarding the location, height and design of each tower. The City may share this information with other applicants or with other organizations seeking to locate a telecommunications tower within the city. In sharing this information, the City is not in any way representing or warranting that the sites are available or suitable.
- VIII. The city desires that colocation be the first priority over new towers when considering new telecommunications antenna. Prior to the approval of a new telecommunications tower, all opportunities to pursue and collocate on an existing tower or antenna support structure shall be exhausted.
- IX. No new telecommunication tower may be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence must be submitted at the time of application demonstrating that no existing tower or structure can accommodate the applicant's proposed antenna and may consist of one or more of the following:
 - (A) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - (B) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
 - (C) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable;

or

- (F) There are other limiting factors that render existing towers and structures unsuitable.
- X. The placement of accessory equipment and buildings required to support an otherwise authorized telecommunication tower or antenna is specifically authorized.
- XI. No person, provider, or other entity shall build, erect, or construct a tower upon any parcel of land within any zoning district unless approvals required by this ordinance have been granted and required permits shall have been issued by the City. Application shall be made to the City in the manner provided in this article.
- XII. No new tower shall be built, constructed, or erected in the city unless the tower is capable of supporting another person, provider, or other entities operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower. All new towers shall be designed to accommodate requests for colocation from other wireless providers.
- XIII. An application to develop a new tower shall, in addition to the requirements in Article 13-13.3, Special Use, include:
 - (A) The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated.
 - (B) The legal description, folio number, and address of the parcel of land upon which tower is situated.
 - (C) The names, addresses, telephone numbers, and locations of all owners of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, including city-owned property.
 - (D) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on city-owned towers or usable antenna support structures owned by other persons, located within a one-half mile radius of the proposed tower site.
 - (E) Written technical evidence, in the form of a written statement, from an engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another tower or usable antenna support structures owned by other persons located within one-half mile radius of the proposed tower site.
 - (F) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties.
 - (G) A site plan, drawn to scale, showing the subject site, fall zones, setbacks, accessory equipment compound/shed, vehicle access, fencing, landscaping, adjacent property owners and zoning information.
 - (H) In order to assist city staff in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.
 - (I) The FCC has sole jurisdiction of the field of regulation of RF emissions. The city may not condition or deny a request on the basis of RF impacts the approval of any telecommunications facility (whether mounted on towers or antenna support structures) which meet FCC standards. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.

- XIV. The planning department will cause the application to be presented to and reviewed by other essential city staff, as necessary to determine compliance with these regulations.

b. Site Plan Requirements

- I. All wireless telecommunications towers must be set back no less than the tower height from all existing principal buildings on the lot, measured at the nearest external wall(s), as well as from the external boundaries of the lot upon which the tower is located. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building or lot line.
- II. All Accessory Equipment and Equipment Compounds including accessory structures such as maintenance sheds, must be set back from all property lines in accordance with the minimum setback requirements for the zoning district.
- III. Telecommunications towers and associated equipment must be entirely enclosed by an opaque security fence of at least six feet, and no more than eight feet, in height. Chain link fencing with slats shall not be used. Fencing shall be placed to enclose the base of the tower and equipment compound. A sign shall be mounted on the outside of the compound gate identifying the emergency name and phone number for the company.
- IV. In addition to any other landscaping or buffer requirements that may apply, telecommunications towers must be landscaped with plant material that effectively screens the tower site from adjacent uses. Existing tree growth and natural landforms on-site must be preserved to the maximum extent possible. At a minimum, a landscaped strip ten feet in width must be provided around fencing required in 'III' above.
- V. The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily, but in no case over 150' unless approved by the Board of Zoning Appeals through the special use process. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of special use review.
- VI. Building-mounted antennas in residential zoning districts must be visually screened from view of all abutting lots. Building-mounted antennas in other zoning districts must be screened or designed and installed so as to make the antenna and related equipment as visually unobtrusive as possible.
- VII. Antennas may be located on or in structures permitted within zoning districts, such as water towers, clock towers, streetlights, traffic lights, light poles, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- VIII. No antenna may increase the overall height of any structure on which it is mounted by more than 12 feet.

c. Miscellaneous Regulations

- I. *Signs.* The use of signs shall be minimized to the greatest extent possible. No signs shall be permitted at any Wireless Telecommunications site other than for owner identification with contact phone numbers and for public safety purposes as may be required by federal or state agencies. No single sign shall be larger than four square feet, unless otherwise required.
- II. *Exterior treatment.* All Wireless Telecommunications equipment shelters and public utility buildings that are visible to the public shall be designed and constructed of materials durable materials, including brick, stone, cementous fiber board, so as to be architecturally compatible with the architectural character of the surrounding area.
- III. *Wireless Telecommunications Security barriers.* A security barrier shall be required around the perimeter of any Wireless Telecommunications related equipment shelter, and any anchor points. In the case of a roof-mounted Wireless Telecommunications, a security barrier shall be required to prevent public access to the antenna and exposed equipment. No security barrier shall be required around any structure mounted and related equipment, provided the placement and design precludes

public access to exposed equipment and the antenna array. The provider and/or mount owner shall maintain the security features during the life of the installation. The application shall identify the party to be responsible for maintaining the security barriers.

IV. *Public safety communications interference.* No new or existing Wireless Telecommunications shall interfere with public safety communications. If a potential problem is identified, the city may require applicants for new or modified Wireless Telecommunications to provide a technical evaluation study under the city's direction to identify any potential interference to public safety communications from existing and proposed transmissions and implement corrective solutions to resolve the problem.

V. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this article:

(A) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of 750 feet.

VI. Specific Standards for Wireless Telecommunications Facilities

(A) Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.

(B) Commercial advertising signs are prohibited. Only signs that are part of the equipment as manufactured or warning signs are permitted.

VII. Specific Standards for Wireless Telecommunications Towers

(A) The use of guyed towers and lattice towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.

(B) Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate wireless telecommunications facilities for other telecommunications providers.

(C) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

d. Preexisting Telecommunications Tower.

I. Any Telecommunications Tower approved by the City of Spring Hill prior to adoption of this article shall be deemed a permitted use, subject to the conditions and requirements placed on the approval, and provided that substantial

II. Structures shall also be subject to the provisions of Article 14, Nonconformities.

e. Required Approval Process

Wireless Telecommunications Towers and Antenna are permitted as shown in Table 8-1. When permitted by right, the use shall be subject to administrative site plan approval by the planning department. For uses requiring a special use, the request shall be subject to review and approval by the Board of Zoning Appeals. Approval by the Board of Zoning Appeals shall also serve as and satisfy the requirement for site plan approval. Refer to Section 8.3.Z for Use Standards applicable to Wireless Telecommunication facilities.

Except as may be allowed elsewhere herein, it shall be unlawful for any individual, corporation or provider to erect, construct, place, re-erect, or replace any Telecommunications Tower without making application to the planning department and securing the approval of the city as required. In addition to complying with the performance, technical and development standards of this article, the approval authority may require additional conditions for the issuance of permits in locations where it is deemed necessary to protect and preserve existing land uses in the area. All denials of permits shall be in writing and supported by findings based on the provisions of this article.

- I. *Special land use permit approval criteria.* In reviewing and acting on special land use permit applications for new telecommunication towers, authorized review and decision-making bodies must consider the following factors in addition to the generally applicable special land use permit approval criteria of Section 13.3:
 - (A) Height of the proposed tower;
 - (B) Proximity of the tower to residential structures;
 - (C) Nature of uses on adjacent and nearby properties;
 - (D) Surrounding topography;
 - (E) Surrounding tree cover and foliage;
 - (F) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - (G) Compliance with telecommunication tower regulations of this section.
 - II. Administrative approval through the planning department shall be required for all non-new tower applications. Planning Department review shall be on a form and require the submittal of information as determined by the Planning Director.
 - III. Approval of a special use for a new tower shall expire according to Section 13.3 of the Unified Development Code. Administrative approvals from the planning department shall expire per Section 13.6.H.
 - IV. The regulations of this section apply to all telecommunications towers and antennas.
 - (A) Antennas that are attached or affixed to existing telecommunications towers or other existing structures are permitted as of right in all zoning districts, subject to administrative approval by the planning department, and provided that the antenna does not substantially change the physical dimensions of such structure. Refer to Section b, below. Substantial changes require approval as a Special Use by the Board of Zoning Appeals.
 - (B) Colocation antennas that substantially change the physical dimensions of such structure, require Special Use Permit approval. For the purpose of this section, "substantial change" shall mean:

Increases height by more than ten percent or 10' (right-of-way) or 20' feet (private property), whichever is greater. Appurtenance added protrudes from body of structure more than six (6) feet in width (right-of-way) or 20 feet in width (private property).

 - (1) Involves the installation of cabinets that are not screened from view off-site, or are taller than the existing screening fencing, such as stacked or elevated cabinets.
 - (2) Involves excavation or deployment outside the current "site." "Site" shall be defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements (private property) or the area in proximity to the structure and other transmission equipment already deployed on the ground (right-of-way).
 - (3) For concealed or stealth-designed facilities, if a modification would defeat the concealment elements of the wireless tower or base station.
 - (4) The modification would not comply with other conditions imposed on the applicable wireless tower or base station, unless the non-compliance is due to an increase in height, increase in width, or new excavation that does not exceed the above thresholds.
- f. **Ongoing monitoring; abandonment; relocation.**
The operation of each Telecommunications Tower shall be monitored by the city. Any permitted Telecommunications Tower installation shall satisfy the following requirements:

- I. *Reporting.* On or before January 1 of every fifth year, each provider and authorized tower owner shall file an annual written report to the planning department, minimally outlining the location and status of all Telecommunications Towers in the city. The report shall also disclose the presence of any hazardous materials at the site and compliance with FCC guidelines on radio frequency radiation emissions. The department shall establish in writing minimum reporting standards for the annual report and may require additional information as may be needed to fully assess the status of operations.
- II. *Periodic inspection.* Each provider and tower owner shall conduct an inspection of mounts following completion of construction and at least once every five years thereafter. Upon completion, a statement from a qualified licensed professional engineer shall be provided to the planning and codes department verifying the structural integrity of the mount and identification of all providers operating from the mount. If the report indicates the need for repair, the work shall be accomplished within 60 days from receipt of the report
- III. *Abandonment and removal.* Any Telecommunications Tower and mount that is not operated or used for a continuous period of 18 months shall be considered abandoned. In such cases, the owner shall remove the Telecommunications Tower, including associated mounts, foundation, and equipment, within 90 days after notice from the city. If such Telecommunications Tower is not removed within said 90 days, the city may have the Telecommunications Tower removed at the expense of the owner.

g. Maintenance - Certifications and inspections for Potential Support Structures

- I. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the standards set forth by this Code and federal and state law. For new monopole towers, such certification shall be submitted with an application and every five years thereafter. For existing monopole towers, certifications shall be submitted within 60 days of the effective date of the ordinance from which this article is derived and then every five years thereafter. The owner of the PSS is solely responsible for providing certifications to the City of Spring Hill. The tower owner may be required by the city to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.
- II. The city or its agents shall have authority to enter onto the property upon which a tower is located, between the inspection and certification required in subsection (a) of this section, to inspect the tower for the purpose of determining whether it complies with the building code and all other construction standards provided by this Code and federal and state law.
- III. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the city shall be borne by the tower owner.
- IV. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- V. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- VI. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed maintenance and construction personnel.
- VII. All towers shall maintain compliance with current RF emission standards of the FCC.
- VIII. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.
- IX. Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

(A) Nonconformities

- I. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower it must be processed as a new application.
- II. Colocation of an antenna on an existing nonconforming tower is permitted as a by right, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

4. SMALL CELL AND DISTRIBUTED ANTENNA SYSTEMS (DAS)

Purpose. In accordance with Tennessee Code Annotated §13-24-401, et seq, known as "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018," the purpose of this chapter is to establish policies and procedures for the placement of small wireless facilities in the public rights-of-way within the city's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city's rights-of-way and to the city as a whole.

a. Intent. In enacting this chapter, the city is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:

- I. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- II. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- III. Prevent interference with the facilities and operations of facilities lawfully located in public rights-of-way or public property;
- IV. Protect against environmental damage, including damage to trees;
- V. Preserve the character of the neighborhoods in which facilities are installed;
- VI. Facilitate rapid deployment of small wireless facilities to provide the benefits of advanced wireless services.

b. Approval Process, Application

All applications for the installation of a new antenna(s) on an existing pole or new poles shall first be submitted to the City of Spring Hill, Planning Department for review and approval. The application shall be made on forms provided by the department and according to the application requirements set forth.

- I. **Permit required.** No person may construct, install, and/or operate wireless facilities that occupy the right-of-way without first obtaining authorization from the city. Any proposed use of the right-of-way shall be reviewed, issued and administered in a non-discriminatory manner, shall be subject to such reasonable conditions as the city may from time to time establish for effective management of the right-of-way, and otherwise shall conform to the requirements of this chapter and applicable law.
- II. **Permit applications.** All applications for use of the right-of-way filed pursuant to this chapter shall be on a form, paper or electronic, provided by the city. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- III. **Application requirements.** The application shall be made by the wireless provider or its duly authorized representative and shall contain the following:
 - (A) The applicant's name, business name, address, telephone number, and e-mail address;
 - (B) The names, addresses, telephone numbers, and e-mail addresses of all consultants, contractors and subcontractors, if any, acting on behalf of the applicant with respect to the filing of the application or who may be involved in doing any work on behalf of the applicant;

- (C) A site plan for each proposed location with a diagram or engineering drawing depicting the design for installation of the small wireless facility with sufficient detail for the City to determine that the design of the installation and any new PSS or any modification of a PSS is consistent with all generally applicable safety and design requirements, including the requirements of the Manual on Uniform Traffic Control Devices.
 - (D) The location of the site(s), including the latitudinal and longitudinal coordinates of the specific location(s) of the site;
 - (E) Location of all PSS and ownership within a 50' radius of the proposed site;
 - (F) Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party;
 - (G) The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight-bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.
 - (H) Provide a statement that all wireless facilities shall comply with all applicable codes.
- IV. **Approval or Denial of Application; Response Time.** The City responds to the applications for permit per the timelines prescribed in T.C.A. Section 13-24-409(b) regarding the approval or denial of applications, and the City shall respond to applications per the specific requirements of T.C.A. Section 13-24-409(b)(3). The City reserves the right to require a surcharge as indicated in T.C.A. Section 13-24-409(b)(7)(F)(i) for high-volume applicants.
- V. **Deployment after Permit.** An applicant must complete installation of the applicant's wireless facilities within nine (9) months of approval of applications for the wireless facilities unless the City and the applicant agree to extend the period, or a delay is caused by a lack of commercial power or communications transport facilities to the site. If an applicant fails to complete deployment within the time required pursuant to this subsection (h), then the City may require that the applicant complete a new application and pay an application fee.
- VI. **Multiple Permit Applications at Same Location.** If the City receives multiple applications seeking to deploy or collocate wireless facilities at the same location in an incompatible manner, then the City may deny the later filed application.
- c. **Design and Development Standards**

If a distributed antenna systems (DAS) is installed and entirely enclosed within a principal building, the requirements of this Code do not apply. Otherwise, unless written to the contrary, the following regulations are intended to apply as practicable to the installation of both small cell and Distributed Antenna Systems.

Placement on existing building roofs or ground mount structures and reconfiguration of existing light standards/poles (with no increase in height) is preferred to the installation of a new ground mount.

- I. All equipment must be mounted/co-located on existing poles or other existing support structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public.
- II. An applicant seeking installation of these wireless systems must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, collocation structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

- III. All pole-mounted distributed antenna systems must be installed at a minimum height of nine feet above the ground. Equipment may be housed in a cabinet at ground level only with the approval of the City as to location and with appropriate screening.
- IV. Distributed antenna systems may not extend more than seven feet above the height of the existing pole or other structure on which it is installed.
- V. Where distributed antenna systems are placed in residential districts, every effort must be made to avoid placement at right of way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the City has the right to require screening or impose other design mitigation requirements.
- VI. The City may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant must supply an explanation in writing as to why the suggested alternative location will materially compromise the functioning of the system or is otherwise impractical.
- VII. **PSS.** Potential Support Structures shall be consistent in material and color with city standards for support structures in public rights-of-way, as determined by the public works department. Whenever practicable, a PSS shall not be placed in a curb lawn between the road and sidewalk. A PSS shall maintain a minimum 2' separation from a sidewalk, multi-use trail or similar facility.
- VIII. Placement of roof-mounted PSS on commercial, industrial, or institutional buildings with flat roofs is acceptable, provided such placement does not extend above the maximum height limit in the applicable zoning district.
- IX. **Disguise techniques.** To the greatest extent possible, PSS should be concealed within existing structures, camouflaged within the immediate surroundings, or placed on inconspicuous ground mounts that are compatible with nearby poles in the right-of-way or on the property.
- X. **Color/exterior appearance.** A PSS should be painted with durable colors that are compatible with the immediate surroundings, or complementary with natural features (including trees and sky). Wiring and other cabling shall be internally contained within the mounts and equipment and not directly visible. Exterior and side mounted antennas array shall not extend more than 24 inches from the surface of the mounting structure.
- XI. **Height.** The maximum height of any PSS should be consistent with the height of legally conforming pole structures in the immediate area and no greater than 42 feet without Board of Zoning Appeals approval. Roof-mounted PSS shall not extend more than ten feet above the roof surface of the building or above the maximum building height of the zoning district.
- XII. **Equipment cabinet/shelter.** A PSS equipment cabinet/shelter must be fully screened from public visibility at the time of installation. Unobtrusive pole mounts are acceptable if they do not project more than three (3) feet from the pole. The preferred method is through use of underground vaults. If this option is not practical or feasible, such equipment may be placed in adjoining wooded areas or screened through a combination of substantial landscaping, earthen berms, walls, fences, etc. The city may waive such screening requirements in locations that are not normally accessible or visible to the public.
- XIII. **Bridge and/or Overpass Special Provision.** If the Applicant's site plan includes any colocation design that includes attachment of any facility or structure to a bridge or overpass, then the applicant must designate a safety contact. After the Applicant's construction is complete, the Applicant shall provide to the safety contact a licensed professional engineer's certification that the construction is consistent with the applicant's approved design, that the bridge or overpass maintains the same structural integrity as before the construction and installation process, and that during the construction and installation process neither the Applicant nor its contractors have discovered evidence of damage to or deterioration of the bridge or overpass that compromises its structural integrity. If such evidence is discovered during construction, then the Applicant shall provide notice of the evidence to the safety contact. Written approval from the bridge owner is required.

- XIV. **Information updates.** Except as otherwise provided herein, any amendment to information contained in a permit application shall be submitted in writing to the city within 30 days after the change necessitating the amendment.
- XV. **Application fees.** Unless otherwise provided by law, all permit application for the small wireless facility pursuant to this chapter shall be accompanied by a fee in accordance with T.C.A. 13-24-407.
- d. The following additional requirements shall apply to the installation of *small cell technologies and Distributed Antenna Systems in the right-of-way*.
- I. Any small cell technology in a city right-of-way shall be co-located on the property of a utility, or other franchisee, legally existing in the public right-of-way, unless the applicant can demonstrate that no colocation opportunities exist.
 - II. In applying for a request to install a new Potential Support Structure (pole) the review process, including timelines, shall be in accordance with any applicable state and federal law. In reviewing the application, the planning department shall have the authority to assess the location(s) applied for and condition the approval on reasonably alleviating certain aesthetic and safety concerns of the request.
 - III. In applying for a request to install a new Potential Support Structure the review process, including timelines, shall be in accordance with 47 U.S.C. § 332(c)(7) of the Federal Telecommunications Act, and the FCC rules interpreting same, as well as the consideration of the following factors by the planning department to determine if the administrative variance is appropriate:
 - (A) Demonstrated need for the small cell technologies within the geographic area requested in order to deliver adequate service.
 - (B) Proof that all colocation sites in the area of need are/were pursued and have been denied; or that there does not exist the ability to co-locate using existing structures. The applicant must demonstrate all actions taken to achieve colocation.
 - (C) The character of the area in which the small cell technology Potential Support Structure is requested, including evidence of surrounding properties and uses.
 - (D) Stealth technology, if any, proposed to be utilized by the applicant, or proof that stealth technology is either unnecessary or cannot be used.
 - (E) Proof that the proposed small cell technology Potential Support Structure is the minimal physical installation which will achieve the applicant's goals.
 - (F) The safety and aesthetic impact of any proposed small cell technology Potential Support Structure; related accessory equipment; and/or equipment compound.
- e. **Facilities in the ROW;** maximum height; other requirements.
- I. *Aesthetic Plan.* Unless otherwise determined by city staff, in an attempt to blend into the built environment, all small wireless facilities, new or modified utility poles, PSS for the colocation of small wireless facilities, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area, subject to following requirements:
 - (A) When unable to match the design and color of existing utility poles in the immediate area small wireless facilities and/or new PSS shall be designed using stealth or camouflaging techniques, to make the installation as minimally intrusive as possible including stealth poles that are black or dark green in color, powder-coated steel and that do not exceed 16 inches in diameter. The city reserves the right to require a streetlight on the utility pole utilized for PSS. New wooden PSS shall be strictly prohibited.
 - (B) New small wireless facilities, antennas, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area of the proposed facilities and equipment, minimizing the physical and visual impact to the community.
 - II. All permanent power used to operate the PSS shall be via underground connection to a permanent power source. Portable generators may be utilized on a temporary basis for a period not to exceed

30 days.

- III. *Historic preservation.* For applications within 300 feet of a recognized historic property, the applicant must consider the impact facilities may have on the historic property and make reasonable efforts to minimize or avoid such impacts.
- IV. *Replacing an existing City-owned PSS.* City-owned PSS may be replaced for the colocation of small wireless facilities. When replacing a PSS, any replacement PSS must reasonably conform to the design aesthetics of the PSS being replaced and must continue to be capable of performing the same function in a comparable manner as it performed prior to replacement.
 - (A) When replacing a City-owned PSS, the replacement PSS becomes the property of the City, subject to T.C.A. 13-24-408(g).
 - (B) The city reserves the right to require a streetlight on the new PSS pole.
- V. *Construction in the rights-of-way.* All construction, installation, maintenance, and operation of wireless facilities in the right-of-way by any wireless provider shall conform to the requirements of the following publications, as from time to time amended: The Rules of Tennessee Department of Transportation Right-of-Way Division, the National Electrical Code, and the National Electrical Safety Code, as might apply.
- VI. *Maximum Height.* A new PSS installed, or an existing PSS replaced in the ROW shall not exceed the greater of:
 - (A) Ten feet (10') in height above the tallest existing PSS in place as of the effective date of this part that is located within five hundred feet (500') of the new PSS in the ROW and, in residential neighborhoods, the tallest existing PSS that is located within five hundred feet (500') of the new PSS and is also located within the same residential neighborhood as the new PSS in the ROW;
 - (B) Fifty feet (50') above ground level; or
 - (C) For a PSS installed in a residential neighborhood, forty feet (40') above ground level.
- VII. *Maximum Height for Small wireless facilities.* Small wireless facilities shall not extend:
 - (A) More than ten feet (10') above an existing PSS in place as of the effective date of this part; or
 - (B) On a new PSS, ten feet (10') above the height permitted for a new PSS under this section.

f. Maintenance, Relocation and Abandonment

- I. *Notice.* Within 90 days following written notice from the city, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-way whenever the city has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the rights-of-way. The city agrees to use good faith efforts to accommodate any such disconnection, removal, relocation, change, or alteration and to assist with identifying and securing a mutually agreed upon alternative location.
- II. *Maintenance of existing facilities.* With respect to each wireless facility installed pursuant to a right-of-way use permit, permittee is hereby permitted to enter the right-of-way at any time to conduct repairs, maintenance or replacement not substantially changing the physical dimension of the wireless facility. Permittee shall comply with all rules, standards and restrictions applied by the city to all work within the right-of-way. If required by city, permittee shall submit a "maintenance of traffic" plan for any work resulting in significant blockage of the right-of-way. However, no excavation or work of any kind may be performed without a permit, except in the event of an emergency. In the event of emergency, permittee shall attempt to provide advance written or oral notice to the City of Spring Hill, Public Works Department.

- III. *Removal of existing facilities.* If the permittee removes any wireless facilities, it shall notify the city of such change prior to removal.
- IV. *Damage to facilities or property.* A permittee, including any contractor or subcontractor working for a permittee, shall avoid damage to any wireless facilities and/or public or private property. If any wireless facilities and/or public or private property are damaged by permittee, including any contractor or subcontractor working for permittee, the permittee shall promptly commence such repair and restore such property within ten business days. Permittee shall utilize the Tennessee One Call System prior to any disturbance of the rights-of-way and shall adhere to all other requirements of the Tennessee Underground Utility Damage Prevention Act.
- V. *Emergency removal or relocation of facilities.* The city retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any serious public health or safety emergency. If circumstances permit, the city shall notify the wireless provider in writing and provide the wireless provider a reasonable opportunity to move its own wireless facilities prior to cutting or removing a wireless facility and shall notify the wireless provider after cutting or removing a wireless facility. Any removal shall be at the wireless providers sole cost. Should the wireless facility be collocate on property owned by a third-party, the city shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal.
- VI. *Abandonment of facilities.* Upon abandonment of a small wireless facility within the rights-of-way of the city, the wireless provider shall notify the city within 90 days. Following receipt of such notice the city may direct the wireless provider to remove all or any portion of the small wireless facility, above and below ground, if the city determines that such removal will be in the best interest of the public health, safety and welfare. Should the wireless facility be collocate on property owned by a third-party, the city shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal. Any removal shall be at the wireless providers sole cost. Notify the City 90 days before abandonment.
- VII. Failure to remove wireless facilities pursuant to this Code will result in no future permits being granted.
- VIII. If the PSS is to be removed the property owner shall contact the planning department to schedule the removal and any applicable inspections.
- IX. Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.
- X. Pre-existing Potential Support Structure
- (A) *Previously authorized PSS.* Any PSS approved by the City of Spring Hill prior to adoption of this article shall be deemed a permitted use, subject to the conditions and requirements placed on the approval, and provided that substantial construction of the PSS has begun within 12 months of approval.
- (B) *Nonauthorized PSS.* Any PSS installed or collocated without a permit after the adoption of this article shall be considered in violation of the provisions herein and the provider and/or facility owner shall be subject to appropriate legal action to ensure removal of the PSS and to prevent the continued operation of the unauthorized PSS. Any PSS either located at an unauthorized site or collocated at a legally authorized PSS site without the Board of Zoning Appeals approval prior to adoption of this article shall be considered in violation of the provisions herein and shall not be allowed to remain in operation unless a valid permit is obtained from the city within six months after adoption of this article. The issuance of a permit for any such PSS shall be in accordance with the provisions of this article. If the PSS is not brought into compliance within the six month time limit, then in addition to any penalties which may be imposed for violation of this article, the provider and/or facility owner shall be subject to appropriate legal action to ensure removal of the PSS and to prevent the continued operation of the unauthorized PSS.
- (C) *Repair/rehabilitation of existing PSS.* If a legally authorized PSS is damaged or destroyed due to any reason, it may be repaired and restored to its former use, location and physical dimensions upon issuance of a building permit. In no event shall a provider and/or facility owner upgrade or expand any PSS without submission of a new application for a permit that is in full

compliance with this article.

- (D) *Colocation of PSS on nonconforming structure.* The colocation of a new PSS on a legal nonconforming structure shall be allowed if the provider obtains a permit for the new PSS pursuant to the provisions set forth in this article.
- (E) Structures shall also be subject to the provisions of Article 14, Nonconformities. (*Ord. 19-28,9/16/19*)

8.4 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property. All temporary uses require a temporary use permit unless specifically cited as exempt by this section or are required to obtain a license per the City Code. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

A. Farmers' Market

1. The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers' market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.

Parking

The following are the parking standards for the farmers' markets, which apply unless contradicted by or in conflict with the parking standards found in article 10:

- a. Two (2) parking spaces consisting of no less than 9' by 18' in size shall be required per vendor stall.
- b. Delivery trucks shall not occupy more than one parking space. Delivery trucks shall only be parked on the premises during set up, operation and teardown.
- c. No ADA parking spaces, or ADA ramps shall be blocked by the operation of the market.
- d. All parking must occur in designated. No parking will occur on unapproved parking services, such as, but not limited to; parking islands, medians, common open spaces, parkland.

Signage

Proposed signage must adhere to the sign standards found in Article 12. Signage must be permitted prior to installation.

Management Plan

A management plan must be submitted to the planning department between 30-90 days prior to the first scheduled event. The management plan is required as part of the temporary use permit application that demonstrates the following:

- a. The on-site presence of a representative of the farmers' market during hours of operation who directs the operations of vendors participating in the market.
- b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
- c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site. Ingress and egress points must be at least 25' in width and must be contiguous to the subject property.
- d. Provision for waste removal.
- e. The days and hours of internal operation, including vendor set-up and take-down times.
- f. Any tents used require separate approval as required by building and fire codes.

- e. Food Trucks may not exceed the ration of 10 vendors to 1 food truck.

Traffic Circulation

The farmers' market shall not cause undue traffic congestion or accidental potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls, and is subject to the following:

- a. All sidewalks shall be left open for pedestrian traffic.
- b. No alleys, driveways, fire lanes or other access points shall be blocked by the farmers' market.

B. Food Trucks

I. Fixed Location

1. Fixed location food trucks are allowed in the following locations:
 - a. On vacant private property;
 - b. On private property with a permanent business, provided that the parking requirements for all businesses are met on-site; or
 - c. Within a food truck court (see Section 8.3- Food Truck Court).
2. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the permit application.
3. Fixed location food trucks shall be licensed and inspected by the Health Department.
4. No storage or accessory structures are permitted outside the food truck.
5. When not deployed, a food truck may be parked at its commissary or in an appropriately zoned area.
6. No amplified music is allowed.
7. No freestanding signs are allowed.
8. On-site refuse collection is required, and the permit holder must keep the area clear of litter and debris at all times. Recycling options are encouraged.
9. The food truck must remain on wheels and mobile at all times.
10. Permit approval is valid for 1 year, provided the food truck is operational for at least five days per week, after which time the permit for a fixed location food truck shall be renewed.

II. Food Truck, Mobile

1. All mobile food trucks must be properly licensed by the health department.
2. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
3. On-site refuse collection is required and the permit holder must keep the area clear of litter and debris at all times. Recycling options are encouraged.
4. Outdoor seating may be provided on the site, but no seating may be permanently installed.
5. A permanent water or wastewater connection is prohibited.

6. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
7. Drive-through service is prohibited.
8. No storage or accessory structures are permitted outside the food truck.
9. Permit approval is valid for 1 year, after which time the permit for a fixed location food truck shall be renewed.

C. Real Estate Project Sales Office/Model Unit

The following applies to temporary sales offices and model units. If the development maintains a permanent sales office or model unit, which are permitted as part of a residential development, such must be indicated on the site plan for the development.

1. A real estate sales office/model unit(s) is allowed for a residential development. Multiple model units are allowed in a multi-family building or a residential subdivision of 15 or more units.
2. No real estate sales office/model unit(s) may be located off-site, outside of the subject planned unit development, or within a different development.
3. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development. The unit must be converted as stated in item 5 below.
4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.
5. A certificate of occupancy will not be issued for the residential occupancy of the model unit until it is fully converted to the dwelling type it represents, including converting garage space back to parking areas, and has been inspected by the City.
6. A manufactured home may be used as a temporary sales office on-site. Such manufactured home must be landscaped as follows:
 - a. Surrounding the perimeter of the manufactured home must be a seven foot landscape yard adjacent to the skirting, excluding the entryway.
 - b. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center.
 - c. The remainder of the perimeter yard must landscaped with live groundcover. Stones or mulch may on be used for a maximum of 30% of the total area.

D. Temporary Contractor's Office and Contractor's Yard

1. A temporary contractor's office is allowed incidental to a construction project.
2. The temporary use permit is valid for a six month period and is renewable for six successive periods at the same location. If applicable building permits expire, the temporary use permit automatically expires and the office and yard must be removed.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.
4. A contractor's yard is permitted on or adjacent to any construction demolition and can only be used during the life of the construction project.

E. Temporary Outdoor Entertainment

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during the event.
 - b. General layout of performance areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - c. Provision for waste removal and for recycling, if available.
 - d. The days and hours of operation, including set-up and take-down times.
 - e. A description of crowd control, emergency response services, and security measures.
 - f. A lighting plan describing all temporary lighting to be installed.
 - g. Sign plan.
2. Any temporary structures must be removed within three days of conclusion of the event.
3. Events are limited to four events per calendar year and a maximum duration of five days per event, with a minimum of 30 days between events. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
 - a. A temporary use permit for a carnival or circus is valid for a period of four events per calendar year no more than 21 days per event, with a minimum of 30 days between events.
4. Any tents used require separate approval as required by the building or fire codes.

F. Temporary Outdoor Sales

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
 - b. General layout of vendor stalls, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.
 - c. Provision for waste removal and for recycling, if available.
 - d. The days and hours of operation, including vendor set-up and take-down times.
 - e. A lighting plan describing all temporary lighting to be installed.
2. Any temporary structures must be removed within three days of conclusion of the event.
3. Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of five days per event. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:
 - a. A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 45 days. There is no minimum time between events.
 - b. A portion of a parking area may be used for temporary outdoor sales on a temporary basis for a maximum of 30 days no more than two times in a calendar year, in terms of both display structure and goods

displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for the temporary outdoor sales and display.

4. No sales and display area is permitted in any public right-of-way.
5. Any tents used require separate approval as required by the building or fire codes.

G. Temporary Outdoor Storage Container

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed fourteen days with no temporary use permit. If a longer time period is required, a temporary use permit is required.
2. Temporary storage containers may not be used for permanent storage or habitation. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.
3. Temporary storage containers cannot be placed in the public right-of-way or placed on a lot to block ingress/egress or impede right-of-way traffic.
4. Temporary storage containers for residential uses may be placed in a driveway only but cannot block the right-of-way, including sidewalks. Temporary storage containers may only be placed on a paved surface.

8.5 USE DEFINITIONS

All uses within Table 8-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

Agriculture. Land and associated structures used to grow crops and/or raise livestock for sale, personal food production, donation, and/or educational purposes. The agriculture use includes single-family dwellings and any accessory dwellings that are ancillary to the principal activity of agriculture.

Alternative Correctional Facility. A facility for adults or minors that is required by the courts as an alternative to incarceration, also referred to as community correctional centers.

Amusement Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

Amusement Facility - Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

Animal Care Facility – Large Animal. An establishment that provides care for large animals, such as horses and cattle, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence. Animal care facilities do not include animal kennels/breeders.

Animal Care Facility – Small Animal. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities do not include animal kennels/breeders.

Animal Kennel/Breeder. An establishment where dogs over six months of age are boarded, bred, raised, and trained for commercial gain. Animal kennel/breeder does not include animal care facilities or shelter and training facilities for canine or equine units of public safety agencies.

Art Gallery. An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

Arts Studio. An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes.

Bar. An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use.

Bed and Breakfast. A single-family residential dwelling, which may include an accessory dwelling unit, where a resident/owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares meals for guests. A bed and breakfast may include dining facilities.

Body Modification Establishment. An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Campground. Land used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters.

Car Wash. An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

Cemetery. Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

Children's Home. An institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them, or minors housed as an alternative to incarceration. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Community Center. A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. A community center may serve as a local "food hub" where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

Community Garden. The cultivation of fruits, flowers, vegetables, or ornamental plants by one or more persons, households, or organizations. Community gardens may include apiaries, aquaculture, and chicken coops, but do not include the raising of any livestock or the use of heavy machinery.

Conservation Area. Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

Contractor's Yard. A facility used for the outdoor storage, repair or maintenance of a contractor's vehicles, equipment or materials commonly used in the individual contractor's type of business, and may include the contractor's business office.

Country Club. An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which may have indoor and/or outdoor recreation facilities, restaurants and bars, meeting rooms, and similar uses.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses. Cultural facilities may host public or private events, and may rent their facilities for such events.

Day Care Center. A facility where, for a portion of a 24 hour day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.

Domestic Violence Shelter. A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety of services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

Drive-Through Facility. That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility must be approved separately as a principal use when in conjunction with another principal use such as restaurants and financial institutions. A standalone ATM is considered a drive-through facility for the purposes of this definition.

Drug/Alcohol Treatment Facility, Residential. A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Dwelling - Above the Ground Floor. Dwelling units located within a single multi-story building located above non-residential uses on the ground floor or to the rear non-residential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, non-residential uses must front on the primary street frontage.

Dwelling - Accessory Dwelling Unit. An additional dwelling unit associated with and incidental to a principal single-family dwelling on the same lot. An accessory dwelling unit must include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit may be within or attached to the principal dwelling unit structure or within a detached accessory structure, such as a garage, and designed so that the appearance of the principal structure and the lot remains that of a single-family residence.

Dwelling - Manufactured Home. A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory-built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction.

Dwelling - Multi-Family. A residential structure containing four or more dwelling units within a structure on a single lot. A multi-family dwelling does not include a two-family, three-family, or townhouse dwelling.

Dwelling - Townhouse. A residential development consisting of three or more dwelling units, where each dwelling unit is connected by a party wall with a separate exterior entrance and yard areas, and where each individual townhouse dwelling unit within a townhouse development is located on a separate lot or created under a condominium form of ownership for each unit. A townhouse dwelling does not include a two-family, three-family, or multi-family dwelling.

Dwelling - Single-Family - Detached. A structure containing only one dwelling unit on a single lot.

Dwelling - Three-Family. A structure containing three dwelling units on a single lot.

Dwelling - Two-Family. A structure containing two dwelling units on a single lot.

Educational Facility - Primary or Secondary. A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

Educational Facility - University or College. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

Educational Facility - Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.

Farmers Market. Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables,

or ornamental plants, and other locally produced farm and food products, including value-added products and arts and crafts, directly to consumers from farmers or vendors that have taken such items on consignment for retail sale.

Financial Institution. A bank, savings and loan, credit union, or mortgage office.

Financial Institution, Alternative. An alternative financial service (AFS) is a financial service provided outside a traditional banking institution. AFS includes payday loans, tax refund anticipation loans, car title loans, check cashing establishments, and currency exchanges.

Food Bank. A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

Food Pantry. A non-profit organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be part of a place of worship, social service center, homeless shelter, and women's shelter.

Food Truck. A titled and registered motor vehicle, or a food trailer towed by another vehicle, designed and equipped to store and prepare food and/or beverages directly to consumers. It does not include wholesale food distributors.

Food Truck Court. A dedicated area where at least 2 or more food trucks are allowed to operate and serve food.

Funeral Home. An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station. An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, and solar and/or electric charging stations.

Golf Course/Driving Range. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

Government Office/Facility. Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices do not include public safety or public works facilities.

Greenhouse/Nursery - Retail. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

Group Home. A group care facility, operated on a for-profit basis, in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision, including drug and alcohol rehabilitation (excluding medical detoxification). Group home does not include persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness. For the purposes of zoning law in Tennessee, the classification "single family dwelling" includes any home in which eight or fewer unrelated persons with disabilities reside, and may include three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home.

Halfway House. A residential facility for persons who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to society.

Heavy Retail, Rental, and Service. Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include: large-scale home improvement centers with outdoor storage, display, and rental components; lumberyards; recreational vehicle dealerships; truck rental establishments; services that require warehousing of materials and supplies for such service; and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

Healthcare Facility/Institution. Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

Homeless Shelter. A facility that provides temporary shelter to the homeless in general. Homeless shelters may distinguish populations served by age and/or gender.

Hotel. A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

Industrial - General. Manufacturing from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

Industrial - Light. Research and development activities, and the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

Industrial Design. An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but may not mass manufacture products from the premises.

Live Entertainment - Secondary Use. A live performance, performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As a secondary use, the other principal use operating on the site must be open to public during hours when no performance is scheduled. Live entertainment - secondary use is approved separately as a principal use. Live entertainment - secondary use does not include:

1. Sexually-oriented business.
2. Live performance venue.
3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.
4. Incidental entertainment, which is defined as background music provided at a bar or restaurant.

Live Performance Venue. A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use.

Lodge/Meeting Hall. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Manufactured Home Park. A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

Medical/Dental Office. Facilities for primary health services and medical, dental, psychological, or surgical care. Medical/dental offices may be in-patient or out-patient, and may include related facilities such as laboratories, dormitories, pharmacies, or educational facilities. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Micro-Brewery. A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Brewery facilities that exceed this capacity are considered light industrial uses. If a district allows both restaurants and micro-breweries, such uses may be combined into one establishment.

Micro-Distillery. A facility for the production and packaging of alcoholic spirits in quantities not to exceed 12,000 proof gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Distillery facilities that exceed this capacity are considered light industrial uses. If a district allows both restaurants and micro-distilleries, such uses may be combined into one establishment.

Micro-Winery. A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons or 5,000 cases, whichever is greater, per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Wineries that exceed this capacity are considered light industrial uses. If a district allows both restaurants and micro-wineries, such uses may be combined into one establishment.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office/facility, or industrial design.

Outdoor Dining. A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

Parking Lot. An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

Parking Structure. A structure of two or more levels or floors used for the parking or storage of operable vehicles, whether for compensation or at no charge. A roofed structure of one level of parking is also considered a parking structure.

Personal Service Establishment. An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. Establishments that offer lessons and private classes are considered art and fitness studios.

Place of Worship. A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction.

Public Facilities. A building, site, or structure used or intended to be used by any public utility or public agency, including but not limited to any gas treatment plant, reservoir, tank, or other storage facility; water treatment facility, well, reservoir, tank, or other storage facility; sanitary sewer treatment facility; electric generating plant, distribution, or transmission substation; telephone switching or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles; any parking lot for parking vehicles or automobiles to serve a public utility; public works yard or facility; and police and fire protection.

Public Park. A facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor facilities, including zoos and amphitheaters, ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

Real Estate Project Sales Office/Model Unit. A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential

development and/or sales or rental offices for dwellings within the development.

Reception Facility. A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Recreational Vehicle (RV) Park. Land used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

Research and Development. A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

Residential Care Facility. A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facility does not include a residential drug/alcohol treatment facility. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

Restaurant. An establishment where food and drinks are provided to the public for on-premises consumption by seated patrons or for carry-out service.

Retail Goods Establishment. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishment do not include specialty food service.

Retail Liquor Store. An establishment, which requires a license under the provisions of Tennessee Code Annotated, title 57, chapter 3, part 2, to sell liquor, as well as wine and beer.

Self-Storage Facility: Enclosed. A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. These activities fall under the use "heavy retail, rental, and service", which is not considered an ancillary use, but is considered a separate use in Table 8-1, Use Matrix. (*Ord. 19-09*)

Self-Storage Facility: Outdoor. A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. These activities fall under the use "heavy retail, rental, and service", which is not considered an ancillary use, but is considered a separate use in Table 8-1, Use Matrix. (*Ord. 19-09*)

Sexually-Oriented Business. Any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, adult arcade, adult cabaret, adult motel, adult motion picture theater, dual purpose business, escort agency, or exotic dance service as defined in this section.

1. Adult Bookstore, Adult Novelty Store, or Adult Video Store. A commercial establishment that devotes 30% or more of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

2. Adult Arcade. A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show films, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

3. Adult Cabaret. A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of semi-nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.

4. Adult Motion Picture Theater. A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

5. Adult Motel. A motel or similar business establishment that rents, leases, or lets any room for less than a 10 hour period, or rents, leases or lets any single room more than twice in a 24 hour period.

6. Escort Agency. A person or business association who, whether on or off the licensed premises, furnishes, offers to furnish, or advertises to furnish escorts, as defined herein, for compensation.

7. Exotic Dance Service. Any business or person who provides exotic dancers to perform at a private residence, business or other location (other than an adult cabaret).

8. The following definitions describe the sexually-oriented activities contained within the general definitions for the above sexually-oriented business:

a. Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

b. Specified Anatomical Area. Less than completely and opaquely covered human genitals, anus, and the female breast areola or nipple, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

c. Specified Sexual Activities. Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely or opaquely covered.

Social Service Center. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar Farm. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Specialty Food Service. A business that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheese monger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

Storage Yard - Outdoor. The storage of material outdoors as a principal use of land for more than 24 hours.

Temporary Contractor Office and Contractor Yard. A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary Outdoor Entertainment. A temporary live entertainment event, such as the performance of live music,

revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

Temporary Outdoor Sales. Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container. Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

Vehicle Dealership. An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service. A vehicle dealership – with outdoor storage/display displays vehicles for sale or lease outside a completely enclosed structure.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Rental. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

Vehicle Repair - Major. A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.

Vehicle Repair – Minor. A business the provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Code regardless of the level of repair service.

Warehouse. An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Wholesale Establishment. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy System. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Winery. An agricultural processing plant used for the commercial purpose of processing grapes, or other fruit products or vegetables, to produce wine. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations. A winery is a second principal use on a lot, and requires separate permission, if located on a lot in agricultural use that is growing grapes.

Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. **Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennas.

- f.** Facility. A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.
 - g.** Tower. A structure designed and constructed to support one or more wireless telecommunications antennas and including all appurtenant devices attached to it.
- 4. Distributed Antenna System.** A wireless communications network with multiple spatially separated antenna nodes and related equipment mounted on existing infrastructure, typically power, light, and/or telephone poles, all connected to a common source via fiber optic cable or other transport medium, which provides enhanced coverage within a geographic area.

ARTICLE 9. ON-SITE DEVELOPMENT STANDARDS

- 9.1 GENERAL REQUIREMENTS**
- 9.2 EXTERIOR LIGHTING**
- 9.3 ACCESSORY STRUCTURES AND USES**
- 9.4 PERMITTED ENCROACHMENTS**
- 9.5 ENVIRONMENTAL PERFORMANCE STANDARDS**

9.1 GENERAL REQUIREMENTS**A. Applicability of Bulk Requirements**

1. All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variance or planned unit development is approved.
2. Any residential lot that is not connected to the Spring Hill sanitary sewer system must meet the minimum lot size required by the regulating authority.
3. All non-residential lots must be connected to the Spring Hill sanitary sewer system. Use of individual sewage disposal systems/septic tanks is prohibited.

B. Applicability of Required Setbacks

No lot may be reduced in area so that the setbacks are less than required by this Code. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Code or a variance is approved. This section does not apply when a portion of a lot is acquired for a public purpose.

C. Number of Structures on a Lot

1. There must be no more than one principal building per lot on any lot used for a single-family, two-family, or three-family dwelling. This does not include permitted accessory structures, permitted accessory dwelling units, or ancillary agricultural structures. In all other cases, more than one principal building is permitted on a lot, provided that it complies with all dimensional standards of the district.
2. The following exception to the above restriction applies. A manufactured home may be temporarily permitted with a temporary use permit as a second dwelling upon a lot of record. The Board of Zoning Appeals may allow the temporary use of a mobile home as a second dwelling so long as the Board of Zoning Appeals, in a public meeting, determines that:
 - a. The use is of a temporary nature that meets one of the following:
 - i. The use is of a temporary nature resulting from the destruction of the primary dwelling due to fire, explosion, or act of nature is permitted for a period of one year, unless the permit is reviewed and extended for an additional period not to exceed one additional year by the Board of Zoning Appeals prior to the expiration of the initial period.
 - ii. The use is of a temporary nature resulting from the sickness or disability of the individual(s) residing within the primary dwelling provided that a written statement from a physician certifying that the specific illness or disability requires assistance from someone in close proximity. The temporary use permit may be initially issued for a period of one year. The permit may be extended for an additional year at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the illness or disability. The temporary use permit will be revoked and the structure removed immediately upon expiration of the permit or upon a change in the condition under which such permit was issued.
 - b. The manufactured home must be positioned upon the lot so that:
 - i. The manufactured home is located in the rear yard only.
 - ii. No part of the manufactured home is located within 15 feet of the primary dwelling or any detached garage located upon the lot.

c. The manufactured home is served by all utilities in the manner required by the various adopted plumbing, building, electrical, and, where appropriate, gas codes and that connection to these systems will be accomplished prior to any use or occupancy of the structure.

d. In exercising its authority under the provisions of this section, the Board of Zoning Appeals may provide such other stipulations and conditions, specifically including time limits, for such use, as it may find necessary to assure compliance with these regulations and with the intended temporary nature of any use permitted hereunder.

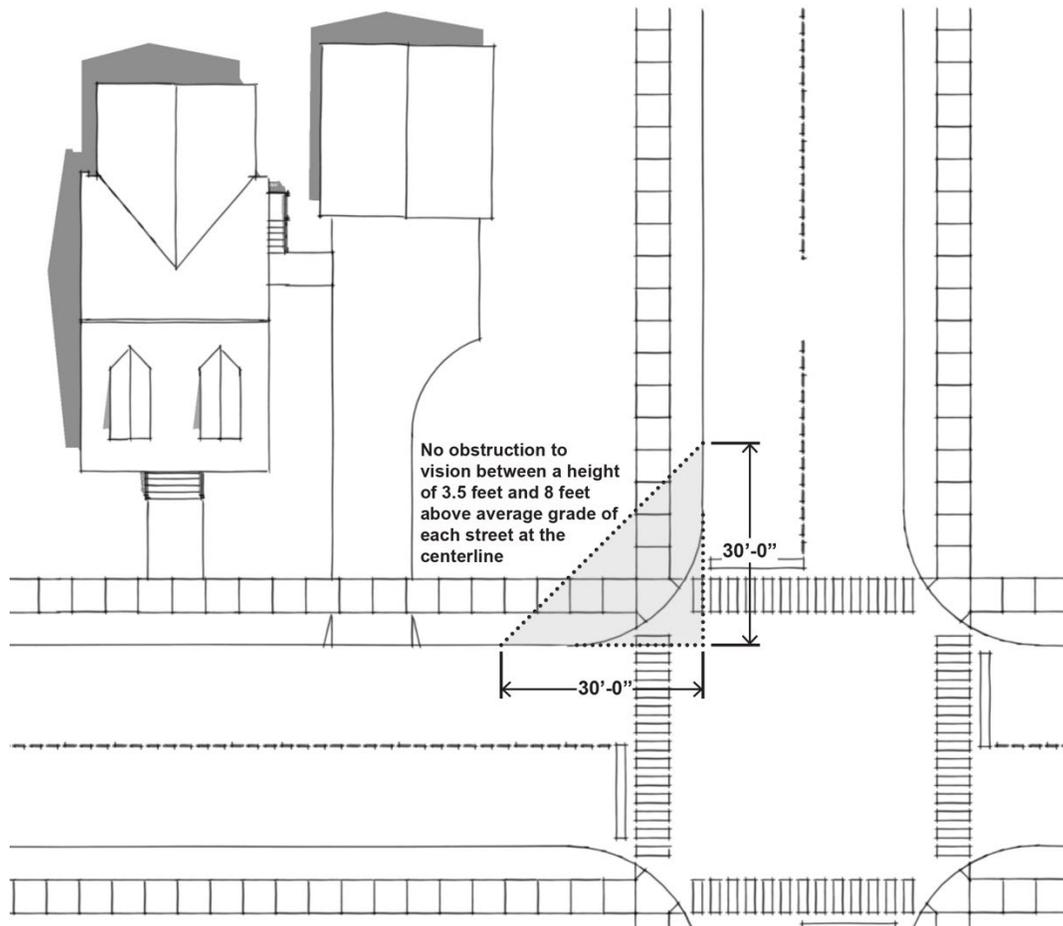
D. All Activities within an Enclosed Structure

All activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.
2. Public park, conservation areas, community garden, golf course/driving range, and similar open space uses.
3. Establishments that typically require an outdoor component, including, but not limited to: agriculture, outdoor amusement facility, outdoor storage yard, heavy retail, rental, and service, greenhouse/nursery – retail, outdoor dining, car wash, animal care facility, animal kennel/breeder, light and general industrial, and similar uses where outdoor functions are typical, to be determined by the Planning Director. Any use may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.
4. Permitted accessory outdoor storage, and outdoor sales and display areas.
5. Permitted outdoor temporary uses.

E. Sight Triangle

In all districts on a corner lot, the site triangle is located at the intersection of two streets. The site triangle is measured on a corner lot from 30 feet back at the point of intersection of the two streets measured along the curb line or edge of pavement where no curbs are present. There must be no obstruction to vision between a height of 3.5 feet and a height of eight feet above the average grade of each street. This section does not apply to any necessary retaining wall

SIGHT TRIANGLE**9.2 EXTERIOR LIGHTING**

The following exterior lighting requirements apply to lighting on private property.

A. Lighting Plan Required

1. A lighting plan is required for all commercial (non-residential and mixed-use), multi-family, and townhouse developments. Single-family, two-family, and three-family developments are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
 - a. A plan showing all light poles, building-mounted lights, bollard lights, and any other lighting.
 - b. Specifications for luminaires and lamp types, and poles, including photographs or drawings of proposed light fixtures.
 - c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
 - d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
 - e. Photometric plans showing footcandle readings every 25 feet within the lot or site that the fixtures will produce on the ground (photometric analysis), and at ten feet beyond the lot lines at a scale specified on

the site plan. An iso-footcandle contour line style plan is also acceptable. The photometric plan shall address the minimum, maximum, and average foot-candle lighting levels, maximum-to-minimum ratio, and also indicate the light level at the property line.

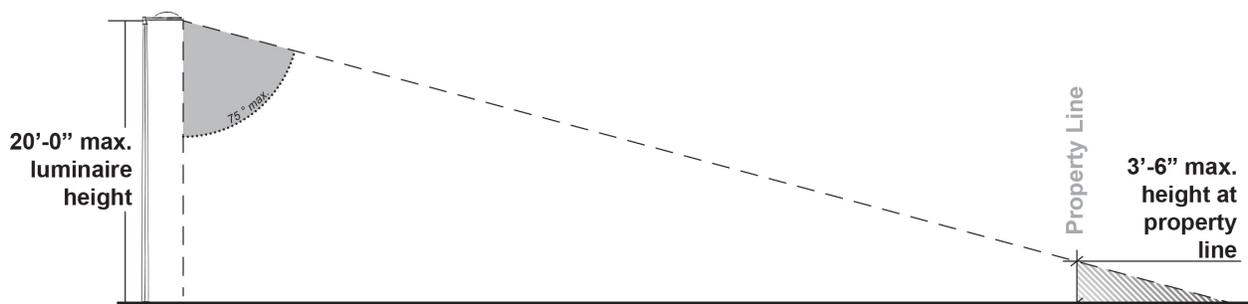
B. Maximum Lighting Regulations

1. The maximum allowable footcandle at any lot line is as follows:
 - a. Any use abutting a residential use: Zero footcandles.
 - b. Where a nonresidential use abuts a nonresidential use: One footcandle.
 - c. Any use at the lot line abutting a street, as measured at the curb line: One footcandle.
2. When additional security lighting is required that exceeds the lot line light trespass standards imposed by item 1 above, stronger lighting may be allowed based on evidence for the need for additional security during lighting plan review.
3. No glare onto adjacent properties is permitted.

C. Permitted Lighting

1. All lighting must be of the cut off luminaire design. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
2. The maximum total height of a cut off luminaire, either freestanding, wall-mounted, or attached to a structure, is 20 feet.
3. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 foot above the ground at any point along an abutting lot line.

CUT-OFF LUMINAIRE



D. Exceptions to Lighting Standards

1. Public roadway illumination is not subject to the requirements of this section.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to the requirements of this section.
3. Holiday and seasonal lighting is not subject to the requirements of this section.
4. Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of such lighting is required as part of the temporary use permit.
5. Park and common open space lighting must conform to the following:
 - a. Light fixtures in municipal parks, pocket parks, common open spaces, and athletic fields must employ full cutoff fixtures or fixtures designed to direct light downward.

- b. Where it is established that there is a need for some uplighting, such as a baseball park, “sharp cutoff” fixture, where beam control of the light output is part of the light fixture, must be used.
- c. Lighting is discouraged on undeveloped open space and passive recreation areas. Any lighting installed on open space lands must be pedestrian-scale with preference for bollard-style lighting.
- d. No outdoor recreational facility, public or private, may be illuminated after 11:00pm except to conclude any recreational or sporting event or other activity conducted at the facility in progress prior to 11:00pm.
- e. Lighting for all outdoor recreational facilities requires site plan review and will be reviewed on a case-by-case basis. New sports lighting systems must be furnished with glare control. Lighting fixtures must be mounted or installed and aimed so that the illumination falls within the primary playing field and immediate surroundings so that no direct light illumination is directed off site.

E. Prohibited Permanent Lighting

- 1. Semi-cut off or non-cut off luminaires.
- 2. Flickering or flashing lights are prohibited.
- 3. Searchlights, laser source lights, or any similar high intensity lights are prohibited.
- 4. Lighting by exposed bulbs is prohibited (may be used as part of a temporary use).
- 5. Any lighting that may be confused with emergency services, such as red and blue lighting, and any lighting that may be confused with traffic signals, such as red, yellow, and green lighting.
- 6. Mercury vapor lighting.
- 7. Unshielded LED rope lighting.

9.3 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this section and may be subject to the permitted encroachment requirements of Section 9.4. Additional accessory structures not regulated in this section may be regulated in Section 9.4.

A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

- 1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
- 2. All accessory structures require a building permit unless the City’s adopted building codes exempt such structures.
- 3. Only those accessory structures permitted by this section and Section 9.4 are permitted in required setbacks, as set in the district standards. Certain accessory structures may also be prohibited in certain yards.
 - a. The use of the term “yard” refers to the area between the applicable building line and lot line. The distinction is made because certain principal buildings may not be built at the district setback line, thereby creating a yard larger than the minimum setback dimension.
 - b. If a structure is permitted within a yard, it is permitted within the required setback but may be subject to additional limitations.
 - c. Unless otherwise specifically permitted by the Code, accessory structures are prohibited in a front setback or yard.
- 4. The maximum height of any detached accessory structure is 12 feet in all districts except for the AG, R-A, R-R, and R-1 Districts where the maximum height of any detached accessory structure is 20 feet. This height limitation

may be further increased or restricted by this Code. This does not apply to accessory structures for an active agricultural use, which are limited to the maximum height of the district with the exception of silos, which are not limited in height.

5. Detached accessory structures, including those listed in this section and Section 9.4, must be setback a minimum of five feet from any lot line unless otherwise permitted or restricted by this Code. However, in the case of a through lot, a ten foot setback is required from the front and rear lot line unless otherwise permitted or restricted by this Code.

6. Detached accessory structures are included in and must comply with all maximum impervious surface and building coverage requirements. This does not apply to accessory structures for an active agricultural use, which are not limited in coverage.

7. The footprint of a detached accessory structure cannot exceed the footprint of the principal building. This does not apply to accessory structures for an active agricultural use, which are not limited in size.

8. No accessory structure, with the exception of fencing, is permitted to be located on any utility and/or access easement. If an accessory structure is located on a utility easement and repair or replacement of the utility is needed, the cost of removing the accessory building is the responsibility of the owner of the structure. The City or utility is not responsible for the replacement of such structure.

9. An agricultural use that includes raising of chickens, keeping of bees, or keeping/raising of livestock are not considered accessory structures or uses, and are not subject to these standards. Such uses may be subject to standards within the Municipal Code.

B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria set forth in Section 9.5 are permitted only in the rear yard. Towers are limited to the maximum building height of the applicable district plus an additional ten feet. If a taller tower is technically necessary to engage successfully in amateur radio communications, special use approval is required (item 4).

2. All towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements, no less than 100% of the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.

3. Antennas may also be building-mounted and are limited to a maximum height of ten feet above the structure. If a taller antenna is technically necessary to engage successfully in amateur radio communications, special use approval is required (item 3).

4. An antenna or tower that is proposed to exceed the height limitations requires approval as a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 9.5. As part of the application, the applicant must submit a site plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and the distance from principal buildings on abutting lots.

5. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent lots or from the public right-of-way.

6. Any such antennas and/or towers owned or operated by the City are exempt from these requirements.

C. Apiary

1. Apiaries are permitted only in the rear yard and must be located ten feet from any lot line and the principal building.

2. All bee colonies must be kept in a removable frame hive, which must be kept in sound and usable condition.

3. Where any colony is located within 25 feet of a lot line, as measured from the nearest point on the hive to the lot line, the beekeeper must establish and maintain a flyway barrier at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line and extends ten feet beyond the colony in each

direction so that bees are forced to fly at an elevation of at least six feet above ground level over abutting lots. When located more than 25 feet from a lot line, such barrier is not required.

4. Each beekeeper must provide a convenient source of water available to the bees at all times.
5. When a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.
6. Apiaries do not require a building permit.

D. Aquaculture/Aquaponics

1. Aquaculture/aquaponics facilities are permitted only in the rear yard and must be located ten feet from any lot line.
2. All aquaculture/aquaponics operations must be located within fully or partially enclosed structures designed for holding and rearing fish, and contain adequate space and shade.
3. Aquaculture/aquaponics facilities do not require a building permit, unless they are constructed in conjunction with an accessory structure permitted by this Code which does require a permit.

E. Book Exchange Box

1. Only one book exchange box is allowed per lot.
2. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot be constructed in a manner that obstructs visibility of intersections.
3. Boxes are prohibited in the public right-of-way.
4. Each box must be designed and constructed in such a manner that its contents are protected from the elements. All media must be fully contained within a weatherproof enclosure that is integral to the structure.
5. Boxes are limited to a maximum height of six feet, measured to the highest point on the structure, and a maximum width and depth of three feet.
6. Boxes are permitted only in the front yard or corner side yard, and must be located a minimum of five feet from any lot line.
7. Temporary foundations comprised of concrete or masonry pavers or other similar movable materials may be utilized. A single metal or wooden posts set in concrete for pedestal-mounted boxes or to provide additional stability to ground-mounted boxes is permitted. Permanent foundations, such as concrete slab, are prohibited.
8. Book exchange boxes do not require a building permit.

F. Carport

1. Carports must be located over a driveway and must be located ten feet from any lot line.
2. A carport is permitted only in the interior side yard, corner side yard, or rear yard.
3. The height of a carport is limited to 14 feet.
4. A carport must be entirely open on at least two sides.
5. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.

G. Chicken Coops

The keeping of chickens is regulated by Section 10-102 of the Municipal Code.

H. Cold frame Structures

1. Cold frame structures up to three feet in height are permitted only in the interior side, corner side, and rear yards.
2. Cold frame structures over three feet in height are permitted only in the rear yard.
3. Cold frame structures are limited to a maximum square footage of 60 square feet and a maximum height of six feet. However, in the R-A and R-R Districts, cold frame structures are permitted a maximum square footage of 120 square feet.

I. Electric Vehicle Charging Station

The following standards apply to electric vehicle charging stations located on private property.

1. Public electric vehicle charging stations are permitted as an accessory use within any principal or ancillary parking lot or parking structure, or gas station.
2. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwelling(s) located on that property.
3. Electric charging station equipment may not be located in the public right-of-way.
4. Each public charging station space must be posted and painted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if tow away provisions are to enforced by the owner of the property. Information identifying voltage and amperage levels and/or safety information must be posted.
5. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

J. Fences and Walls

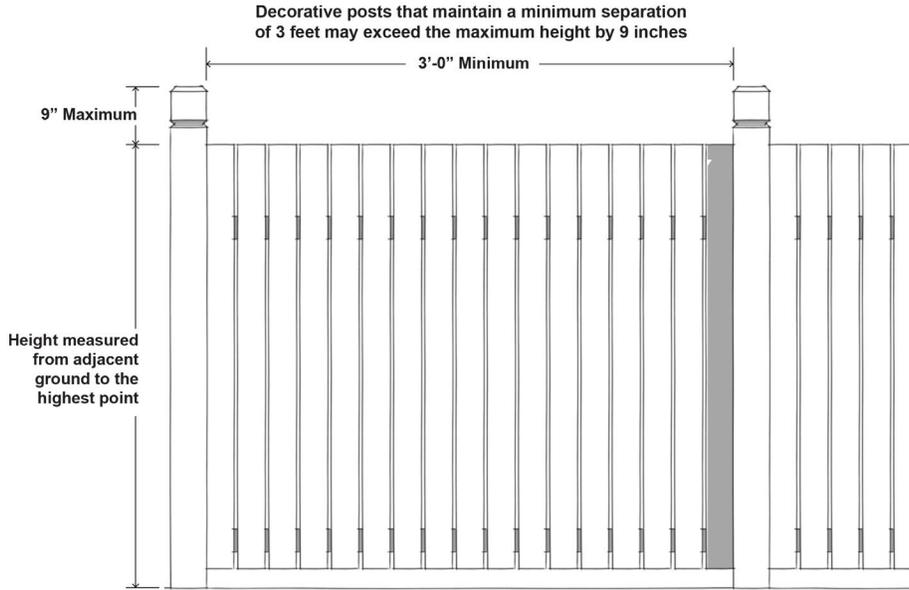
1. General Requirements

- a. All fences and walls above 36 inches in height, including new construction and reconstruction, require a fence permit. Fences and walls 36 inches or less in height, including new construction and reconstruction, do not require a permit.
- b. Height is measured from the adjacent ground to the highest point. Decorative posts on a fence or wall that maintain a minimum separation of three feet may exceed the maximum allowed height by nine inches.
- c. Every fence and wall must be maintained in a good repair and safe condition at all times. Every damaged or missing element must be repaired, removed, or replaced.
- d. When additional fence and wall requirements are found in the use standards of Article 8 or the landscape standards of Article 11, such requirements control.
- e. The following materials are prohibited in the construction of fences and walls:
 - i. Scrap metal
 - ii. Corrugated metal
 - iii. Sheet metal
 - iv. Electrical fences, unless used as part of livestock enclosures
 - v. Razor wire
 - vi. Used or repurposed material
 - vii. Chain link in non-residential districts, unless vinyl-coated

f. When only one side of a fence is finished, the finished side of the fence must face away from the lot on which it is located. This does not apply when abutting lots place fencing back to back along the lot line where the separation between the fences is five feet or less.

g. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located. No setback from the lot line is required.

GENERAL FENCE DESIGN STANDARDS

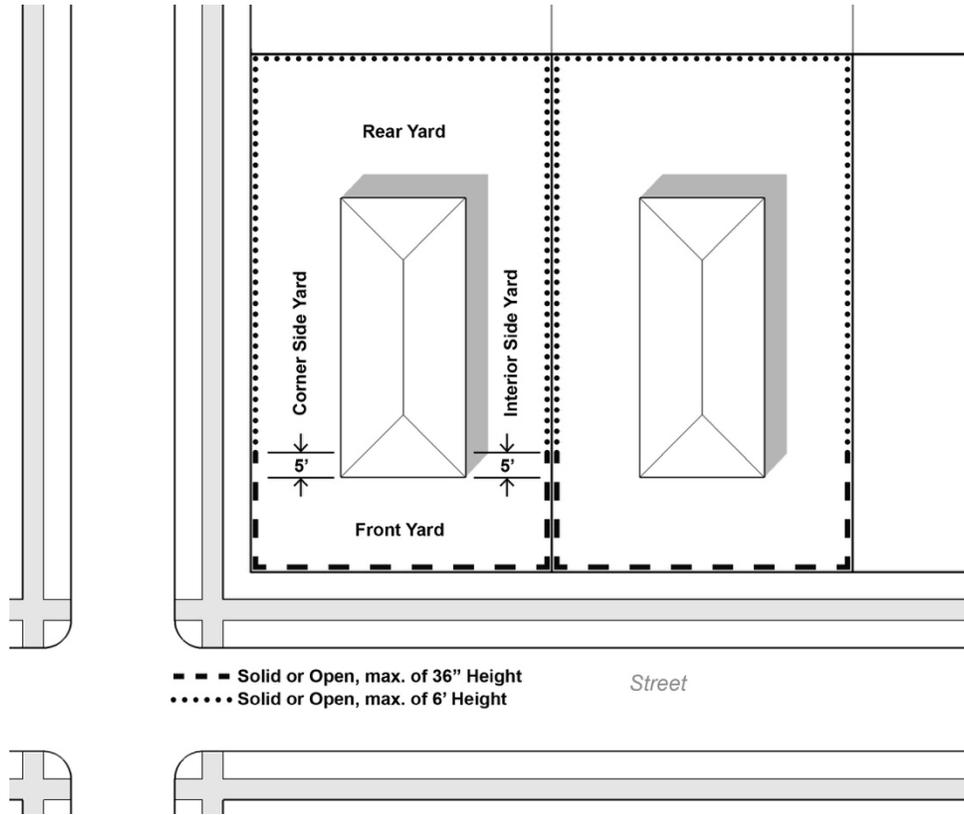


2. Heights of Fences and Walls

a. Fence and Wall Height in Residential Districts

- i. From five feet behind the front building line to the front lot line, fences and walls are limited to 36 inches.
- ii. In the interior side or corner side yards, fences may be six feet in height from a point five feet behind the front building line to the rear of the lot.
- iii. In the rear yard, a fence or wall is permitted up to a maximum height of six feet.

PERMITTED FENCE HEIGHTS IN RESIDENTIAL DISTRICTS



b. Fence and Wall Height in Non-Residential Districts

- i. Fences are prohibited in the front and corner side yards.
- ii. In all other areas, a fence of any type, wall, or hedge is permitted up to a maximum height of six feet.

3. Fence Height for Public Recreation Areas

Public recreation areas may be enclosed along their boundaries (i.e., all yards) with an open fence up to ten feet in height. Such uses should be fenced in accordance with national standards for such uses, which may exceed the heights and allow placement in all yards required by this Code. Backstops are also exempt.

4. Barbed Wire and Chicken Wire Fences

Barbed wire fences are permitted only on a lot used for a utility in any district, or in the I-2 and AG Districts. The use of single-strand barbed wire is encouraged. Razor wire is prohibited. Chicken wire fences are only permitted in the AG Districts. Fences must be a minimum of seven feet in height.

5. Corral Fences

Corral fences are defined as a fence designed and constructed with posts and two to four rails to contain animals. Corral fences are limited to a maximum height of five feet and are permitted in any yard where animals are contained. Wire is allowed on the inside of such fences.

K. Flagpoles

- 1. Flagpoles are limited to the maximum of three poles.
- 2. In the AG District and all residential districts, flagpoles are limited to a maximum height of 40 feet, as measured from the base to the top of the pole.
- 3. In the C-4, C-5, C-G, RD, and IC Districts, flagpoles are limited to a maximum height of 50 feet, as measured from the base to the top of the pole.

4. In all other non-residential districts, the height of flagpoles may not exceed the maximum allowable building height for the zoning district, as measured from the base to the top of the pole.
5. Flagpoles must be setback a minimum of five feet from any lot line.
6. External illumination of flags is permitted but must be focused on the flagpole and flag.

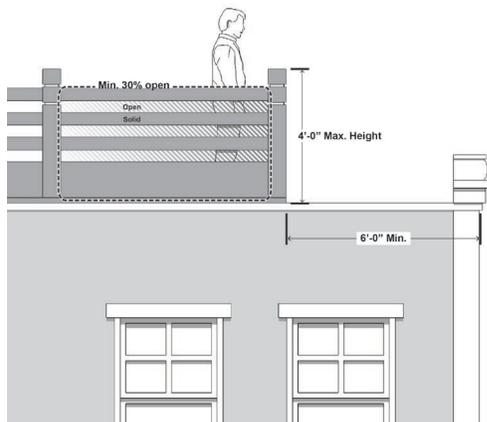
L. Flat Roof Features

Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater detention systems are permitted below the parapet of any flat roof building, and are excluded from the calculation of maximum building height. Flat roof features must meet the following standards:

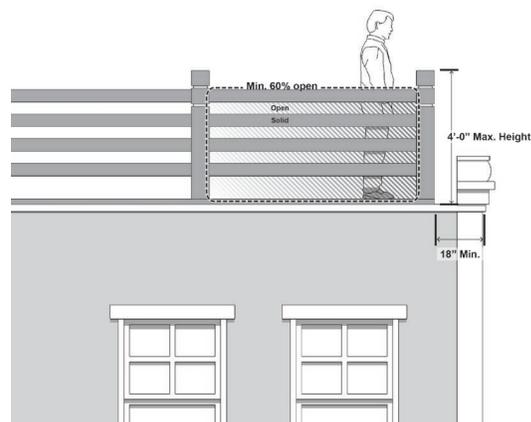
1. For green roofs, rooftop gardens, and similar features, documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water. For green roofs, this must also indicate an adequate soil depth will be provided for plants to survive.
2. Rooftop decks or patios must be set back six feet from all building edges of single-family, two-family, three-family and townhouse buildings. For multi-family, mixed-use, and nonresidential buildings, rooftop decks or patios must be set back 18 inches from all building edges.
3. For single-family, two-family, three-family and townhouse buildings, rooftop decks or patios must have a guardrail or barrier that is minimum of 30% open and a maximum of four feet in height as measured from the surface of the roof deck or patio.
4. Multi-family, mixed-use and nonresidential buildings must have a guardrail or barrier that is a minimum of 60% open design, and a maximum of four feet in height as measured from the surface of the roof deck or patio. If such guardrail or barrier is constructed of transparent acrylic or similar transparent material, it may exceed the maximum height by no more than one foot.
5. The roof must contain sufficient space for future building operation installations, such as mechanical equipment.

ROOFTOP DECKS

SINGLE-FAMILY, TWO-FAMILY, THREE-FAMILY, & TOWNHOUSE DWELLINGS



MULTI-FAMILY, MIXED-USE AND NONRESIDENTIAL



M. Single-Family Garage, Detached

1. One detached garage is permitted per lot for a single-family dwelling. There is no limit on the number of detached garages for two-family, three-family, multi-family, and townhouse developments.
2. A detached garage may be up to 15 feet in height, with the exception of the AG, R-A, R-R, and R-1 Districts where the maximum height of a detached garage may be up to 20 feet. Detached garages are encouraged to match the pitch of the roof of the principal dwelling.
3. The area above vehicle parking spaces in a detached garage may not contain a cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.
4. Detached garages are permitted only in the rear, interior side, and corner side yards. Detached garages must be set back a minimum of ten feet from the front building façade line. This façade line does not include architectural features, such as bay windows, or porches.
5. Detached garages must be set back a minimum of 20 feet from the lot line where access to the garage is taken.

N. Home Occupation

1. The home occupation must be conducted by an individual permanently residing within the dwelling. Only residents of the dwelling may be employed in the home occupation.
2. Signs that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are limited to one identification sign not exceeding four square feet in area. The sign may be wall-mounted or freestanding. A freestanding sign is limited to five feet in height and must be setback five feet from any lot line.
3. The home occupation and all related activity, including storage, must be conducted completely within the principal building. No home occupation may be conducted in any accessory structure.
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site.
5. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
6. The home occupation must not create any traffic hazards or nuisances in public rights-of-way.
7. Alterations to the residence that would alter the residential character of the dwelling are prohibited.
8. Visitors, including but not limited to customer or clients, to the home occupation are permitted provided visitors must utilize existing off-street parking serving the residence within which the home occupation resides. Neither visitors nor residents of the premises may park any vehicle on the street during operation of the home occupation. Visitors shall only visit the location of the home occupation between the hours of 9:00a.m. to 6:00 p.m. (*Ord. 19-09*)
9. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
10. Repair and service of any vehicles, lawn care equipment, or any heavy machinery are prohibited as a home occupation.
11. Staging and/or storage of tractor trailers, semi-trucks, or heavy equipment, such as landscape or construction equipment used in a commercial business, is prohibited. No staging of employees, including parking of employee vehicles, for work off the premises is permitted at any time.
12. Day care homes are not considered a home occupation and are regulated separately by this Code as a principal use (Article 8).

O. Livestock

Chicken coops, apiaries, and aquaponic/aquaculture facilities are regulated separately. These standards do not apply to agricultural uses. These standards do not apply to livestock kept as part of a public safety facility, such as police dogs or horses for mounted police.

1. Keeping of livestock, including the required livestock enclosures, is permitted as an accessory use in the R-A District only and on lots of two acres or more.
2. Roofed livestock structures are prohibited in the required front or corner side yard.
3. Roofed livestock structures must be located 35 feet from any lot line. Fenced enclosures, whether attached or unattached to the roofed structure, must be located 20 feet from any lot line.
4. The maximum number of livestock permitted on a lot is calculated as one acre per animal. The standards are cumulative requirements; for example, in order to keep three horses, a minimum of three acres of lot area is required. However, in all cases, a minimum lot area of two acres is required to keep any livestock.
5. All livestock structures and enclosures must be designed to ensure the health and well being of the animals, including protection from predators, the elements, and inclement weather.
6. All livestock must be kept to prevent any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property.
7. The following ancillary activities are permitted as part of keeping horses and other equine specifically:
 - a. Riding lessons
 - b. Boarding horses
 - c. Therapeutic riding

P. Mechanical Equipment

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment. These provisions do not apply to ground-mounted telecommunication or electrical utilities.

1. Ground-Mounted Equipment

- a. Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front as of the effective date of this Code, the equipment may remain and may be repaired and maintained unless it is replaced in its entirety, or the principal structure is demolished. Screening of such equipment is required through landscape, so such equipment is not visible from the public right-of-way.
- b. Mechanical equipment is permitted only in the corner side, interior side, or rear yard.
- c. No mechanical equipment of any type may be placed within a dedicated public utility and drainage easement (PUDE). This requirement applies only within PUDEs where buried public infrastructure including drainage or utility improvements have been constructed. (*Ord. 19-09*)

2. Roof-Mounted Equipment

Roof-mounted equipment must be screened from view from all sides of the building. A parapet wall is required to screen the equipment on all four sides of the building. Alternatively, the equipment may be housed in a penthouse structure of the same principal building material as the structure and architecturally integrated with the structure.

Q. Outdoor Sales and Display (Ancillary)

1. Retail goods establishments, heavy retail, rental, and service establishments, and vehicle dealerships are permitted to have accessory outdoor sales and display of merchandise.
2. Outdoor sales and display of goods not offered for sale by the establishment is prohibited.

3. Any outdoor sales and display must be located on the same lot as the principal use. Outdoor sales and display cannot block any means of ingress/egress or be located so that it obstructs pedestrian or vehicular traffic. When located in a pedestrian way, it cannot violate any ADA requirements.
4. No outdoor sales and display is permitted in the public right-of-way. No parking area may be used as outdoor sales and display.
5. Outdoor sales and display is prohibited in any required front, interior side, or corner side setback.
6. All outdoor sales and display of vehicles for vehicle dealerships must comply with the parking lot perimeter landscape requirements of Article 10.

R. Outdoor Storage (Ancillary)

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail, rental, and service, vehicle dealerships, vehicle rentals, vehicle operations facility, vehicle repair/service, minor or major, and light and general industrial. The Planning Director can also render an interpretation that a use not listed in this section would typically have outdoor storage and allow such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

1. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic. No required parking area may be used as an outdoor storage.
2. Outdoor storage is prohibited in any required front, interior side, or corner side setback.
3. All manufacturing, assembly, or repair activity must take place inside an enclosed building. This does not apply to industrial uses that are typically conducted outdoors or have an outdoor component, however such storage must be located behind the principal building.

S. Dumpsters and Recycling Containers

These standards do not apply to lots under construction for residential or non-residential uses except as provided. (Ord. 19-09).

1. Dumpsters and recycling containers are prohibited in the required front or corner side setback. No dumpsters or recycling containers may be located on any public right-of-way.
2. All dumpsters and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure must be gated with a gate that is latchable or lockable. Such construction requires a building permit.
3. All dumpsters and recycling containers must have a cover/lid.
4. Existing properties, as of the effective date of this Code, whose dumpsters and recycling containers are not required to be enclosed, are exempt from this section unless the site is being redeveloped, or the existing building or parking lot is being expanded.
5. Residential and non-residential construction sites must manage construction debris and waste associated with construction. Roll-off containers and dumpsters may be utilized by a contractor for the disposal of construction debris and waste. Roll-off containers or dumpsters shall not be placed within a public street. (Ord 19-09)

T. Satellite Dish Antennas

1. Requirements – All Satellite Dish Antennas

- a. Satellite dish antennas do not require a building permit.
- b. Satellite dish antennas must be permanently installed and cannot be mounted on a portable or movable structure.
- c. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- d. Cables and lines serving ground-mounted satellite dish antennas must be located underground.

- e. Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.
- f. All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
- g. Antennas no longer in use must be immediately removed upon disconnection from the service provider.
- h. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

2. Additional Requirements for Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

- a. Ground-mounted large satellite dish antennas are permitted only in the rear yard, and must be set back a ten feet from all lot lines.
- b. Roof-mounting is permitted only in the non-residential districts and must be setback six feet from the building walls.
- c. The overall height of a ground-mounted large satellite dish antenna, measured from the ground to the highest point of the dish, cannot exceed 12 feet.
- d. A ground-mounted large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be, a minimum of five feet tall at the time of installation.

U. Solar Panels (Private)

1. General Requirements

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted Systems

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. No solar panels may be mounted on the front façade, including any part of the roof.
- c. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- d. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Solar panels mounted on a building wall may project up to 2.5 feet from the building façade and must be integrated into the structure as an architectural feature.

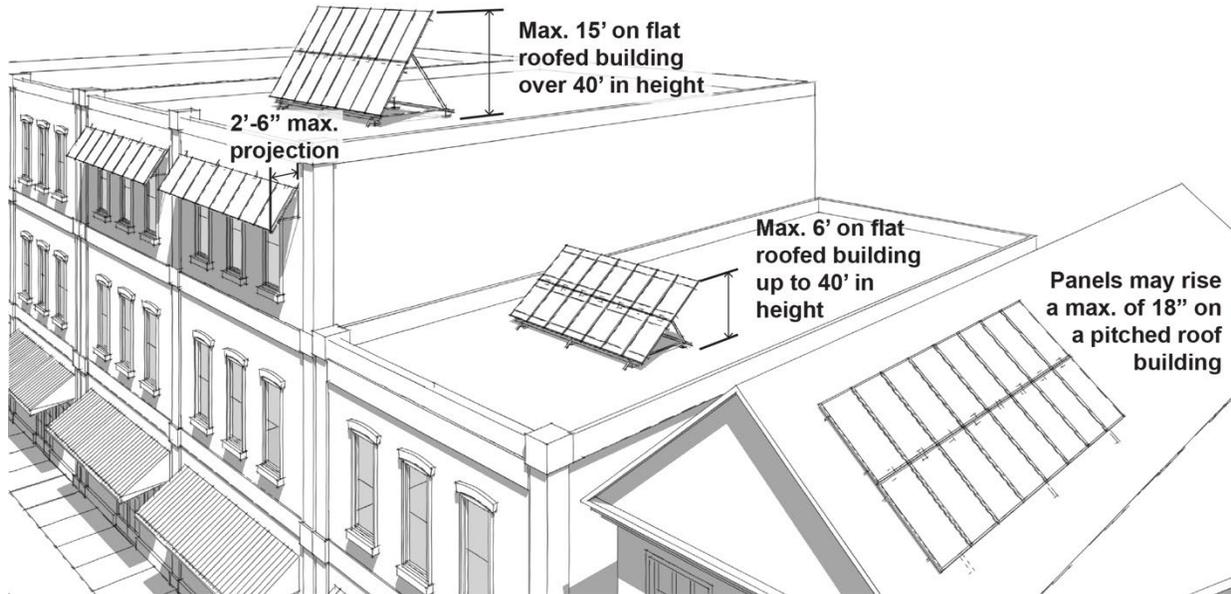
3. Freestanding Systems

A freestanding system is permitted in the rear yard only and is limited to eight feet in height.

4. Co-Location

Solar panels may be co-located on other structures, such as light poles. Solar panels may project up to two feet above the height of such structures.

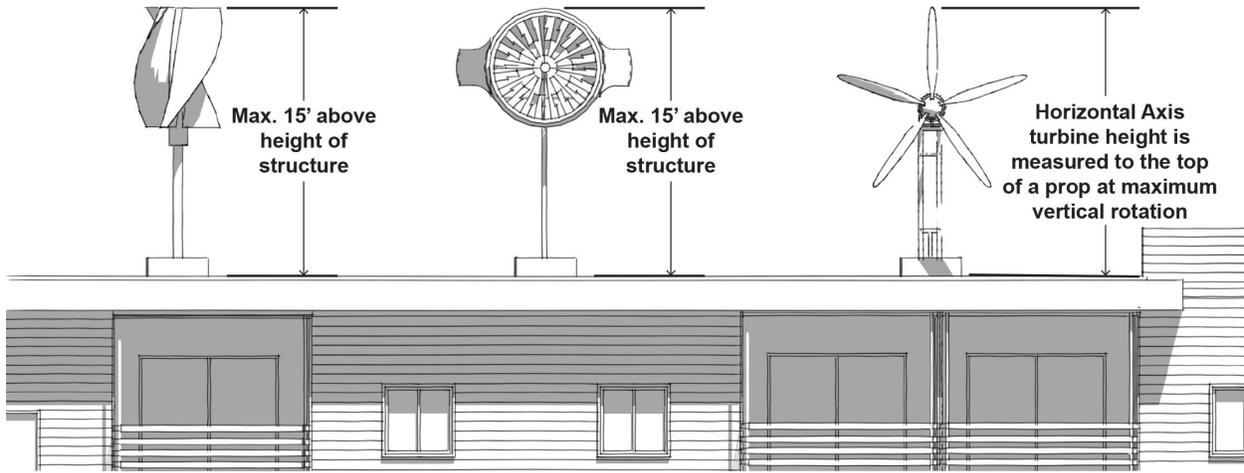
BUILDING-MOUNTED SOLAR PANELS



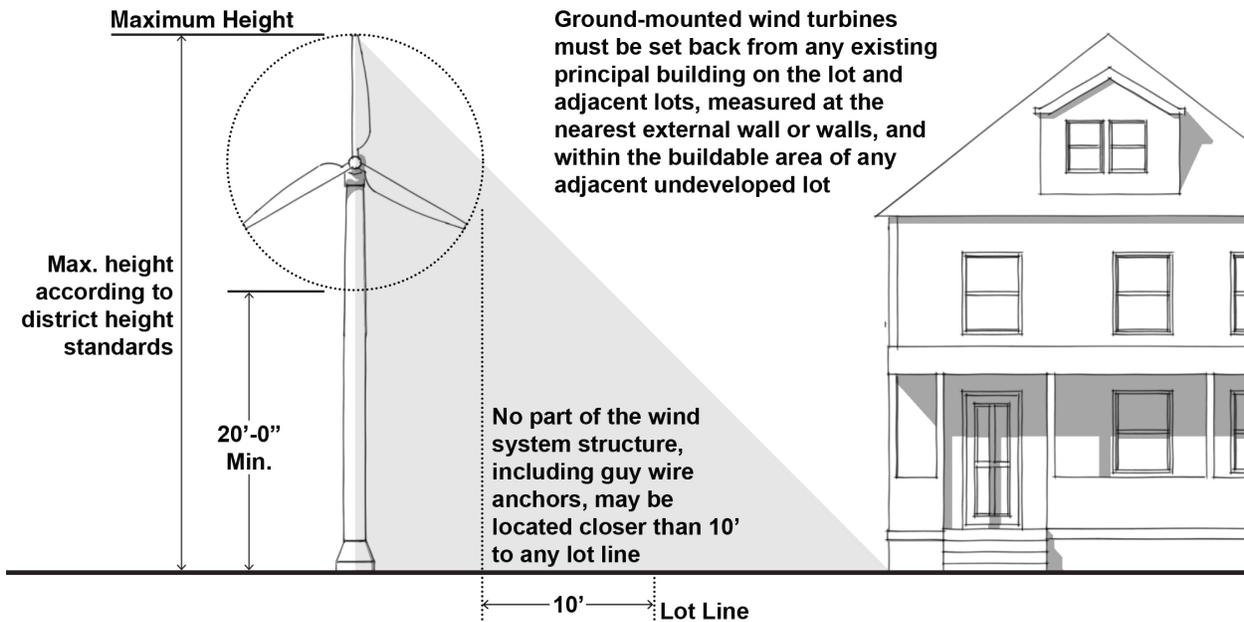
V. Wind Turbines (Private)

1. Wind turbines may be designed as either vertical or horizontal axis turbines, with or without exposed blades, including designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
 - a. The maximum height of a ground-mounted wind turbine is the maximum height allowed in the district. A taller height may be allowed by special use.
 - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
 - c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
 - d. No portion of exposed turbine blades may be within 20 feet of the ground. Unexposed turbine blades may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten feet to any lot line.
4. Ground-mounted wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements no less than the turbine height.
5. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

ROOF-MOUNTED WIND TURBINES



GROUND-MOUNTED WIND TURBINES



9.4 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of an attached or detached accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 9-1: Permitted Encroachments into Required Setbacks.

A. Additional restrictions on permitted encroachments, including additional placement restrictions and dimensional standards, can be found in Section 9.3. No accessory structure or architectural feature may encroach into the right-of-way.

- B.** No attached or detached accessory structure or architectural feature, with the exception of fences, is permitted to be located on any utility and/or access easement. If such is located on an easement and repair or replacement of the utility is needed, the cost of removing the attached or detached accessory structure or architectural feature is the responsibility of the owner of the structure. The City or utility is not responsible for the replacement of such structure.
- C.** Unless constructed concurrently with the principal building, attached or detached accessory structures or architectural features require a building permit, unless exempted by this section or Section 9.3.
- D.** Unless otherwise indicated, all accessory structures and architectural features must be at least five feet from any lot line, unless otherwise permitted or restricted by this section or Section 9.3.
- E.** When an attached or detached accessory structure or architectural feature regulated by Table 9-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.
- F.** When an attached or detached accessory structure or architectural feature regulated by Table 9-1 is prohibited to encroach in a required setback, the structure or architectural feature may be located in the corresponding yard beyond the required setback line unless specifically prohibited by Table 9-1 or Section 9.3.

Table 9-1: Permitted Encroachments into Required Setbacks				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i>	Y	Y	Y	Y
Arbor (Attached or Freestanding) <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade <i>Max. of 3' into any setback</i> <i>No building permit required</i>	Y	Y	Y	Y
Balcony <i>Max. of 6' into front, interior side, or corner side setback for townhouse, multi-family, & non-residential (including mixed use) development</i> <i>Max. of 3' into front, interior side, or corner side setback for single-, two-, or three-family development</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 3' into any setback</i> <i>Min. of 3' from any lot line</i>	Y	Y	Y	Y
Canopy: Non-Structural (Non-Sign) <i>Max. of 3' into any setback</i> <i>Min. of 3' from any lot line</i> <i>No building permit required</i>	Y	Y	Y	Y
Canopy: Structural (Non-Sign) or Porte-Cochere <i>Min. of 15' from front lot line</i> <i>Min. of 10' from all other lot lines</i> <i>Min. of 3' from any lot line</i> <i>Max. height of 15'</i>	Y	Y	Y	Y
Chimney <i>Max. of 24" into setback</i> <i>Min. of 4' from any lot line</i>	Y	Y	Y	Y

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Deck (4' or less) <i>Prohibited in front yard</i> <i>Max. of 6' into interior side or corner side setback</i> <i>Max. encroachment into rear setback cannot exceed one-half of the required rear setback</i> <i>Min. of 5' from interior side or corner side lot line</i> <i>Max. height above ground cannot exceed ground floor height</i>	Y	Y	Y	Y
Deck (More than 4') <i>Max. of 10' into rear setback</i> <i>Min. of 10' from front or corner side lot line</i> <i>Min. of 5' from interior side or rear lot line</i>	N	Y	Y	Y
Eaves <i>Max. of 3' into setback</i> <i>Min. of 3' from any lot line</i>	Y	Y	Y	Y
Exterior Stairwell <i>Prohibited in front or corner side yard</i>	N	N	N	N
Fire Escape <i>Prohibited in front or corner side yard, unless required by Fire Department</i> <i>Max. of 3' into setback</i> <i>Min. of 10' from any lot line</i>	N	N	Y	Y
Gazebo or Pergola <i>Prohibited in front yard</i> <i>Min. of 5' from side or rear lot lines</i>	N	N	Y	Y
Greenhouse <i>Min. of 10' from any lot line</i> <i>Prohibited in front yard</i>	N	N	Y	Y
Lawn Furniture and Lawn Decorations <i>No building permit required</i>	Y	Y	Y	Y
Mailbox <i>No building permit required</i>	Y	Y	Y	Y
Outdoor Fireplace <i>Prohibited in front yard</i> <i>Min. of 10' from any lot line</i> <i>No building permit required</i>	N	N	N	Y
Patio <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. encroachment into rear setback cannot exceed one-half of the required rear setback</i> <i>Min. of 10' from front or corner side lot line</i> <i>Min. of 5' from interior side</i>	Y	Y	Y	Y
Personal Recreation Game Court <i>Prohibited in front yard</i> <i>Min. of 10' from any lot line</i> <i>This does not apply to basketball backboards or movable basketball nets, which are allowed in any yard</i>	N	N	Y	Y
Playground Equipment <i>Prohibited in front yard</i> <i>Min. of 10' from any lot line</i> <i>No building permit required</i>	N	Y	Y	Y
Porch (Unenclosed: 4' or less) <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 12' into rear setback</i> <i>Min. of 14' from front or corner side lot line</i> <i>Min. of 5' from interior side or rear lot line</i>	Y	Y	Y	Y

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Porch (Unenclosed: More than 4') Max. of 10' into rear setback Min. of 10' from front or corner side lot line Min. of 5' from interior side or rear lot line	N	Y	Y	Y
Retaining Wall <i>Retaining walls over 3 feet must include plans from a licensed Engineer to be submitted as part of the building permit</i>	N	N	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 5' from any lot line</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Swimming Pool <i>Min. of 10' from lot lines unless subject to additional City ordinance requirements</i>	N	N	Y	Y
Steps and Stoops (roofed or unroofed, includes support posts) <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 5' from any lot line</i> <i>Steps encroaching into a required setback must follow the natural grade of the lot</i>	Y	Y	Y	Y
Trellis <i>No building permit required</i>	Y	Y	Y	Y

9.5 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies. Construction activities are exempt from the requirements of this Section.

A. Noise

No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.

B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

C. Vibration

No earth borne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

D. Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

E. Discharge and Disposal of Radioactive and Hazardous Waste

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Radioactive and hazardous material

waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

F. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

G. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.

H. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

ARTICLE 10. OFF-STREET PARKING AND LOADING

10.1	GENERAL APPLICATION
10.2	COMPUTATION OF REQUIREMENTS
10.3	REQUIRED OFF-STREET VEHICLE SPACES
10.4	REQUIRED OFF-STREET BICYCLE SPACES
10.5	REQUIRED OFF-STREET LOADING SPACES
10.6	DESIGN OF VEHICLE PARKING FACILITIES
10.7	DESIGN OF OFF-STREET BICYCLE SPACES
10.8	DESIGN OF OFF-STREET LOADING SPACES
10.9	DRIVEWAY DESIGN
10.10	OUTDOOR STORAGE OF COMMERCIAL VEHICLES
10.11	OUTDOOR STORAGE OF RECREATIONAL VEHICLES

10.1 GENERAL APPLICATION**A. Existing Facilities**

The existing number of off-street vehicle, bicycle, and loading spaces may not be reduced below the minimum requirements of this Code. If the number of existing spaces is already less than the requirements of this Article, it may not be further reduced.

B. New Construction

The construction of a new principal building must provide all required off-street vehicle, bicycle, and loading spaces unless the site is eligible for a parking exemption or other parking flexibility allowed by this Article.

C. Change in Use

When the existing use of a structure or land is changed to a new use, off-street vehicle, bicycle, and loading spaces must be provided as required for the new use unless the site is eligible for a parking exemption or other parking flexibility allowed by this Article.

D. Change in Intensity of Use

Whenever the intensity of a use is increased based on an increase in the number of dwelling units, floor area, seating capacity, or other unit of measurement used to calculate the number of required number of off-street vehicle, bicycle, and loading spaces, additional spaces must be provided for that increase.

E. Vehicle Parking Maximums

Within non-residential districts, when parking lots are for non-residential uses over 50,000 square feet in gross floor area, the number of vehicle parking spaces provided in a parking lot may not exceed 150% of the required minimum subject to the following:

1. Parking that exceeds 125% of the minimum requires such excess parking area to be constructed of pervious paving.
2. A use may exceed 150% if a parking demand study is provided which shows the need for such additional parking and may be approved as part of site plan review by Planning Commission.
3. Parking maximums do not apply to parking structures.

F. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited. The sales and display of goods in off-street parking areas is also prohibited unless otherwise permitted by this Code.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by tenants, employees, visitors, or other authorized persons.
3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

10.2 COMPUTATION OF REQUIREMENTS

This section describes how the number of vehicle, bicycle, and loading spaces are calculated based upon the requirements of this Article. The total number of required vehicle and bicycle parking and loading spaces is based upon the requirements for the principal use or uses located on the lot.

- A.** Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Code.
- B.** A fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one space.
- C.** For uses where patrons or spectators occupy benches, pews, or open floor areas used for service, each 48 linear inches of benches, pews, or permanent seating areas, or five square feet of open floor areas used for seating is counted as one seat for the purpose of determining the requirement for the required number of spaces.

10.3 REQUIRED OFF-STREET VEHICLE SPACES

A. General Requirements

- 1. Except as otherwise provided in this Code, the minimum number of off-street vehicle parking spaces to be provided for each use is listed in Table 10-2: Off-Street Vehicle Parking Requirements.
- 2. Table 10-2 lists parking requirements for each use. In some cases, uses that are considered part of a generic use category are listed with specific vehicle parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain uses listed within the use matrix (Article 8) are not listed in Table 10-2 and therefore do not have vehicle parking requirements.
- 3. A multi-tenant retail center is defined as a group of three or more separate commercial establishments, primarily retail, but also including personal service, restaurant, office, and similar non-residential uses, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers and strip centers. Multi-tenant retail centers require a minimum of one parking space per 250 square feet of total gross floor area, rather than calculation by the individual uses.

B. Required Accessible Parking.

Parking facilities accessible for persons with disabilities must be in compliance with or better than the standards detailed in Tennessee Code Annotated (T.C.A.) §55-21-105, including quantity, size, location, and accessibility, based on the ADA Accessibility Guidelines (ADAAG).

C. Car- and Bike-Share Facilities, and Electric Vehicle Charging

- 1. Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Code.
- 2. Spaces within parking lots and structures may include designated areas for bike-share facilities. A bike-share facility provides bicycle rentals to the public and it is not considered a vehicle rental establishment. When a minimum of 15 bicycles are provided for rental, such bike-share facilities may substituted for up to four automobile spaces or 5% of the required parking spaces, whichever is less.
- 3. Spaces within parking lots and structures may include designated parking spaces for electric vehicle charging. Spaces reserved for electric vehicle charging count toward minimum parking requirements of this Code.

D. Parking Exemptions and Flexibilities

- 1. Properties 10,000 square feet in area or less and located within the C-D District are exempt from the off-street vehicle parking requirements of Table 10-2. (*Ord 19-09*)
- 2. In the commercial districts, on-street parking spaces located along the front or corner side lot line may be counted toward required off-street parking spaces for commercial uses. New on-street parking spaces may also be created to count toward required off-street parking but must be located along the front or corner side lot line.

a. Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area located parallel to property line of the lot under consideration divided by 22, where a fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one space.

b. Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 70% of the width is located along the lot line of the property under consideration.

3. As of the effective date of this Code, existing non-residential structures that currently do not provide any parking on the lot to accommodate parking are exempt from off-street vehicle parking requirements of Table 10-1 regardless of a change in use or intensity of use. Such non-residential structures may expand their footprint or gross floor area so long as the expansion is on the same lot and no additional lot area is added. Once the principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased or leased), this exemption is no longer valid.

E. Shared Parking Permission

Within the nonresidential districts, off-street parking spaces for separate uses may be provided collectively at the applicant’s option at a reduced amount of the total number of spaces provided it meets the calculation of Table 10-3: Shared Parking Calculation. Adjacent sites may use the shared parking option but must provide the City with a copy of the agreement between the property owners, and full site access between sites must be granted 24 hours a day.

1. The required number of spaces for each use is calculated according Table 10-1.
2. The required number of spaces for each use is then applied to the percentages for each timeframe, according to the appropriate land use category, in Table 10-2 to determine the number of required spaces. This is done for each timeframe category.
3. The numbers are summed for all uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

Table 10-1: Shared Parking Calculation						
Land Use Category	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	100%	100%	100%	100%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	50%	90%	100%	65%	80%
Indoor/Outdoor Recreation	0%	70%	100%	5%	70%	100%
Office /Industrial	5%	100%	5%	0%	40%	10%

SAMPLE CALCULATION

Example: multi-use office development with the following uses within the development; based on current parking requirements, the number of required spaces is:

Use & Square Footage	Parking Requirement	Number of Spaces Needed
Retail: 15,000sf GFA	1 per 500sf GFA	30 spaces
Restaurants: 10,000sf GFA	1 per 500sf GFA	20 spaces
Hotel/Motel: 60 rooms	1.5 per room	90 spaces
Office: 40,000sf GFA	1 per 500sf GFA	80 spaces
TOTAL SPACES REQUIRED		220 spaces

Using the shared parking calculation, these numbers are inserted into the table and using the percentages allotted to each land use for each time of day, are calculated as total spaces required per timeframe.

Land Use Category	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	-	-	-	-	-	-
Commercial	0	20	16	0	20	12

<i>Restaurant</i>	15	21	30	13.5	21	30
<i>Hotel/Motel</i>	90	45	81	90	58.5	72
<i>Indoor/Outdoor Recreation</i>	-	-	-	-	-	-
<i>Office/Industrial</i>	4	80	4	0	32	8
Totals	109	166	131	103.5	131.5	122

With a straight parking calculation, 220 spaces are required. However, the shared parking provision allows this example multi-use office development to be constructed by-right with 166 spaces (the highest number of spaces within the various timeframes - the 7am to 6pm weekday timeframe). This is because these timeframe calculations take into account the times of day the various uses utilize the most parking.

F. Drive-Through Stacking Spaces

1. All drive-through facilities must provide the minimum number of stacking spaces as required in Section 8.3.G, unless additional stacking spaces are specifically required by Table 10-2.
2. Restaurants that have a drive-thru service must provide a parking demand and traffic study. During site plan review, based on such studies, additional stacking spaces may be required above the minimum established by this Code.

Table 10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED
Amusement Facility - Indoor	1 per 500sf GFA
<i>Movie Theater</i>	<i>1 per 4 seats for first 400 seats + 1 per 6 seats after first 400</i>
Amusement Facility - Outdoor	1 per 500sf of total site area
Animal Care Facility	1 per 500sf GFA
Animal Kennel/Breeder	4 spaces
Art Gallery	1 per 500sf GFA
Arts Studio	1 per 500sf GFA
Bar	1 per 100sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom
Body Modification Establishment	1 per 500sf GFA
Broadcasting Facility TV/Radio	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay
Cemetery	1 per 200sf of GFA of office and/or chapel/parlor
Children's Home	1 per 300sf of office area
Community Center	1 per 500sf GFA
Contractor Yard	1 per 300sf of GFA of office
Country Club	Calculated as the cumulative number required per facilities offered (golf course, driving range, restaurant, bar, etc.)
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 300sf GFA
Drug/Alcohol Treatment Facility, Residential	1.5 per patient room
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit + 1 visitor space per 8 dwelling units (<i>Ord. 19-09</i>)
Dwelling, Manufactured Home	2 per dwelling unit
Dwelling, Multi-Family	2 per dwelling unit + 1 visitor space per 8 dwelling units
Educational Facility – Primary or Secondary	

Table 10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED
<i>Educational Facility – Elementary and/or Junior High</i>	<i>3 per each classroom and office</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>
Educational Facility - University or College	2 per classroom and office + 1 per 4 students of maximum enrollment
Educational Facility - Vocational	2 per classroom and office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 500sf GFA
Financial Institution, Alternative	1 per 300sf GFA
Food Bank	1 per 300sf of office area
Food Pantry	1 per 300sf of office area
Funeral Home	1 per 200sf GFA
Gas Station	1 per pump (excluding of pump space) + 1 per 500sf GFA of retail area + 2 per service bay of accessory motor vehicle service and repair + 2 stacking spaces for car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Office/Facility	1 per 300sf GFA
Greenhouse/Nursery - Retail	1 per 750sf of GFA (includes any outdoor display or storage)
Group Home	1 per 3 beds
Halfway House	1 per 3 beds
Healthcare Institution/Facility	3 per patient room
Heavy Retail, Rental & Service	1 per 750sf GFA (includes any outdoor display or sales)
Homeless Shelter	1 per 300sf of office area
Hotel	2 per room
Industrial Design	1 per 500sf GFA
Industrial, General	1 per 1,000sf of GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial, Light	1 per 1,000sf of GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Live Performance Venue	1 per 200sf GFA
Lodge/Meeting Hall	1 per 500sf GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Office	1 per 300sf GFA
Micro-Brewery/Distillery/Winery	1 per 500sf GFA
Multi-Tenant Retail Center	1 per 250sf of GFA (See Section 10.3.A.3)
Office	1 per 300sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 4 seats + 1 per 1,000sf of any residential living component (convent, rectory, etc.)
Reception Facility	1 per 100sf GFA
Research & Development	1 per 500sf GFA
<i>Residential Care Facility</i>	<i>To be calculated on the type of facility or combination of facilities provided below</i>
<i>Independent Living Facility</i>	<i>0.75 per dwelling unit</i>
<i>Assisted Living Facility</i>	<i>0.5 per dwelling unit</i>
<i>Nursing Home or Hospice</i>	<i>0.5 per patient room</i>
Restaurant	1 per 100sf GFA for indoor area; when outdoor seating space is provided 1 parking space per 150sf GFA of the outdoor dining area in addition to the required indoor parking required.
Retail Goods Establishment	1 per 500sf GFA

Table 10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED
Self-Storage Facility: Enclosed	1 per 20 storage units
Self-Storage Facility: Outdoor	1 per 25 storage units
Social Service Center	1 per 300sf of office area
Specialized Food Service	1 per 500sf GFA
Vehicle Dealership	1 per 500sf GFA of indoor sales and display area + 4 per service bay
Vehicle Operations Facility	1 per 300sf of GFA of office
Vehicle Rental	1 per 300sf of GFA of office
Vehicle Repair – Major or Minor	2 per service bay
Warehouse	1 per 300sf of GFA of office + 1 per 20,000sf of GFA of warehouse area
Winery	1 per 300sf GFA of public area (tasting rooms, etc.) + 1 per 300sf of GFA of office
Wholesale Establishment	1 per 1,000sf GFA

10.4 REQUIRED OFF-STREET BICYCLE SPACES

All new construction must provide bicycle parking. The minimum number of bicycle racks required is determined by the required number of vehicle parking spaces for the development. When an existing development is expanded, and the total number of spaces now required totals five or more vehicle parking spaces, bicycle parking is required.

- A. Non-residential development must provide one bicycle parking rack per 20 automobile parking spaces. At a minimum, the development must provide one rack.
- B. A multi-family development must provide one bicycle parking rack per 30 dwelling units. At a minimum, the development must provide one rack.

10.5 REQUIRED OFF-STREET LOADING SPACES

A. Off-street loading spaces must be provided for any use that distributes or receives materials or merchandise by trucks or other commercial vehicles in accordance with Table 10-3: Off-Street Loading Requirements. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one commercial tenant of a multi-tenant development is over 20,000 square feet, only one loading space is required; if all tenants are under 20,000 square feet, no loading is required.

- B. No structure is required to provide more than five loading spaces.
- C. All multi-family dwellings, regardless of size, are required to provide a site plan that shows ingress/egress for moving trucks and fire apparatuses.

Table 10-3: Off-Street Loading Requirements	
Use Type	Number of Spaces Required
Multi-Family Development	
A multifamily development of 50 dwelling units or more	1 loading space
Commercial & Institutional Use	
20,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 200,000sf)	1 additional loading space
Industrial Use	
20,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces

Table 10-3: Off-Street Loading Requirements	
Use Type	Number of Spaces Required
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 100,000sf)	1 additional loading space

10.6 DESIGN OF VEHICLE PARKING FACILITIES

A. Location

1. Residential Uses

- a. All required off-street vehicle parking spaces for residential uses and the residential component of mixed-use developments must be located on the same lot as the structure.
- b. For single-family and two-family dwellings, required vehicle parking spaces are permitted in private driveways, but must not encroach onto the public right-of-way.

2. Non-Residential Uses

Vehicle parking for a non-residential use may be located on the same lot or within 600 feet of the use served. The maximum 600 foot distance restriction does not apply to valet parking services. However, valet parking services must provide evidence of a lot reserved for vehicle parking.

B. Dimensions of Vehicle Parking Spaces

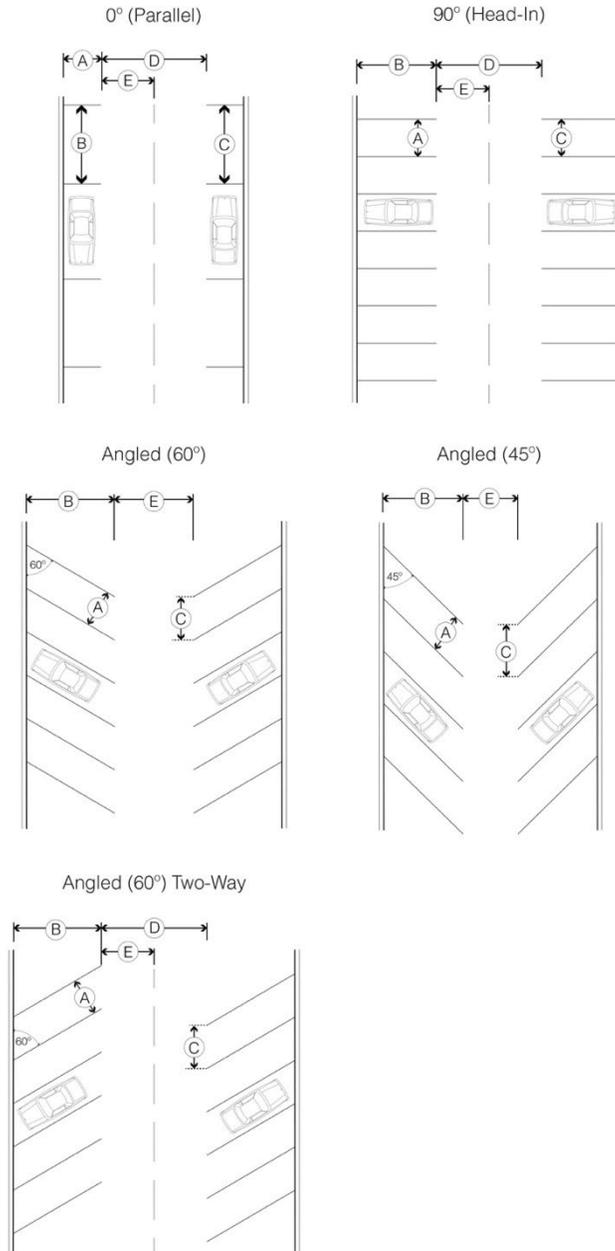
Off-street vehicle parking space dimensions must meet the minimum dimensional standards of Table 10-4: Off-Street Parking Space Minimum Dimensions. All vehicle parking spaces must have a minimum vertical clearance of seven feet six inches.

C. Circulation Requirements

- 1. Each off-street vehicle space must open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street parking lots and structures must provide access in a manner that least interferes with traffic movement. For all uses except single-family detached and two-family dwellings, the parking area must be designed so that the driver of the vehicle proceeds forward into traffic into the right-of-way rather than backs out onto a right-of-way.
- 2. All required off-street parking facilities must have vehicular access from a street, alley, driveway, or cross-access easement.
- 3. Curb cuts must be included on landscaped areas or islands where any pedestrian crosswalks are located.
- 4. All parking lot driveways must be located a minimum of 25 feet back from the edge of the curb to allow for vehicles to wait to merge onto the right-of-way without blocking a travel lane.

Figure 10-4: Off-Street Parking Space Minimum Dimensions						
Parking Angle	Stall Width (A)	Stall Depth (B)	Skew Width (C)	Aisle Width Two-Way (D)	Aisle Width One-Way (E)	Vertical Clearance
0° (Parallel)	9'	22'	18'	22'	12'	7' 6"
90° (Head-In)	9'	18'	9'	25'	25'	7' 6"
60°	9'	21'	10.8'	25'*	18'	7' 6"
45°	9'	17'	12'	Prohibited	12.5'	7' 6"

* Two-way angled parking allowed for 60° or greater angle.



D. Striping

Off-street parking areas must delineate spaces by painted lines and be maintained in clearly visible condition. Signs or markers should be used as necessary to ensure efficient and safe circulation within the lot. The use of alternative marking may be allowed for pervious surface treatments approved by the Planning Commission.

E. Curbing and Wheel Stops

Wheel stops or curbing are required when a parking space abuts a pedestrian walkway, landscape area, or fence. Where curbing is used to separate an adjacent pedestrian way, the sidewalk must be a minimum of seven feet in width in order to accommodate two feet of vehicle overhang and maintain a sidewalk clearance a minimum of five feet in width.

F. Surfacing

All parking lots must be surfaced with a durable all-weather material, such as asphaltic concrete pavement, concrete, or other product, as approved by the City. Pervious paving is encouraged and may be allowed, subject to review and approval by the City Engineer. All parking lots of 15 spaces or more must provide a pavement design by a licensed professional engineer.

G. Drainage

Off-street parking facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public rights-of-way.

H. Lighting

Parking lot lighting must meet the exterior lighting standards of Article 9.

I. Landscape and Screening

All parking lots must be landscaped and screened in accordance with Article 11.

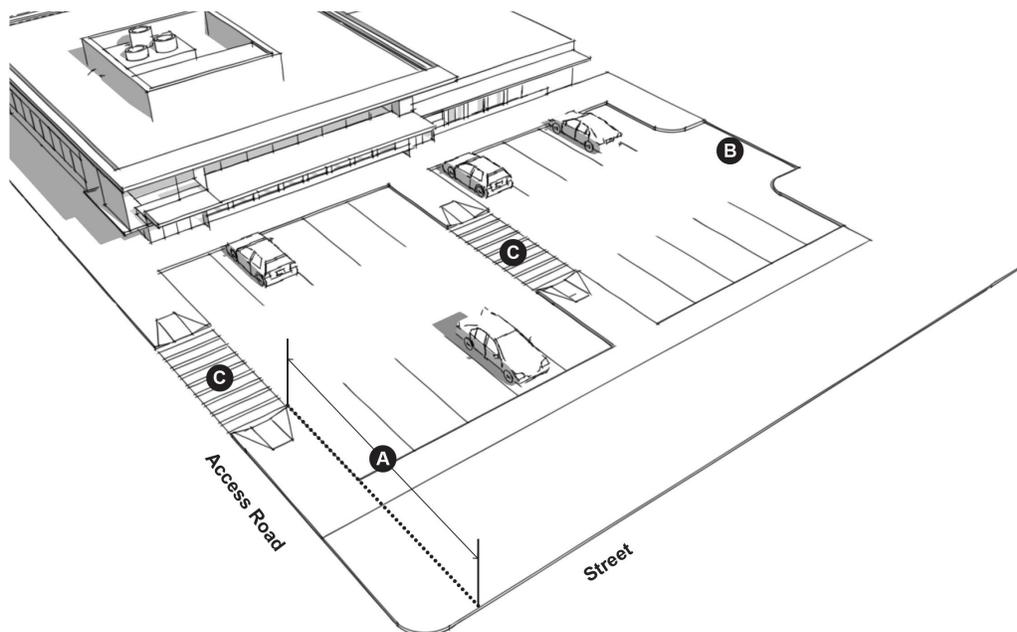
J. Turnaround Space

Dead end parking lots are prohibited. A turnaround space is required, and the minimum depth and width of such turnaround space must be ten feet and designated with signs stating “No Parking” and striped to indicate no parking permitted.

K. Pedestrian Walkway Design within Parking Areas

Clearly delineated crosswalks of paving, brick paver, bituminous brick pattern stamping, or painted striping must connect landscaped areas and parking lot islands to building entrances to improve safe passageway for pedestrians. Curb cuts must be included on landscaped areas or islands where such crosswalks are located.

PARKING LOT DESIGN



- A** All parking lot driveways must be located a minimum of 25 feet back from the edge of the curb to allow for vehicles to wait to merge onto the right-of-way without blocking a travel lane.
- B** Dead end parking lots are prohibited. A turnaround space is required, and the minimum depth and width of such turnaround space must be ten feet and designated with signs stating “No Parking.”

- C** Clearly delineated crosswalks of paving, brick paver, bituminous brick pattern stamping, or painted striping must connect landscaped areas and parking lot islands to building entrances to improve safe passageway for pedestrians. Curb cuts must be included on landscaped areas or islands where such crosswalks are located.

10.7 DESIGN OF OFF-STREET BICYCLE SPACES

Required bicycle racks must be designed as follows.

A. Spacing

Each bicycle parking space must have 36 inches of clear space beside the rack, allowing each rack to support two bicycles. The 36 inch dimension may overlap another bicycle parking space such that racks positioned in a parallel row may be 36 inches on center. The minimum length dimension required is 8 feet free and clear.

B. Location

The following standards shall apply when determining the location of bicycle racks:

1. Bicycle racks must be located within 50 feet of a public entrance. For developments with multiple public entrances, such as shopping areas, bicycle parking racks should be distributed near all major points of public entry.
2. Bicycle racks must be positioned so as not to interfere with pedestrian or vehicular traffic.
3. Bicycle racks must have a minimum clearance of six feet from the edge of fire hydrants.
4. During site plan review of a multi-family dwelling or a mixed-use dwelling, an applicant may request conversion of some of the required bike rack spaces to be converted into indoor storage areas for the residents and the Planning Director may approve such conversion.

C. Bicycle Rack Specifications

The standard inverted u-shaped bicycle rack is the standard. All racks must be designed so that they support a bicycle at two points on the bicycle frame so that the bicycle may be securely locked with a u-shaped bicycle lock. Applicants may request an alternative design during site plan review with Planning Commission approval. Bicycle racks must be designed in accordance with the following specifications:

1. Racks are to be constructed of 1.5 inch, Schedule 40 steel pipe.
2. Unless the pipe material is stainless steel, the pipe must have PVC coating or powder coat finish, unless an alternative finish is approved by the Planning Commission.

D. Anchoring

Bicycle racks must be anchored with one of the following methods:

1. Embedded in concrete: The rack legs must extend a minimum of 9 inches into a concrete footing with an anchoring crossbar mounted 3 inches above the base.
2. Surface flange mount: A pre-drilled, steel flange, minimum 8 inches square, must be welded to the bottom of each leg before the final finish is applied. The flange must have a minimum of three bolt holes. Each bolt hole must accept a 0.5 inch diameter steel bolt, the length of which is based upon manufacturer specifications.
3. Alternative anchoring methods: Alternative methods of anchoring racks may be requested during site plan review.

10.8 DESIGN OF OFF-STREET LOADING SPACES

A. Location

All off-street loading spaces must be located on the same lot as the use served. No off-street loading spaces may project into a public right-of-way. No off-street loading spaces are permitted in the front yard.

B. Dimensions

All required off-street loading spaces must be a minimum of 12 feet in width, a minimum of 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 15 feet.

C. Surfacing

All off-street loading spaces must be paved with a durable, all-weather material paving.

D. Drainage

Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.

E. Access

Each required off-street loading space must be designed with adequate means of vehicular access to a street or alley and in a manner that will minimize interference with traffic movement.

F. Lighting

Parking lot lighting must meet the exterior lighting standards of Article 9.

G. Landscape and Screening

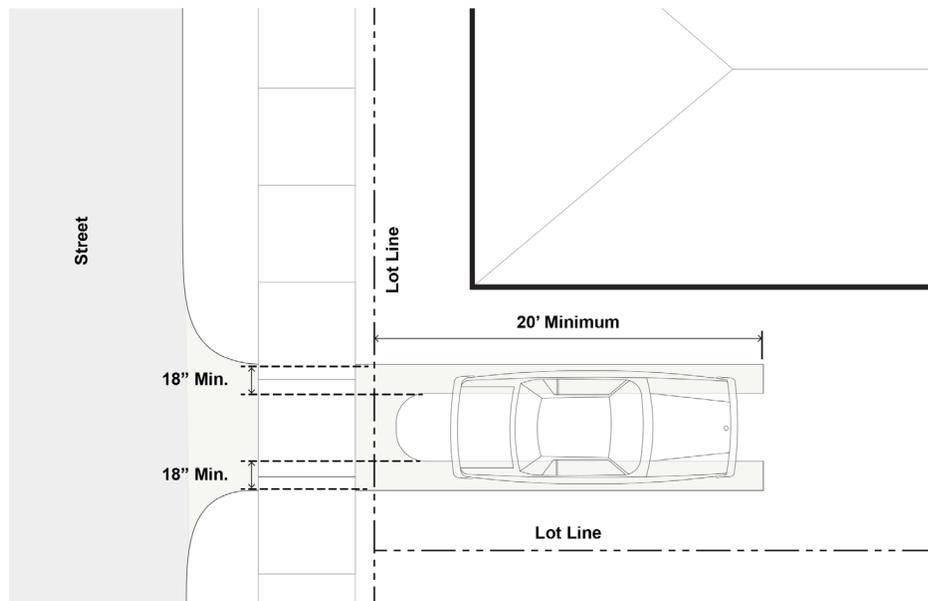
All loading areas must be landscaped and screened in accordance with Article 11.

10.9 DRIVEWAY DESIGN

A. Single-Family and Two-Family Dwelling Driveways

1. A residential driveway that provides access to a detached or attached garage or carport is limited to 26 feet in width in the required front setback. There is no limit on driveway width past the required front setback.
2. A residential driveway may be located one foot plus the width of the drainage swale from any interior side or corner side lot line, unless a shared driveway is established. A shared driveway location is only allowed if agreed to by the owners of each lot, and the agreement is recorded as a shared driveway easement on each plat of survey.
3. Single-family and two-family dwellings are permitted to construct driveways that consist of two concrete wheel strips, each of which is at least 18 inches wide and at least 20 feet long. Space between wheel strips must be planted with turf or groundcover; gravel is prohibited.

CONCRETE WHEEL STRIPS



4. All driveways must be surfaced with a durable all-weather material, such as asphalt, concrete, or other product. Pervious paving is allowed. However, in the AG, R-A and R-R District, a gravel driveway is permitted with a paved driveway apron a minimum of 15 feet in depth, as measured from the right-of-way line.

5. Outdoor parking of vehicles is permitted on a residential driveway only.

B. Townhouse and Multi-Family Dwellings, and Non-Residential Driveways

1. All parking lots and associated driveways must be surfaced with a durable all-weather material, such as asphalt, concrete, or other product. Pervious paving is allowed. Gravel is prohibited except in the AG, OS, and NA Districts. Historic pea gravel is permitted in the C-D District but edging is required to contain the gravel on the site.

2. Driveways are limited to a maximum width of 16 feet for one-way drives, and a maximum of 24 feet for two-way drives.

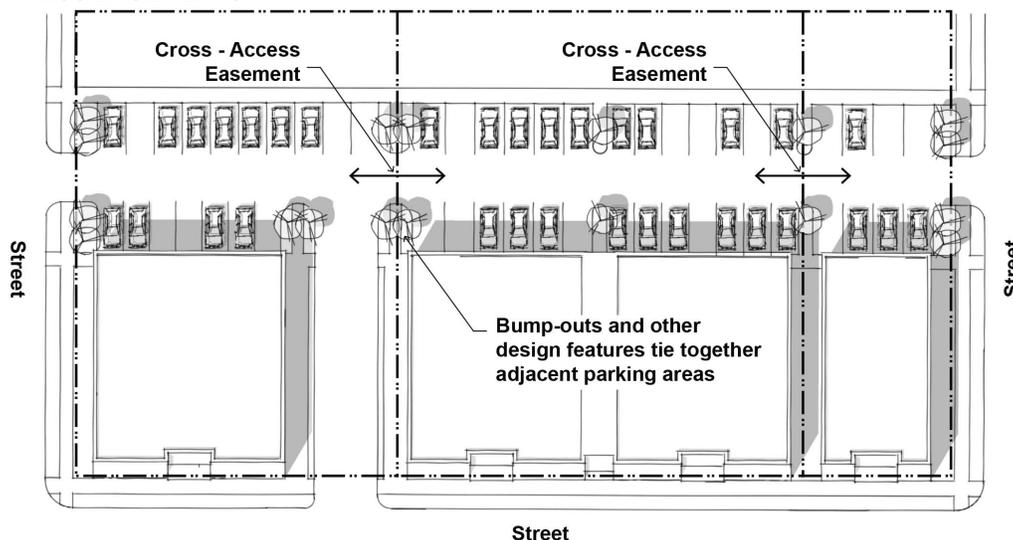
C. Curb Cuts

1. All residential curb cuts require approval of the City Engineer. Curb cuts on numbered highways require permits from authorities having jurisdiction.
2. Single-family and two-family dwellings are limited to one curb cut. However, lots of 70 feet or more in width may have two curb cuts to create a circular drive. Corner lots may also have one curb cut on each street frontage.
3. Townhouse and multi-family dwellings are limited to one curb cut per frontage up to 100 feet of frontage, and two curb cuts where there is 100 feet or more of frontage. The Planning Commission must also approve all curb cuts during site plan review.
4. Lots for uses in all other districts are limited to one curb cut per street frontage. Such lots may also create additional curb cuts every 150 feet after the initial 150 feet. This does not apply to drive-through uses or gas stations, where the number of curb cuts is approved as part of site plan review and/or special use approval.
5. As of the effective date of this Code, no new curb cut may be closer than 25 feet to the projected curb line of the intersecting street. Pre-existing curb cuts closer than 25 feet are allowed to remain.

D. Cross-Access Easements

1. Adjacent non-residential developments (including mixed-use development) with dedicated parking areas are encouraged to provide a cross-access drive to allow circulation between sites. Property owners are encouraged to pursue cross-access with adjacent property owners at the time of development. If cross-access is provided, the Zoning Administrator may require that the property owner provide proof that adjacent property owners have been contacted in writing regarding the provision of cross-access.
2. Joint use driveways and cross-access easements must incorporate the bump-outs and other site design features to make it visually apparent that the abutting properties are tied together.
3. Pursuant to this section, property owners who establish cross-access easements must:
 - a. Record an easement allowing cross-access to and from properties served by the joint use driveways and cross-access easement.
 - b. Any pre-existing driveways must be closed and eliminated after construction of the joint-use driveway.
 - c. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

CROSS-ACCESS EASEMENTS



10.10 OUTDOOR STORAGE OF COMMERCIAL VEHICLES

A. No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done on the premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

B. Commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, and tow trucks are not permitted to be stored or parked outdoors overnight on a lot in a residential district. This does not apply to the R-A District.

C. For non-residential uses in all districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition. Such vehicles must be parked within a designated space in the normal manner.

10.11 OUTDOOR STORAGE OF RECREATIONAL VEHICLES

A. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard, including within a residential driveway, for more than seven consecutive days or seven days in any 30 day period.

B. Recreational vehicles must be located within the interior side yard behind the front building line or in the rear yard. If stored in the interior side or rear yard, the recreational vehicle must be located at least ten feet from any lot line and screened from view from any public right-of-way by a solid fence or wall. If the recreational vehicle is screened by an existing structure or landscape so that it is not visible from the public right-of-way, it is considered to have met these requirements. Temporary storage tents and tarps for recreational vehicles are not considered screening and do not meet these requirements.

C. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

ARTICLE 11. LANDSCAPE

- 11.1 LANDSCAPE PLAN**
- 11.2 ENFORCEMENT OF LANDSCAPE PLAN**
- 11.3 SELECTION, INSTALLATION AND MAINTENANCE**
- 11.4 LANDSCAPE DESIGN STANDARDS**
- 11.5 PARKING LOT PERIMETER LANDSCAPE YARD**
- 11.6 INTERIOR PARKING LOT LANDSCAPE**
- 11.7 SITE LANDSCAPE**
- 11.8 BUFFER YARDS**
- 11.9 STREET TREES AND ON-SITE TREES**
- 11.10 TREE PRESERVATION**

11.1 LANDSCAPE PLAN

A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and non-residential (including mixed-use) development, townhouse development, planned unit development. A landscape plan is also required for any major subdivision, as defined in Article 17, but is only required to show buffer and common area landscape, not individual development sites. The landscape plan must be approved prior to the issuance of a building permit. This is in addition to the landscape plan required by Title 18, Storm Water Management Ordinance, of the Municipal Code. All landscape plans must work in concert with and supplement any water management requirements of Title 18.

B. Content of Landscape Plan

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material. This includes lawn and turf applications.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Any proposed berming, earthwork, or stormwater management basins must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Existing and proposed street tree plantings in the curb lawn of the right-of-way.
7. Any proposed irrigation plan, if irrigation is provided.
8. Any other details as determined necessary by the review body.

C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.

D. Alternative Landscape Design

Alternative landscape design intended to improve stormwater quality and/or intended to decrease stormwater quantity will be considered if submitted as part of a site-specific stormwater management plan. Such designs must comply with the standards of Title 18, Storm Water Management Ordinance, of the Municipal Code.

E. Phasing of Development

Where a landscape plan is submitted as part of a phased development, landscape is required to be installed only for the active phase of development. Nothing prohibits the installation of landscape in non-active phases of development and such landscape is not subject to the regulations of this section. However, once such phases become active, they

are required to comply with this Code and the approved landscape plan. Existing landscape in subsequent phases is credited toward the requirements of this Code.

11.2 ENFORCEMENT OF LANDSCAPE PLAN

A. No certificate of occupancy will be approved before completion of landscaping. Prior to issuance of a certificate of occupancy, the developer or owner is required to post a landscape maintenance bond guaranteeing all landscaping materials and work for a period of two years after approval or acceptance thereof by the City in a sum established by the Planning Department. The bond will be in the amount of 150% of the estimated cost of replacing the landscaping required by these specifications, unless a different amount is set the Planning Department. At the end of two years, the City will inspect and notify the owner or developer and the bond company of any corrections to be made. If no maintenance is required, or if maintenance is provided by said responsible party, the City will release the bond.

B. If weather prohibits the installation of landscaping or required landscape material is unavailable at the time an occupancy permit is applied for, the applicant is required to post a landscape performance bond guaranteeing all landscaping materials and work in a sum established by the Planning Department. The bond will be in the amount of 150% of the estimated cost of landscaping materials and work, unless otherwise specified by the Planning Department. If a performance bond is provided, a temporary certificate of occupancy will be issued. At the expiration of the temporary certificate of occupancy, the City will inspect and notify the owner or developer and the bond company of any corrections to be made. If no change is required, the City will release the bond. A maintenance bond as in item A above is still required.

11.3 SELECTION, INSTALLATION AND MAINTENANCE

A. Selection

1. All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.

2. All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zones 7a (the plant zone for Spring Hill). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.

h. a. The use of species native or naturalized is required. Drought tolerant species are encouraged.

i. b. Invasive species are prohibited.

j. c. Plants should be selected from the City of Spring Hill Recommended Plant List. Deviations from this list are subject to approval by the Planning Commission. (Ord. 19-09) Recommended plant list: Please see Table 11-4 and Appendix A. (Ord. 25-14 and Res. 19-38).

B. Installation

1. All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.

2. No landscape should be located within any utility easement, with the exception of lawn grass or other resilient groundcover. If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.

3. No plantings may be installed to impede water flow.

k. a. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

5. Where stormwater management techniques are used, such areas must be protected to prevent damage from pedestrians and vehicles. Curbing, wheel strips, or other techniques may be used.

C. Maintenance

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner’s association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
2. All landscape materials must be maintained in good condition, present a healthy appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 30 days of notification, unless an extension is approved by the City.

11.4 LANDSCAPE DESIGN STANDARDS

A. Minimum Planting Sizes

Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.

1. Evergreen trees must have a minimum height of eight feet.
2. Shade trees must have a minimum clear trunk height of four feet above the ground with a three inch caliper.
3. Single stem ornamental trees must have a minimum trunk size of 2.5 inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
4. Evergreen or deciduous shrubs of 30 inches in height.

B. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 11-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.) When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

Table 11-1: Plant Diversity Requirements		
Total Number of Plants per Plant Type	Maximum Number of One Species	Minimum Number of Species
1-4	100%	1
5-10	60%	2
11-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

C. Berming

Earthen berms and existing topographic features should be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening.

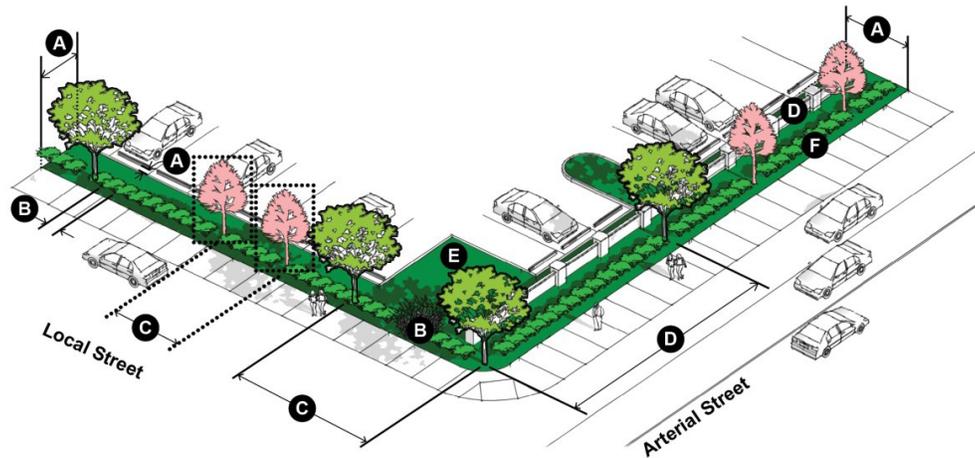
1. Berms must be stabilized to prevent erosion.
2. Berms must be a minimum of two feet in height.
3. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
4. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
5. Berms must undulate by height and/or width for visual interest.

11.5 PARKING LOT PERIMETER LANDSCAPE YARD

A perimeter landscape yard is required for all parking lots that abut a public right-of-way and must be established along the edge of the parking lot to screen vehicle parking. A perimeter landscape yard is also required where a parking lot abuts a public space such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot. The landscaped area must be improved as follows:

- A.** The perimeter parking lot landscape area must be at least 15 feet in width along an arterial street, ten feet in width along a collector street, and ten feet when located along a local street or public space. There must be a minimum linear distance of two feet between the landscape area and any wheel stops or curbs to accommodate vehicle bumper overhang, which is not included in the minimum width calculation. (*Ord. 19-09*)
- B.** One shrub must be planted for every three feet of perimeter yard length, spaced linearly on-center. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.
- C.** A minimum of one shade tree must be provided for every 30 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 15 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
- D.** Alternatively, a low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used with a reduced requirement for shade trees of one tree every 50 feet. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Required shrubs must be installed between the sidewalk and the wall to provide a softening effect.
- E.** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are required for any remaining area.
- F.** The use of stormwater management techniques, such as rain gardens and bioswales, is encouraged in the parking lot perimeter. Perimeter landscape design is encouraged to be designed to accommodate stormwater detention and infiltration.

PARKING LOT PERIMETER LANDSCAPE (*Ord. 19-09*)



- A** 15 feet in width along an arterial street and ten feet along a collector street or local street. Two feet between the landscape area and any wheel stops.
- B** One shrub every three linear feet or a mix of shrubs, perennials, native grasses, and other planting types.
- C** A minimum of one shade tree provided every 30 linear feet or two ornamental trees every 15 feet.
- D** Pedestrian wall three feet to a maximum of four feet in height or two ornamental trees every 25 feet.
- E** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- F** Only lawn grass or other resilient groundcover may be located within a utility easement.

11.6 INTERIOR PARKING LOT LANDSCAPE

All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.

- A.** All rows of parking stalls must terminate in a parking lot island or landscape area.
- B.** Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
- C.** Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row. In no case can the area be less than 160 square feet for a single row of parking or 320 square feet for a double row.
- D.** A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. In addition to the required shade trees, a minimum of 60% of the area of every parking lot island must be planted in shrubs, live groundcover, perennials, or ornamental grasses, unless the parking lot island or landscape area is designed to facilitate pedestrian access through the parking lot as approved in landscape plan review. Stone, mulch, or other permeable landscape materials are required for any remaining area.
- E.** The use of stormwater management techniques, such as rain gardens and bioswales, is encouraged in landscape areas. Parking lot islands and landscape areas are encouraged to be designed to accommodate stormwater detention and infiltration.
- F.** In addition to parking lot islands, additional landscape areas must be provided within the interior of parking lots when the parking area is 10,000 square feet or more in area, including parking stalls, islands, and area for vehicular circulation. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.

PARKING LOT INTERIOR LANDSCAPE



- A** All rows terminate in a parking lot island or landscape area.
- B** Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces.
- C** Parking lot islands are the same dimension as the parking stall.
- D** A minimum of one shade tree provided in every parking lot island or landscape area. In addition, a minimum of 60% of the area of every parking lot island is planted in shrubs, live groundcover, perennials, or ornamental grasses.
- E** Additional landscape areas provided within the interior of parking lots when the parking area is 10,000 square feet or more in area
- F** Only lawn grass or other resilient groundcover may be located within a utility easement.

11.7 SITE LANDSCAPE

A. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of the landscape area. Any portion of a residential or non-residential lot containing slopes in excess of 3:1 shall receive sod or other approved erosion control materials which will enhance the establishment of a permanent ground cover. (Ord. 19-09)

B. Where multi-family and non-residential (including mixed-use) developments are located ten feet or more from a street lot line and no parking is located in front of the structure and also where any façade abuts any parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate entry design and other building functional operations during landscape plan review.

1. A single hedge row is required that is planted with one shrub every 36 inches on center, spaced linearly.
2. Shade trees are required in the amount of one tree every 40 feet. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 20 feet.
3. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are required for any remaining area.
4. Planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement.

FOUNDATION LANDSCAPE



- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A Multi-family and non-residential (including mixed-use) developments are located ten feet or more from a street lot line</p> <p>B Single hedge row planted with one shrub every 36 inches on center.</p> <p>C Shade trees are required in the amount of one tree every 40 feet, or two ornamental trees every 20 feet</p> | <p>D 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.</p> <p>E Only lawn grass or other resilient groundcover may be located within a utility easement.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

C. Nonresidential uses require the following landscape strip along interior side or rear lot lines. This does not apply if the structure is built to the lot line.

1. The landscape strip must be at least ten feet in width. There must be a minimum linear distance of two feet between the landscape area and any wheel stops or curbs to accommodate vehicle bumper overhang, which is not included in the minimum width calculation.

2. One shrub must be planted for every three feet of perimeter yard length, spaced linearly on-center. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.

3. A minimum of one shade tree must be provided for every 30 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 15 feet. Trees may be spaced linearly on-center or grouped to complement an overall design concept.

4. The use of stormwater management techniques, such as rain gardens and bioswales, is encouraged in the landscape strip. Landscape strip design is encouraged to be designed to accommodate stormwater detention and infiltration.

D. Where the yard of a townhouse development, multi-family dwelling, or new residential subdivision abuts an arterial or collector street, a landscape yard is required as follows:

1. The landscape yard must be at least ten feet in width.

2. An open fence is required within the landscape yard a minimum of four feet and a maximum of six feet in height is required. Alternately, a hedge row may be planted that at full growth would provide screening of six feet in height.

3. If a fence is used, one shrub must be planted for every three feet of landscape yard length, spaced linearly on-center. Alternatively, ornamental or evergreen trees planted for every 15 feet of landscape yard length, spaced linearly on-center. Live groundcover is required in the remaining area.

11.8 BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

A. As of the effective date of this Code, buffer yards are required for new construction along interior side and rear yards in the following cases:

1. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling.

2. Where a non-residential use is located within a residential district. This does not include public parks.

3. Where a non-residential district abuts a residential district. This does not include the C-D, OS, or NA Districts or public parks.

B. A buffer yard is required where a new major residential subdivision, as defined in Article 17, abuts an existing non-residential development. In such case the buffer yard is required along the lot line that abuts the non-residential use. The buffer yard is considered common open space (does not belong to a private owner) and must be excluded from any individual lot area calculations.

C. Buffer yards may be located within required setbacks, but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.

D. The required design of buffer yards is as follows:

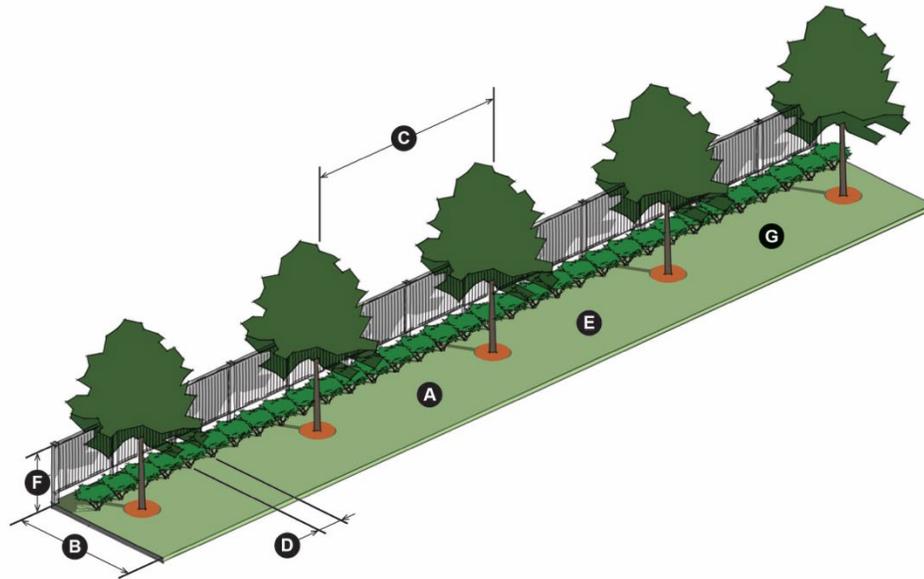
1. A buffer yard must be a minimum of 15 feet in width.

2. One shade or evergreen tree must be planted for every 25 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 25 linear feet of buffer yard length.

3. Existing trees may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.

- 4.** One evergreen shrub must be planted for every three linear feet of buffer yard length, spaced linearly. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
- 5.** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are required for any remaining area.
- 6.** Unless otherwise specifically required by the use standards of this Code, a solid fence or wall, constructed of wood or simulated wood posts and planks, brick, masonry, or stone, and a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the buffer yard length, with the exception of ingress/egress points. If constructed on a berm, the height of the berm is included and the maximum height of fence and berm is eight feet. When a new major residential subdivision requires a buffer yard, this screening fence or wall may be substituted with an evergreen hedge, subject to landscape plan approval. Further, if existing mature trees provide screening of the same level can be substituted for a fence or wall, to be determined at landscape plan approval.

BUFFER YARD



- A** Reserved for the planting of material and installation of screening as required by this section.
- B** Minimum of 15 feet in width.
- C** Shade or evergreen trees planted one per 25 linear feet.
- D** Evergreen shrubs planted one per three linear feet.
- E** 60% of the landscape area planted in live groundcover, perennials, or ornamental grasses.
- F** Solid fence or wall at a minimum of six feet and a maximum of eight feet in height erected along 100% of the buffer yard length.
- G** Only lawn grass or other resilient groundcover may be located within a utility easement.

11.9 STREET TREES AND ON-SITE TREES

In order to restore and preserve the urban canopy, shade trees are required to be planted both on-site and/or in the curb lawn of rights-of-way that are of an arterial or collector classification. Table 11-2: Required Shade Tree Planting lists the requirements for each district. Existing trees are counted toward this required minimum number.

- A.** Such required shade tree plantings must be shown on the landscape plan, when such plan is required. Where a landscape plan is not required, the building permit application must show where required shade trees will be installed.
- B.** Where on-site trees are required in Table 11-2, such trees must be planted within the first 15 feet of front yard. However, in the R-5, R-6, and R-7 Districts, single-family, two-family, and three-family dwellings may choose to plant such trees in the curb lawn.
- C.** Trees must provide a minimum clearance of seven feet over the sidewalk at maturity. Where overhead utilities are present, species planted in the tree lawn must be no taller than 25 feet at maturity.
- D.** Trees planted within the curb lawn must be selected based on hardiness and ease of maintenance, and must not produce excess litter or fruit, which may become a nuisance.
- E.** Ornamental trees may also be planted where the use of shade trees would conflict with the visibility of traffic signals. The final design of street tree plantings involving ornamental trees is subject to landscape plan approval.
- F.** On-site trees must be planted by the developer/applicant. Once the individual lots are sold, the trees are the responsibility of the property owner. The property owner is also responsible for any trees located within the curb lawn.

Table 11-2: Required Shade Tree Planting		
District	On-Site Trees	Along Arterial or Collector Street: Trees in Curb Lawn per Linear Feet of Lot Abutting the Curb Lawn
R-A	4	None
R-R	4	None
R-1	1	None
R-2	1	None
R-3	1	None
R-4	1	None
R-5	1	None
R-6	Townhouse: 2 per building Multi-Family: 2 per building	None
R-7	Townhouse: 2 per building Multi-Family: 4 per building	None
R-MH	2 per acre	None
C-1	None	1 per 35' linear feet
C-2	None	1 per 35' linear feet
C-3	None	1 per 35' linear feet
C-4	None	1 per 35' linear feet
C-5	2 per acre	1 per 35' linear feet
C-D	None	1 per 35' linear feet
I-1	2 per acre	1 per 35' linear feet
I-2	None	1 per 35' linear feet
RD	2 per acre	1 per 35' linear feet
IC	2 per acre	1 per 35' linear feet

11.10 TREE PRESERVATION

A. Intent

Existing significant trees should be preserved to the maximum extent feasible to act as buffers between adjoining developments and as site amenities in common areas and open spaces. Where preservation is not feasible, trees that are removed should be replaced on-site or elsewhere in the City.

B. Applicability

These standards apply to new subdivisions and new multi-family and townhouse residential and non-residential (including mixed-use) development. Trees that are dead or dying, or species deemed to be undesirable by the City, or found to be a threat to public safety, are exempt from these provisions.

C. Preservation of Significant Trees

A significant tree is any evergreen tree that measures 12 inches or more in diameter at breast height and any hardwood tree that measures 24 inches or more in diameter at breast height. No significant tree may be removed without the permission of the Planning Commission.

D. Site Plan Review: Tree Survey or Plan Requirement

As part of site plan review, a tree survey depicting the species, size, location, and condition of any existing significant trees on the site by a land surveyor or registered arborist is required, including a preservation and replacement plan to demonstrate compliance with these standards. An applicant may use an aerial survey to estimate canopy coverage of the site, including the use of randomly selected sample plots within the survey area, to determine typical canopy coverage. The aerial survey may include species for the area covered by the aerial survey.

E. Landscape Credit

Any existing significant trees preserved on a site that are of good health are credited towards fulfillment of the landscape requirements of this Code based on the ratios in Table 11-3: Tree Preservation Ratio. These ratios indicate credit for trees preserved within required landscape areas. A tree may only be credited once.

Table 11-3: Tree Preservation Ratio	
Tree Location	Ratio Preserved Tree : Required Tree
Parking lot perimeter landscape yard	1:2
Parking lot interior landscape	1:2 (excludes landscape islands)
Site landscape	1:2
Buffer yards	1:1
Curb lawn trees	1:1
On-site trees	1:2

F. Permitted Tree Removal

Any person wishing to remove a significant tree must indicate such intent on a landscape plan and such tree is required be replaced in accordance with this section. The Planning Director has the authority to grant permission to remove a significant tree but may refer the request to the Planning Commission for public hearing and recommendation. In order to receive permission to remove a significant tree, the Planning Director or Planning Commission must make one or more of the following findings:

1. The tree poses a hazard. In order to verify that a hazard exists, the Planning Director or Planning Commission may require a tree hazard assessment to be performed by a qualified arborist.
2. The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.
3. The roots of the tree are causing damage to paved areas or sewer and plumbing lines.
4. The tree has an incurable disease or pest infestation that cannot be eliminated. The Planning Director or Planning Commission may require this condition to be verified by a qualified arborist.
5. The tree has been damaged to the point that it cannot recover and grow properly, or it will grow in a misshapen or unsightly manner.
6. The Planning Director or Planning Commission determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.

G. Tree Replacement or Mitigation

1. If a significant tree is removed according to an approved landscape plan in accordance with the permissions of this section, or is removed or damaged during clearing, grading, or construction, the applicant must replace the removed or damaged trees. Replacement trees must be the same or similar species to the trees removed or damaged or, alternatively, a species approved by the Planning Commission. The tree may be replaced in the same location as the removed tree, or within the required landscape areas as approved by the Planning Commission.
2. The Planning Commission may allow trees to be replaced with other types of landscape if one or more of the following conditions are met:
 - a. The property includes other trees that provide sufficient shade so that additional trees are not necessary.
 - b. If a replacement tree would be out of character in conjunction with an approved landscape plan.
 - c. If there is no suitable location on the property for a replacement tree.

H. Construction Protection

The following standards must be followed during construction to protect significant trees:

1. Within the drip line of any protected tree, there may be no cut or fill over a four inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
2. Prior to and during construction, temporary barriers must be erected around all protected trees a minimum of four feet in height, and at the drip line. There may be no storage or movement of equipment, material, debris, or fill within the fenced, tree-protection zone.

3. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.

4. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

I. Clear-Cutting of Forest Prohibited

Clear-cutting, which is the felling and removal of all trees from a given tract of land, is prohibited unless specifically permitted by the Planning Commission.

J. Protecting Trees on Public Property

Trees located on public property, including the parkway, may not be cut, damaged, or removed without first obtaining permission from the Infrastructure Director, and must be protected during construction in accordance with the standards set forth in this section.

11.11 REQUIRED PLANTS LIST

Table 11-4: REQUIRED PLANTS LIST							
Understory Trees (Under 30 feet)				Small areas: -Must use root barrier installed linear to hardscape. -No multi-trunk.	Small and Medium Areas: - If planted within 7' of hardscape root barrier must be installed.	Medium to Large Areas: 15' minimum from hardscape or buildings	Large Areas: 40' minimum from hardscape or buildings
Common Name	Scientific Name	TN Native	Drought Tolerance	Street Tree	Parking Lot	Buffer/Set Back Area	Open Space/Large Area
Serviceberry	<i>Amelanchier arborea</i>	Yes	Moderate	X	X	X	X
American Hornbeam	<i>Carpinus caroliniana</i>	Yes	High	X	X	X	X
Eastern Redbud	<i>Cercis canadensis</i>	Yes	Moderate	X	X	X	X
Fringe Tree	<i>Chionanthus virginicus</i>	Yes	Moderate	X	X	X	X
Smoketree	<i>Cotinus cogggria</i>	Yes	High		X	X	X
Flowering Dogwood	<i>Cornus florida</i>	Yes	Moderate	X	X	X	X
Washington Hawthorn	<i>Crateaegus populifolia</i>	Yes	High			X	X

<i>American Holly</i>	<i>Ilex opaca</i>	Yes	Moderate			X	X
<i>Topal Holly</i>	<i>Ilex x attenuata</i>	Yes	Moderate			X	X
<i>Crape Myrtle</i>	<i>Lagerstroemia indica</i>	No	High	X	X	X	X
<i>Little Gem Magnolia</i>	<i>Magnolia grandiflora 'Little Gem'</i>	Yes	Moderate	X	X	X	X
<i>Sweetbay Magnolia</i>	<i>Magnolia virginiana</i>	Yes	Moderate	X	X	X	X
<i>Persian Ironwood</i>	<i>Parrotia persica</i>	No	Moderate	X	X	X	X
<i>Dwarf Chinkapin Oak</i>	<i>Quercus prinoides</i>	Yes	High	X	X	X	X
<i>Chastetree, Lilac</i>	<i>Vitex agnus-castus</i>	No	High			X	X
Canopy Trees (30 feet and above)							
Common Name	Scientific Name	TN Native	Drought Tolerance	Street Tree	Parking Lot	Buffer/Set Back Area	Open Space/Large Area
<i>Trident Maple</i>	<i>Acer buergerianum</i>	No	Moderate	X	X	X	X
<i>Red Maple</i>	<i>Acer rubrum</i>	Yes	Moderate	X	X	X	X
<i>Sugar Maple</i>	<i>Acer saccharum</i>	Yes	Moderate		X	X	X
<i>River Birch</i>	<i>Betula nigra</i>	Yes	High		X	X	X
<i>Bitternut Hickory</i>	<i>Carya cordiformis</i>	Yes	High				X
<i>Shagbark Hickory</i>	<i>Carya ovata</i>	Yes	High				X
<i>American Beech</i>	<i>Fagus grandifolia</i>	Yes	Moderate			X	X
<i>Ginko (Male only)</i>	<i>Ginkgo biloba</i>	No	High	X	X	X	X
<i>Honeylocust</i>	<i>Gleditsia triacanthos</i>	Yes	High				X
<i>Eastern Red Cedar</i>	<i>Juniperus virginiana</i>	Yes	Moderate		X	X	X
<i>Tulip Poplar</i>	<i>Liriodendron tulipifera</i>	Yes	Moderate			X	X

Sweetgum	<i>Liquidambar styraciflua</i>	Yes	Moderate			X	X
Southern Magnolia	<i>Magnolia grandiflora</i>	Yes	Moderate	X	X	X	X
Black Gum	<i>Nyssa sylvatica</i>	Yes	High			X	X
American Hornbeam	<i>Ostrya virginiana</i>	Yes	High	X	X	X	X
Chinese Pistache	<i>Pistacia chinensis</i>	No	High	X	X	X	X
Shortleaf Pine	<i>Pinus echinata</i>	Yes	High				X
Eastern White Pine	<i>Pinus strobus</i>	Yes	Moderate				X
Loblolly Pine	<i>Pinus taeda</i>	Yes	Moderate				X
London Plane	<i>Platanus x acerifolia</i>	No	High			X	X
Sycamore	<i>Platanus occidentalis</i>	Yes	Moderate			X	X
White Oak	<i>Quercus alba</i>	Yes	High			X	X
Swamp White Oak	<i>Quercus bicolor</i>	Yes	High			X	X
Southern Red Oak	<i>Quercus falcata</i>	Yes	High			X	X
Overcup Oak	<i>Quercus lyrata</i>	Yes	High	X	X	X	X
Bur Oak	<i>Quercus macrocarpa</i>	Yes	High			X	X
Texas Red Oak	<i>Quercus texana</i>	Yes	Moderate			X	X
Willow Oak	<i>Quercus phellos</i>	Yes	High			X	X
Red Oak	<i>Quercus rubra</i>	Yes	Moderate			X	X
Shumard Oak	<i>Quercus shumardii</i>	Yes	High			X	X
Black Locust	<i>Robinia pseudoacacia</i>	Yes	High				X
Bald Cypress	<i>Taxodium distichum</i>	Yes	High			X	X
Prohibited Trees							
Common Name	Scientific Name	TN Native	Drought Tolerance	Street Tree	Parking Lot	Buffer/Set Back Area	Open Space/Large Area
Amur Maple	<i>Acer ginnala</i>						
Tree of Heaven	<i>Ailanthus altissima</i>						

<i>Mimosa</i>	<i>Albizia julibrissin</i>						
<i>Paper Mulberry</i>	<i>Broussonetia papyrifera</i>						
<i>Leyland Cypress</i>	<i>Cupressus x leylandii</i>						
<i>Russian Olive</i>	<i>Elaeagnus angustifolia</i>						
<i>Ash spp.</i>	<i>Fraxinus spp.</i>						
<i>Chinese Parasol</i>	<i>Firmiana simplex</i>						
<i>Goldenrain Tree</i>	<i>Koelreuteria paniculata</i>						
<i>Chinaberry</i>	<i>Melia azedarach</i>						
<i>Princess Tree</i>	<i>Paulownia tomentosa</i>						
<i>White Poplar</i>	<i>Populus alba</i>						
<i>Ornamental Pear (Bradford)</i>	<i>Pyrus calleryana (all varieties)</i>						
<i>Chinese Tallow</i>	<i>Triadica sebifera</i>						
<i>Eastern Hemlock</i>	<i>Tsuga canadensis</i>						
<i>Siberian elm</i>	<i>Ulmus pumila</i>						

ARTICLE 12. SIGNS

12.1 PURPOSE
12.2 GENERAL SIGN STANDARDS
12.3 ILLUMINATION
12.4 PROHIBITED SIGNS
12.5 EXEMPT SIGNS
12.6 SIGN PERMIT REQUIRED: PERMANENT AND TEMPORARY SIGNS
12.7 SUMMARY OF SIGN PERMISSIONS
12.8 BILLBOARDS

12.1 PURPOSE

The purpose of these regulations is to establish a comprehensive system of sign controls regarding the construction, installation, and maintenance of signs that will:

- A.** Promote and protect the health, safety, and welfare of the City by ensuring the compatibility of signs with surrounding structures and land uses.
- B.** Create a more attractive business and economic climate by enhancing and protecting the orderly and effective display of signs, and discouraging sign clutter.
- C.** Protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs that obscure the vision of pedestrians or motorists, and signs that compete or conflict with necessary traffic signals, government signs, and warning signs.

12.2 GENERAL SIGN STANDARDS

All signs constructed, erected, modified, or altered must comply with the following standards.

A. Prohibited Installations

- 1. No sign may be erected in a location that violates the building code, fire code, and other applicable City codes or ordinances.
- 2. No sign may obstruct the sight triangle, as described in Article 9.
- 3. Only signs that have been placed by or authorized by federal, state, or the City may be installed on public property. Any sign installed on public property, including rights-of-way, and public easements without prior authorization may be removed by the City without notice.
- 4. No permanent sign may be erected on private property without the consent of the property owner or his/her authorized agent. When a sign permit applicant proposes to install a sign on property not owned by the applicant, written permission from the property owner or his/her authorized agent must be submitted as part of the sign permit application.
- 5. No sign may be erected in a manner that obstructs access to any ingress or egress, fire escapes, fire hydrants, fire department connections, or standpipes and similar fire safety connections.
- 6. No sign may be installed in a manner that obstructs stormwater flow for the stormwater system serving that lot.

B. Construction Standards

- 1. Supports and braces must be designed as an integral part of the overall sign and obscured from public view to the extent technically feasible.
- 2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.
- 3. All signs must be designed and constructed in compliance with the building code, electrical code, and all other applicable codes and ordinances.
- 4. All permanent signs must be constructed of rigid, weather-proof materials.

5. Glass comprising any part of a sign must be safety glass.
6. All letters, figures, characters, or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built into or attached to the sign structure.
7. Audio components are prohibited, with the exception of the following:
 - a. Menu boards, limited to communication between the customer and service window.
 - b. Drive through facility service windows, limited to communication between the customer and service window.
 - c. Permitted gas station pump video screens.

C. Electrical Wiring

1. All electrical fixtures, devices, circuits, conduits, raceways, or similar features must be installed and maintained in compliance with the current City electrical code.
2. Conduits, raceways, and other components of a sign illumination system must be designed as an integral part of the overall sign structure and obscured from public view to the extent technically feasible.

D. Required Maintenance

1. All signs must be kept in a safe and well-maintained condition and appearance, and must be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.
2. All signs must be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.
3. All unused sign hardware or wiring must be removed.
4. If a sign is maintained in an unsafe or unsecured condition, it must be removed or the condition corrected. If the sign is not removed or the condition is not corrected within the required time period, the City may enforce this order through permitted enforcement procedures of Article 18.
5. The City may remove any sign that is an immediate public peril to persons or property summarily and without notice. The owner of such sign is responsible for all costs of removal.

E. Removal of Signs

All signs, including sign hardware or wiring, must be completely removed from premises within five business days of a non-residential occupant vacating a building or tenant space.

12.3 ILLUMINATION

- A.** Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, must be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.
- B.** The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible.
- C.** All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.
- D.** No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.
- E.** Neon or LED lighting to outline doors, windows, architectural features, and building facades is prohibited.
- F.** The maximum allowable footcandle for signs at any lot line is as follows:

1. Any use abutting a residential use: Zero footcandles.
2. Where a nonresidential use abuts a nonresidential use: One footcandle.
3. Any use at the lot line abutting a street, as measured at the curb line: One footcandle

12.4 PROHIBITED SIGNS

All signs not expressly permitted by this Code are prohibited. In addition, the following sign types are specifically prohibited:

- A.** Banners used as permanent signs, including banners wrapped around a permanent sign structure, such as a freestanding sign, projecting sign, or wall sign.
- B.** Balloon signs that exceed one square foot in area. Inflatable advertising displays designed to inflate or move by use of a fan or blower are considered a balloon sign. Balloons of two square feet in area or less are exempt from a sign permit and are permitted, however they may not be attached to or extend into any public right-of-way or parking aisle or space.
- C.** Electronic message signs. Also called electronic message center (EMC) signs.
- D.** Flashing or animated signs.
- E.** Moving signs, including any sign that rotates, revolves, or has any visible moving part, or any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. This excludes clocks and barber poles.
- F.** Neon or LED signs, with the exception of permissions for window signs below.
- G.** Obsolete signs and sign structures.
- H.** Portable reader-board signs.
- I.** Roof signs.
- J.** Strobe lights, moving or fixed spotlights, floodlights/searchlights.
- K.** Signs that constitute a traffic hazard, including signs that:
 1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color designed to resemble a traffic signal.
 2. May be confused with any public safety lighting, including signs illuminated in red and blue colors.
 3. Make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING, or any other word, phrase, symbol, or character in a manner used to direct traffic that would mislead, interfere with, or confuse traffic.
- L.** Vehicle signs on unlicensed, uninsured, or inoperable vehicles that are placed on the vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked. This prohibition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign, and that they are parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition. Vehicle for-sale signs are exempt from this provision.
- M.** Video display signs.

12.5 EXEMPT SIGNS

A. Exempt Alteration and Maintenance on Existing Signs

The following activities are exempt from requiring a sign permit:

1. Painting, cleaning, or other normal maintenance and repair of a sign, not involving structural changes, or

changes in the electrical components of the sign, including the removal and replacement of electrical components. Any activity that increases the sign area, sign height, or any sign dimension, or moves the location of a sign, requires a sign permit. The changing of a sign face requires a sign permit.

2. Changing the copy of a changeable message sign.

B. Exempt Ancillary Signs

1. Logos and labels located on mechanical equipment, recycling bins, trash containers, and the like, which are part of the equipment as manufactured and/or installed, are exempt.

2. A maximum of one sign mounted on each gas station pump island is permitted and is limited to 1.5 square feet in sign area. All such signs must be oriented to face the vehicle fueling. Such signs may be video display screens if they comply with the following standards:

- a. Signs may include an audio component, which may only be activated during business hours. The volume on any audio component must be maintained at a level so as not to be audible on adjacent properties and must comply with all local noise regulations.

- b. Video display signs must be installed generally perpendicular to the right-of-way. In no case may they be installed parallel to the right-of-way.

- c. Video display signs must be a minimum of 15 feet from any lot line.

3. Building address:

- a. A maximum of one such sign is allowed per building entry. Signs must be wall-mounted and no more than two square feet in area, unless otherwise required for fire safety or similar City safety purposes.

- b. A maximum of one such sign is also allowed at the entrance drive. Signs must be no more than two square feet in area and a maximum of four feet in height, unless otherwise required for fire safety or similar City safety purposes.

C. Exempt Permanent and Temporary Signs

1. A-Frame Sign

- a. A-frame signs are permitted in the C-1, C-3, C-4, and C-D Districts.

- b. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development. A minimum 15 foot separation is required between all A-frame signs.

- c. An A-frame sign must be placed within 15 feet of the primary entrance of the business and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. A-frame signs may be placed in the curb lawn concurrent with the lot of the establishment being advertised, but must maintain a five foot sidewalk clearance at all times.

- d. A-frame signs are limited to six square feet in area per side and four feet in height.

- e. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs must be stored indoors at all other times.

- f. A-frame signs must not be used outdoors when high winds or heavy rain conditions exist.

- g. Illumination of A-frame signs is prohibited.

- h. No A-frame sign may have any type of electronic component.

2. Auction Activity Signs

On a lot where an active auction activity is taking place, a temporary sign is permitted. Such temporary signs are subject to the following:

1. When located on private property, permission from the property owner is required. When located on public property, permission from the City or other applicable authority is required.
2. Signs are limited to six square feet in area.
3. Signs may be installed no earlier than 14 days before the event and must be removed within 48 hours of the close of the event.
4. A temporary sign is permitted four display periods per calendar year and require a separation of 30 days between displays.

3. Construction Activity Sign

On a lot where active construction is taking place, a temporary sign is permitted. Such temporary signs are subject to the following:

- a. For developments of five acres or less, one per street frontage. For developments over five acres, two per street frontage.
- b. Construction activity signs are permitted in all districts on all sites with active construction projects.
- c. Construction activity signs may be installed only after approval of a building permit or land disturbance permit for such activity. Construction activity signs must be removed once a certificate of occupancy is issued or the building permit expires, whichever occurs first.
- d. Construction activity signs may be constructed as either freestanding signs, wall signs, or installed on accessory structures such as fences, and subject to the following:
 - i. Signs are limited to 16 square feet in area for construction sites of less than one acre in lot area. Signs are limited to 32 square feet in area for all other construction sites.
 - ii. For properties less than five acres in size, freestanding signs are limited to eight feet in height. For properties five acres in size or greater, freestanding signs are limited to ten feet in height. All freestanding signs must be located a minimum of five feet from any lot line.
 - iii. Signs may not be illuminated.
- e. For residential subdivisions under construction, additional signs are permitted as follows:
 - i. An additional sign is permitted at each entrance/exit, driveway intersection, parking lot locations, model unit and/or office entries, and other circulation points.
 - ii. Signs are limited to four square feet in area.
 - iii. A freestanding sign is limited to six feet in height and must be five feet from any lot line that abuts a street.
 - iv. Construction activity signs cannot be internally illuminated.

4. Government Sign

Federal, state, or local governments or taxing bodies may install signs in the public interest in any number, configuration, or size in any district or in the right-of-way. Such signs may be illuminated as required by the agency. Temporary roadway work, utility work, or emergency information signs may be electronic message signs.

5. Holiday and Seasonal Decorations

Decorations on private property clearly incidental and customary, and commonly associated with, national, local, or religious holidays or times of the season, are allowed but are limited to a maximum display period of 60 days for each holiday.

6. Memorial or Historic Event

Where a structure or lot is related to a historic person, event, structure, or site, one additional permanent sign for such historic person, event, structure, or site is permitted as follows:

- a. Memorial signs are permitted in any district.

- b. Memorial signs may be constructed as either freestanding or wall signs, subject to the following:
 - i. Memorial signs are limited to six square feet.
 - ii. Freestanding signs are limited to four feet in height and must be located five feet from any lot line.
 - iii. Wall mounted signs shall be inlaid so as to be an integral part of the structure, cut into stone or masonry, or be a permanently affixed plaque of bronze or aluminum.
 - iv. Signs may be externally illuminated.
- c. Memorial signs are limited to one per street frontage.

7. Multiple Tenant Building Entryway

Multiple tenant buildings, such as multi-family dwellings and non-residential developments with multiple tenants, are permitted a permanent sign for the entryway subject to the following.

- a. Signs may be constructed as either freestanding or wall signs, subject to the following:
 - i. Signs are limited to six square feet in area.
 - ii. Freestanding signs are limited to five feet in height, and must be located within five feet of the building entry and a minimum of five feet from any lot line.
 - iii. Freestanding building entryway signs must be installed so that they are primarily viewable from the building entryway and not intended to be viewed from a public right-of-way.
 - iv. Signs may only be internally illuminated.
- b. Signs are limited to one per building entry.

8. Noncommercial Message

Temporary signs used for the expression of noncommercial ideas and messages are permitted in all districts. Examples include but are not limited to signs advocating a public issue, recommending a candidate for public office, alerts, or warnings. Noncommercial messages may be displayed on any sign authorized to display commercial messages. Temporary signs used for noncommercial messages are subject to the following:

- a. Signs may be constructed as either freestanding, wall, including fence, or window signs. There is no limit on the number of signs permitted.
- b. Freestanding and wall/fence-mounted noncommercial message signs are limited to 16 square feet in area.
- c. Window-mounted noncommercial message signs must meet the coverage limitations of window signs. If no coverage is specified, the limitation is 30% of the window area.
- d. Freestanding noncommercial message signs must be located a minimum of five feet from any lot line and may not be installed in a manner that obstructs visibility of intersections.
- e. Noncommercial message signs posted on private property must have the permission of the property owner.
- f. Noncommercial message signs cannot be illuminated.
- g. Noncommercial message signs cannot be used as a temporary off-premise commercial sign.
- h. When a noncommercial message sign is related to a date specific event or activity, such as a political campaign or referendum, such signs may be installed no sooner than 60 days prior to and be removed within 48 hours of such event or activity.

9. Not-for-Profit Community Event

Not-for-profit community event signs are permitted temporary signs. Not-for-profit community events cannot be used as temporary off-premise commercial signs that direct attention to a for-profit commercial activity, which are prohibited.

- a. When located on private property, permission from the property owner is required. When located on public property, permission from the City or other applicable authority is required.
- b. Signs are limited to six square feet in area.
- c. Signs may be installed no earlier than twenty-one (21) days before the event and must be removed within 48 hours of the close of the event. (*Ord. 19-09*)
- d. Each not-for-profit event is permitted four display periods per calendar year and require a separation of 30 days between displays.

10. Off-Premise Commercial Signs – Temporary

Such signs must be installed on private property. Temporary off-premise commercial signs may not be erected before Noon on Friday and must be removed no later than Noon the following Monday. In the event that Friday is a nationally recognized holiday, the signs may be erected on Thursday after Noon. In the event that Monday is a nationally recognized holiday, the weekend directional signs may remain in place until Tuesday by Noon.

11. Parking Lots and Structures: Additional Signs

Parking lots and parking structures are permitted additional signs, whether such parking lots or structures are a principal or ancillary use.

- a. An additional sign is permitted at each entrance/exit, driveway intersection, drive-through lane, and other circulation points.
- b. Signs are limited to four square feet in area.
- c. A freestanding sign is limited to six feet in height and must be five feet from any lot line that abuts a street.
- d. Signs located at an entrance/exit, driveway intersection, drive-through lane, and other circulation points may be internally illuminated.

12. Real Estate Activity

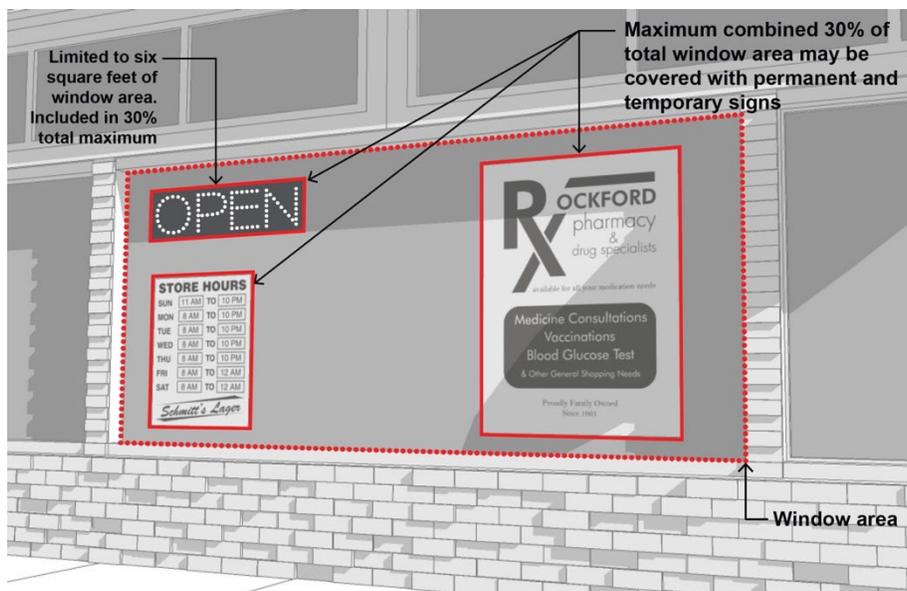
When a structure or lot is offered for sale, lease, or rent, such lot is permitted an additional temporary sign as follows:

- a. Real estate activity signs are permitted in all districts. Real estate signs must be located on the site of the property for sale, lease, or rent.
- b. Real estate signs are limited to one per street frontage.
- c. Real estate activity signs may be constructed as either freestanding, wall, or window signs.
- d. Commercial development and general residential subdivision real estate activity signs are limited to 40 square feet; this does not apply to individual homes for sale within a residential subdivision. All other real estate activity signs are limited to eight square feet.
- e. Commercial development and general residential subdivision real estate activity signs are limited to eight feet in height; this does not apply to individual homes for sale within a residential subdivision. All other real estate activity signs are limited to six feet in height. All freestanding signs must be located a minimum of five feet from any lot line.
- f. Real estate activity signs may not be illuminated.
- g. Real estate activity signs must be removed within five days of final closing, lease, or rental. If such real estate signs are used in conjunction with a promotional event related to the sale, lease or rent, such signs may be installed 48 hours prior to event and must be removed within 24 hours of the end of the event.

13. Window Sign

- a. Window signs are permitted for all non-residential uses in all districts.
- b. All window signs, whether temporary or permanent, are limited to no more than 30% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
- c. Up to six square feet of window area may be illuminated, including any neon or LED sign, but this area is included in the maximum total area of 30%. Flashing or animation is prohibited.

WINDOW SIGN



12.6 SIGN PERMIT REQUIRED: PERMANENT AND TEMPORARY SIGNS

This section describes the types of signs allowed with a sign permit. Specific regulations on each sign type may include further restrictions on which districts and/or uses within a district may utilize these sign types.

A. Attention-Getting Device

- 1. Attention-getting devices are permitted for non-residential uses in the non-residential districts.
- 2. Attention-getting devices are limited to the following display periods:
 - a. Attention-getting device are limited to a maximum display period of 15 days.
 - b. A maximum of four display periods per year is permitted with a minimum separation period between displays of 30 days.
- 3. Freestanding attention-getting devices are subject to the following:
 - a. One freestanding attention-getting device is allowed for every 75 feet of street frontage.
 - b. Freestanding attention-getting devices are limited to a maximum height of six feet and 32 square feet in area.
 - c. Freestanding attention-getting devices must be located a minimum of five feet from a lot line, as measured from the outermost portion of the sign. No part of a freestanding attention-getting device may extend over the lot line.
- 4. Wall-mounted attention-getting devices are limited to 32 square feet.

5. An establishment may have only one freestanding or a wall-mounted attention-getting device installed or mounted at one time.
6. In the C-D District, only wall-mounted attention-getting devices are permitted.
7. For multi-tenant sites, each establishment within the development is permitted to mount a wall-mounted attention getting device. As regulated above, the entire development site is subject to the spacing requirement for freestanding devices and must coordinate tenant usage of such permission. The City will not coordinate tenant usage of such signs.

ATTENTION GETTING DEVICE: EXAMPLES

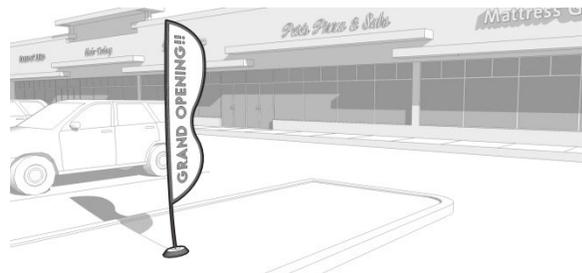
Wall-Mounted Banner



Ground-Mounted Banner



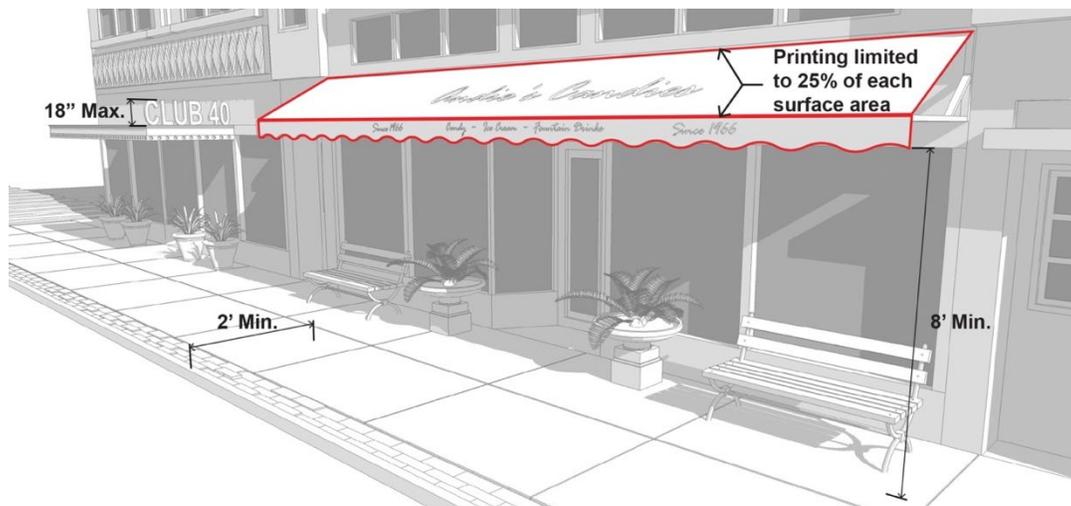
ATTENTION GETTING DEVICE: EXAMPLES



Sail/Feather Sign

B. Awning Sign

1. Awning signs are permitted for multi-family dwellings and non-residential uses in any district.
2. Awning signs must maintain a minimum vertical clearance of eight feet.
3. Awning signs may encroach into the public right-of-way but must be located at least two feet from the curb line. Awning signs cannot extend more than eight feet from the building façade.
4. Awning signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material such as metal.
5. Sign copy on any awning sign surface is limited to 25% of each surface area. A valance is considered a separate surface area.
6. Solid awnings are permitted lettering attached to and located above the top of the awning to a maximum height of 18 inches.
7. Awning signs may be externally illuminated and lighting must be focused on the printed area.
8. Back-lit awnings are prohibited.

AWNING SIGN**C. Canopy Sign**

Canopy signs are divided into two types: non-structural and structural.

1. Non-Structural Canopy Signs

- a. Non-structural canopy signs are permitted for multi-family dwellings and non-residential uses in all districts.
- b. Non-structural canopy signs must maintain a minimum vertical clearance of eight feet.
- c. Non-structural canopy signs may encroach into the public right-of-way but must be located at least two feet from the curb line. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall. Non-structural canopy signs cannot extend more than eight feet from the building façade.
- d. Non-structural canopy signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric.
- e. Sign copy on any canopy sign surface is limited to 25% of each surface area.
- f. Non-structural canopy signs may be externally illuminated and lighting must be focused on the printed area.
- g. Back-lit canopies are prohibited.

2. Structural Canopy Signs**a. Permissions for Structural Canopy Signs**

Structural canopy signs are permitted as follows:

- i. Structural canopy signs attached to the principal structure are permitted for non-residential uses in the commercial and industrial districts.
- ii. Freestanding structural canopy signs are permitted for gas stations and drive through facilities in any district.

b. Structural Canopy Signs Attached to Principal Structure

Structural canopy signs attached to the principal structure are subject to the following:

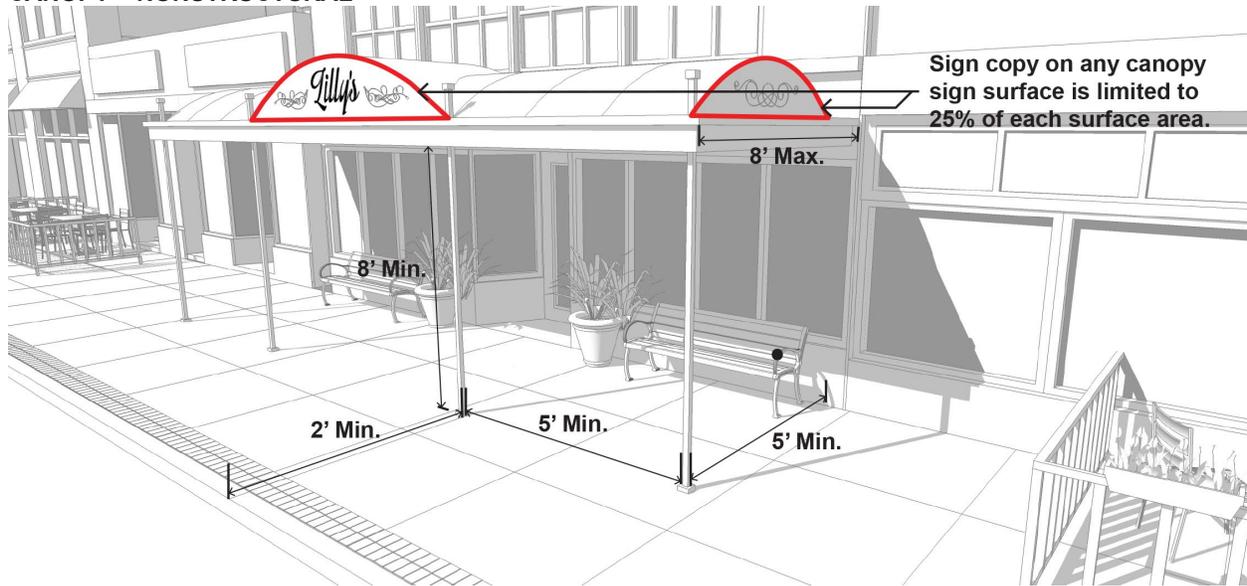
- i. Canopy signs attached to the principal structure may encroach into the public right-of-way but must be located at least two feet from the curb line. Structural canopy signs attached to the principal structure cannot extend more than eight feet from the building façade.
- ii. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.
- iii. Canopy signs attached to a building must maintain a minimum vertical clearance of eight feet.
- iv. For structural canopies attached to a principal building, sign copy is limited to 25% of each surface area. Such signs are permitted lettering attached to and located above the top of a structural canopy to a maximum height of 18 inches.
- v. Structural canopy signs attached to the principal structure must be made of permanent building material, such as metal, brick, stucco, or concrete that compliments the building material of the principal building.
- vi. Structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign.

c. Freestanding Structural Canopy Signs

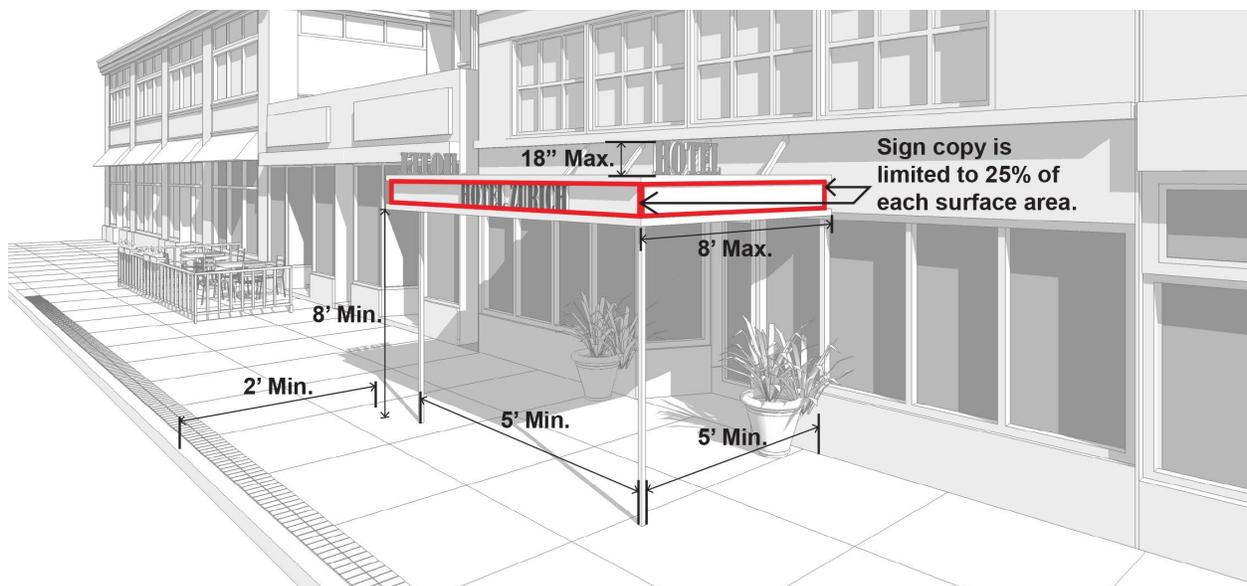
Freestanding structural canopy signs are subject to the following:

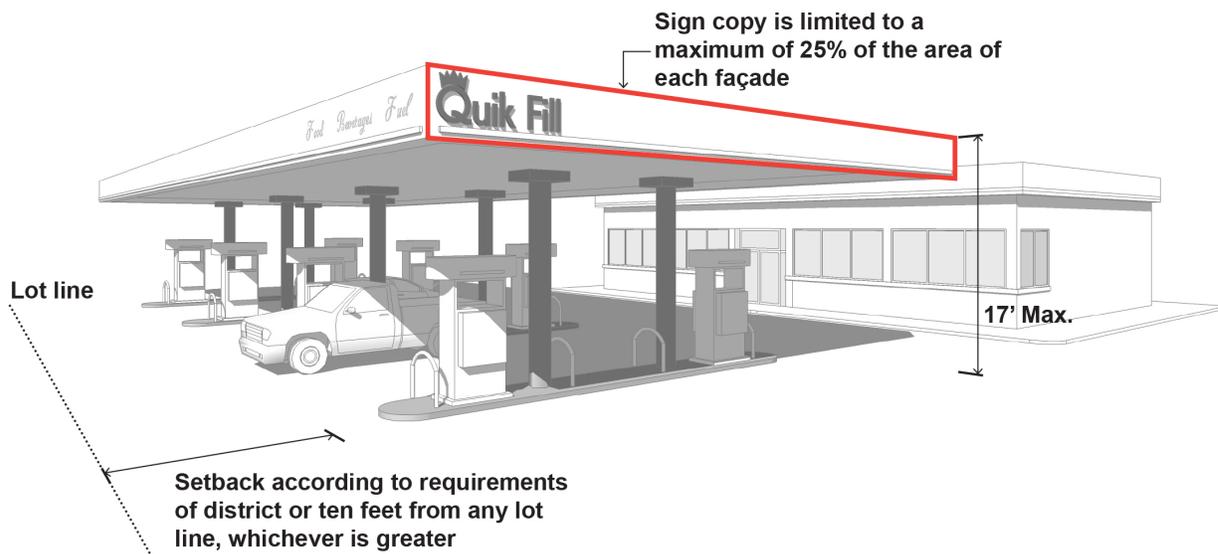
- i. Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from any lot line, whichever is greater.
- ii. Freestanding structural canopy signs are limited to a maximum height of 17 feet. Height is measured to the top of a flat roof or in the case of a pitched roof to the mean between the eaves and peak. A minimum vertical clearance of ten feet is required.
- iii. For freestanding structural canopies, sign copy is limited to a maximum of 25% of the area of each façade. No sign may be mounted above the top of the roof of the freestanding structural canopy.
- iv. Freestanding structural canopy signs must be made of permanent building material that matches the primary building material of the principal structure. However, in no case may exterior insulating finish systems (EIFS) be used to construct the canopy.
- v. Freestanding structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign. Freestanding structural canopies are permitted an illuminated band along each facade of the canopy. The illuminated band is limited to 15% of the overall height of the facade of the canopy. Illumination under the canopy (to light the area beneath for patrons) must comply with the lighting standards of Section 9.2

CANOPY – NONSTRUCTURAL



CANOPY – STRUCTURAL, ATTACHED



CANOPY – STRUCTURAL, FREESTANDING**D. Freestanding Sign****1. Freestanding Sign Types**

Freestanding signs are regulated as three types in this Code:

- a. Freestanding signs – standard are permitted for multi-family dwellings and non-residential uses in any district.
- b. Freestanding signs – multi-tenant retail center are permitted for multi-tenant retail centers in any district. A multi-tenant retail center is a commercial development under unified control consisting of two or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common access/entranceway or parking area.
- c. Freestanding signs – residential subdivision are permitted for residential subdivisions in any district.

2. General Freestanding Sign Regulations

The following regulations apply to all freestanding signs:

- a. When the freestanding sign is designed with the base of the freestanding sign structure installed at a minimum of one foot above finished grade, the monument base must be designed as an integral part of the sign structure.
- b. Freestanding signs must be set back a minimum of five feet from any lot line. No ground sign may project into, over, or otherwise encroach on a public right-of-way or public easement.
- c. Freestanding signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- d. Freestanding signs must be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. The base of the freestanding sign structure must be made of brick or stone.
- e. Any changeable copy component of the sign is limited to a maximum of 70% of the total area of a sign. The larger sign structure must contain additional copy; it cannot be a blank sign structure once the changeable copy component is discounted.

3. Freestanding Signs – Standard

Freestanding signs – standard are subject to the following.

- a. One freestanding sign - standard is permitted per lot.
- b. Freestanding sign - standard are limited to a maximum area of 32 square feet and a maximum height of eight feet.

4. Freestanding Signs – Multi-Tenant Retail Center

Freestanding signs – multi-tenant retail center are subject to the following.

- a. One freestanding sign – multi-tenant retail center is permitted per lot.
- b. For multi-tenant retail centers of ten acres or more, an additional freestanding sign is permitted for each additional entry point to the lot but a minimum separation of 100 feet is required between signs. For the purposes of this regulation, a multi-tenant development where the development as a whole is comprised of separate lots of record, the entire development, including out lot parcels and inline development, is considered one lot.
- c. Freestanding signs – multi-tenant retail center are limited to the following maximum sign areas and heights:
 - i. Lot of less than 10 acres: 100 square feet in area and 15 feet in height
 - ii. Lot of 10 or more acres up to 30 acres: 150 square feet in area and 20 feet in height
 - iii. Lot of 30 or more acres: 200 square feet in area and 20 feet in height

5. Freestanding Signs – Residential Subdivision

Freestanding signs – residential subdivision are subject to the following sign area, sign height, and sign number permissions.

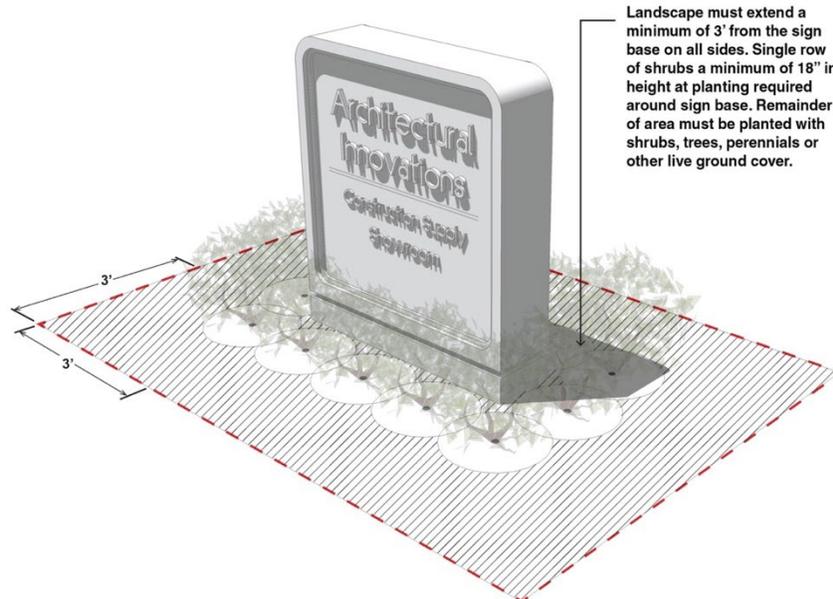
- a. One freestanding sign – residential subdivision is permitted for each entry point to the development. A minimum separation of 100 feet is required between signs.
- b. Freestanding signs – residential subdivision are permitted a maximum sign area of 100 square feet per sign and a maximum sign height of eight feet per sign.

6. Freestanding Sign Landscape

All freestanding signs must be landscaped at the base of the sign as follows:

- a. Landscape must extend a minimum of three feet from the sign base on all sides with small shrubs a minimum of 18 inches in height at planting in a single row around the perimeter of the sign base. Plant materials must include a variety of species for visual interest.
- b. The remainder of the required landscape area must be planted with trees, perennials, or other live groundcover. All areas not landscaped must be covered with mulch or other ground cover material.
- c. If landscape is required on a site, it is included in the total amount of landscape required on a site. Where a sign is installed in any landscape area of a site, the specific landscape requirements of this section do not apply and the sign landscape must be integrated into the overall site landscape plan. Sign landscape must be shown on the landscape plan.
- d. All landscape must be maintained in good condition, and free and clear of rubbish and weeds.

FREESTANDING SIGN LANDSCAPE



E. Light Pole Banner

Light pole banners on private property are allowed as follows:

1. Light pole banners are permitted for light poles on private property and must be mounted so that they are held taut between support posts.
2. Light pole banners are limited to a maximum area of 15 square feet and must have a minimum ground clearance of eight feet.
3. Light pole banners must be mounted to project perpendicular from light poles.
4. Light pole banners must not be used as a temporary off-premise commercial sign.
5. Light pole banner signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric.
6. Once the sign permit application is approved, light pole banners may be changed as needed without additional permits. Any change of brackets or mounts requires a new permit.

F. Marquee

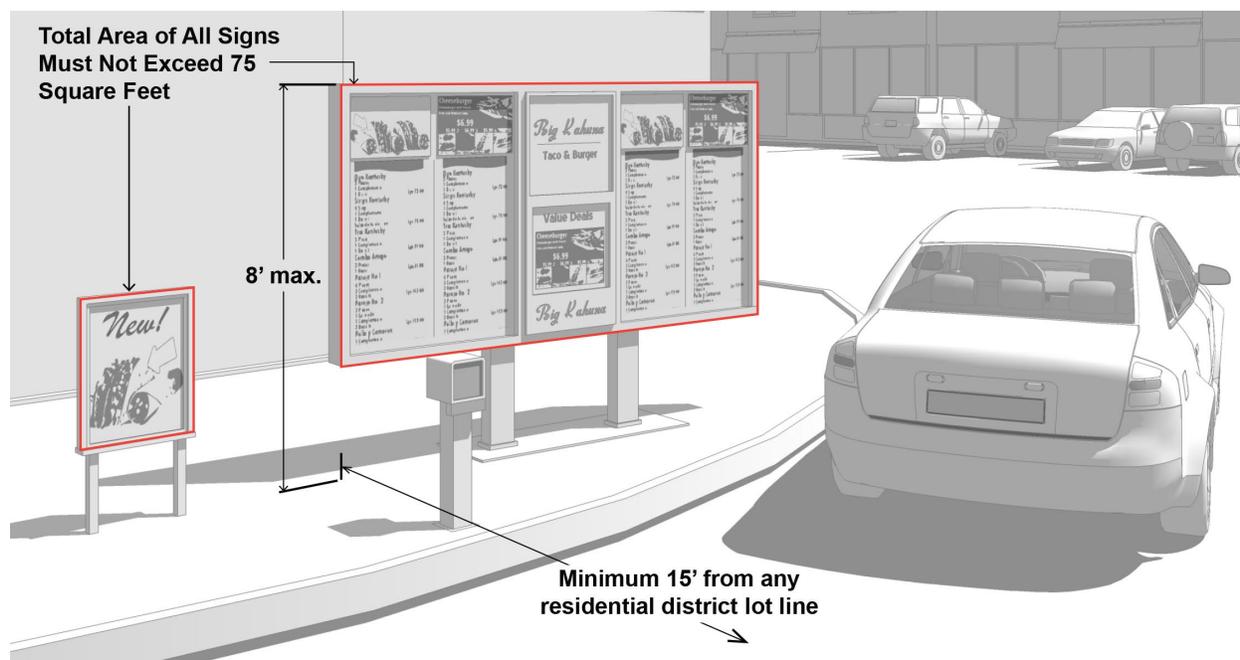
1. Marquees are permitted for non-residential uses in the C-4, C-5, and C-G Districts.
2. Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.
3. The roof of a marquee may not be used for any purpose other than to form and constitute a roof and must be constructed of noncombustible material.
4. Water from the roofs of a marquee may not drain, drip, or flow onto the surface of a public right-of-way. Sufficient downspouts, drains, and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public right-of-way.
5. Marquees must be erected over a building entrance and are limited to the width of the building entrance, including entry doors and ticket booths, with an additional eight feet on each side of the entrance doors.

6. All marquees must maintain a minimum vertical clearance of eight feet, and the roof of the marquee structure must be erected below the second floor windowsill.
7. Marquees may encroach into the public right-of-way but must be located at least two feet from the curb line.
8. Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of 48 inches.
9. Marquees may be internally illuminated.

G. Menu board

1. Menu boards are permitted for all drive-through facilities in any district.
2. Menu boards are limited to a maximum of two signs per drive-through lane.
3. Menu boards are limited to 75 square feet in sign area and eight feet in height.
4. Menu boards must be located a minimum of 15 feet from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.
5. Menu boards may be internally illuminated.
6. Menu boards may contain an electronic screen and audio for interaction with each customer.

MENUBOARD



H. Projecting Signs

1. Projecting signs are permitted in the commercial districts.
2. Projecting signs in the C-1, C-2, and C-D Districts are limited to 12 square feet. Projecting signs in all other districts are limited to 16 square feet.
3. One projecting sign is permitted per establishment with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage.

4. Projecting signs may encroach into the public right-of-way but must be located at least two feet from the curb line. Projecting signs cannot extend more than six feet from the building façade.
5. Projecting signs must maintain a minimum vertical clearance of eight feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.
6. Projecting signs must be constructed of wood or simulated wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Projecting signs constructed of canvas or similar material must be mounted so that they are held taut between support posts.
7. Any changeable copy component of the sign is limited to a maximum of 70% of the total area of a sign. The larger sign structure must contain additional copy; it cannot be a blank sign structure once the changeable copy component is discounted.
8. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above.

PROJECTING SIGN



I. Wall Sign

1. Wall signs are permitted for all non-residential uses in any district.
2. Wall signs are permitted on all facades of a structure that face a right-of-way, parking area, or other public space. Wall signs are not permitted on facades of a structure that face only building service areas. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one structure.

- 3.** The maximum size of a wall sign is established at one square foot per linear foot of building wall where the wall sign will be mounted or 32 square feet, whichever is greater. The square footage from different facades cannot be combined to create a larger sign on any one facade.
- 4.** In a multi-tenant structure, each tenant is permitted a wall sign of one square foot per linear foot of business frontage or 32 square feet, whichever is greater, for each tenant. The square footage from different tenants cannot be combined to create a larger sign than allowed by this section.
- 5.** The number of individual wall signs on a facade is not limited, however the cumulative sign area of all signs on that facade cannot exceed the maximum allowable sign area per items 3 or 4 above.
- 6.** Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- 7.** Wall signs must be safely and securely attached to the building wall. Wall signs must project less than 18 inches from the building wall. Wall signs may encroach into the public right-of-way no more than 18 inches.
- 8.** No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.
- 9.** Wall signs must be constructed of wood or simulated wood, metal, durable, weather-resistant material such as canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Wall signs constructed of material must be mounted so that they are held taut against the wall. Painted wall signs are permitted.
- 10.** Any changeable copy component of the sign is limited to a maximum of 70% of the total area of a sign. The larger sign structure must contain additional copy; it cannot be a blank sign structure once the changeable copy component is discounted.
- 11.** Structures over 75 feet in height are permitted a skyline wall sign. Such skyline wall signs are subject to the following:
 - a.** Skyline wall signs are permitted only for structures of 75 feet or more in height. Skyline wall signs are permitted only for nonresidential uses in nonresidential districts.
 - b.** The size of the skyline wall sign is limited to one square foot per linear foot of the façade where it is mounted, to a maximum size of 200 square feet.
 - c.** The skyline wall signs must be placed within the top 15 feet of the structure and cannot not cover any fenestration or architectural features.
 - d.** Skyline wall signs may project up to 18 inches from the building façade. Such signs must be designed as a wall sign and cannot be mounted on the roof.
 - e.** Additional sign area from wall sign permissions cannot be added to skyline wall signs; additional sign area from skyline wall sign permissions cannot be added to wall signs.
 - f.** Skyline wall signs must be constructed of wood or simulated wood, metal, or plastic, or other similar durable material. Skyline wall signs cannot be made of material such as canvas or nylon. Skyline wall signs cannot be painted.
 - g.** Skyline wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.

WALL SIGN



12.7 SUMMARY OF SIGN PERMISSIONS

Table 12-1: Summary of Sign Permissions catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a sign permit. This table is provided for reference purposes. In the case of any conflict with the regulations of this Article and this Code, the specific sign regulations control over this table.

Table 12-1: Summary of Sign Permissions			
Sign Type	Exempt Sign (Section 12.5)	Permit Required (Section 12.6)	Permitted Locations
A-Frame Sign	•		<i>C-1, C-3, C-4, and C-D Districts</i>
Attention-Getting Device		•	<i>Non-residential uses in the non-residential districts</i>
Auction Activity Sign	•		<i>On a lot where an auction activity is taking place in all districts</i>
Awning Sign		•	<i>Multi-family dwellings and non-residential uses in all district</i>
Canopy Sign: Non-Structural Canopy Signs		•	<i>Multi-family dwellings and non-residential uses in all district</i>
Canopy Sign Structural: Attached To Principal Building		•	<i>Non-residential uses in the commercial and industrial districts</i>
Canopy Sign Structural: Freestanding		•	<i>Gas stations and drive through facilities in any district</i>
Construction Activity Sign	•		<i>On a lot where active construction is taking place in all districts</i>
Freestanding Signs – Standard		•	<i>Multi-family dwellings and non-residential uses in all districts</i>
Freestanding Signs – Multi-Tenant Retail Center		•	<i>Multi-tenant retail centers in all districts</i>
Freestanding Signs – Residential Subdivision		•	<i>Residential subdivisions in all districts</i>

Table 12-1: Summary of Sign Permissions			
Sign Type	Exempt Sign (Section 12.5)	Permit Required (Section 12.6)	Permitted Locations
Government Sign	•		All districts
Holiday and Seasonal Decorations	•		All districts
Light Pole Banner		•	Light pole banners on private property in all districts
Marquee		•	Non-residential uses in C-4, C-5, C-G
Memorial or Historic Event	•		Where a structure or lot is related to a historic person, event, structure, or site in all districts
Menu board		•	Drive through facilities in all districts
Multiple Tenant Building Entryway	•		Entryways for multiple tenant buildings (multi-family dwellings and non-residential and mixed-use developments) in all districts
Noncommercial Message	•		All districts
Not-for-Profit Community Event	•		All districts
Off-Premise Commercial Sign - Temporary	•		All districts
Parking Lots and Structures	•		Parking lot/structures for each entrance/exit, driveway intersection, drive-through lane, and other circulation points in all districts
Projecting Signs		•	Commercial districts
Real Estate Activity	•		When a structure or lot is offered for sale, lease, or rent in all districts
Wall Sign		•	Non-residential uses in all districts
Wall Sign - Skyline		•	Non-residential uses in non-residential districts only for structures over 75 feet in height
Window Sign	•		Non-residential uses in all districts

12.8 BILLBOARDS

- A.** All new billboards and modifications to existing billboards require a sign permit. Modifications do not include changing the advertising on the billboard face.
- B.** Billboards are permitted only within 660 feet of the nearest edge of Interstate 65 on properties zoned industrial or commercial districts.
- C.** However, billboards are prohibited along any right-of-way that has been designated as a scenic route.
- D.** Minimum spacing between billboards located on the same side of a right-of-way is 1,000 feet.
- E.** Billboards must be located the following minimum distances from residential districts:
 - 1. No billboard located along a particular street may be closer than 500 feet to the nearest lot line of any residentially zoned property that has frontage on either side of the street.
 - 2. No billboard located along a particular street may be closer than 100 feet from the nearest lot line of any residentially zoned property that does not front on said street.
- F.** Billboards may only be mounted as freestanding pole signs. All billboards must be of a monopole-type construction.
- G.** Billboards are limited to a maximum height of 35 feet,

- H.** Billboards must be set back from the edge of the right-of-way a minimum of ten feet, as measured from the edge of the billboard closest to the right-of-way.
- I.** The sign area per sign face for a billboard is a maximum of 672 square feet.
- J.** A billboard may have a maximum of two sign faces, so long as the sign faces are constructed back-to-back and are separated by no more than ten feet.
- K.** Billboards may be electronic billboards subject to the following:
1. The message display time must remain static for a minimum of eight seconds with a maximum change time of two seconds.
 2. Video, continuous scrolling messages and animation are prohibited.
 3. The minimum spacing of electronic billboards on the interstate system or controlled access highways is 2,000 feet.
 4. No nonconforming billboard may be converted to an electronic billboard.

ARTICLE 13. ZONING APPLICATIONS

- 13.1 GENERAL PROCESSES**
- 13.2 ZONING TEXT AND MAP AMENDMENT**
- 13.3 SPECIAL USE**
- 13.4 VARIANCE**
- 13.5 PLANNED DEVELOPMENT**
- 13.6 SITE PLAN REVIEW**
- 13.7 ZONING INTERPRETATION**
- 13.8 SIGN PERMIT**
- 13.9 TEMPORARY USE PERMIT**
- 13.10 ZONING APPEALS**

13.1 GENERAL PROCESSES

A. Application Process

1. Filing, Pre-Application Conference, and Referrals

- a.** All zoning applications must be filed with the Planning Department. The application must be on forms provided by the City and filed in such quantity and with such submittals as required by the instructions.
- b.** Prior to formal submittal of an application, the applicant is strongly encouraged to schedule a pre-application conference with the Planning Department. This pre-application conference is optional. The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application.
- c.** Prior to final decisions on the applications, during the review and recommendation process, the application may be referred to other city, county and state or federal governmental authorities for review and comment.
- d.** Prior to formal submittal of an application, the applicant may be required to submit a Traffic Impact Study as identified by the City’s Traffic Impact Guide Manual
- e.** All traffic impact studies must be prepared by the City of Spring Hill’s on-call third party Traffic Engineer(s). The on-call Traffic Engineers will prepare a TIS in accordance to the City’s Traffic Impact Guide Manual and they will be responsible for “city zones” that are to be defined by the Planning Director or the City Engineer. The on-call Traffic Engineers are listed on the City of Spring Hill’s Planning Department website; however, the on-call Traffic Engineers list may be updated administratively by the planning Director or the City Engineer.

2. Applications in Proximity to Historically Significant Sites

Any site the subject of a zoning application that is located within 300 feet of a property designated historically significant site, as designated by the Board of Mayor and Aldermen or on the National Register of Historic Places, must be reviewed and a recommendation made by the Spring Hill Historic Commission prior to the final decision on the application.

3. Completeness

- a.** An application must include all information, plans, and data as specified in the application requirements. The Planning Department will examine all applications within ten days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Planning Department will reject the application and provide the applicant with the reasons for the rejection in writing. The Planning Department will take no further steps to process the application until all deficiencies are remedied.
- b.** After an application is determined to be complete and before action is taken on the application, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.

c. If the Planning Department requests additional information outside of the specific application requirements, this additional information does not disqualify the application as being complete if all other requirements have been provided. The applicant may choose to contest the requirement of such additional information to the Planning Commission.

4. Fees

Each application must be accompanied by the required filing fee, as established and modified, from time to time, as provided in the Municipal Code. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City then all fee requirements are considered waived.

5. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

6. Consideration of Successive Applications

a. Within one year of the date of denial, a subsequent application for the same zoning request will not be accepted or processed unless the Planning Director determines there is substantial new evidence available, the request is substantially different, or if a significant mistake of law or of fact affected the prior denial, or the Board of Mayor and Aldermen and/or the Mayor chooses to reconsider the application.

b. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement and information justifying reconsideration. If the Planning Director finds that there are no new grounds for consideration of the subsequent application, the Planning Director will summarily, and without hearing, deny the request.

c. The Planning Commission will hear appeals of the Planning Director decision that there are no new grounds to consider the application.

7. Inactive Applications

Applications that do not advance through the adopted Planning Review Schedule for 180 days will be deemed null and void. To proceed thereafter, the project must re-enter and complete the full Planning Commission review process from the beginning.

B. Notice

1. Required Notice

Table 13-1: Zoning Approvals Required Notice indicates the types of notice required for zoning applications. If the specific requirements of a zoning approval process contain contradictory information to Table 13-1, the specific requirements of the zoning approval control.

Table 13-1: Zoning Approvals Required Notice			
Zoning Application	Notice Type		
	Published	Mailed	Posted On Property
Zoning Text Amendment Notice for Public Hearing	•		
Zoning Map Amendment Notice for Public Hearing	•	•	•
Special Use Notice for Public Hearing	•	•	•
Variance Notice for Public Hearing	•	•	•
Zoning Appeals Notice for Public Hearing	•		

2. Published Notice

When published notice is required, the Planning Department shall publish notice in a newspaper of general circulation within the City, on the city website, and on any social media accounts (including but not limited to Facebook, Twitter,

Instagram). The notice must include the date, time, place, and purpose of such hearing/meeting, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled action.

3. Mailed Notice

The following mailed notice requirements apply to all applications that require mailed notice.

- a. Written notice must be mailed by U.S.P.S. First Class mail at least ten days in advance of the first scheduled action to all property owners within 500 feet of the property line of the subject property for all notices except variances, which require notice to adjoining property owners. If the party proposing the zoning application chooses to defer, withdraw, or otherwise delay the first scheduled action after mailing the required Written Notice, additional mailing meeting all requirements in the Paragraph must be mailed before the new first scheduled action. The notice must include the date, time, place, and purpose of such hearing/meeting, the existing and proposed zoning districts for rezoning requests, the nature of the use for special use requests, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the City, notification must also be mailed to the owner of the subject property. *(Ord. 19-09)(Ord. 22-20)*
- b. Nothing in this section is intended to prevent the applicant or the City from giving additional notice as he/she may deem appropriate.
- c. The applicant is responsible for mailing notices and must provide the City with an affidavit stating that notice was mailed to every property owner as required and provide the City with a list of names, addresses, and property identification numbers (PIN) of all notice recipients, and a map indicating the boundaries of the notice area. The applicant must also provide the City an example of the notice sent.

4. Posted Notice

When posted notice is required, it must be located on the subject property in accordance with the following provisions:

- a. The required posting period must be at least seven days in advance of the first scheduled action. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign on each street frontage. Posted signs will be removed the day following final action.
- b. When a sign is posted for a public hearing/meeting, the sign must include the date, time, place, and purpose of such hearing/meeting.
- c. The City will install and maintain the sign during the required posting period.

C. Public Hearing

1. Pre-Hearing Examination

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to any exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

2. Conduct of the Public Hearing

The public hearing must be conducted in accordance with any applicable requirements of Tennessee law and the rules and regulations of the body conducting the hearing.

3. Continuance of the Public Hearing

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all applicable forms of required notice must be given that is required for the initial public hearing.

D. Planning Director Designee

The Planning Director may designate one or more City staff persons to act as a designee for his/her authority in the zoning approval processes of this Article; however, a zoning decision may only be rendered once.

E. Vesting of Development

In accordance with TCA Section 13-4-310, the following provides for the Vesting of developments through zoning applications. Table 13-2: Vesting Timeline provides for vesting within the City, under state law, for the types of plans approved, the vested right, and what action triggers the vesting.

1. During the vesting periods listed below, the adopted standards in effect on the date of approval of the required preliminary approval or final development approval where preliminary approval is not required remain the development standards applicable to the property.
2. The applicable vesting periods are listed in Table 13-2.
3. The vesting period outlined in Table 13-2 may be terminated upon the following conditions:
 - a. When the applicant violates the terms and conditions specified in the approved development plan or building permit. The applicant has 90 days from the date of the written notification to resolve the violation, unless provided additional time from the City.
 - b. Upon a finding by the City that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or approval of a development plan or did not construct the development in accordance with the approved building permit or the approved development plan or an approved amendment for the building permit or the development plan.
 - c. Upon the written determination by the City of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, 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.
 - d. Upon enactment or promulgation of a State or Federal law, regulation, rule, policy, corrective action, or other governance that is required to be enforced by the City and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within 90 days of notification of the new requirement, which will allow the applicant to comply with the new requirement.
4. For a Planned Development Final Plan or Site Plan listed in Table 13-2. Provided the applicant obtains and maintains all permits necessary for site preparation and commences site preparation within three (3) years, the vesting period in Table 13-2 shall be extended an additional two (2) years for a maximum of five (5) years. In order to maintain vesting during the additional two-year period, the applicant shall maintain all permits necessary for construction and shall commence construction within the two (2) year extension period. (*Ord. 19-09*)
5. For a Planning Commission Final Plan or Site Plan listed in table 13-2. Provided the applicant commences construction during the initial three (3) year vesting period, the development standards applicable during the vesting period remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project cannot exceed ten (10) years from the date of application approval for non-phased developments or fifteen (15) years for phased developments, as specified in Table 13-2, during which time the applicant must maintain all necessary permits during this period to remain vested. (*Ord. 19-09*)

Table 13-2: Vesting Timeline						
Application	Approval	Effective Date	Vesting Period	Total Vesting Period (No Phasing)	Required Actions	Phasing No/Yes
Planned Development Concept Plan	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Planned Development Preliminary Plan	BOMA Approval	Date of approval	3 years	3 years	Site Preparations; Commence Construction Receive Final Plan Approval	Not Applicable

Table 13-2: Vesting Timeline						
Application	Approval	Effective Date	Vesting Period	Total Vesting Period (No Phasing)	Required Actions	Phasing No/Yes
Planned Development Final Plan	Planning Commission Approval	Date of approval	3 years/5 years with construction	10 years (with construction)	Site Preparations; Complete construction; and Maintain permits	10/15 years
Site Plan	Planning Commission Approval	Date of approval	3 years/5 years with construction	10 years (with construction)	Site Preparations; Complete construction; and Maintain permits	10/15 years

(Ord. 19-09)

6. An amendment or revision to an approved plan by the developer must be reviewed per this Article, as applicable, and approved by the Planning Commission or Board of Mayor and Aldermen in order to retain the protections of the vested property right. An amendment or revision may be denied based upon a finding that the amendment or revision does one or more of the following:

- a. Alters the proposed use
- b. Increases the overall area of the development
- c. Alters the size of any nonresidential structures included in the development plan
- d. Increases the density of the development so as to affect traffic, noise or other environmental impacts
- e. Increases any local government expenditure necessary to implement or sustain the proposed use

If an amendment or revision is denied, the applicant may either proceed under the prior approved plan with the associated vested property right or allow the vested property right to terminate and submit a new application.

13.2 ZONING TEXT AND MAP AMENDMENT

A. Purpose

The regulations imposed by the zoning regulations of this Code and of the Zoning Map may be amended from time to time in accordance with this section. The process for amending the zoning regulations or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

- 1. The Board of Mayor and Aldermen, the Planning Commission, or a property owner in the City, or his/her designee, may propose a zoning text amendment.
- 2. The Board of Mayor and Aldermen, the Planning Commission, or a property owner in the City, or his/her designee, may propose zoning map amendments. A property owner may only request a map amendment for his/her property.

C. Authority

- 1. The Board of Mayor and Aldermen, after receiving a recommendation from the Planning Commission, will take formal action on requests for zoning text or zoning map amendments unless restricted by this section as described in item 2 below.
- 2. Tennessee State Law requires divided authority and responsibility between zoning regulations, subdivision regulations, and design review guidelines. This division of authority is described below. Articles and sections of this Code not cited below are amended by the Board of Mayor and Aldermen per this section.

a. Subdivision Regulations

The Planning Commission is charged with amending the subdivision regulations, per Tennessee Code

Annotated (TCA), 13-4-301, et seq. as described in Section 17.2. The following Articles comprise the subdivision regulations that are amended by the Planning Commission:

- i. Article 15. Subdivision Regulations - Required Improvements and Bonds
- ii. Article 16. Subdivision Regulations - Right-of-Way Design and Access Management
- iii. Article 17. Subdivision Regulations - Approval Process

b. Design Review Guidelines

The Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission, is charged with amending design review guidelines per Tennessee Code Annotated § 6-54-133.

i. Article 18 - Design Review Guidelines is amended by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission.

ii. The Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission, is charged with amending the following design standards:

- (A) Section 5.4 - Design Standards
- (B) Section 6.4 - Design Standards
- (C) Section 5.5.C – Design Standards
- (D) Section 5.6.B – Design Standards
- (E) Section 7.1.D - Design Standards
- (F) Section 7.3.D - Design Standards
- (G) Section 8.3.K - Dwelling - Multi-Family or Townhouse (design standards only as indicated)
- (H) Section 8.3.M - Dwelling - Two-Family or Three-Family (design standards only as indicated)

D. Procedure

All applications must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department may schedule the application for review by appropriate City departments in advance of consideration by the Planning Commission. Amendments initiated by the Board of Mayor and Aldermen or the Planning Commission also require an application, but are exempt from fees.

m. Utility Flow and Capacity Analysis for Water and Sewer Services for Map Amendments

a. To confirm sufficiency of water and sewer systems to serve the subject property if the amendment were adopted, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject property. Sufficiency and adequacy of water and sewer utility services should take into consideration the full array of permitted uses and special uses permitted if the amendment were adopted. (Ord. 21-14)

2. Action by Planning Commission

a. Upon receipt of a complete application, the Planning Commission will consider the proposed zoning text or map amendment.

b. The Planning Commission must evaluate the application based upon the evidence presented, pursuant to the approval standards of this section. For zoning text amendments, the Planning Commission must recommend approval, approval with modifications, or denial of the application. For zoning map amendments, the Planning Commission must recommend approval or denial of the application.

c. After the close of the meeting, the Planning Commission must forward its recommendation to the Board of Mayor and Aldermen, unless an extension is agreed to by the applicant.

3. Action by Board of Mayor and Aldermen

a. The Board of Mayor and Aldermen will hold a public hearing on the application following receipt of the Planning Commission recommendation.

b. Following the close of the public hearing, the Board of Mayor and Aldermen must take action in the form of approval, approval with modifications, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments.

c. If the Planning Commission has recommended denial, the Board of Mayor and Aldermen must approve with a favorable two-thirds vote.

E. Approval Standards

The Board of Mayor and Aldermen decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning Commission and the Board of Mayor and Aldermen must consider the following standards. The approval of amendments is based on a balancing of these standards.

1. Approval Standards for Map Amendments

a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

b. The compatibility with the existing use and zoning of nearby property.

c. The extent to which the proposed amendment creates nonconformities.

d. The trend of development, if any, in the general area of the property in question.

e. That there are no adverse impacts on public health, safety, and welfare.

f. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to or concurrent with the development of the site, which would be permitted on the subject property if the amendment were adopted.

2. Approval Standards for Text Amendments

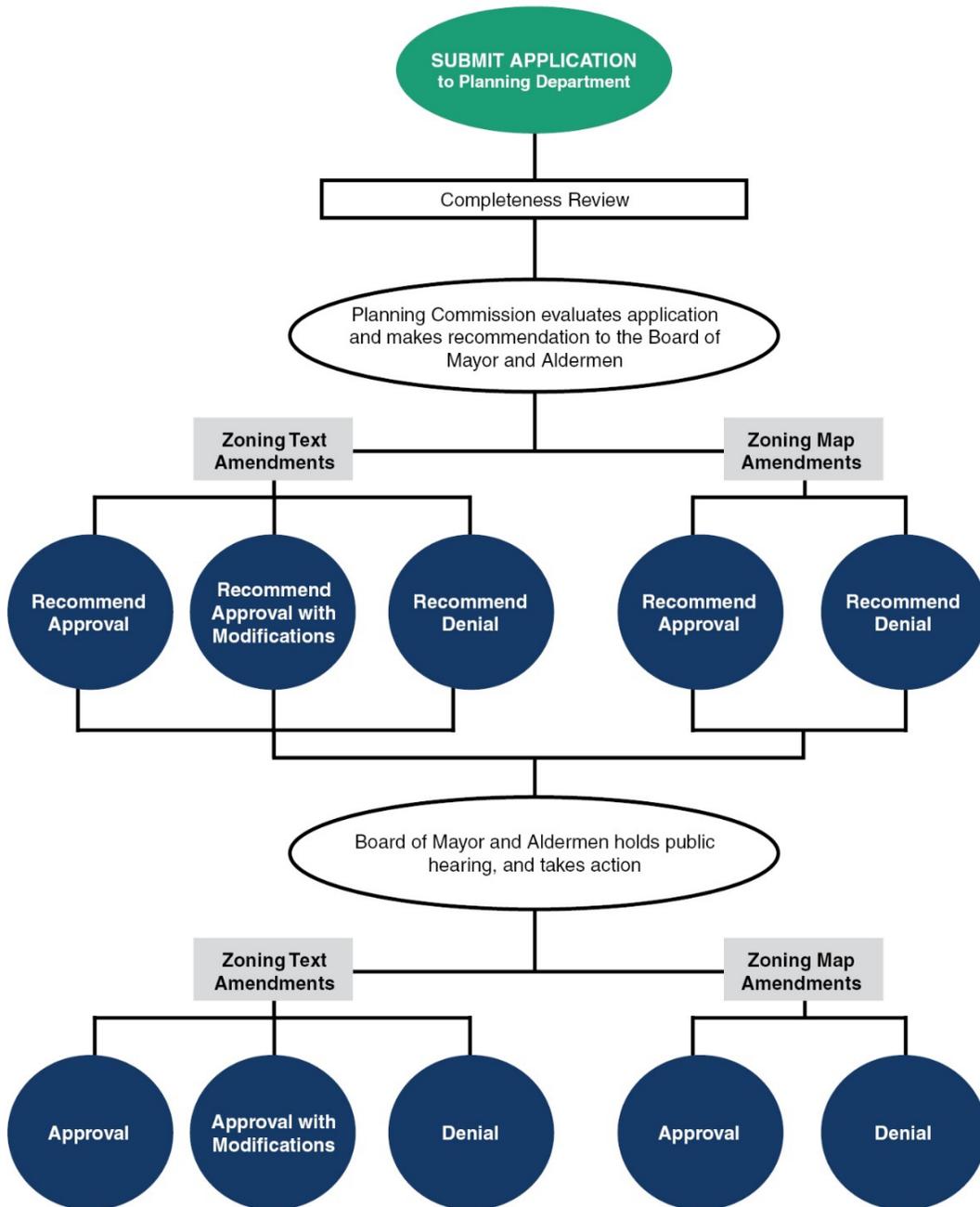
a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

b. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

c. The extent to which the proposed amendment creates nonconformities.

d. The consistency of the proposed amendment with the intent and general regulations of this Code.

Zoning Text & Map Amendment



13.3 SPECIAL USE

A. Purpose

This Code is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Initiation

A property owner in the City, or his/her designee, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

C. Authority

The Board of Zoning Appeals will take formal action on special use applications.

D. Procedure

An application for a special use must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department may refer the application for review and comment by appropriate City departments prior to scheduling the application for consideration by the Board of Zoning Appeals.

1. To confirm sufficiency of water and sewer systems to serve the subject property if the special use were approved, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject special use. (*Ord. 21-14*)
2. Upon receipt of a complete application, the Board of Zoning Appeals will consider the special use at a public hearing.
3. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Zoning Appeals must either approve, approve with conditions, or deny the special use.
4. The Board of Zoning Appeals may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as may be deemed necessary for the protection of the public health, safety, and welfare.

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Board of Zoning Appeals must make findings to support each of the following conclusions:

1. The consistency of the proposed special use with the Comprehensive Plan and any adopted land use policies.
2. The special use in the specific location proposed is consistent with the spirit and intent of this Code.
3. The proposed special use will not endanger the public health, safety, or welfare.
4. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
5. The special use in the specific location has sufficient public infrastructure and services to support the use.

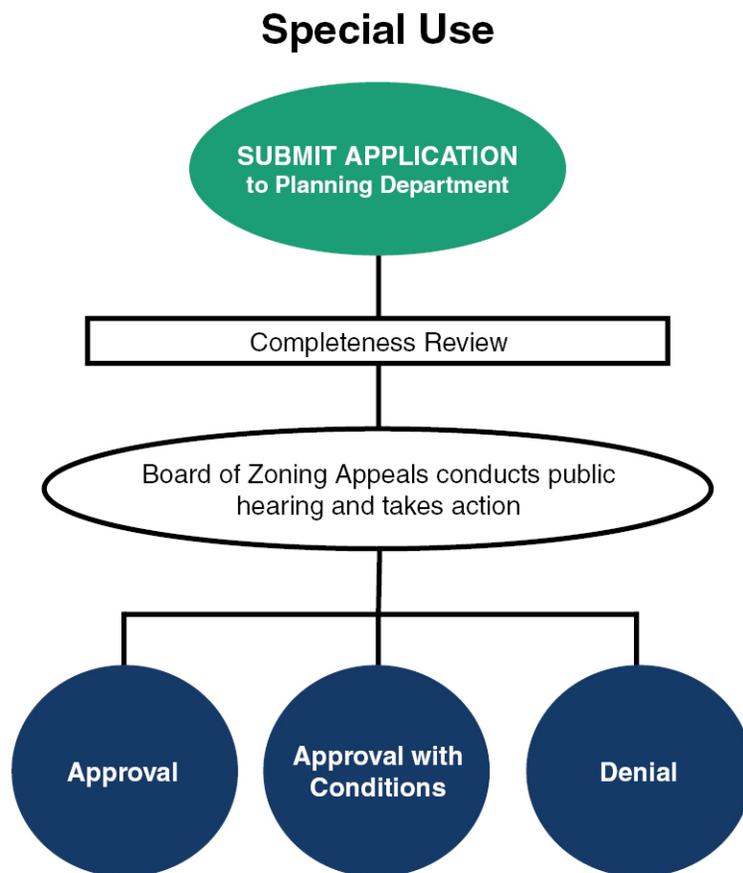
F. Modifications to Approved Special Uses

Any modifications to the conditions of approval for a previously approved special use must be resubmitted as a new special use application. Any modifications that meet Code standards are permitted, subject to the regulations of this Code.

G. Expiration

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending.

1. When an approved special use is changed to a permitted use.
2. For special uses approved in conjunction with new construction or additions or enlargements to an existing structure, the special use approval expires one year following the date of approval if a site plan review application has not been submitted or, where site plan review is not required, a building permit has not been issued. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time
3. For special uses approved in conjunction with an existing structure or on a lot where no structure is planned, the special use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time



13.4 VARIANCE

A. Purpose

The purpose of the variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of the zoning regulations of this Code that create practical difficulties or particular hardships.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a variance. A property owner, or his/her designee, may only propose a variance for property under his/her control.

C. Authority

1. The Board of Zoning Appeals will take formal action on variances from the zoning regulations, unless restricted by this section.
2. Variances to the subdivision regulations of Article 15, 16, and 17 are reviewed and approved by the Planning Commission per Article 17.

D. Procedure

All applications must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department will schedule the application for consideration by the Board of Zoning Appeals.

1. Upon receipt of a complete application, the Board of Zoning Appeals will consider the variance at a public hearing.
2. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Zoning Appeals will either approve, approve with conditions, or deny the variance.
3. The Board of Zoning Appeals may impose such conditions and restrictions upon the variance as may be deemed necessary for the protection of the public health, safety, and welfare. The Board of Zoning Appeals may grant a variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variance application.

E. Approval Standards

The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with the following criteria. The Board of Zoning Appeals must make findings of fact on all criteria.

1. Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code.
2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or place undue hardship upon the owner of such property.
3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this Code.

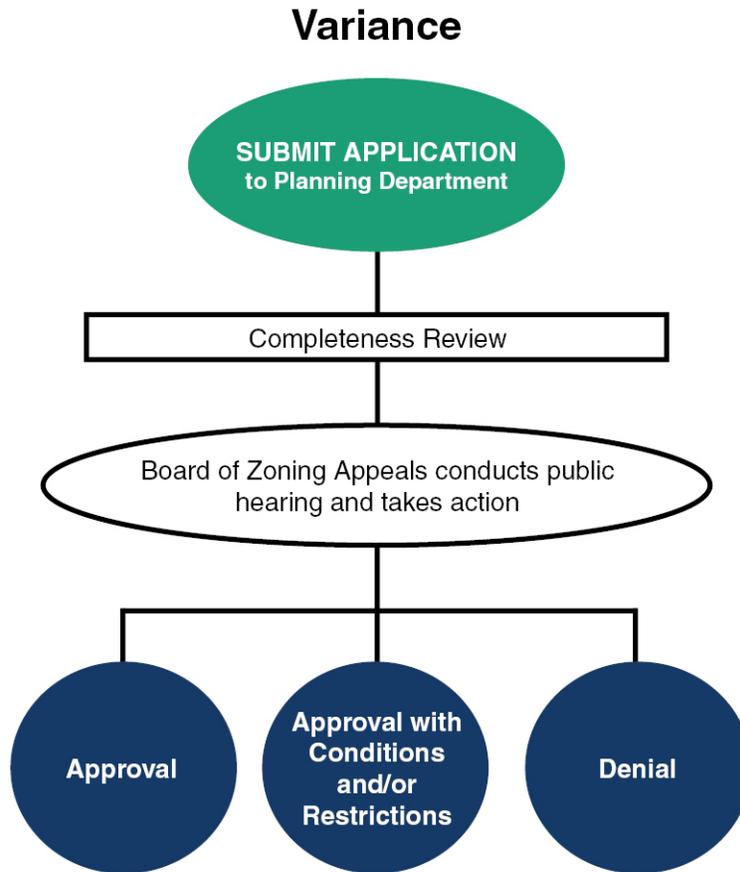
F. Limitations

1. In granting variances, the Board of Zoning Appeals has no power to take any action that has the effect of allowing a use that is prohibited in the applicable base or overlay district. Any such action that has is deemed a violation of powers of this section and has no force and effect.
2. The fact that a site or development does not conform to this Code prior to the consideration of a variance application cannot be used as a basis for the granting of a variance.

G. Expiration of Variance

An approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may

grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.



13.5 PLANNED DEVELOPMENT

A. Purpose

Planned Developments (PD) are intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide enhanced amenities or design features to the City. The underlying zoning district dimensional, design, and use regulations apply to a PD unless specifically modified through the approval process. Through the flexibility of the planned development technique, a PD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Code.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.

5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
8. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

B. Initiation

The entire property proposed for the planned development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

C. Authorization

1. A planned development is authorized in all zoning districts with the following exceptions:
 - a. It is prohibited in the R-MH, AG, PR, and NA Districts.
 - b. A planned development is authorized in the R-A District but only as a conservation design in accordance with item G below.
2. A planned development must be granted in accordance with the procedures and standards of this section. Unless specifically approved as part of the planned development approval, the requirements of the underlying district apply.
3. Planned development approval is separate from subdivision approval. PD approval may be granted first, whereby subdivision approval would be granted subsequently in compliance with the approved lot layout design.

D. Exceptions From District Regulations

1. A planned development is subject to the underlying district dimensional, design, and use regulations unless an exception is specifically granted. The Planning Commission may recommend and the Board of Mayor and Aldermen may grant exceptions to the zoning district dimensional, design, and use regulations where a planned development is located.
2. Exceptions from district regulations may be granted for planned developments, if the exceptions:
 - a. Enhance the overall merit of the planned development.
 - b. Promote the objectives of both the City and the development.
 - c. Enhance the quality of the design of the structures and the site plan.
 - d. Will not cause excessive adverse impact on neighboring properties.
 - e. Are compatible with adopted City land use policies.
 - f. Provide a public benefit to the City, as described in item 4 below.
 - g. Will not cause undue burden upon the City's utility and infrastructure systems or ability to serve the property with municipal services.
3. No exceptions can be requested from subdivision regulations in Articles 15, 16, and 17.
4. The underlying zoning district dimensional, design, and use regulations apply, unless an exception is granted as part of the planned development approval. Exceptions to district regulations may be granted where it is determined that such modifications do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or traffic circulation on-site and off-site. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district

regulations be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:

- a. Community amenities including plazas, malls, formal gardens, places to congregate, and pedestrian facilities.
- b. Improvement of existing public or private on-site and off-site infrastructure.
- c. Preservation of existing environmental features.
- d. Preservation of historic features and adaptive reuse of existing buildings.
- e. New open space and recreational amenities such as recreational open space, including parks and playgrounds, natural water features and conservation areas, active and passive recreational uses, jogging trails and fitness courses, dog parks, skate parks, and similar recreational features.
- f. Reduction of impervious surface coverage throughout the development below the threshold required by the zoning district and incorporation of stormwater best management practices.
- g. Provision of public car and/or bike share facilities.

E. Procedure

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned development includes a pre-application consultation, concept plan review, preliminary plan approval, and final plan approval. A neighborhood meeting is encouraged but not required.

1. Pre-Application Consultation Required

- a. Prior to formal submittal of an application, a pre-application conference with the Planning Director is required. The pre-application conference may include other government officials.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned development, the proposed uses, proposed improvements, including the public benefits and amenities, anticipated exceptions to this Code, and any other information necessary to explain the planned development.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of concept plan, so that the applicant may determine whether the proposed planned development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed planned development aligns with the adopted land use policies of the City.
- d. The pre-application conference does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the City is in no way binding with respect to any official action that may be taken on the subsequent formal application.

2. Neighborhood Meeting (Optional)

A prospective applicant, prior to submitting a formal application for a planned development, is encouraged to conduct a neighborhood meeting.

- a. The prospective applicant should provide written notice to all property owners within 1,000 feet of the subject property at least 15 calendar days prior to the scheduled neighborhood meeting. The notice should contain a description of the proposed project, meeting place, time, date, and contact information of the prospective applicant.
- b. The notice should be sent through regular mail by the applicant. The applicant should submit the list of attendees and the list of property owners who were sent notice of the neighborhood meeting, as well as an example of the type of notice sent.
- c. The applicant should present and have available the material required for the concept plan meeting (item 3 below) to the public.

d. Following the neighborhood meeting, the applicant should provide to the Planning Director a summary of the comments heard at the meeting. Such summary will be provided to the Planning Commission as part of the concept plan.

e. The neighborhood meeting does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the public or any officials in attendance are in no way binding with respect to any official action that may be taken on the subsequent formal application.

3. Concept Plan

Before submitting a formal application for a planned development, the applicant must present a concept plan before the Planning Commission for the purpose of obtaining information and guidance prior to formal application.

a. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:

- i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
- ii. To confirm sufficiency of water and sewer systems to serve the subject property if the planned development were approved, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject planned development. (Ord 21-14)
- iii. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
- iv. A summary of the comments heard at the neighborhood meeting, if applicable.

b. The Planning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning Commission is in no way binding with respect to any official action the Planning Commission may take on the subsequent formal application. The review of the concept plan is not a public hearing. No decision will be made on the application. Therefore, no vesting is applicable to this plan.

4. Preliminary Plan

a. Action by Planning Department

An application for a preliminary plan for a planned development must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department will schedule and review by City departments prior to scheduling the application for consideration by the Planning Commission.

b. Action by Planning Commission

- i. Upon receipt of a complete application, the Planning Commission will consider the preliminary plan at a public hearing.
- ii. The Planning Commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning Commission may recommend either approval, approval with conditions, or denial of the preliminary plan, table the preliminary plan, or defer the preliminary plan.
- iii. Following the close of the public hearing at which the Planning Commission makes a recommendation, the Planning Commission will forward its recommendation to the Board of Mayor and Aldermen.

c. Action by Board of Mayor and Aldermen

The Board of Mayor and Aldermen will review the preliminary plan upon receipt of the Planning Commission recommendation, and may approve, approve with conditions, deny, table, or defer the preliminary plan. If the Planning Commission has recommended denial, the Board of Mayor and Aldermen must approve with a

favorable two-thirds vote.

d. Conditions

The Planning Commission may recommend, and the Board of Mayor and Aldermen may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

e. Approval Standards

The recommendation of the Planning Commission and decision of the Board of Mayor and Aldermen must make a finding that the following standards for a planned development have generally been met.

- i. The consistency of the proposed planned development with the Comprehensive Plan and any adopted land use policies.
- ii. The proposed planned development meets the purpose of a planned development.
- iii. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity.
- iv. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property.
- v. There is provision for adequate utilities and road infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- vi. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
- vii. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

f. Expiration (see also Table 13-2)

- i. The preliminary plan approval expires if a complete application for final plan has not been filed and approved, permits for site preparation received and site preparation commenced, within three (3) years after the date the Board of Mayor and Aldermen grants preliminary plan approval.
- ii. An extension of the total vesting period may be requested by the property owner following commencement of site preparation within the initial three (3) year vesting period and qualifying for the two-year extension, subject to approval by the Board of Mayor and Aldermen for good cause shown. The applicant must request the extension in writing prior to the expiration date of the approval. A public hearing notice for an extension of some of a preliminary plan is not required. (*Ord. 19-09*)

5. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned development must be filed with the Planning Director.

a. Action by Planning Director

The Planning Director will review the final plan upon receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the Planning Director will recommend approval of the final plan to the Planning Commission. The Planning Department will certify to the Planning Commission that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Planning Director must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Planning Department with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the approved preliminary plan as determined by the Planning Director, the

applicant may appeal the determination of the Planning Director to the Planning Commission to make a determination on whether the final plan complies with the approved preliminary plan.

b. Action by Planning Commission

Upon receipt of the Planning Director recommendation, the Planning Commission must review the final plan. The Planning Commission must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect.

c. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Code and constitutes grounds for revocation of all approvals granted for the planned development.

d. Expiration (see also Table 13-2)

i. Development plan approval expires if the applicant does not obtain and maintain all permits necessary for site preparation, nor commences site preparation within three (3) years from the date of final plan approval. As part of the Planning Commission approval of the final plan, the Planning Commission may extend this period of time including the approval of a phasing plan where the validity period is longer than three (3) years for the PD.

ii. All required actions to retain vesting shall be per Table 13-2.

iii. If the planned development is to be developed in phases, the applicant need only file a final plan for the first phase of development within three (3) years, as indicated in the development schedule. The final plan for the remaining phases must be filed in accordance with the development and construction schedule. Phased development vesting of up to fifteen (15) years is available, if required actions, as noted in Table 13-2 are achieved and maintained. (*Ord. 19-09*)

6. PD Application Requirements

Table 13-3: PD Submittal Requirements contains submittal requirements for planned developments. Plans and plats must be drawn in a legible manner, at a scale suitable to the size of the lot being developed or subdivided. All plans must be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The information must be submitted to the Planning Department for review, unless waived by the Planning Director, Planning Commission, and/or Board of Mayor and Aldermen. The Planning Director, Planning Commission, and/or Board of Mayor and Aldermen may request additional information including but not limited to a traffic study to provide evidence that the circulation system is adequate.

Table 13-3: PD Submittal Requirements		
Submittals	Planned Development	
	Preliminary Plan	Final Plan
General Information		
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	•	•
Name, address, phone numbers of owner(s), developer(s), and representatives	•	•
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	•	•
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	•	•
Legend containing all symbols and lines shown in the drawing	•	•
A vicinity map of the project with a radius of 1.5 miles from the project, any Major Thoroughfare Plan streets, and the 100 year floodplain boundary	•	•
The location of all existing structures on the property	•	•
Site coverage note indicating the percentage of the site that is currently covered by impervious surface	•	•
Title, name, address, stamp, and signature of the design professional(s) licensed to prepare the required plans and plats	•	•
The current date of the Unified Development Code in effect at the time of submittal.	•	•
Buildings and Structures (Ord. 19-09)		
Representative samples of elevations for different models or buildings to illustrate the variety and quality to be provided.	•	•
Building elevations that provide four-sided architecture and external materials (facades and roofing). Provide and label all façade and roofing materials and colors.		•
Show that mechanical equipment is fully screened by parapet walls if roof mounted or by landscaping and/or screening walls/fences if ground mounted.		•
Floodplain/Floodways/Wetlands		
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	•	•
Note and delineate wetlands on the property	•	•
Existing and proposed topographic information with source of information noted	•	•
Show stream buffers	•	•
Plans showing the nature, location, dimensions, and elevation of any part of the property within a flood prone area; existing or proposed structures or building sites, fill storage of materials and flood proofing measures; the relationship of the above to the location of the stream channel, floodway, floodway fringe, regulatory flood elevations, and the regulatory flood protection elevation; and specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities	•	•
A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by a development in a flood prone area, and high-water information, if required by the Planning Commission	•	•
Tree Protection and Landscaping		
Delineate trees to be retained on-site and the measures to be implemented for their protection	•	•
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site		•
Landscaping proposals for parking lots, streets, greenspace, and required screening or buffer yards, including proposed plant size and species. Show existing and proposed utility lines, and state the method for irrigation.	•	•
Utilities, Existing		
Show, note, and dimension all known existing on- and off-site utilities and easements	•	•

Table 13-3: PD Submittal Requirements		
Submittals	Planned Development	
	Preliminary Plan	Final Plan
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants		•
Existing easements must show the name of the easement holder and the purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect must be added to the plat/plan		•
Utility Flow and Capacity Analysis for Water and Sewer Services (<i>Ord. 21-14</i>)	n.	c
Utilities, Proposed		
Utility Flow and Capacity Analysis for Water and Sewer Services (<i>Ord. 21-14</i>)	•	•
Show all storm sewer structures, sanitary sewer structures, and drainage structures. Provide structure locations and types. Provide pipe types and sizes.	•	•
Stormwater drainage plans and calculations	•	•
Sanitary sewer systems: show manhole locations and provide pipe locations, sizes, and types		•
Show invert elevations and connections of all proposed sanitary sewer, stormwater drains, and fire hydrants		•
Note the occurrence of previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site	•	•
If a septic system is to be utilized, provide a table of the acreage and percolation rates	•	•
Water systems, on or near the site: provide pipe locations, types, and sizes; note the static pressure and flow of the nearest hydrant; show location of proposed fire hydrants and meters		•
Underground or surface utility transmission lines: locations of all related structures; locations of all lines; a note shall be placed where streets will be placed under existing overhead facilities and the approximate change in grade for the proposed street		•
State the width, location, and purpose of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project	•	•
Streets/Rights-Of-Way/Easements		
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines	•	•
Delineate, label, and dimension from centerline any required ROW dedication	•	•
Show the location, widths, grades, and names of existing streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project	•	•
Where a proposed road intersects an existing public way or ways, the elevation along the centerline of the existing public way within 100 feet of the intersection.	•	•
Show the location, widths, grades, and names of proposed streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project	•	•
Show approximate radii of all curves, lengths of tangents, and central angles on all public ways		•
Provide a layout of adjoining property in sufficient detail to show the effect of proposed and existing streets (including those in the Major Thoroughfare Plan), adjoining lots, and off-site easements	•	•
Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage, rights-of-way, manholes, and catch basins	•	•
Location of public way signs, including street extension and speed limit signs		•
The location of all existing and proposed street lights	•	•
Subdivision of Land		
The lot layout, the dimensions of each lot, number of lots, and total area in square footage or acreage to the nearest one-hundredth acre of each lot	•	•
Show the approximate finish grade where pads are proposed for building sites	•	•
Number lots consecutively	•	•
For phased developments, identify all phase lines and the phase sequence	•	•

Table 13-3: PD Submittal Requirements		
Submittals	Planned Development	
	Preliminary Plan	Final Plan
Site Information		
Identify the location of known existing or abandoned water wells, sumps, cesspools, springs, streams, bodies of water, water impoundments, and underground structures within the project	•	•
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etcetera)	•	•
The location of any potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and any means of mitigating hazards	•	•
For residential development, indicate the use and list in a table the number of dwelling units	•	•
For non-residential development, indicate the gross floor area, all proposed uses, and the floor area devoted to each type of use	•	•
Show location and size of existing or proposed signs, if any	•	•
Show general location and size of parking, loading areas, and traffic flow	•	
Show location, size, and construction details of parking and loading areas.		•
Show the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow. Include a table showing the required, provided, and handicapped accessible parking spaces	•	•
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections	•	•
Show location and dimensions of buffer strips, fences, or walls, if required	•	•
Indicate location of and access to solid waste service	•	•
Provide a description of commonly held areas, if applicable	•	•
Show building setbacks. Provide a note of the current setback requirements for the property/project	•	•
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	•	•
Show location and dimensions of all property proposed to be set aside for park, playground, or other public/private use, with designation of the purpose and conditions of use	•	•
Show contours at vertical intervals of not more than two feet	•	•
Preliminary grading and drainage plans and reports as required by the City Engineer	•	
Any other data or reports as deemed necessary for project review by the Planning Director, Planning Commission, or Board of Mayor and Aldermen	•	•
All required signature blocks	•	•

G. Conservation Design

Planned developments in the R-A District are required to be conservation designs in compliance with these requirements. PD in other residential districts are also allowed to use the conservation design technique at the developer's option.

1. General Requirements

Conservation design is intended to guide development so that it locates and coordinates areas for development where the conservation of natural features is prioritized and provides common open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community.

- a. A minimum of 20 acres is required for a conservation design planned development.
- b. Lots must be configured to minimize the loss of natural resources, including wetlands, water bodies, woodlands, and historical resources.
- c. The development must preserve scenic natural views, including views from roadways.

d. If agricultural uses are being maintained within the development, lots must be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

2. Development Standards

a. Lots must be arranged in a manner that protects natural resources and agricultural areas.

b. The permitted residential density for the development as a whole is calculated as follows: first, determine the maximum single-family residential density of the underlying district by dividing the gross acreage by the minimum lot area required for a detached single-family dwelling of the underlying district if other ordinances require a larger lot size when there is no public sewer and/or water available, such lot sizes are used in the calculation.

c. There are no required lot area or lot width standards for residential development in a conservation design. Other dimensional standards, such as setbacks, height, and coverage, are those of the underlying district unless authorized by the Planning Commission.

d. Residential dwellings must be clustered according to the following standards.

i. Each residential cluster is limited to no more than 25 dwellings.

ii. Residential clusters should be located a minimum of 150 feet apart lot line to lot line, separated by greenbelts or other natural features. The greenbelts may include bike paths or hiking trails, no development is permitted within these separation areas.

iii. Residential clusters must be located to minimize negative impacts on the natural, scenic, and cultural resources of the site.

iv. Residential clusters must be sited to achieve the following goals:

(A) Minimize disturbance to natural areas. Clear-cutting is prohibited.

(B) Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.

(C) Protect scenic views of open land from adjacent roads to the extent practical.

v. Whenever possible, open space must connect with existing or potential open space on adjoining parcels and local or regional recreational trails.

vi. Whenever possible, fragmentation of woodland areas and other natural ecosystems must be avoided. Contiguous swaths of undisturbed or restored habitat must be preserved to create corridors for the movement of wildlife and natural resources, and to promote biodiversity.

vii. Only single-family detached dwellings are permitted in a conservation design.

e. There must be a perimeter buffer yard around the entire conservation design development of no less than 75 feet. No development is permitted in this perimeter buffer yard, which must remain landscaped with no structures. This perimeter buffer yard may be included in the required percentage of open space if undivided and restricted in perpetuity from future development. Access points to the development are permitted within this perimeter buffer yard.

3. Common Open Space

a. A minimum of 40% of the land area in a conservation design PD must be maintained as active or passive common open space.

b. The following active and passive open space uses are counted as common open space for a conservation design:

i. Natural water features, wetlands, and conservation areas.

- ii. Woodlands.
- iii. Greenways.
- iv. Detention/retention areas accessible to occupants or the public via nature trails, boardwalks, perimeter walkways, or streets, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
- v. Agricultural uses.
- vi. A trail system connecting open space areas, including hiking, biking, and equestrian trails.
- vii. The required total open space area may consist of the following, without limitation:
 - (A) Parks and playgrounds.
 - (B) Botanical gardens, greenhouses, and community gardens.
 - (C) Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing barn or silo, etc.).
- c. Management of the common open space must meet the standards of Article 17 for common open space.

H. Modifications to Approved Final Plans

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

1. Administrative Modifications

The Planning Director may approve the following administrative modifications to an approved final plan when it is determined by the Planning Director that such changes are in substantial conformance with the approved final plan. Any changes considered a minor modification, as defined in this section in item 2, cannot be approved as an administrative modification. The Planning Director, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification subject to approval by the Planning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- b. Changes in building location of no more than ten feet that continue to meet the requirements of this Code and any conditions of the final plan approval.
- c. Changes in the location of open spaces, walkways, vehicle circulation ways, and parking areas not exceeding ten feet and internal to the project that continue to meet the requirements of this Code and any conditions of the final plan approval.
- d. Changes in building design, including building materials, that continue to meet the requirements of this Code and any conditions of the final plan approval.
- e. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code.
- f. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Code.
- g. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

2. Minor Modifications

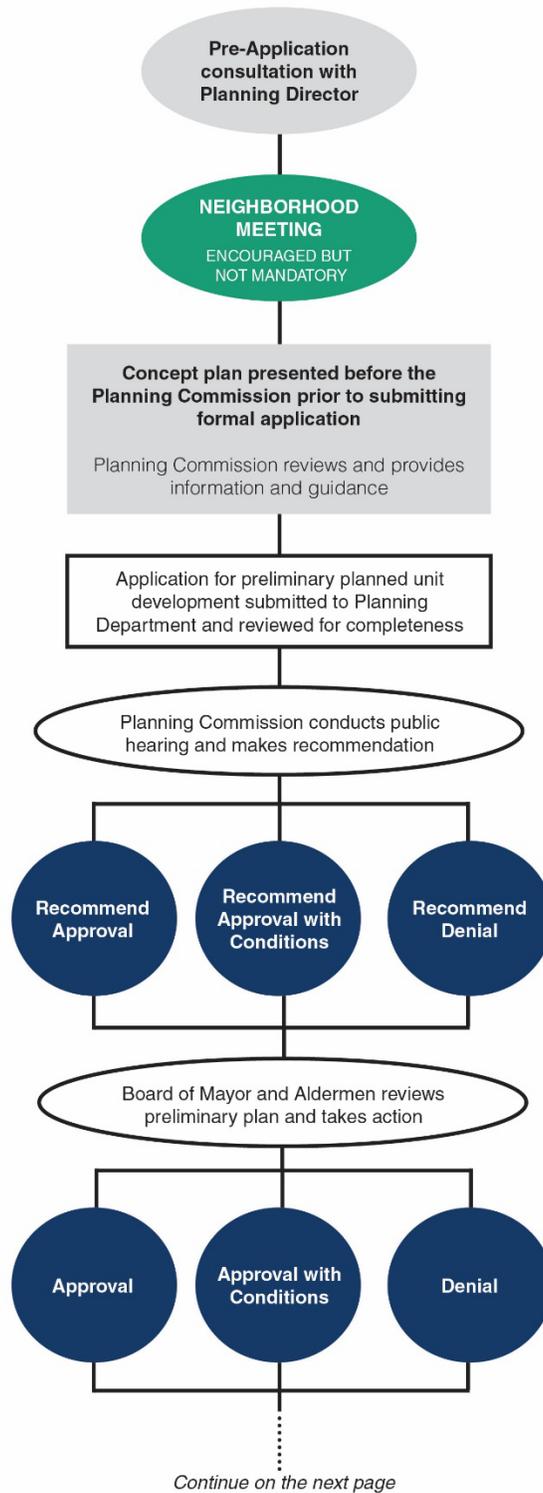
The Planning Commission may approve the following minor modifications to an approved final plan when it is determined by the Planning Commission that such changes are in general conformance with the approved final plan. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number. Upon review of the proposed modifications, the Planning Commission may determine

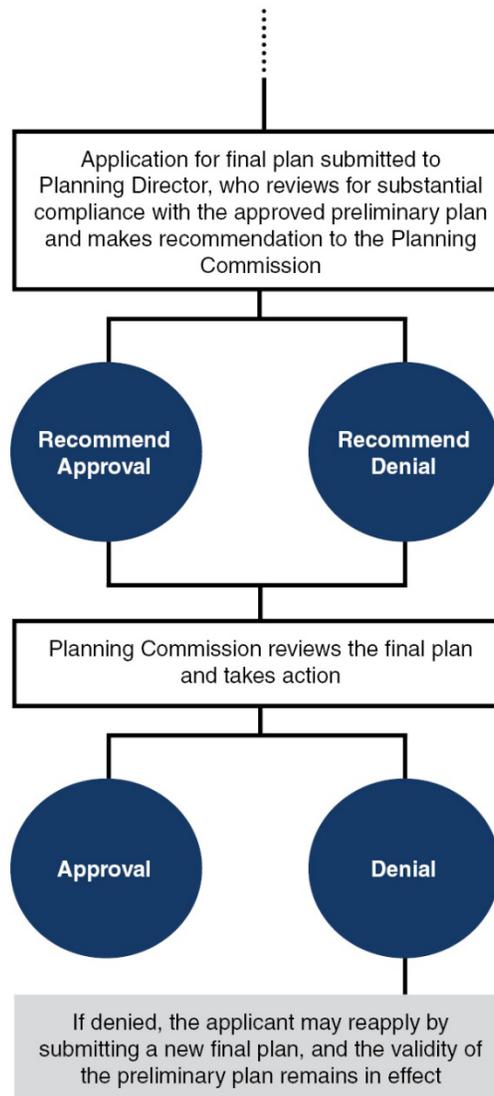
that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval of this Section.

- a.** An increase or decrease in building height of up to 10%.
- b.** An increase or decrease in building coverage up to 10%.
- c.** A change in the location of walkways, vehicle circulation ways, and parking areas over ten up to 20 feet.
- d.** An increase or decrease in the number of parking spaces of up to 10 parking spaces.
- e.** A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Code.
- p.** Altering any final grade by no more than 20% of the originally planned grade.
- q.** Any request for an extension of time of the approved final plan.
- r.** An increase of up to 10% in water/or sewer service capacity requirements to serve project.

(Ord. 21-14)

Planned Development





13.6 SITE PLAN REVIEW

A. Purpose

The site plan review process is intended to promote orderly development and redevelopment in the City, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with City’s adopted land use policies, and promotes the public health, safety, and welfare of the City. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of land uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of stormwater management and sustainable design techniques.

B. Authority

The Planning Commission will conduct site plan review. The Planning Department may convene a technical review committee, comprised of City staff, as the Planning Department deems appropriate to review plans for completeness and compliance with City regulations.

C. Required Site Plan Review

When required, no building permit may be issued until site plan approval has been granted. In addition, all other requirements of all other applicable City codes must be met. Site plan review and approval is required for the following developments:

1. New townhouse, multi-family, all types of non-residential, and mixed-use development construction.
2. Additions to townhouse, multi-family, non-residential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
3. Parking lots of 10 or more spaces.
4. Drive-through facilities.
5. Changes to vehicle ingress or egress for existing residential subdivisions, townhouse, multi-family, non-residential, and mixed-use development.

D. Procedure

1. Pre-Application Consultation

- a. Prior to formal submittal of an application, a pre-application conference with the Planning Director is encouraged.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed development, the proposed uses, proposed improvements, and any other information necessary to explain the development.
- c. The purpose of the pre-application consultation is to provide advice and assistance to the applicant before preparation of formal site plan, so that the applicant may determine whether the proposed development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed development aligns with the adopted land use policies of the City.
- d. The pre-application conference does not require formal application, fee, or filing of a site plan review application. Any opinions or advice provided by the Planning Department are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

2. Concept Plan

The applicant may request review of a concept plan before the Planning Commission for the purpose of obtaining information and guidance prior to formal application. (*Ord. 19-09*)

- a. The concept plan is presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:
 - i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
 - ii. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
 - iii. Information sufficient to address the availability and adequacy of utility services/road infrastructure and preliminary locations/designs for stormwater and hydrology, may include, but not limited to, a traffic study and preliminary engineering calculations. To confirm sufficiency of water and sewer systems to serve the subject property if the special use were approved, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject special use (*Ord. 21-14*)

b. The Planning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning Commission is in no way binding with respect to any official action the Planning Commission may take on the subsequent formal application. The review of the concept plan is not a public hearing. No decision will be made on the application.

3. Mandatory Neighborhood Meeting (Lots of Ten Acres or More)

New construction of townhouse, multi-family, non-residential, and mixed-use development construction on lots of ten acres or more require a neighborhood meeting. However, a neighborhood meeting is not required if the subject property is surrounded entirely by non-residential districts.

a. The applicant must provide written notice to all property owners within 500 feet of the subject property at least 15 calendar days prior to the scheduled neighborhood meeting. The notice must contain a description of the proposed project, meeting place, time, date, and contact information of the applicant.

b. The notice must be sent through regular mail by the applicant. The applicant must submit the list of attendees and the list of property owners who were sent notice of the neighborhood meeting, as well as an example of the type of notice sent. An affidavit of such notification must accompany the aforementioned list of property owners.

c. The applicant must present and have available the material required for the pre-application consultation (item 1 above) to the public.

d. Following the neighborhood meeting, the applicant must provide to the Planning Director the attendance sheet, and a summary of the comments heard at the meeting with the applicant's response. Such summary must be provided to the Planning Commission as part of the official site plan review.

e. The neighborhood meeting does not require formal application. Any opinions or advice provided by the public or any officials in attendance are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

4. Action by Planning Commission

a. The Planning Department will review the site plan once the application is deemed complete and forward a recommendation to the Planning Commission, which includes a summary of comments and responses from the neighborhood meeting if applicable.

b. Upon receipt of a complete application and Planning Department recommendation, the Planning Commission will consider the site plan at a public meeting.

c. The Planning Commission must evaluate the application pursuant to the approval standards of this section. The Planning Commission must either approve, approve with conditions, or deny the site plan. The Planning Commission may also defer or table the application.

E. Approval Standards

The following will be evaluated in the review of site plans:

1. Conformity with the regulations of this Code, unless a variance has been granted, and any other applicable regulations of the City Code, and the Comprehensive Plan and adopted land use policies.
2. The location, arrangement, size, design, and general site compatibility of all structures, lighting, and signs to ensure:
 - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.
 - b. Compatibility with and mitigation of any potential impact upon adjacent property.
 - c. Lighting designed and installed to minimize adverse impact on adjacent properties.
 - d. Location of monument sign(s) and other site signage comply with requirements.

3. Landscape and the arrangement of open space or natural features on the site should:
 - a. Create a desirable and functional open space environment for all site users.
 - b. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
 - c. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - d. Utilize plant materials suitable to withstand the climatic conditions of the City and microclimate of the site. The use of species native or naturalized to middle Tennessee is encouraged.
 - e. Use of screening to minimize the impact of the development on adjacent uses and mitigate impacts between incompatible uses, creating a logical transition to adjoining lots and developments.

4. Circulation systems and off-street parking designed to:
 - a. Provide adequate and safe access to the site for motor vehicles as well as other modes of transportation, including pedestrians and bicyclists.
 - b. Minimize potentially dangerous traffic movements including off-site improvements to provide safe access to site.
 - c. Minimize curb cuts, including the use of cross-access easements and shared parking.
 - d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces, and structures that is safe, visible, and identifiable.

5. Utility improvements have been provided that adequately serve the site.
 - a. Provide adequate and sufficient public utilities to serve the site including water and sewer service and to identify public utility infrastructure improvements that will be necessary to ensure sufficient water and sewer utility service to serve the site. (Ord. 21-14)

F. Site Plan Review Application Requirements

Plans and plats must be drawn in a legible manner, at a scale suitable to the size of the lot being developed or subdivided. All plans must be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The following information must be submitted to the Planning Department for review, unless waived by the Planning Director or Planning Commission:

Table 13-4: Submittal Requirements	
Submittals	Site Plan
General Information	
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	•
Name, address, phone numbers of owner(s), developer(s), and representatives	•
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	•
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	•
Legend containing all symbols and lines shown in the drawing	•
A vicinity map of the project with a radius of 1.5 miles from the project, any Major Thoroughfare Plan streets, and the 100 year floodplain boundary	•
The location of all existing structures on the property	•
Site coverage note indicating the percentage of the site that is currently covered by impervious surface	•

Table 13-4: Submittal Requirements	
Submittals	Site Plan
Title, name, address, stamp, and signature of the design professional(s) licensed to prepare the required plans and plats	•
The current date of the Unified Development Code in effect at the time of submittal.	•
Buildings and Structures (Ord. 19-09)	
Representative samples of elevations for different models or buildings to illustrate the variety and quality to be provided.	•
Building elevations that provide four-sided architecture and external materials (facades and roofing). Provide and label all façade and roofing materials and colors.	•
Show that mechanical equipment is fully screened by parapet walls if roof mounted or by landscaping and/or screening walls/fences if ground mounted.	•
Floodplain/Floodways/Wetlands	
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	•
Note and delineate wetlands on the property	•
Existing and proposed topographic information with source of information noted	•
Show stream buffers	•
Plans showing the nature, location, dimensions, and elevation of any part of the property within a flood prone area; existing or proposed structures or building sites, fill storage of materials and flood proofing measures; the relationship of the above to the location of the stream channel, floodway, floodway fringe, regulatory flood elevations, and the regulatory flood protection elevation; and specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities	•
Tree Protection and Landscaping	
Delineate trees to be retained on-site and the measures to be implemented for their protection	•
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site	•
Landscaping proposals for parking lots, streets, greenspace, and required screening or buffer yards, including proposed plant size and species. Show existing and proposed utility lines, and state the method for irrigation.	•
Utilities, Existing	
Utility Flow and Capacity Analysis for Water and Sewer Services (Ord. 21-14)	•
Show, note, and dimension all known existing on- and off-site utilities and easements	•
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants	•
Existing easements shall show the name of the easement holder and the purpose of the easement. If an easement is blanket or indeterminate in nature, a not to this effect shall be added to the plat/plan	•
Streets/Rights-Of-Way/Easements	
A traffic impact study	
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines	•
Show the location, widths, grades, and names of existing streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project	•
Provide a layout of adjoining property in sufficient detail to show the effect of proposed and existing streets (including those in the Major Thoroughfare Plan), adjoining lots, and off-site easements	•
Site Information	
Identify the location of known existing or abandoned water wells, sumps, cesspools, springs, streams, bodies of water, water impoundments, and underground structures within the project	•
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etcetera)	•
The location of any potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and any means of mitigating hazards	•
For residential development, indicate the use and list in a table the number of dwelling units	•
For non-residential development, indicate the gross floor area and all proposed uses generally	•
Show location and size of existing or proposed monument signs, if any	•
Show general location and size of parking, loading areas, and traffic flow	•
Show location, size, and construction details of parking and loading areas	•
Show the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow. Include a table showing the required, provided, and handicapped accessible parking spaces	•

Table 13-4: Submittal Requirements	
Submittals	Site Plan
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections	•
Show location and dimensions of buffer strips, fences, or walls, if required	•
Indicate location of and access to solid waste service	•
Provide a description of commonly held areas, if applicable	•
Show required building setbacks. Provide a note of the current setback requirements for the property/project	•
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	•
Show location and dimensions of all property proposed to be set aside for park, playground, or other public/private use, with designation of the purpose and conditions of use	•
Any other data or reports as deemed necessary for project review by the Planning Director or Planning Commission	•

G. Modifications to Approved Site Plans

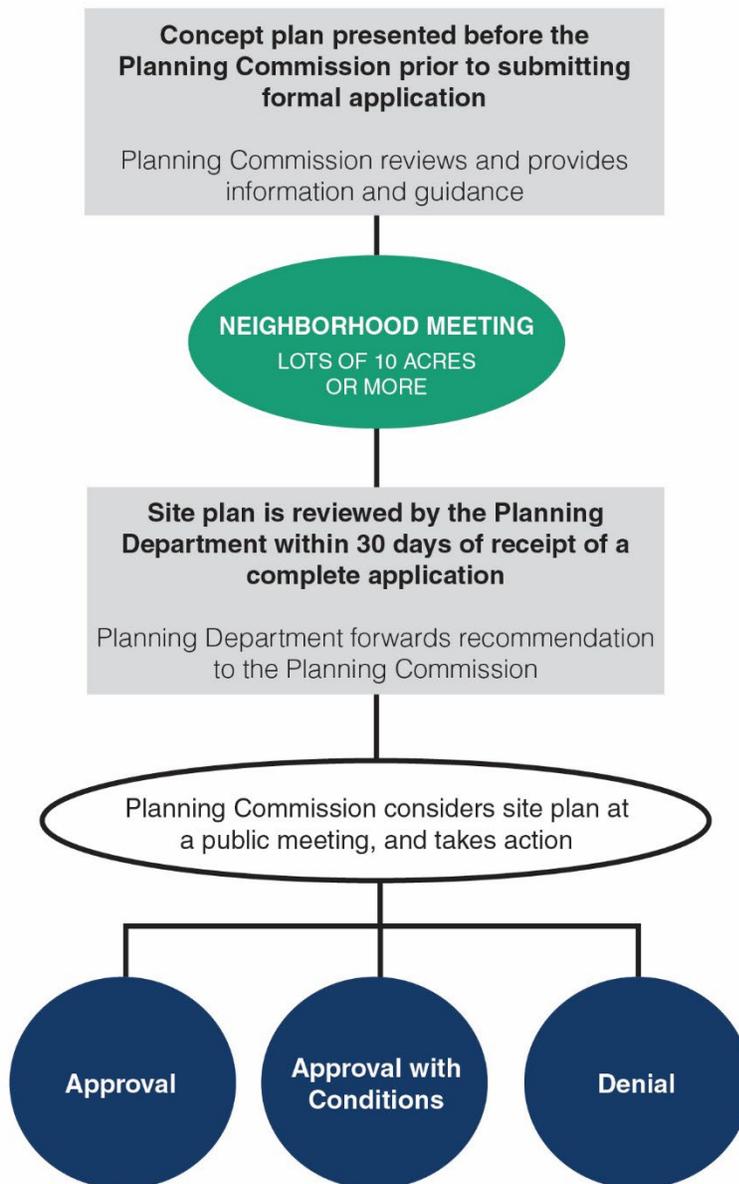
1. An application for a modification to an approved site plan must be submitted to the Planning Department. Modification applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Planning Director may approve the following minor modifications to approved site plans:
 - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
 - b. Exterior renovations to a building facade.
 - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code and any conditions of approval.
 - d. The construction of additional bicycle or parking spaces.
 - e. The addition of any open space.
 - f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Code and any conditions of approval.
 - g. Modifications to the approved landscape plan and site features that does not result in a reduction of the total amount of plant material required and remains in conformance with all landscape requirements.
 - h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the Code and any conditions of approval.
3. Any modification including, but not limited to, a change in land use or building occupancy classification resulting in a 10% or more increase in water or sanitary sewer service capacity requirements necessary to serve project must be approved by the Planning Commission in a public meeting. Applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan. No public hearing or notice is required. The Planning Director may also choose to forward any minor modification, regardless if it fits the above criteria, to the Planning Commission for approval; in such case, no additional fees are required. (*Ord. 21-14*)

H. Expiration and Vesting

1. The site plan approval expires if the applicant does not obtain and maintain all permits necessary for site preparation, and commence site construction within three (3) years of site plan approval. The site plan is vested within this Code, as per Table 13-2.
2. All required actions to retain vesting shall be per Table 13-2.

3. If the site plan is to be developed in phases, the applicant need only file a building permit for the first phase of development within three (3) years, as indicated in the development schedule. The building permits and applicable site preparation permits for the remaining phases must be filed in accordance with the development and construction schedule. Phased development vesting of up to fifteen (15) years is available, if required actions as noted in Table 13-2 are achieved and maintained. (Ord. 19-09)

Site Plan Review



13.7 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Code, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Code.

B. Initiation

The Board of Mayor and Aldermen, the Planning Commission, or a property owner in the City, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application.

C. Authority

The Planning Director will review and make final decisions on written requests for zoning interpretations.

D. Procedure

1. All applications for interpretations must be filed with the Planning Department.
2. The Planning Director must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Planning Director may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period is temporarily suspended until such material is received.

E. Appeals

Appeals are in accord with the requirements of Section 13.10.

13.8 SIGN PERMIT

A. Applicability

No sign, except those identified as exempt by this Code, may be erected, constructed, altered, or relocated without first obtaining a sign permit.

B. Authority

The Building Official is responsible for determining compliance with this Code and for issuing a sign permit.

C. Process

Upon the filing of a complete application for a sign permit, the Building Official will examine the plans and specifications for the proposed sign and will issue a sign permit if the plans comply with the requirements of this Code and other applicable City codes and ordinances.

D. Fees

All fees must be paid to receive a permit. No permit will be issued without full payment of required fees. Applicable fees are listed in the City Code.

E. Expiration

If the work authorized under a sign permit is not completed within 180 days of issuance of the permit, unless the Building Official has allowed a longer time period of validity at the issuance of the sign permit, the sign permit expires and becomes null and void.

13.9 TEMPORARY USE PERMIT

A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the City Code.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

C. Authority

The Planning Director will review and make final decisions on temporary use permit applications. However, the temporary use of a manufactured home on a residential lot may only be approved by the Board of Zoning Appeals, in accordance with Section 9.1.C.2.

D. Procedure

1. All applications for temporary use permit must be filed with the Planning Department.
2. The Planning Director must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The Planning Director must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

E. Approval Standards

All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 8, and the following standards:

1. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire Department, or other City officials, may require.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

F. Expiration

The temporary use permit is valid for the time period granted as part of the approval.

G. Appeals

Appeals are in accord with the requirements of Section 13.10.

13.10 ZONING APPEALS

A. Purpose

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Planning Director.

B. Initiation

A property owner in the City that is directly affected by an administrative determination of the Planning Director may file an appeal of the Planning Director's decision on a zoning interpretation, temporary use permit, or other administrative zoning decision related to this Code. This process does not include appeals of any Building Official decisions.

C. Authority

1. The Board of Zoning Appeals will take formal action on zoning appeal applications.
2. Zoning appeals are not applicable to administrative decisions on subdivision regulations of Articles 15, 16, and 17.

D. Procedure

All applications must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Director will schedule the application for consideration by the Board of Zoning Appeals.

1. Upon receipt of a complete application, the Board of Zoning Appeals will consider the appeal at a public hearing.

2. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing.
3. Following the close of the public hearing, the Board of Zoning Appeals must either confirm or overturn the Planning Department's decision.

E. Limitations on Zoning Appeals

An administrative decision of the Planning Director may only be appealed if an application is filed within 30 days of the date the decision is made.

ARTICLE 14. NONCONFORMITIES

- 14.1 GENERAL APPLICABILITY**
- 14.2 NONCONFORMING USE**
- 14.3 NONCONFORMING STRUCTURE**
- 14.4 NONCONFORMING LOT OF RECORD**
- 14.5 NONCONFORMING SIGNS**

14.1 GENERAL APPLICABILITY

A. Authority to Continue

Any use, structure, or lot that legally existed as a nonconformity as of the effective date of this Code, and any use, structure, or lot that has been made nonconforming due to any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal.

B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Code is the responsibility of the property owner or operator of the nonconforming use, structure, or lot.

C. Safety Regulations

All police power regulations enacted to promote the public health, safety, and welfare, including, but not limited to, all building, fire, and health codes apply to nonconformities.

14.2 NONCONFORMING USE

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district or within the county prior to annexation, but because of this Code, or a subsequent amendment to this Code, is no longer allowed. This includes nonconformities created by prior zoning ordinances or amendments to those ordinances.

A. Expansion

A legally established nonconforming use of a structure or land may be expanded, extended, enlarged, or increased on its existing property, subject to TCA 13-7-208, provided there is reasonable space for such expansion or extension that avoids nuisances to adjoining landowners. The addition of property to an existing, legally established nonconforming use is not permitted. Such addition of property nullifies the nonconforming use/structure protections. The Board of Zoning Appeals will review expansions of a nonconforming use to determine reasonableness of such an expansion and the impacts to adjoining landowners.

B. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use to a use in violation of this Code is deemed an abandonment of the previously existing nonconforming use.

C. Discontinuation or Abandonment

If a nonconforming use is discontinued for a continuous period of one year, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of time of discontinuance for this section.

D. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is also a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 14.3.

14.3 NONCONFORMING STRUCTURE

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning ordinances or amendments to those ordinances.

A. Maintenance

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

B. Structural Alterations

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. (For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if that addition meets all other bulk and setback requirements of the district.)

C. Relocation

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

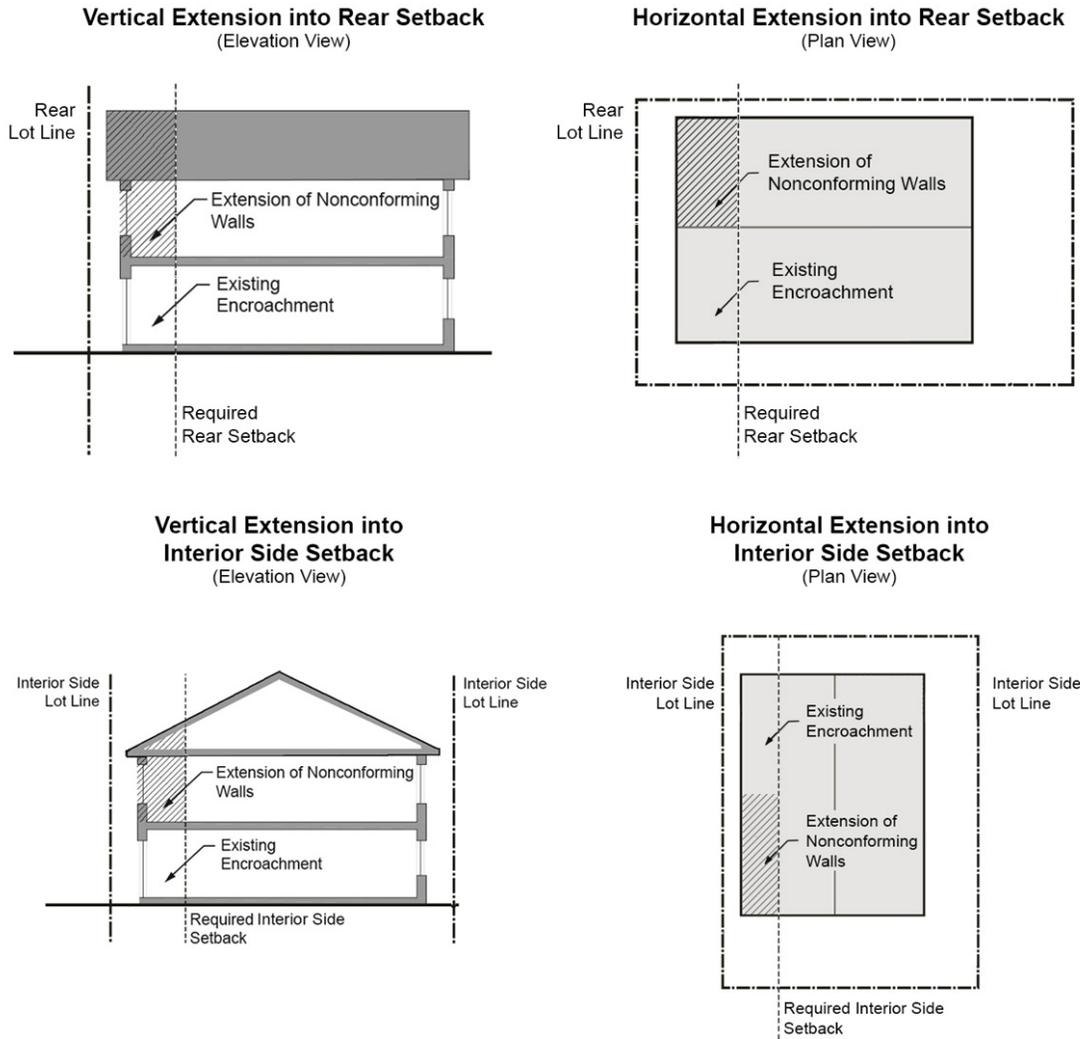
D. Damage or Destruction

1. Townhouse, multi-family, and non-residential nonconforming structures are subject to the following:
 - a. In the event that any townhouse, multi-family, or non-residential nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
 - b. When a townhouse, multi-family, or non-residential nonconforming structure is damaged or destroyed to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed to its pre-damaged state provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
2. If a nonconforming single-family or two-family structure is destroyed or damaged by an act of God, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss if a building permit is obtained within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
3. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure itself (excluding content coverage) was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Planning Director.

E. Extension of Walls for Nonconforming Single-Family and Two-family Dwellings

Where a single-family or two-family dwelling is deemed nonconforming because of encroachment into a required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter walls, so long as the resulting structure does not violate any other district regulation.

EXTENSION OF NONCONFORMING WALLS



14.4 NONCONFORMING LOT OF RECORD

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning ordinances or amendments to those ordinances.

A. Use

A nonconforming lot of record may be used for a permitted or special use allowed within the zoning district.

B. Development

Development of a nonconforming lot of record must meet all applicable dimensional or bulk regulations of the district in which it is located with the exception of that lot area and/or width requirement that renders it nonconforming.

C. Lot Division

No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

D. Lot Consolidation

A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zoning district in which it is located. Such consolidation is seen as a reduction of the nonconformity.

14.5 NONCONFORMING SIGNS

A nonconforming sign is a sign that at one time conformed to the sign requirements of the Code, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning ordinances or amendments to those ordinances.

A. A nonconforming sign and sign structure may remain in use, so long as it remains otherwise lawful and has not been damaged, destroyed, or removed as described in item D below. The sign face of an existing nonconforming sign may be replaced, but the structure cannot be altered to accommodate such change.

B. No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations of the zoning district in which the sign is relocated.

C. No nonconforming sign can be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This does not preclude normal maintenance and cleaning, or changing of the sign face.

D. In the event that any nonconforming sign and sign structure is damaged or destroyed to the extent of more than 50% of the replacement cost of an identical new structure, such sign may be repaired or rebuilt only in compliance with the requirements of this Code.

E. When a principal structure is demolished on a lot, all nonconforming signs located on that lot must be removed.

**ARTICLE 15. SUBDIVISION REGULATIONS –
REQUIRED PUBLIC IMPROVEMENTS AND BONDS**

- 15.1 APPLICABILITY**
- 15.2 REQUIRED LETTERS AND PUBLIC IMPROVEMENT SPECIFICATIONS**
- 15.3 PUBLIC WAYS AND UTILITIES**
- 15.4 LOT CONFIGURATION**
- 15.5 COMMON OPEN SPACE**
- 15.6 NATURAL LAND CHARACTERISTICS**
- 15.7 STORM WATER MANAGEMENT**
- 15.8 PUBLIC RIGHTS-OF-WAY**
- 15.9 DRAINAGE AND STORMWATER SEWERS**
- 15.10 WATER FACILITIES**
- 15.11 WASTEWATER SEWERS**
- 15.12 UTILITIES AND UTILITY EASEMENTS**
- 15.13 PUBLIC USES**
- 15.14 EASEMENTS GENERALLY**
- 15.15 SUBDIVISION NAME**
- 15.16 MONUMENTS**
- 15.17 IMPROVEMENT COSTS AND PERFORMANCE BONDS**
- 15.18 MAINTENANCE OF IMPROVEMENTS**
- 15.19 INSPECTION OF IMPROVEMENTS**

15.1 APPLICABILITY

Every lot created by subdivision must conform to the zoning district regulations of this Code applicable at the time of application; however, modifications or waivers of any applicable requirements may be made by the Planning Commission only where unique and inherent characteristics of the land proposed for development warrant such deviations. It is the sole responsibility of the property owner to request and justify such waivers to the Planning Commission. Any plat which has received preliminary plat approval is exempt from any subsequent amendments to the zoning regulations of this Code or dimensional subdivision regulations rendering the plat nonconforming as to dimensional or development standards, provided, that final approval is obtained within the effective period of preliminary approval.

15.2 REQUIRED LETTERS AND PUBLIC IMPROVEMENT SPECIFICATIONS

The City will provide language for required letters and bonds, and the detailed specifications for public improvement, which may be revised, changed, and/or added to on an as-needed basis. For reference, these include but are not limited to:

- A.** Water letter for subdivisions
- B.** Letter of credit minimum requirements
- C.** Performance and/or maintenance bond
- D.** Roadway construction plan requirements for new development
- E.** Specifications for materials and construction procedures for roadways
- F.** Storm water drainage calculations submittal guidelines and requirements
- G.** Roadway cross-section and standard drawings
- H.** Standard Specifications for Water Addition

15.3 PUBLIC WAYS AND UTILITIES

Pursuant to TCA Section 13-4-306, the Planning Commission cannot, nor may any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way has been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission, or on a public way plat made by the Planning Commission. However, the governing body may override the Planning Commission, as provided in TCA Title 13. In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the Planning Commission must be by the Tennessee Commissioner of Transportation, who has the power to overrule the disapproval of the Planning Commission.

15.4 LOT CONFIGURATION

- A.** All lots created during subdivision must comply with the minimum lot area and width standards of the applicable zoning district.

- B. Every lot created by subdivision must front on a street (public or private). However, the Planning Commission has the authority to approve minor subdivisions of commercially zoned property resulting in lots not fronting on private or public streets, but which use easements for access. A maximum of two lots relying on the access easement may result from such subdivision.
- C. Double frontage and reversed frontage lots must be avoided except where necessary to overcome specific disadvantages of topography and orientation.
- D. The creation of new flag lots is prohibited.
- E. Every lot parcel of land that is subdivided into two or more lots must be so divided that each separate lot contains a relatively straight boundary line between each lot as much as feasible.
- F. The Planning Commission may require that lots within a development do not derive access exclusively from arterial or collector streets. If access from such streets is necessary for several adjoining lots, the Planning Commission as part of plat approval may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways must be designed and arranged to avoid vehicles having to back out onto arterial or collector streets public ways. Right-of-way design requirements are described in Article 16.
- G. The Planning Commission may require lots be arranged so that further subdivision and the opening of future public ways can be in place where they would be necessary to serve potential lots, in compliance with the standards of the applicable zoning district and the subdivision requirements.
- H. Lots must be laid out to provide positive drainage away from all buildings. Individual lot drainage must be coordinated with the overall storm water management for the development. Perimeter lot line drainage swales and/or storm piping may be required where it is necessary to achieve positive and adequate drainage runoff conveyance away from the buildings. Adequate and positive drainage must be provided by the developer and builder during grading and finished grading activities. No cross-lot drainage is allowed.
- I. Lots should be arranged so that building sites maximize utilization of energy conservation measures, such as providing for solar access purposes.
- J. Where a lot in any flood prone area must be improved to provide a building site free from flooding, such improvements must be made outside the floodway by elevation or fill to at least two feet above the regulatory flood protection elevation (100-year flood) for a distance extending at least 25 feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill must be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission. In non-residential building sites outside a floodway but subject to flooding, the use of the structural flood proofing of these regulations, as an alternative to landfill, may be approved by the Planning Commission.

15.5 COMMON OPEN SPACE

Residential subdivisions require 15% of the total land area be set aside as common open space according to the following standards.

- A. The minimum open space required must be owned and maintained as described in this section. The uses within the open space must be accessible to the residents of the development. These uses may also be available to the general public. The required open space must be conveyed to a Homeowners Association (HOA) for use by the HOA in perpetuity and may not be further divided or converted to a buildable lot without approval of a revised plat by the Planning Commission.
- B. The following active and passive open space uses are counted as common open space.
 - 1. Natural water features, wetlands, and conservation areas. This includes required buffers from natural resources that are not included as part of a private lot.
 - 2. A trail system connecting open space areas. This includes hiking, biking, and equestrian trails. Where feasible, any trail system must connect and provide access to the proposed bicycle and greenway network, as shown in the Bicycle and Greenway Plan.
 - 3. Recreational facilities containing hardscape or impervious surfaces such as swimming pools, tennis courts, and skateparks.

4. Parks and playgrounds.
 5. Greenways. Where feasible, proposed greenways must connect and provide access to the citywide proposed bicycle and greenway network as shown in the Bicycle and Greenway Plan.
 6. Botanical gardens, greenhouses, and community gardens.
 7. Reuse of structures existing on the site prior to development
for community purposes (i.e. rehab of an existing barn or silo for the use of the residents, etc.).
 8. Agricultural uses, including vineyards with wineries and stables.
 9. On-site stormwater management facilities. No more than 10% of the required total open space area may consist of stormwater management facilities.
- C. Yards on individual lots or yards that are reserved for the exclusive use of an individual property owner; dedicated streets, alleys, or other public rights-of-way; and vehicular drives, private streets, and parking, loading and storage areas do not count as common open space.
- D. A management plan must be prepared and submitted for all common open space, including any man-made drainage facilities that serve more than one property, such as detention/retention ponds. The designated common open space and common facilities must be owned and maintained by one or a combination of the following and the management plan must meet the standards for each type:
1. **Homeowners Association/Property Owners Association**
 - a. The developer must provide the City with a description of the association, proof of incorporation of the association, a copy of its bylaws, and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements, or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.
 - b. The association must be organized by the developer and operated with financial subsidization from the developer before the sale of any lots within the development.
 - c. Membership in the association is mandatory for all homeowners and tenants therein and their successors. The conditions and timing of transferring control of the association from developer to the homeowners or tenants must be identified.
 - d. The association is responsible for maintenance and insurance on open space owned by the association, enforceable by liens placed by the homeowners or property owners association. Maintenance obligations also may be enforced by the City, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
 - e. The members of the association must share equitably the costs of maintaining open space owned by the association. Shares must be defined within the association bylaws or declaration. Association dues must be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any facilities and must be reserved for such purposes.
 - f. The association must have or hire adequate staff to administer common facilities and to properly and continually maintain the open space.
 - g. The homeowners or property owners association may lease open space lands to any other qualified person or corporation for operation and maintenance of such lands, but such a lease agreement must provide:
 - h. That the residents of the development will at all times have access to the open space lands contained therein (except that access to land that is actively farmed).

- i. That the open space lands to be leased must be maintained.
- j. That the operation of open space facilities may be for the benefit of the residents only or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be..
- k. A homeowners or property owners association must provide documentation approved by the City demonstrating compliance with these provisions must be recorded with the final subdivision, and proof of recording thereof must be provided to the City prior to the issuance of any building permits for the property. The applicant must provide draft homeowners or property owners association documentation with sufficient detail to demonstrate compliance with this section.

2. Condominium Association

To the degree applicable, condominium documents must comply with the regulations above for homeowners associations. Condominium documents must be recorded with the final plat. At the time of **preliminary** plat submission, the applicant must provide draft condominium documents with sufficient detail to demonstrate compliance with this section.

3. Private Conservation Organization

With the permission of the City, an owner may transfer either fee-simple title of the open space or easements on the open space to a private, conservation organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- a. The organization is acceptable to City, and is a bona fide conservation organization with perpetual existence.
- b. The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- c. The open space is permanently restricted from future development through a conservation easement and the City is given the ability to enforce these restrictions.
- d. A maintenance agreement acceptable to the City is entered into by the developer and the organization.

4. Private Ownership

An individual who will maintain the land for common open space purposes, as provided by a conservation easement. This option may be used only on a very limited basis for unique situations where no other options are feasible, as approved by the Planning Commission.

5. Assurances Involving the Provision of Common Open Space

The Planning Commission may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided and developed. The following methods of assurance are illustrative of the types of assurances which may be provided and used singly, in combination or in conjunction with other similar methods:

- a. The City may accept a bond, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.
- b. The title to the land shown as common open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Planning Director has certified to the escrow agent that the planned development has been completed, at which time the common open space is to be conveyed to a public agency or trustees provided in an indenture establishing an association, funded trust, or similar organization. The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instances, the Planning Director is to certify the completion of each stage of the planned development to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space which is conveyed is to be of the same proportions to the open space provided on the final development plan as the dwelling units that have been built are to the total number of dwelling units which are allowable by the final development plan.
- c. If any planned development which includes common open space is held by the developer on option, the developer shall assign to the city the right to exercise the option to acquire

the common open space.

- d. In general, the construction and provision of all common open spaces and public and recreational facilities which are shown on the final development plan must proceed at no slower rate than the construction of dwelling units. From time to time, the Planning Director must compare the actual development with the development schedule. If the Director finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Director may either cease to approve any additional final plats or instruct the Building Inspector to discontinue issuance of building permits.

6. Dedication of Public Facilities

The Planning Commission and the Board of Mayor and Aldermen may, as a condition of approval and adoption, in accordance with the final development plan, require that suitable areas for streets, public rights-of-way, schools, parks, and other public areas be set aside, improved and/or dedicated for public use.

15.6 NATURAL LAND CHARACTERISTIC

A. Areas Unsuitable for Development and Hazardous Conditions

1. Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that would be harmful to safety, health, and general welfare of residents and/or businesses cannot be subdivided or developed unless adequate methods are implemented by the developer and approved by the Planning Commission, upon recommendation of the Planning Department and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land should be set aside for uses, such as open space, which would not create a danger.
2. Each developer may be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition exists. Such fences must be constructed according to standards established by the Planning Commission, as appropriate, and noted on the final plat as to height and required materials. No certificate of occupancy will be issued for any affected lot until such fence improvements have been installed.

B. Preservation of Natural Features and Amenities

Existing features that would add value to residential development or to the area as a whole, such as trees, watercourses and falls, areas of historic or cultural significance, and similar assets, must be preserved in the design of the subdivision when required by the Planning Commission. No grade change or removal of features are permitted until a preliminary plat has been approved by the Planning Commission.

C. Water Quality Buffer Zone Easements

1. On all preliminary and final plats, where a stream, as defined by Tennessee Department of Environment and Conservation (TDEC), is located on any lot or portion of a lot within a proposed subdivision, the developer must dedicate water quality buffer zone easements of 30 feet on each side for streams with available parameters and 60 feet for streams with unavailable parameters or Exceptional Tennessee Water, as measured from the edge of the top-of-bank, on both sides of the creek. This stream buffer must not encroach onto any platted lots created by subdivision. No structures or improvements, as defined by TDEC, are allowed in this area.
2. The easements must be in accordance with the City's Storm Water Department MS4 Program requirements for floodways, public utilities, and riparian protection within which no use may be made or allowed of the area by the property owner that will cause change or damage to the creek or its banks and within which public authority may repair and restore damage to creeks and their banks.
3. The water quality buffer zones easements are designated so as not to disturb the natural vegetation and tree canopies of the creeks and water courses in order to preserve water quality of runoff and to prevent unwarranted sedimentation and pollutants entering the waters of the state. For the purpose of this section, the natural edge of any creek is determined by the City Engineer or the Storm Water Coordinator.

4. Water quality buffer zone easements must be indicated on all plats.
5. Refer to the Water Quality Buffer Zone Policy for additional information pertaining to water quality buffer zone requirements.

D. Water Bodies and Watercourses

1. If a subdivision contains a water body, or portion thereof, lot lines must be so drawn as to distribute the entire ownership of the water body among the adjacent lots. No more than 10% of the minimum lot area required by any zoning district may be satisfied by land that is under water.
2. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility and become the responsibility of a homeowner's association or similar.
3. Where a watercourse separates a buildable area of a lot from the public right-of-way by which it has access, provisions must be made for installation of a culvert or other structure approved by the Planning Commission and no certificate of occupancy will be issued for a structure on such a lot until the installation is completed and approved by the Planning Commission and/or the appropriate governmental representative.

E. Soil Preservation, Grading, Erosion Control, and Seeding

No certificate of occupancy will be issued until final grading has been completed in accordance with the approved construction plan. Unless approved by the City Engineer, topsoil cannot be removed from residential lots or used as spoil, but must be redistributed so as to provide cover on the lots and between any sidewalks and curbs, and must be stabilized by seeding or planting.

F. Karsts

When requested by the Planning Commission, the applicant must submit a geotechnical report that contains a summary of findings from a geotechnical analysis performed on the site along with recommendations to address any identified karst or other geotechnical features existing on the development site. In cases where the report finds evidence that karst features exist, no development is permitted to take place over such karst features.

G. Disposal of Natural and Construction Waste Materials

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind may be buried in any land or left or deposited on any lot or public right-of-way. Removal of such waste is required prior to issuance of any certificate of occupancy. No such waste may be left behind or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

15.7 STORMWATER MANAGEMENT

- A. Subdivision is subject to Title 18, Storm Water Management Ordinance of the Municipal Code. Per Section 18-404, Land Disturbance Permits, are required prior to the start of construction. Per Title 18, a performance agreement or letter of credit may be required.
- B. Maintenance requirements of permanent onsite stormwater facilities must be recorded in an inspection and maintenance agreement that operates as a deed restriction binding on the current property owner or the applicable management association, such as a Homeowners or Property Owners Association, or Condominium Association. The maintenance agreement must:
 1. Assign responsibility for the maintenance and repair of the stormwater facility and landscaping to the owner or management association.
 2. Provide for a periodic inspection.
 3. Provide for minimum maintenance and repair needs that include, but are not limited to, removal of silt, litter and other debris, cutting of grass, and vegetation removal, and replacement of landscape vegetation in detention or retention ponds and inlets and drainage pipes and any other storm water appurtenance.

- C. The City will not be responsible for maintenance of the open ditches, swales, or swales between properties. The City will be responsible for maintenance of physical structures such as, but not limited to, headwalls, catch basins, and piping.

15.8 PUBLIC RIGHTS-OF-WAY

Public rights-of-way must be constructed and designed in accordance with Article 16 of this Code.

15.9 DRAINAGE AND STORMWATER SEWERS

All stormwater drainage systems must be separate and independent from any wastewater sewer.

A. Accessibility to Public Stormwater Sewers

1. Where a public storm sewer is accessible, generally within 300 feet, the developer must install connections to stormwater sewer facilities. Stormwater sewer lines must be extended through and to the end of the development as determined by the City Engineer.
2. If a connection to a public stormwater sewer will be provided eventually, as verified by the City Engineer, the developer must make arrangements for future stormwater disposal by that public system at the time the plat receives final approval. Provisions for such a connection must be incorporated into the performance bond required for the final plat.
3. All underground stormwater conveyances will be inspected by the City to ensure proper installation prior to acceptance by the City. All DVD recording, or other electronic format acceptable to the City, and inspection must be performed by the developer for verification. Prior to installation of the binder course of asphalt, under roads built at 1% or less, any run of pipe between structures that has any part of any joint of pipe with over five (5) feet of cover will be verified with a TV inspection and a copy given to the City for review and approval. Video inspections will verify correct joint construction, review for damages, and manufactures' installation specifications to review that the finished product is acceptable. All installations shall conform to the manufacturer's installation requirements. (Res. 20-18)
4. All underground stormwater conveyances that are found to be contaminated with sediment must be cleaned by equipment suitable for the work performed and by the Public Works Director and all material or installation defects must be repaired to the satisfaction of the City at the developer's expense. All final work will be re-verified by pipe camera inspection on DVD recording, or other electronic format acceptable to the City, by the developer.
5. If no access to public stormwater sewers is within a reasonable distance, adequate provision must be made for the disposal of stormwater, in compliance with the Storm Water Management Ordinance.
6. Storm sewer lines must be extended through and to the end of the development when requested by the City Engineer to service future development.
7. Public stormwater sewer pipe must be installed in public rights-of-way or public dedicated easements. Pipe or other stormwater structures must be placed in the center of easements and no closer than five feet from the edge of any public right-of-way.
8. Surface swales draining multiple lots cannot flow over sidewalks or curbs. Surface water flow must be intercepted by area drains or headwalls and piped to the nearest underground storm sewer system.

B. Storm Water Drainage Calculations Specifications

All stormwater drainage calculations must be submitted to the City Engineer as part of the plan approval process for site plans, preliminary plats, and planned developments. Calculations must include the following:

1. Surface water drainage calculations for each drainage sub-basin within the development. This must include the 100-year and 25-year maximum discharge in accordance with Title 18 of the Municipal Code. Other information must include runoff coefficients and time of concentration for each

drainage sub-basin associated with stormwater inlets or other conveyance systems to channel and or intercept surface water flows.

2. Inlet capacity of stormwater inlets along with any storm water bypass. Inlets capacity calculations must include the clogging factor used by the engineer in the design.
3. Width of surface water spread on streets prior to interception of flows by inlets.
4. Maximum flow capacity for each stretch of stormwater sewer pipe between manholes along with the HGL associated with anticipated flows.
5. Pipe roughness coefficient used for design.
6. Sub-basin characteristics such as max flow, runoff coefficients, time of concentration, peak discharge.
7. Hydrological methods used for surface water calculations must follow the methodologies and practices outlined in the Tennessee Department of Transportation Division Drainage Manual, except where design standards are otherwise described in this article.

C. Dedication of Drainage Easements

1. *Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, either a stormwater easement or drainage way conforming substantially to the lines of such watercourse, and of appropriate width and construction, must be provided. Where open drainage ways are utilized, they must be designed for a 25-year flood.* In addition, the 50-year and 100-year storm events must be evaluated by the developer's engineer to determine if additional capacity is necessary due to the potential of flooding during high intensity storm events.
2. Where topography or other conditions make the inclusion of drainage facilities within a public way impractical, perpetual unobstructed easements are required. Such easements must be 20 feet wide. Easements containing storm sewer, sanitary sewer and or water lines must have a minimum width that is adequate to provide for a ten-foot separation between pipelines and allow ten feet from the centerline of the outside pipes to the easement boundary. Easements must be indicated on the preliminary and final plats. Drainage easements must be carried from the public way to a natural watercourse or other drainage facilities.
3. When a new drainage system is to be constructed that will carry water across private land outside the subdivision, appropriate drainage rights and easements must be secured and indicated on the plat.
4. The applicant must preserve an area parallel to the watercourse, containing a width of 30 feet on each side for streams with unavailable parameters and 60 feet for streams with available parameters or Exceptional Tennessee Waters, as measured from the edge of the top-of-bank, on both sides of the creek. This area will be designated as a water quality buffer zone easement and cannot be disturbed by the proposed development. Details of this requirement are located within the City's Water Quality Buffer Zone Policy.
5. Along watercourses, low-lying lands within any floodway, as determined by the Planning Commission whether or not included in areas for dedication, must be preserved and retained in their natural state as drainage ways.
6. Permanent sediment control measures (SCM) (i.e. ponds, bioretention, water quality devices, grassy swales, etc.) shall be within a recorded drainage easement with 10 feet of additional easement or as deemed necessary by the Public Works Director or Designee around the perimeter of the SCM. In addition, a recorded 20-foot-wide access easement shall provide a drivable surface or other means deemed necessary by the Public Works Director or Designee from the right-of-way to the SCM for inspection and maintenance operations.

D. Accommodation of Upstream Drainage Areas

A culvert or other drainage facility must be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities will be sized based on

the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning regulations.

E. Effect on Downstream Drainage Areas

The Planning Commission will also study the effect of each subdivision and development of single lots on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the Planning Commission determines. No subdivision will be approved unless adequate drainage is provided to an adequate drainage watercourse or facility. (Res. 20-11)

F. Spring or Surface Water On Site

The developer may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities must be located in the public way, where feasible, or in perpetual unobstructed easements of appropriate width, and must be constructed in accordance with the storm water construction specifications.

G. Floodplain Areas

The Planning Commission may prohibit, when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, the subdivision of any portion of the property that lies within the floodplain of any stream or drainage course. The regulatory floodway must be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps.

H. Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected floodway fringe area of said subdivision so that public right-of-way elevations are at no less than two feet above the regulatory flood elevation and first floor elevations (including basements) at no less than two feet above the regulatory flood elevation. The plat of such subdivision must provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill may be placed and no building nor flood-restrictive structure may be erected or placed in the floodway.

I. Design Standards

1. Detention Volume

The required detention volume must be that volume necessary, given the hydraulic characteristics of the primary outlet structure, to attenuate the post-development of mass outflow of water from the structure from hour 11 to hour 18 of the 24-hour storm to a level not to exceed the pre-development mass outflow for the same time period for the 2-year and 5-year. Detention storage volume must be drained within 72 hours.

2. Maximum Release Rate

The release rate from any detention pond must be for the site for the same storm prior to the proposed development. The peak outflow rate from the 2-year 24-hour storm, 10- year 24-hour storm, and 25-year 24-hour storm cannot exceed that of the site prior to development. Detention facilities must have a primary discharge structure capable of accommodating the 24-hour storms up through the 25-year with an emergency overflow capable of handling at least the 100-year 24-hour post-development discharge unless waived by the Planning Commission.

3. Storm Sewer Design Requirement

Design storm frequency for land use/development type for storm systems must be as follows:

- a. Residential 25-year storm
- b. Commercial/Business/industrial 25-year storm
- c. For drainage swales, lined channels and natural channels, the system must be designed to carry the 100-year storm and have the capacity to convey storm runoff without life hazard or property damage.

4. Existing Water Facilities

- a. Existing streams, lakes, and wetland cannot be modified for use as stormwater detention or retention ponds.
- b. On-stream impoundments are prohibited.

5. Stream Buffer Requirements

No stormwater management facilities may be located within streamside buffers, nor can they be detrimental to such buffers, unless a plan with appropriate mitigation is authorized by the City Engineer.

6. Stormwater Detention and Surface Infiltration Basins

Stormwater detention and surface infiltration basins must be design as naturalized basins for multiple uses, including stormwater detention, habitat enhancement and passive recreation use. Basins cannot be designed solely for stormwater detention purposes.

- a. Stormwater basins must be designed and incorporated into usable open space, accessible and open to the public.
- b. Water level fluctuations between the normal and high water level cannot exceed 18 inches for the 2-year design event and cannot exceed five feet for the 100-year design event.
- c. If fish are to be supported at least 25% of the permanent pool of water must be a minimum of ten feet in depth.
- d. Detention and outlet structure must be located at opposite ends of the basin to maximize water quality benefits.
- e. For wet detention basins, water entry slopes between one foot above and one foot below cannot exceed ten to one (10:1) to minimize shoreline erosion. Shallow entry angle will improve water quality treatment and increase aquatic habitat.
- f. Drainage area for wet detention ponds is a 15 acre minimum, to ensure hydrologic input sufficient to maintain permanent pool. Ten acres or less may be acceptable, particularly if the groundwater table is intercepted and a water balance indicates that a permanent pool can be sustained.
- g. All basins, trap embankments, swales, perimeter dikes, and permanent slopes steeper or equal to 3:1 shall be stabilized with sod or other approved stabilization measures, within seven (7) calendar days of establishment. Extensions may be approved by the inspector due to weather. All areas disturbed outside of the perimeter sediment control system must be minimized and stabilized immediately. Maintenance must be performed as necessary to ensure continued stabilization. Re-stabilization or over-seeding may be required as determined by the City. (Res. 20-18)

7. Stormwater Inlets

- a. Stormwater Inlets must be John Bouchard 3103 V Curb Inlet or 3300-V Curb Inlet. Curb types shall match the inlets as specified on the construction drawings. (Res. 20-11)
- b. Clogging factor for design and spacing must be 50%.
- c. Inlets cannot be spaced in the pathway or ADA ramps and must intercept surface water before ADA ramps.
- d. All stormwater inlet boxes must be precast with inlet and outlet pipes grouted inside and outside to make the joint water tight.

8. Stormwater Manholes

- a. Manholes must be installed at the end of each line, at all changes in grade, size or alignment at all sewer main intersections and at distances not greater than 400 feet apart for sewers 18 inches in diameter and not greater than 450 feet apart for sewer greater than 18 inches in diameter.
- b. Floor troughs must be furnished for all sewers entering manholes. A larger diameter manhole must be utilized in order to properly construct floor troughs where the incoming sewer inverts are substantially higher than the outgoing sewer invert. At all manholes with

a change of direction, a drop from the entrance to the outlet of at least 0.1 feet must be provided to account for head loss through the manhole. Additional drop in elevation may be required for sewer mains 12 inches and larger. Inverts must be U-shaped to the pipe crown before sloping at a one to twelve (1:12) slope to the manhole walls.

- c. Four foot diameter manholes can be used for pipes up to 18 inches. Five foot diameter manholes must be used for pipes 21 inches in diameter and larger.
- d. Manhole frame and cover must be John Bouchard 1111 or approved equal.

9. Stormwater Pipe, Manholes, Catch basins, Inlets and Pipe End Walls, and Bedding Aggregate

- a. Reinforced concrete pipe must conform to the minimum standards for Class III, ASTM C76, and must be utilized under roadways and all paved areas whether public or private development. All RCP stormwater pipe and structure joints and connections must be grouted with non-shrink grout and/or otherwise sealed both inside and out. Butylene gasket materials must also be utilized within pre-cast manholes and structures to further seal the joints and connections.
- b. All storm piping connections must be sealed with proper collar rings as per the manufacturer's specifications. (Res. 20-11).
- c. Dual wall polypropylene (PP) storm drainage pipe (18" to 60") is also allowed for use within paved areas (public and private) only if the installation requirements and backfill materials are utilized as recommended by the manufacturer. Dual walled smooth interior PP pipe must be in accordance with AASHTO HB Section 30, T-341, R-16 and MP-21-11 along with ASTM C969, C1103, D2321, D3212, F477, F1417, F2487, F2736, and F2881. Detectable warning tape must be utilized in the trench of the PP pipe when installed.
- d. HDPE pipe is permitted outside of paved areas as long as its installation is in accordance with the manufacturer's recommendations.
- e. All stormwater piping must have a minimum velocity of three feet per second.
- f. All pipe headwall must be of TDOT Class A Concrete. Poured in place headwalls cannot be less than 12 inches thick for pipes 18 inches through 30 inches. Precast discharge structures must meet the requirements of TDOT standard drawings. The tops of all headwalls shall be installed with no more than 6" of concrete exposed on the inlet side. (Res. 20-11)
- g. Nyloplast (H20) structures is permitted in turf areas.

10. Excavation, Bedding, and Backfill

- a. A minimum cover of two feet to final surface elevation is required on all PP pipe. Six inches of pipe bedding of TDOT No. 67 stone is required for all PP pipe. (Res. 20-11)
- b. A minimum cover of two feet is required for all storm drainage pipe installation whether RCP or PP pipe. Approved backfill soil material, free of any rock material great than two inches or total depth backfill with TDOT No. 67 stone allowed. Approved soil backfill must be at maximum lifts of eight inches compacted to 98% density or as directed by a geotechnical engineer. Outside of the right of way, the final 8 inches to grade must be top soil unless approved by the City Engineer. (Res. 20-11)
- c. When in the public right of way, no soil back fill shall be utilized unless inspected and tested by a geotechnical engineer and reports provided to the City inspector. If soil backfill is utilized out of the right of way, a two-year maintenance bond is required instead of the standard one-year maintenance bond to assure no settlement or pipe failures occur. (Res. 20-11)
- d. Pipe bedding for HDPE must be as per manufacturer's requirements. Backfill for HDPE pipe must be free of rocks. Minimum cover above HDPE pipe is two feet.

11. Roadway Drainage Systems

Drainage structures to be constructed within streets and driveways are to be installed prior to construction of the pavement base. Roadway drainage systems must provide adequate capacity so that the spread of water in the roadway:

- a. Be limited so that not more than one traffic lane is inundated in either direction for arterial roadways.
- b. Leave at least one lane free of water in each direction for collectors.
- c. Be limited so as to maintain a minimum of one lane (eight feet total) free of water for local roads.
- d. All stormwater sewer improvements under roads constructed at 1% slope or less shall be as built surveyed for verification and a letter provided by the engineer before base stone is applied. (Res. 20-18)
- e. Storm sewer does not surcharge during the 100-year design storm event. (Res. 20-18)

12. Culverts

The design flow for culverts is based on the following return frequencies:

- a. 100-year,-24-hour for residential collector and arterial road crossings. (Res. 20-11). Design storm.
- b. 25-year, 24-hour for local roads and crossings. (Res. 20-11)

13. Drainage Ditches

- a. Through lot drainage ditches must be built to a grade that will provide positive drainage, and in no case may the slope of the ditch be less than 0.5% slope with a preferred slope of 1%.
- b. Stormwater cannot be directed in such a manner that it flows outside of the designated easements or rights of way during a 25 -year rainfall event or less or as directed by the City Engineer. (Res. 20-11).
- c. If excessive grades or elevations dictate, gutters and downspouts must be directed in a manner to prevent stormwater drainage onto neighboring property at lower elevations.
- d. All drainage ditches must be stabilized to prevent erosion as indicated by the protection shown in the Table 15-1: Erosion Protection.

Table 15-1: Erosion Protection			
Upstream	Seed and Erosion Blanket (Res. 20-11)	Sod	Concrete Lined
18" pipe	Grades less than 3%	Grades 3 to 12%	Grades greater than 12%
21" to 24" pipe	Grades less than 1.5%	Grades 1.5% to 7%	Grades greater than 7%
30" to 36"	Grades less than 1%	Grades 1% to 4%	Grades greater than 4%
42" and greater	Not applicable.	Grade 1% to 2.5%	Grades greater than 2.5%

- e. Ditches that require lining with concrete must be lined to a height above the bottom of the ditch no less than one-half the diameter of the nearest culvert (upstream). However, in no case can the lining extend less than one foot above the bottom of the ditch.
- f. Lined ditches must be constructed of TDOT Class A. Concrete or approved alternate. (Res. 20-11)
- g. Ditches that require sodding must be sodded to the top of the slope of the ditch. The sod must consist of a live, dense, well rooted growth of permanent grasses free from Johnson grass and other objectionable grasses, and suitable for the soil in which it is to be placed. All sod and erosion blankets shall have full contact with soil underneath and installed per manufacturer's specifications. (Res. 20-11)
- h. All swales not requiring sod will be required to use erosion blankets. (Res. 20-11)

14. Post Construction/ Permanent Stormwater Control Measures (SCMs)

All new development and redevelopment shall be designed to reduce pollutants to the maximum extent possible. As an indicator of pollutant reduction, all sites shall be designed with permanent stormwater control measures (SCMs), at a minimum, to achieve an overall treatment efficiency of 80% total suspended solids (TSS) removal from the Water Quality Treatment Volume (WQTV). The SCMs shall be designed to treat the 1-year, 24-hour design storm event and be capable to provide full treatment capacity within 72 hours following the end of the preceding rain event for the life of the project. The quantity of the WQTV depends on the type of treatment provided, as established in the following table:

Table 15-2: WATER QUALITY TREATMENT VOLUME AND THE CORRESPONDING SCM TREATMENT TYPE FOR THE 1-YEAR, 24-HOUR DESIGN STORM		
SCM TREATMENT TYPE	WQTV	NOTES
INFILTRATION, EVAPORATION, TRANSPIRATION, AND/OR REUSE	RUNOFF GENERATED FROM THE FIRST 1 INCH OF THE DESIGN STORM	EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO, BIORETENTION, STORMWATER WETLANDS, AND INFILTRATION SYSTEMS.
BIOLOGICALLY ACTIVE FILTRATION, WITH AN UNDERDRAIN	RUNOFF GENERATED FROM THE FIRST 1.25 INCHES OF THE DESIGN STORM	TO ACHIEVE BIOLOGICALLY ACTIVE FILTRATION, SCMS MUST PROVIDE A MINIMUM OF 12 INCHES OF INTERNAL WATER STORAGE.
SAND OR GRAVEL FILTRATION, SETTLING PONDS, EXTENDED DETENTION PONDS, AND WET PONDS	RUNOFF GENERATED FROM THE FIRST 2.5 INCHES OF THE DESIGN STORM OR THE FIRST 75% OF THE DESIGN STORM, WHICHEVER IS LESS	EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO, SAND FILTERS, PERMEABLE PAVERS, AND UNDERGROUND GRAVEL DETENTION SYSTEMS. PONDS MUST PROVIDE FOREBAYS COMPRISING A MINIMUM OF 10% OF THE TOTAL DESIGN VOLUME. EXISTING REGIONAL DETENTION PONDS ARE NOT SUBJECT TO THE FOREBAY REQUIREMENT.
HYDRODYNAMIC SEPARATION, BAFFLE BOX SETTLING, OTHER FLOW-THROUGH MANUFACTURED TREATMENT DEVICES (MTDS), AND TREATMENT TRAINS USING MTDS	MAXIMUM RUNOFF GENERATED FROM THE ENTIRE DESIGN STORM	FLOW-THROUGH MTDS MUST PROVIDE AN OVERALL TREATMENT EFFICIENCY OF AT LEAST 80% TSS REDUCTION.

a. The 80% TSS removal shall be calculated using a Treatment Train Calculation

(1) Treatment trains using manufactured treatment devices (MTDs)

Treatment trains using MTDs must provide an overall treatment efficiency of at least 80% TSS reduction utilizing the following formula:

Formula:

$$R = A + B - (A \times B) / 100$$

Where:

R = Total TSS percent removal from application of both SCMs,

A = The TSS percent removal rate applicable to the first SCM, and

B = The TSS percent removal rate applicable to the second SCM

TSS removal rates for MTD must be evaluated using industry-wide standards.

TSS removal rates for other SCMs must be from published literature.

(2) Treatment trains not using MTDs

Treatment trains using infiltration, evaporation, transpiration, reuse, or biologically active filtration followed by sand or gravel filtration, settling ponds, extended detention ponds or wet ponds may subtract the treated WQTV of the upstream SCMs from the WQTV of the downstream SCMs.

15.10 WATER DISTRIBUTION FACILITIES

- A. Necessary action must be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection through the development and providing connection of the system to adjoining properties, as required by the Planning Commission.
- B. Where a public water main is within reasonable access of the subdivision, as determined by the Planning Commission and verified by the City Engineer, the developer must install adequate water facilities that are capable of providing the minimum protection flows (750 GPM @ a minimum residual psi of 30), including fire hydrants, subject to construction and material specifications of the Tennessee Department of Environment and Conservation and Spring Hill's Standard Specifications for Water Additions, and by any other applicable standards and specifications and additional requirements of the Planning Commission.
- C. Water lines must be extended to the property boundaries of the development as to allow future connection of the adjacent property. An end-of-line fire hydrant with a line sized gate valve and reverse thrust blocking must be installed as to allow uninterrupted water service when the future connection is made. If an existing water line, extended to boundary from the adjacent property, is present, then the proposed development must connect to the existing water line.
- D. All water line plans and calculations are required to be first submitted to the Spring Hill's Water Department for review and approval prior to submitting to the Tennessee Department of Environment and Conservation. The City's Water Department representative is required to sign-off on the signature block indicating the City has reviewed and approved the proposed water line additions of the development prior to submittal to the Tennessee Department of Environment and Conservation, whether the additions are proposed as private or public. TDEC stamped approved plans must be submitted to the City's Water Department prior to any installation activities begin for the proposed water additions.
- E. All water systems, whether public or private, located in a flood prone area must be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation must be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.
- F. All water lines must be located outside the pavement and curbing of roadways. They are permitted only within the roadway rights-of-way or within a designated water utility easement. Easements must be a minimum of 20 feet in width unless otherwise required by the City Engineer. (Res. 20-11)
- G. Water lines must be designed and constructed to provide a minimum of two water feeds to each development, as to allow uninterrupted water conveyance to the development should one feed connection line experience a break.
- H. Water mains must be no less than eight inches in diameter, except for fire hydrant leads. The Planning Commission may make exceptions to this subject to verification by the City Engineer.
- I. Fire hydrants are required in all subdivisions. They must be located no more than 1,000 feet apart and be within 500 feet of any part of a building. All hydrants must be located a minimum of 1,000 feet apart. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. Fire hydrants must remain at the end of water mains in all cul-de-sacs. To eliminate future public way cutting or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements must be installed before any final paving of a public right-of-way shown on the subdivision plat, unless otherwise approved by the Planning Commission.
- J. Individual (separate) water service lines and water meters will be required for each unit in a PUD or cluster type development, regardless of operation and maintenance responsibilities for water lines within the development. Water service lines may be connected together into one service line extending to a water

main, if each service line has it's own curb stop installed in a street or right of way granted to the city for access, and a curb stop exists on the one service line extending to the main.

- K. The City is not responsible for the operation and maintenance of water and sewer mains in a private street, unless such utilities are located within a dedicated public utility easement and the responsibility has been formally accepted by the City and subsequently is recorded as part of the plat.
- L. Water pipelines and ancillary materials are subject to the following:
 - 1. The type of water pipe for distribution pipelines is specified within the City of Spring Hill, Standard Specifications for Water Additions.
 - 2. The type of water valves and hydrants is specified within the City of Spring Hill, Standard Specifications for Water Addition.
 - 3. The type of service assemblies, such as corporation cocks, service pipes, meter yokes, and water meters, are specified within the City of Spring Hill, Standard Specifications for Water Addition.
- M. All pipelines and ancillary materials must be furnished and installed in accordance with the City of Spring Hill, Standard Specifications for Water Additions.
- N. Master water metering: a master meter is required for multi-tenant complexes. These meters must be placed inside public rights-of-way at the City's main point of service. There must also be a secondary point of connection with backflow device for emergency uses only if the primary source fails.
- O. Utility trenches excavated into existing public arterial or collector streets shall be backfilled with flowable fill as directed by the City Engineer. Trench limits shall be saw-cut into the existing pavement the width of which shall be limited to the minimum required to perform the work and accomplish backfilling. The use of flowable fill shall meet the requirements of Section 204 of the TDOT "Standard Specifications for Road and Bridge Construction". Streets, concrete curbs, gutters, driveways, median pavement, and sidewalks shall be restored as required to match existing construction. Base stone and asphalt paving shall be placed over the trench backfill with thicknesses and gradations equal to the existing pavement section. Each course of base stone and asphalt shall be thoroughly compacted with mechanical tampers. All repairs shall include full lane width resurfacing except when utilizing infrared technology as approved by the City Engineer. (PC Res. 19-14, 2/11/19)
- P. **Water Capacity Analysis** - In order to determine adequacy and sufficient of existing water utilities to serve a proposed subdivision, a water capacity analysis shall be prepared to evaluate the capacity of existing water utility infrastructure to serve the subject subdivision and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the subject subdivision if approved. The cost for preparation of the water capacity analysis shall be responsibility of the applicant.
 - 1. The applicant shall furnish the following information model inputs:
 - a. Site elevation and finish floor elevation of all proposed structures including multistory building elevations.
 - b. Water demand for all proposed uses and structures including irrigation and fire flow/pressure requirements.
 - 2. The **Water Capacity Analysis** model will provide the following:
 - a. Demands expressed in gallons per day, gallons per minute and minimum fire flow requirements.
 - b. Tank elevation at 50% of tank storage.
 - c. Location of primary water source main.
 - d. The results of the analysis will include, but not be limited to, static pressure available at the site and residual pressure with 750gpm fire flow and a determination if the site can meet minimum pressure requirements. (Ord. 21-14)

15.11 SANITARY SEWER FACILITIES

All subdivisions require a connection to sanitary sewers. No new subdivisions are permitted connected to individual disposal systems. This does not apply to existing lots in residential subdivisions or lot splits.

- A. The applicant must install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation, Spring Hill's Standard Specifications for Sewage Addition, and by any other applicable standards and specifications, including requirements of the Planning Commission. All plans must be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.
- B. Gravity flow must be used with lift stations and force mains only considered when necessary, such as in order to deal with extreme terrain or the protection of significant natural resources. The developer must bear the cost of lift stations.
- C. When public sanitary sewers are within reasonable access of the subdivision, as determined by the City Engineer, the developer must provide sanitary sewer facilities to each lot therein and connect the facilities to the public system.
- D. All sanitary sewer facilities located in a flood hazard area must be flood-proofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation must be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
- E. Sewer lines must be extended to the property boundaries of the development as to allow future connection of the adjacent property. An end-of-line manhole must be installed as to allow uninterrupted sewer service when the future connection is made. If an existing sewer line, extended to boundary from the adjacent property, is present then the proposed development must connect to the existing sewer line.
- F. All sewer line, pump station, and force main plans and calculations are required to be first submitted to the City's Sewer Department for review and approval prior to submitting to the Tennessee Department of Environment and Conservation. The City's Sewer Department representative is required to sign-off on the signature block indicating the City has reviewed and approved the proposed sewage additions of the development prior to submittal to the Tennessee Department of Environment and Conservation, whether the additions are proposed as private or public. TDEC stamped approved plans must be submitted to the City's Sewer Department prior to when any installation activities begin for the proposed water additions.
- G. All underground sanitary sewer conveyances must be inspected by the City to ensure proper installation prior to acceptance by the City. DVD or other video recording must be completed by the developer and submitted to the City for verification.
- H. All underground sanitary sewer conveyances that are found to be contaminated with sediment or debris must be cleaned by equipment suitable for the work performed and by the City Engineer or their designee and all material and installation I defects must be repaired to the satisfaction of the Spring Hill Sewer Department at the developer's expense. All final work must be re-verified by pipe camera inspection recorded on DVD or other video recording and inspection must be completed by the developer and submitted to the City for verification.
- I. These design criteria are not intended to cover extraordinary situations. Deviations may be allowed in those instances when approved by the City Engineer.
 - 1. Sanitary sewer systems must be designed for the ultimate build out conditions within the proposed development sanitary sewer basin and projected development served within the basin based upon appropriate plans and zoning regulations. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable.
 - 2. Sewer capacities must be adequate to accommodate the anticipated maximum hourly flow of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. Design basis for wastewater flow and loadings must be acquired from TDEC Chapter 2, Sewers and Wastewater Pumping Stations.
- J. Sewer lines must be located as follows:

1. Sewer lines must be located under the pavement in the center of roadways and, where possible, located outside of areas subject to flooding. Where manholes lie within the natural flow of stormwater within the roadway, an inflow preventer must be installed in the manhole to prevent stormwater inflow.
 2. Sewer lines and manholes located within flood prone areas must be watertight and contain watertight manhole castings. Sewer manholes installed by others shall be fitted with water tight manhole inserts provided by the City at their expense.
 3. Sewers lines and manholes shall not be located within or inside detention basins.
 4. Manhole castings shall be at final topping grade exposing only enough casting to accommodate thickness of final asphalt wearing course. Acceptable materials to adjust manhole castings to fit the grade of the asphalt surface wearing course consists of metal riser ring adjusters or approved equals; brick, grout, or precast adjusters are not allowed. Manhole rim elevation on roads of 1% or less slope shall be surveyed and verified by the engineer and a letter confirming the design sent to the City prior to installation of roadway base stone. (Res. 20-18)
- K.** Utility trenches excavated into existing public arterial or collector streets shall be backfilled with flowable fill as directed by the City Engineer. Trench limits shall be saw-cut into the existing pavement the width of which shall be limited to the minimum required to perform the work and accomplish backfilling. The use of flowable fill shall meet the requirements of Section 204 of the TDOT "Standard Specifications for Road and Bridge Construction". Streets, concrete curbs, gutters, driveways, median pavement, and sidewalks shall be restored as required to match existing construction. Base stone and asphalt paving shall be placed over the trench backfill with thicknesses and gradations equal to the existing pavement section. Each course of base stone and asphalt shall be thoroughly compacted with mechanical tampers. All repairs shall include full lane width resurfacing except when utilizing infrared technology as approved by the City Engineer. (PC Res. 19-14, 2/11/19)
- L.** The City will not have responsibility for the operation and maintenance of wastewater sewer mains in private streets located within PD or cluster-type development unless responsibility is formally accepted by the City and subsequently is established through a maintenance agreement and public utility easement.
- M.** Sewer pipelines and appurtenances:
1. The type of pipe for sanitary sewers is specified within the City of Spring Hill, Standard Specifications for Sewage Additions.
 2. The type of manholes for sanitary sewers is specified within the City of Spring Hill, Standard Specifications for Sewage Additions.
 3. The type of pipe for sewage force mains is specified within the City of Spring Hill, Standard Specifications for Sewage Additions.
- N.** All pipelines must be furnished and installed in accordance with the City of Spring Hill, Standard Specifications for Sewage Additions.
- O.** Testing of sewage additions:
1. Wastewater sewers must be air tested when installation of the improvements including service lines and all remaining underground utilities, including water, electric, gas and telephone are installed complete.
 2. Wastewater sewer manholes must be air tested after the base course of the roadway is installed.
 3. All air testing must be in accordance to the City of Spring Hill, Standard Specifications for Sewage Additions.
- P. Sanitary Sewer Capacity Analysis** - In order to determine adequacy and sufficient of existing sewer utilities to serve a proposed subdivision, a sewer capacity analysis shall be prepared to evaluate the capacity of existing sewer utility infrastructure to serve the subject subdivision and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the

subject subdivision if approved. The cost for preparation of the sewer capacity analysis shall be the responsibility of the applicant.

1. The developer must prepare a Sanitary Sewer Capacity Analysis to determine average daily flow and maximum daily flow for all commercial and industrial units and residential developments consisting of 20 or more dwelling units. The analysis must provide information on the increased demand from the development on the existing capacity of the City's sanitary sewer system. The analysis must include all collection pipes up to when the sewer system expands to the next available larger diameter pipe downstream. The City will evaluate the findings of the analysis and make a determination as to whether the City's sewer system has the capacity to meet the new demand."
2. The **Sanitary Sewer Capacity Analysis** must provide at a minimum the following information
 - a. Table of estimated sewage flows (peak and average daily flows) for the development as a whole and for each land use. The table must include the number of dwelling units and commercial units.
 - b. The City will provide average daily and maximum daily wastewater flows for residential units. Other design values must be acquired from the Tennessee Department of Environment and Conservation (TDEC).
 - c. Depth of sewer flow in the downstream manhole from the proposed connection during the max flow of day normally between the hours of 8:00 to 10:00 am. (Ord. 21-14)

Q. Alignment

1. General Wastewater Sewer Alignment: In general, wastewater sewers must be designed for uniform slope and alignment between manholes, and located in the center of the street pavement whenever possible. All sewers must have a clear minimum distance of ten feet separation between water lines.
2. Energy Gradient Line: The energy gradient line must be maintained whenever a small sewer joins a larger sewer. This must be approximated by placing the 0.8 depth of both sewers at the same elevation (not considering the head loss through the manhole).

R. Manholes

1. Manholes must be installed at the end of each line, at all changes in grade, size, or alignment at all sewers main intersections and at distances not greater than 350 feet apart for sewers 15 inches in diameter or less and not greater than 400 feet apart for sewer 18 inches in diameter and larger.
2. Lamp holes are not acceptable as a substitute for manholes.
3. Drop manholes cannot be used unless the invert elevations between the receiving pipe and the discharging pipe is more than two feet. If the discharging pipe has less than five feet of bury to the top of the pipe at the proposed drop manhole, the pipe must be laid at a uniform grade to the manhole invert and no drop manhole are permitted.
4. Floor troughs must be furnished for all sewers entering manholes. A larger diameter manhole must be utilized in order to properly construct floor troughs where the incoming sewer inverts are substantially higher than the outgoing sewer invert. At all manholes with a change of direction, a drop from the entrance to the outlet of at least 0.1 feet must be provided to account for head loss through the manhole. More drops may be required for sewer mains 12 inches and larger. Inverts must be U-shaped to the pipe crown before sloping at a one to twelve (1:12) slope to the manhole walls.
5. All manholes located in areas of special flood hazards must be flat top manholes. All manhole ring and covers must be watertight.
6. Four-foot diameter manholes can be used for pipes up to 18 inches. Five-foot diameter manholes must be used for pipes 21 inches in diameter and larger.

7. All new and existing manholes receiving sewage from force mains must have its interior epoxy lined. Should the existing manhole not be suitable for epoxy lining, the manhole must be replaced and a new epoxy lined manhole installed.

S. Service Connections

1. Service connections to any wastewater sewer must be made only to a wye connection installed at the time of the sewer main installation or by machine tap and approved saddle appropriate to the main line sewer material. All connections to the existing public sewer must be made at the 10:00 or 2:00 o'clock position.
2. All sewer connections must be sized in accordance with the Uniform Plumbing Code.
3. Only one residence, structure, or building may be served by each lateral connected to the public or private sewer main, unless otherwise approved of by the City.
4. Commercial and industrial waste must comply with the City's Municipal Code relative to the use of public sewers and the requirements for discharge of certain materials (pretreatment).
5. An inspection manhole or other suitable structure are required on the service line for any use other than normal domestic use.
6. In addition to the above requirements, acceptable grease interceptors are required of all restaurants, food preparations centers, or for any other discharge containing oil and grease.
7. In addition to the above requirements, acceptable sand and oil interceptors must be provided for all car washes and similar facilities, which may discharge sand or dirt into the sewer.
8. Townhouse developments may use a "manifold" sewage collection system for service to individual properties, if a valid Homeowners or Property Owners Association exists among all property owners. The manifold system is restricted to only townhouse developments and must conform to the following requirements:
 - a. The "manifold" system must be owned and maintained by a viable Homeowners or Property Owners Association. The association is responsible for the manifold to the point of connection to the sewer main.
 - b. No more than five privately owned units may be placed on any "manifold."
 - c. The "manifold" must be located at the back side of the front lot utility easement.
 - d. The common header pipe to the main must be six inches in size and must be provided with cleanouts at the ends and at all bends.
 - e. The "manifold" must meet all requirements of the local Plumbing Code, as adopted by the City.
 - f. The City will extend the wastewater sewer service line to the street right-of-way line and cap it off for future connection. The builder is responsible for extending the service from the building to the street right-of- way and install the proper cleanout according to the City's Sewer Specifications. The maximum spacing between sewer cleanouts is 75 lineal feet.

T. Sewage lift stations

1. Total dynamic head rating of pumping units is based on pipe friction, pressure losses from piping entrances, exits, appurtenances, (bends, valves, etc.) and static head at the rated flow.
2. Design considerations:
 - a. Where no grit removal is provided ahead of the pumping station, equipment and piping design must minimize the deleterious effects of grit in the sewage.

- b. Screens or comminutors must be provided ahead of the pumps where the average daily flow is in excess of one million gallons per day (mgd) to prevent solids larger than 2.5 inches from entering the pump.
 - c. Except for grinder pumps, raw sewage pumps must be capable of passing spheres of at least three inches in diameter. Pump suction and discharge piping in all sewage and sludge services must be no smaller than four inches in diameter.
 - d. Intermittently operated pumps must be designed to start no more often than one every ten minutes at the minimum operating interval.
 - e. Pumping stations must be designed to permit removal of all items of equipment including pumps, valves, electrical and control equipment. Equipment located in wet wells must be removable without entering the wet well.
 - f. Piping systems must be designed to withstand the maximum possible surge from the pumping station or adequate surge control provided to protect the piping. Pressure relief valves are not acceptable surge controls.
 - g. Pumps must be selected so that the net positive suction head required at the maximum flow (NPSHR) is less than the NPSH available minus four feet based on the hydraulic conditions and altitude of the lift station.
 - h. The pumping station chambers must resist hydrostatic uplift pressures.
3. Siting requirements:
- a. Pumping stations must be located so that they are readily accessible to operating and maintenance personnel at all times of day or night, and under all weather conditions. Pumping stations must be located off of traffic ways.
 - b. Pumping stations must be designed so there is no equipment or structural damage in the 100-year floodplain and so that the pumping station's operation is uninterrupted by the 25-year flood.
 - c. The pumping station must be surrounded by a six-foot-high chain link fence with appropriate gates to access the facility for maintenance. Outdoor security lighting must be provided.
4. The City of Spring Hill only permits suction lift pumping stations. Pumping stations utilizing suction lift pumps must have adequate priming means to prime the pumps quickly and designed for priming the pumps when the water level in the wet well is one foot below the lead pump starting elevation in the suction wet well and for maintaining prime when the wet well level is one foot below the lead pump stopping level. Valving cannot be located in the wet well.
5. Reliability:
- a. Multiple units: every pumping station must have no less than two pumping units. The number of units and their size must be sufficient to permit pumping the maximum design flow with the largest pumping unit out of service.
 - b. Where the pumping station serves more than 150 residential homes or equivalency, permanently installed or portable engine driven pumps or a separate independent utility source must be provided. Where annual starting is required sufficient storage must be provided to allow notifying the operator and performing whatever it task are necessary to get the pumping station in service.
6. Electrical:
- a. All electrical equipment including motors, motor starters, and controls must be located so as to be undamaged by the 100-year flood.
 - b. The lift station must be equipped with a SCADA system compatible with the City of Spring Hill.
 - c. All motors must be 3-phase unless waived by the City Engineer.

7. Complete design criteria for the proposed pumping station includes, but is not limited to, the following:
 - a. Topographic map with the drainage area clearly defined and the acreage.
 - b. Complete information concerning the proposed area of service, including the number and type of proposed units.
 - c. Complete anticipated flow data based on Tennessee Department of Environment and Conservation design criteria and utilizing a peak factor 2.5.
 - d. Complete details of possible alternate gravity sewers to serve the same area, including cost estimates of both types of systems.
- U. Sewage force mains:
 1. Sewage force mains must be buried a minimum of 36 inches to the top of the pipe.
 2. Sewage force mains must be four inches in diameter or greater.
 3. Sewage force mains minimum velocity must be 2.5 fps with a maximum permitted velocity of 10 fps.
 4. Air release valves must be provided at the high point in the piping whenever the pipe crown elevation falls below the pipe invert elevation. Access to air release manholes must not be in traffic ways.
 5. Sewage force mains must be ductile iron pipe class 200 or AWWA C 900 PVC pipe.

15.12 UTILITIES AND UTILITY EASEMENTS

- A. Utility services should be clustered within a single easement when feasible.
- B. Utilities must be buried/installed underground unless the Planning Commission, subject to verification from the City Engineer and Department of Public Works, deems it infeasible. New residential subdivisions must be designed for underground distribution of electrical service. Non-residential subdivisions must give preference to design and construction of underground distribution of electric service provided existing facilities in the project location and electrical loading requirements allow for a full underground distribution system. Non-residential subdivisions and lots located therein may be served from overhead power distribution systems using underground risers to connect to new underground lines when serving solely by full underground distribution system is impractical due to site considerations.
- C. On all preliminary and final plats, developers are required to dedicate easements for public utilities. Such easement must be at least ten feet wide along all street rights-of-way and along all rear lot lines, except for across-lot easements, which must be at least 20 feet wide. Such easements are also required along all side lot lines and must be at least five feet wide. The subdivider must take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his/her development. Easements must be indicated on the plats.
- D. Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project. Developers are required to install a stone base a minimum of 100 feet from an existing roadway along any temporary construction entrance, meeting the City's Storm Water Department's MS4 Program requirements.
- E. In the case of electric transmission lines where easement widths are not definitively established, a minimum building setback line from the center of the transmission line must be established as follows:
 1. Voltage of Line – 46KV: Building setback of 37.5 feet
 2. Voltage of Line – 69KV: Building setback of 50 feet
 3. Voltage of Line – 161KV: Building setback of 75 feet
- F. Within these easements, the right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, or other plants, without compensation, that interfere with operation of the utilities.

15.13 PUBLIC USES

- A. Plat to Provide for Public Uses

1. Whenever a subdivision, or any portion thereof, includes a school, recreation use, a portion of a major public right-of-way, greenway, or other public use, as indicated on the Comprehensive Plan, Major Thoroughfare Plan, Bicycle and Greenway Plan, Parks Master Plan, or any other duly approved City planning document, such tract must be suitably incorporated into the plat when first presented for review by the Planning Commission.
2. After proper determination of its necessity by the Planning Commission and the appropriate representative(s) involved in the acquisition and/or dedication, and use of such site, and after a determination has been made to acquire the site by the public agency, the site must be suitably incorporated into the plat prior to final approval by the Planning Commission and recording of the plat.

B. Referral to the Governmental Agency Concerned

1. The Planning Commission may refer any plat presented in accordance with these subdivision regulations to the agency concerned with acquisition and/or dedication of the land. The Planning Commission may propose alternate areas for such acquisition and must allow the appropriate governmental agency 30 days for reply.
2. Among the areas that the Planning Commission may propose for public acquisition, when the Commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe.
3. The acquiring agency's recommendation, if affirmative, must include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Documentation memorializing the recommendation as well as the actions of acquisition and/or dedication whereby the property is being transferred and any terms and conditions is required.

C. Notice to Property Owner

Upon receipt of an affirmative report, the Planning Commission must notify the property to be acquired by any agency. Upon such designation by the Planning Commission, any reserved portion of any floodway or floodway fringe cannot be altered from its natural state by the development in any manner whatsoever, except upon written approval of the Planning Commission.

D. Duration of Land Reservation

The acquisition of land reserved by an agency on the final plat must be initiated within 24 months of notification, in writing, from the owner that he/she intends to develop the land unless the Planning Commission allows or a longer period of time. Such letter of intent must be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed 24 months will result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

15.14 EASEMENTS GENERALLY

Where easements are required by these regulations, the following apply.

- A. Easements are reserved for the City for the performance of governmental services, including water, storm, and sanitary sewer service and maintenance, and to those public utility companies that operate under franchises from the City, and their successors and assigns.
- B. The City and public utility companies have the perpetual right, privilege, and authority to construct, reconstruct, repair, inspect, maintain, and operate the variety of utility transmission and distribution systems within such easement, together with right of access across the property for necessary personnel and equipment to do work.
- C. Within these easements, the right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, or other plants, without compensation, that interfere with operation of the utilities.
- D. No permanent buildings are permitted within the easement, but the easement may be used for gardens, shrubs, landscape, and other purposes that do not interfere with the utility and its maintenance. HVAC equipment on a single-family lot may not be located within a public utility and drainage easement containing a buried pipe or similar physical improvement.

- E. The City may vacate such easements dedicated when the utility companies or other affected governmental units have agreed to the release of the easement. In order to vacate a utility easement, the City Engineer must receive written confirmation from all utility companies and other governmental units that provide infrastructure at that location indicating there is no objection to the vacation. An easement may be vacated by a re-plat of the plat that originally dedicated the easement.

15.15 SUBDIVISION NAME

The proposed name of the subdivision and any rights-of-way cannot duplicate or too closely approximate phonetically the name of any other subdivision or rights-of-way in the City. These names shall be submitted to the County's Emergency Communication Office, which has the authority to designate the name of the subdivision and rights-of-way. These names will be determined at neighborhood concept plan or preliminary plat approval.

15.16 MONUMENTS

The developer must place permanent reference monuments on the subdivision when new streets are to be constructed and as required herein by a licensed surveyor in the State of Tennessee. Monuments must be located and set as described in this section.

- A. All monuments must be placed on property corners or referenced to property lines or road alignments.
- B. The external boundaries of a subdivision must be monumented in accordance with Chapter 0820-03 Standards of Practice, Rules of Tennessee State Board of Examiners for Land Surveyors, except that metal monuments must be no less than five-eighths of an inch in diameter. One permanent control monument, both vertical and horizontal, must be placed within each subdivision where roads are to be constructed. Control monuments must be located within dedicated right-of-way near the entrance of the subdivision and, if possible, in non-fill areas or affixed to a natural rock outcrop and shall comply with the following:
 - 1. Horizontal coordinates must be shown on the final subdivision plat and correlated to the Tennessee State Plane Coordinate System using North American Datum 1983 and North American Vertical Datum 1983.
 - 2. Field ties and reference notes defining magnetic north bearings and distances to the nearest established street line or official benchmark must be accurately described on the final plat.
 - 3. A description must be included on the final plat using words and/or symbols to allow it to be easily located at the site.
 - 4. Azimuth information provided to either a second monument or a substitute such as an antenna, church steeple, or other natural object of which disturbance is unlikely, must be included on the final plat.
- C. Internal monuments and lot pins are required as follows:
 - 1. One monument for each four lots, or fraction thereof, and placed within sight distance of one another.
 - 2. Lot corners and lot line breaks must be staked with iron surveyor's pins.
 - 3. All internal boundaries and those corners and points, not referred to in the preceding paragraphs, must be monumented in the field by like monuments as described above. Such monuments must be placed at each end of all curves, at a point where a river changed its radius, and at all angle points in any line. All lot corners not falling on any of the above-described points must be marked by iron surveyor pins at least 18 inches long and 5/8 inch in diameter.
 - 4. The lines of lots that extend to rivers or streams must be monumented in the field by iron surveyor pins at least 18 inches long and 5/8 inch in diameter. Such pins must be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than 20 feet back from the bank of the river or stream.
 - 5. All monuments and pins must be properly set in the ground and approved by a surveyor prior to the approval of the final plat or release of the bond where bond is made in lieu of improvements.

15.17 IMPROVEMENT COSTS AND PERFORMANCE BONDS

A. Costs of Improvements

All required improvements must be constructed and/or installed by the applicant at his/her expense. Any provisions for reimbursement by the governing body or any utility agency must be stipulated clearly in the provisions of any bonds.

B. Temporary Improvements

The applicant must build and pay for all costs of temporary improvements required by the Planning Commission, and must maintain such improvements to a reasonable satisfaction for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant must file with the City a separate suitable bond for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

C. Performance Bond

A performance bond or insurance bond is required in the amount of 150% of the cost of the following required improvements: pavement, curbs, gutters, stormwater systems, sidewalks, traffic control devices, streetlights, utilities, ditches and/or drainage system, and amenities and open space (if required). If no substantial work has been completed within two (2) years from the date the performance bond was established, an accelerator percentage shall be applied to the bond amount. The accelerator percentage shall be based on the current construction cost index as published by a nationally recognized source (e.g., ENR Construction Cost Index or equivalent). The bond amount shall be adjusted annually thereafter, with the accelerator percentage applied to the compounded bond amount from the previous year, rather than the original bond amount. The City of Spring Hill shall provide written notice to the developer or responsible party of the bond adjustment at least 30 days prior to the effective date of the annual accelerator application. Failure to comply with the adjusted bond requirements may result in enforcement actions, including but not limited to stop-work orders, withholding of permits, or other penalties as provided by the UDC.

1. The estimated cost of improvements shall be established by the City Engineer.
2. The performance bond or insurance bond must be secured by a letter of credit or a certified check, either of which must be from an approved financial institution chartered by the State of Tennessee with an office or branch authorized to accept a demand or "call" on the securing document within 50 miles of Spring Hill, Tennessee.
3. Such performance bond or insurance bond must comply with all statutory requirements and must be satisfactory as to form, sufficiency, and manner of execution as set forth in these regulations. Bonding instruments must include an automatic renewal or evergreen clause. The Planning Commission must specify the period within which required public improvements must be completed in the approval of the bond, but the time period cannot exceed two years from date of recording of final plat. The bond must be reviewed at least once every two years by the Planning Commission, at which time it may be reduced if significant work has been accomplished.
4. The Planning Commission may extend the completion date set forth in the bond for a maximum of two years at its discretion. Any extension of the performance period may necessitate an increase in the bond amount.
5. This performance bond or insurance bond must also be used as a guarantee for any repairs which may be required to City roads that have been identified or designated during the review process by the City Engineer as having been damaged as a result of any construction vehicle or equipment or other means during the construction by the developer/owner.
6. If the applicant has properly constructed pavement, curbs, gutters, stormwater systems, sidewalks, traffic control devices, streetlights, utilities, ditches and/or drainage system, and amenities and open space (if required), and has obtained a satisfactory inspection by the City, the development may convert the bond to an appropriate maintenance bond. This maintenance bond is required for a minimum of a one- or three-year period depending upon the backfill material used, prior to the final inspection and release of the bond by the City.

D. Failure to Complete Improvements

1. Where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission may thereupon declare the development to be in default. The City requires that all the improvements be installed regardless of the extent of the building development, or build-out, at which time the bond may be called by the City

to complete the public improvements and open space and amenities (if required). Vacation of the plat may be considered by the Planning Commission if no building has occurred, or lots sold.

2. Should the bond(s) and supporting surety not be renewed or extended as approved by the City within 14 days of the expiration date, or if the new documentation is not in accordance with the requirements set forth herein, then the bond will be assumed to be in default and will be "called" in its full amount by the City. Further, building permits may be suspended for remaining lots in the subject subdivision until all required public infrastructure has been completed and accepted by the City.

E. Building Performance Bond

In a phase of a subdivision where public improvements have been fully completed, dedicated, and accepted by the City, but for which undeveloped lots remain, the builder is required to post with the City a continuous non-revocable surety bond in the amount of \$10,000.00 prior to issuance of a building permit. This bond may be posted to provide for two outstanding building permits at any time. This bonding will be used to ensure that damage caused to, but not limited to, the road and drainage system and/or other installed improvements such as curbs, gutters, headwalls, pipes, sidewalks and driveways by a builder are repaired to the satisfaction of the City at the sold cost of said builder. This bond may be released when the last structure intended to be built as part of said building performance bond is completed and a Certificate of Occupancy has been issued by the Building Official.

15.18 MAINTENANCE OF IMPROVEMENTS

- A. The applicant must maintain all completed public improvements until they are formally accepted for maintenance by the City.
- B. A maintenance bond to guarantee the asphalt binder course, curbs, gutters, stormwater systems, and utilities, secured by a letter of credit, certified check, cash account, or insurance bond from an approved financial institution, is required of each applicant for a minimum period of one or three years depending upon the backfill material used, prior to the final inspection, a signed Certificate of Satisfactory Completion approved by the City Engineer, Public Works Department representative, and Utility Inspector and release of the bond by the City. During the final inspection, the City Engineer shall identify all needed repairs for the asphalt binder course, curbs, gutters, stormwater systems, and utilities. The maintenance bond will not be released until such repairs are satisfactorily completed as determined by the City Engineer.
- C. A maintenance bond to guarantee the final layer of asphalt wearing course, sidewalks, street lighting, traffic control devices, and stormwater management facilities, secured by a letter of credit, certified check, cash account, or insurance bond from an approved financial institution, is required of each applicant for a minimum period of one or three years depending upon the backfill material used, prior to the final inspection, a signed Certificate of Satisfactory Completion approved by the City Engineer, Public Works Department representative and Utility Inspector and release of the bond by the City. During the final inspection, the City Engineer will identify all needed repairs for the asphalt wearing course, sidewalks, street lighting, traffic control devices, and stormwater management facilities. The maintenance bond cannot be released until such repairs are satisfactorily completed.
- D. The maintenance bond must be 30% of the actual construction cost of all public improvements or 30% of the final accelerated performance bond amount. At 80% build out (80% of houses within the development or particular phase to be bonded have received their certificate of occupancy), unless otherwise allowed by the Planning Commission, the applicant must install the final asphalt layer.
- E. The maintenance period begins when the roadway is constructed to binder and all other public improvements have been properly constructed by the developer, and a Certificate of Satisfactory Completion has been approved by the City Engineer, Public Works Department representative, and Utility Inspector, and also the Planning Commission formally approves a resolution establishing the maintenance bond.
- F. If the developer chooses to install the final asphalt layer/topping prior to 80% build out, then he/she must be required to post the maintenance bond at the time of final asphalt layer installation. The maintenance bond must be continuous until a minimum of one year after the 80% build out has been complete. The release of the maintenance bond must be contingent upon the completion of the above and, in the case of road construction and/or improvements, acceptance of the dedication by the Board of Mayor and Aldermen.

15.19 INSPECTION OF IMPROVEMENTS

- A. A pre-construction conference between the applicant, City Engineer, and any affected department head must be held prior to any work being initiated. The applicant must furnish the required number of full-size copies of the approved overall construction plans, TDEC approved sanitary sewer and water main plans, SWPP, and all TDEC issued permits required for the project. This includes the implementation of the erosion control plan. A grading permit is required prior to commencement of any grading work.
- B. It is the responsibility of the applicant to properly notify the City Engineer and each affected department of City of Spring Hill to inspect the required improvements, which will eventually become the maintenance responsibility of that department. All required improvements that will not be the responsibility of a specific department of the City will be inspected by the Planning Department staff with assistance, as necessary, from other departments and the City Engineer, or the affected utility vendors. Upon inspection, if any of the required road improvements have not been constructed in accordance with the applicable construction standards and specifications, the applicant is responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company are severally and jointly liable for completing the improvements according to specifications.
- C. The City will inspect the required improvements during construction to ensure their satisfactory completion, per City standards. Inspection of improvements by City representatives will not be the basis of the applicant's evaluation of the work performed by his/her contractors. The applicant's design engineer for the development must ensure compliance of the improvements in a certification to City. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the governing body's construction standards and specifications, the applicant is responsible for completing the improvements to the required standards and specifications. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company are liable severally and jointly for completing said improvements according to specifications.
- D. Prior to release of the performance bond, the applicant must provide a letter from the design engineer indicating that he/she has inspected the project and attest that it has been constructed, as per the approved design. This letter must be signed and sealed by the design engineer.
- E. Incidental improvements and appurtenances not constructed under the performance bond (i.e. driveway pipes and headwalls) must be included in the building performance bond.
- F. The performance and maintenance bonds may be reduced or released by authorization of the Planning Commission as recommended by the City Engineer, as follows:
 - 1. Reducing a performance bond to a maintenance bond and releasing maintenance bonds may be considered only upon written request by the developer/owner for a walk-through site inspection. Reducing and releasing bonds may be recommended by the developer to the City Engineer and approved by the Planning Commission and will be based upon satisfactory completion of the work items included in the particular bond under consideration. The final release of any maintenance bonds must be made by the Planning Commission one year after the acceptance of the public improvements. This one-year period is a maintenance guarantee for the public improvements.
 - 2. If the developer/owner fails to complete or construct the public improvements as originally planned and as approved by the City Engineer or if there has been unsatisfactory installation of the required improvements, the City will proceed to withdraw funds from the financial institution and use the funds for the purpose of paying for the construction and engineering associated with the completion of the public improvements as originally planned and approved.
 - 3. The City Engineer cannot make a recommendation to reduce a performance bond or release a maintenance bond prior to the satisfactory installation of all required improvements, as determined by the following:
 - a. One year after the completion of all improvements required for the approved final plat.
 - b. After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specification and with all applicable ordinances and laws.

**ARTICLE 16. SUBDIVISION REGULATIONS –
RIGHT-OF-WAY DESIGN AND ACCESS MANAGEMENT**

- 16.1 APPLICABILITY**
- 16.2 GENERAL RIGHT-OF-WAY ARRANGEMENT**
- 16.3 REQUIRED CONNECTIVITY**
- 16.4 BLOCKS**
- 16.5 RIGHT-OF-WAY DESIGN**
- 16.6 SIDEWALKS AND PEDESTRIAN ACCESS DESIGN**
- 16.7 BICYCLE LANE DESIGN**
- 16.8 STREET SIGNS AND STREET LIGHTS**
- 16.9 RIGHT-OF-WAY DIMENSIONS**

16.1 APPLICABILITY

- A.** All new construction, reconstruction, and reconfiguration of City rights-of-way must comply with this Article; however, any standard may be modified as needed by the Planning Commission and verified by the City Engineer to address specific site conditions. A right-of-way must be designed in relation to topographic and drainage conditions, public convenience and safety, and the existing and proposed development served by the right-of-way.
- B.** Right-of-way design and construction is subject to or may reference standards outside of this Code. These include but are not limited to most recent editions and as updated:
 - 1.** Standards issued by the Tennessee Department of Transportation (TDOT)
 - 2.** Manual on Uniform Traffic Control Devices (MUTCD)
 - 3.** Standards issued by American Association of State Highway and Transportation Officials (AASHTO)
 - 4.** Standards issued by National Association of City Transportation Officials (NACTO)

16.2 GENERAL RIGHT-OF-WAY ARRANGEMENT

- A.** Public rights-of-way must be properly integrated with the existing and proposed system of public rights-of-way and dedicated rights-of-way as established in the Major Thoroughfare Plan.
- B.** Public right-of-way design and capacity must take into consideration land use traffic generators, such as industrial uses, commercial districts and retail centers, schools, and places of worship, as well as the density of residential neighborhoods.
- C.** Public rights-of-way must be laid out to conform as much as possible to the topography, permit efficient drainage and utility systems, and provide convenient and safe access to abutting lots.

16.3 REQUIRED CONNECTIVITY

- A.** New public rights-of-way must extend to the boundary lines of the tract to be subdivided to connect to abutting rights-of-way. The Planning Commission may require construction easements to be established on the plat to allow the adjacent development to construct and adjoin the streets in the future onto the property currently under consideration for development. When proposed streets are extended by dedication to the boundary of such property, stub streets must be provided with a temporary turnaround easement and constructed of hard surfacing.
 - 1.** The turn-around must be constructed to the same standards as streets aggregate base course, asphaltic concrete binder course, asphaltic concrete surface course, and Portland cement concrete curb and gutter or extruded curb.
 - 2.** All turnarounds must be maintained by the developer until the release of the maintenance bond by the City.
 - 3.** A sign provided by the developer must be placed at the end of the turnaround or stub street stating: "STREET TO BE EXTENDED BY THE AUTHORITY OF THE CITY OF SPRING HILL." The sign must be similar in size and design to a typical speed limit sign with a white background and black lettering on metal sheeting erected on a metal post consistent with size and shape of City standards. (Res. 20-11)

- B. Extensions must include street construction and dedication of rights-of-way to the property lines. If the street cannot be constructed without the use of retaining walls or other special features it is the responsibility of the owner/developer to construct such features to facilitate construction of the roadway to the property line for a future connection by adjoining property development. In lieu of designing and constructing such improvement, with the approval of the Planning Commission, the developer/applicant may request to post a performance surety to be reviewed and renewed every three years. The surety shall be increased for updated construction costs. (Res. 20-11)
- C. All major subdivisions must provide a minimum of two separate remote means of ingress and egress for emergency apparatus access unless topography or land acquisition creates a difficulty. Such difficulty must be approved by the Planning Commission and verified by the City Engineer. Major subdivisions are considered to include the following:
 - 1. Multi-family developments exceeding 100 dwelling units.
 - 2. Single-family and two-family residential developments exceeding 30 dwelling units.
 - 3. Non-residential developments with one or more structures exceeding 30 feet or three stories in height. For developments with multiple structures, a minimum of two means of access to each structure, including cross-access within the site, must be provided for each structure exceeding 30 feet or three stories in height; the development site as a whole must have two separate remote means of ingress and egress.
- D. The creation of reserve strips adjacent to any existing or proposed public right-of-way to deny access from adjacent property to the right-of-way are prohibited.
- E. Blocks must connect to and extend the existing block network where possible. This requirement does not apply when connections cannot be made because of a natural or man-made barrier, such as existing structures, steep slopes, waterbodies, railroad and utility rights-of-way, and parks.
- F. All rights-of-way must terminate at other rights-of-way, forming a network. The Planning Commission may approve, with verification from the City Engineer, cul-de-sacs and dead-end streets when a natural or man-made barrier, such as a waterway, railroad, limited-access expressway, or unusual topography exists that prevents connection. Any cul-de-sac or dead-end street must meet the following:
 - 1. The cul-de-sac or dead-end street has a length of no more than 750 feet in length, as measured along the centerline from the closest intersection to the center of the cul-de-sac.
 - 2. If a cul-de-sac or dead-end street is allowed, a 96 foot minimum diameter measured to the front face of the curb is required for the paved area of the turnaround.
- G. Fire apparatus access roads which are public access roads must be designed as follows: (Res. 20-11)
 - 1. Fire apparatus access roads must be paved or constructed with a hard compacted surface that can support a load of fire apparatus at a minimum of 75,000 pounds.
 - 2. The minimum fire apparatus access road width is 25 feet exclusive of shoulders unless otherwise allowed by the City Engineer.
 - 3. Fire apparatus access roads cannot exceed 10% in grade.
 - 4. The minimum turning radius must be 25 feet on the inside and 50 feet on the outside.

5. Dead-end fire apparatus access roads must meet the standards of Table 16-1: Turnaround Requirements:

Table 16-1: Turnaround Requirements		
Length of Dead End Road	Minimum Width	Turnaround Required
0' to 150'	20'	None
151' to 500'	20'	120' hammerhead, 60' "Y-bar," or 96' cul-de-sac
501' to 750'	20' (Res. 20-11)	120' hammerhead, 60' "Y-bar," or 96' cul-de-sac
Over 750'	City Engineer Recommendation and Planning Commission approval	City Engineer Recommendation and Planning Commission approval

16.4 BLOCKS

- A. Blocks must be of a sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public rights-of-way, railroads, or waterways.
- B. Residential blocks must not exceed 1,400 feet in length in the R-A, R-R, AG, PR, and NA Districts and 1,000 feet in length in all other districts, unless the Planning Commission approves a longer length due to unique conditions.
- C. Non-residential blocks must be of such length and width as may be deemed necessary by the Planning Commission.
- D. The shape of a new block must conform to natural features, highway and rail rights-of-way, park boundaries, or site constraints. Where blocks curve, they must generally maintain their general orientation of north/south and east/west over their trajectory.

16.5 RIGHT-OF-WAY DESIGN

In order to provide public rights-of-way of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to emergency services, sanitation, and road maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, public right-of-way design standards are set forth in this section.

A. Right-of-Way Construction

- 1. All street right-of-way construction and repair must be in accordance with City's Standard Specifications for Roadway Construction or the latest edition of the Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction. The road construction specifications are the minimum standards for any subdivision within the jurisdictional area. Design standards must also be in accordance with the standards of TDOT, AASHTO, and MUTCD.
- 2. Roads, whether public or privately maintained, located within public rights of way must be graded and improved in accordance with design and constructions specified herein. No asphaltic concrete binder course or Portland cement concrete or other hard surfacing may be applied to the aggregate base course prior to the approval of any section of the subdivision in question without having been properly inspected and accepted by the City.

3. Grades of public rights-of-way must conform as closely as possible to the original topography. A combination of steep grades and curves is not permitted. The maximum grade is 15% for local and 8% for collector and arterial streets unless otherwise approved by the Planning Commission and verified by the City Engineer.

B. Right-of-Way Surfacing

1. No street section may be surfaced until the preliminary plat is approved. The depth of the pavement and bases courses must be of such character as is suitable for expected traffic. Types and methods of paving must be according to the specifications of the plat approval.
 - a. For local streets, the paving section must consist of 1.5 inches of asphaltic concrete surface course over 2 inches of asphaltic concrete binder, over 8 inches of aggregate base course.
 - b. For collector streets, the paving section must consist of 1.5 inches of asphaltic concrete surface course over 3 inches of asphaltic concrete binder, over 10 inches of aggregate base course.
 - c. For arterial streets, the paving section must consist of 2 inches of asphaltic concrete surface course over 4 inches of asphaltic concrete binder, over 10 inches of aggregate base course.
 - d. Alternate paving sections may be substituted in lieu of the above with approval of the Planning Commission and verified by the City Engineer.
2. After underground utilities have been installed, the developer shall construct the pavement section and curbs or curbs with gutters, where required.
3. All right-of-way pavements, shoulders, drainage improvements and structures, curb turnabouts, and sidewalks must conform to City construction standards and specifications, and must be incorporated into the construction plans required to be submitted by the developer for plat approval.
4. Adequate provisions must be made for culverts or other drains and bridges, as required.
5. The asphalt binder course shall not be installed on roads of 1% or less prior to performing an as-built survey. This survey shall locate all other infrastructure including curb within the roadway and a letter provided by the engineer confirming it is installed at the proper location and grade. The asphalt binder course must be installed to grade with the stormwater catch basins, manhole castings, or other castings within the roadway as to allow proper surface water drainage prior to installation of the asphalt concrete surface course. The asphaltic concrete wearing course must be installed within three years after the final plat is recorded, unless waived by the Planning Commission. (Res. 20-18)
6. Collector and arterial roadways must have 24-inch concrete curb and gutter. Local roadways may utilize either 18 inch concrete curb and gutter or eight inch extruded concrete curb. Eight inch extruded concrete curb may only be utilized on roads exceeding 1% or greater slopes. All roadways in a given subdivision shall utilize the same type of curb unless otherwise directed by the City Engineer. (Res. 20-11)
7. All curb, gutter and sidewalk concrete materials must be Class A as per Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction, Section 604.03.
8. Where a subdivision adjoins an existing narrow paved street not meeting the street section called out for in the Major Thoroughfare Plan, the developer is responsible for the design and construction of that part of the roadway lying in front of the subdivision. This includes asphaltic concrete pavement, base course, binder, bicycle lanes, curb and gutter and sidewalks. In lieu of designing and constructing the street section, the developer/applicant may request to pay a fee in lieu of with the approval of the Planning Commission.
9. The construction of a half street prohibited unless approved by the Planning Commission and verified by the City Engineer in unusual circumstances that make it essential and where satisfactory assurance for dedication of the remaining part of the street is provided.

C. Deceleration and Left-Turn Lanes

A deceleration lane and left-turn lane is required as follows:

1. Developers of subdivisions containing more than 50 dwelling units and other type developments exiting onto a collector or arterial roadway are required to construct deceleration and left turn lanes generally in accordance with the guidance provided in Table 16-2: Deceleration/Left Turn Lanes. Table 16-2 was developed using the latest edition of Trip Generation, An Informational Report by the Institute of Transportation Engineers.
2. The dimensional standards and construction requirements for deceleration and left turn lanes must conform to the AASHTO Policy on Geometric Design of Highways and Streets, latest edition.

Table 16-2: Deceleration/Left Turn Lanes		
Use	Weekday Trip Generation	Deceleration/Left Turn Lanes Required
Residential Single Family	9.55/Unit	> 50 Units
Apartments	6.47/Unit	> 75 Units
Condo/Townhome	5.86/Unit	> 80 Units
Offices	11.01/1,000sf GFA	> 43,300sf
Retail	40.67/1,000sf GFA	> 11,800sf
Supermarket	177.59/1,000sf GFA	> 2,700sf
Restaurant	2.86/Seat	> 165 Seats

Example: 50 Unit Single Family Units x (9.55 Trips per day for Weekdays)/Unit = approx. 480 Trips/Day

D. Curb Cuts

1. Industrial and Commercial Districts

- a. The minimum width of a curb cut is 24 feet and a maximum width of 35 feet. Right in right out shall be a minimum of 12 feet. (Res. 20-11)
- b. Each platted lot is allowed either one two-way curb cut or two one-way curb cuts, with the following exceptions:
 - I. Property frontages are too narrow to satisfy minimum driveway spacing requirements. Common access at property lines, frontage roads, restricted curb cut designs, or other modifications may be required contingent on the approval of the Planning Commission and verified by the City Engineer.
 - II. Additional driveways may be allowed if shown to be warranted through traffic impact studies.
 - III. If traffic impact studies indicate traffic volumes will meet any signal warrant, access traffic must be consolidated to a single signalized point.
 - IV. Where a property has frontages on more than one street, access is allowed on only the frontages where standards can be met. If access standards cannot be met on any frontage, access points will be designated by the City Engineer based on traffic safety, operational needs, and traffic impact studies.

2. Curb Cuts on Collector and Arterial Streets

- a. Curb cuts on opposite sides of collector and arterial streets must be placed as to not interfere with each other as follows:
 - I. Placed directly opposite is the most desirable.
 - II. If this is not possible, a minimum spacing of the resulting "T" must be as follows:
 - (A) 100 feet on collector streets.
 - (B) 200 feet on arterial streets.
- b. The City Engineer may modify these spacings based on existing through traffic and site trip generation.

1. Driveway Spacing for Collector and Arterial Streets in Urban Development

a. The following minimums of Table 16-3: Driveway Spacing apply:

Table 16-3: Driveway Spacing	
Speed (mph)	Minimum Separation (ft.) based on sight distance (2011 AASHTO Policy on Geometric Design)
30	220'
35	275'
40	330'
45	395'
50	465'

b. Additional lanes may be required to provide for turning and exiting vehicles.

c. There must be a minimum of 1,200 feet between any two signalized intersections.

E. Intersections

1. Public rights-of-way must be laid out to intersect as nearly as possible at right angles. A proposed intersection of two new public ways at an angle of less than 80 degrees is prohibited. All intersections shall conform to current AASHTO design standards. (Res. 20-11)
2. An oblique public right-of-way should be curved approaching an intersection and should be approximately at right angles for at least 100 feet there from. Not more than two public rights-of-way can intersect at any one point unless specifically approved by the Planning Commission.
3. Proposed new intersections along one side of an existing public right-of-way must coincide, wherever feasible, with any existing intersections on the opposite side of such public right-of-way. Jogs within public ways having centerline offsets of less than 125 feet are prohibited, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where rights-of-way intersect arterial or collector streets, their alignment must be continuous. Intersections of arterial or collector streets must be at least 800 feet apart.
4. Minimum curb radius at the intersection must be as follows:
 - a. For local streets connected to collector or arterial: 25-foot radius.
 - b. For connector streets connected to connector or arterial streets: 30-foot radius (Res. 20-11)
5. Alley intersections and abrupt changes in alignment within a block must have the comers cut off in accordance with standard engineering practice to permit safe vehicular movement.
6. Where a public way intersection will involve earth banks or existing vegetation inside any lot comer that would create a traffic hazard by limiting visibility, the developer must cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance as approved by the City Engineer. (Res. 20-11)
7. Intersections must be designed with a flat grade wherever feasible. In hilly or rolling areas, at the approach to an intersection, a leveling area must be provided having not greater than a 2% grade for a distance of 60 feet, measured from the nearest right-of-way line of the intersecting right-of-way.
8. The cross-slope on all public rights-of-way, including intersections, must be 3% or less.
9. For vertical alignment, an extension of the through street cross slope must be provided as follows:
 - a. This cross slope must be carried back 100 to 200 feet each way from the intersection of the two street centerlines or as directed by the City Engineer. (Res. 20-11)
 - b. An allowance of 2% maximum intersection grade is permitted.
10. The curb radius at intersections involving alleys must meet driveway curb radius requirements.

F. Railroads and Limited Access Highway

Railroad right-of-way and limited access highways, where located so that they affect the subdivision of adjoining lands, must be treated as follows:

1. In residential areas, a buffer strip of at least 25 feet in depth may be required adjacent to the railroad right-of-way or limited access highway. This strip must be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited." The strip must be part of common areas and cannot be part of individual lots.
2. In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad must, wherever feasible, be at a sufficient distance there from to ensure suitable depth for commercial or industrial use.
3. Public ways parallel to a railroad, when intersecting a public right-of-way which crosses the railroad at grade, must, to the extent feasible, be at a distance of at least 150 feet from the railroad right-of-way. Such distance is determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

G. Excess Right-of-Way

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes cannot be steeper than 3:1. Where solid rock is encountered, slopes shall be designed by a geotechnical engineer and provided to the City Engineer. (Res. 20-11)

H. Headwalls

The developer must impose by subdivision restrictions and by plat notations, a requirement that all headwalls in or near public rights-of-way will comply with Tennessee Department of Transportation requirements. The construction specifications of headwall details for driveway and storm drainage culverts are as required by the City. These specifications are the minimum standards for any subdivision within the jurisdictional area.

I. Improvements in Floodable Areas

The finished elevation of proposed public rights-of-way subject to flood must be no less than two feet above the one 100-year regulatory flood protection elevation. The Planning Commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures must be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public right-of-way to the required elevation, such fill cannot encroach upon a floodway except for such crossing of floodway by means of a bridge or culvert, and the fill must be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the Floodplain Administrator.

J. Right-of-Way Dimensions

Rights-of-way must be designed in accordance with Section 16.9 below.

16.6 SIDEWALKS AND PEDESTRIAN ACCESS DESIGN

A. Sidewalks, multi-use trails, or other pedestrian access improvements must be included as part of any arterial, collector, or local street, and as shown on the Major Thoroughfare Plan, Bicycle and Greenway Plan, or as determined by the Planning Commission during subdivision approval. Sidewalks are not required in the AG, R-A, and R-R Districts.

1. Residential Districts (Excluding AG, R-A, RR Districts)

Curb and gutter with sidewalk or extruded curb with sidewalk is required on both sides of local and collector streets except as follows:

- a. Sidewalks are not required on either side of the street where lot density development is less than 0.75 dwelling units per acre.
- b. Sidewalks are required on only one side of the street or cul-de-sac where lot density development is between 0.76 and 2.0 dwelling units per acre.
- c. As otherwise determined by the Planning Commission.

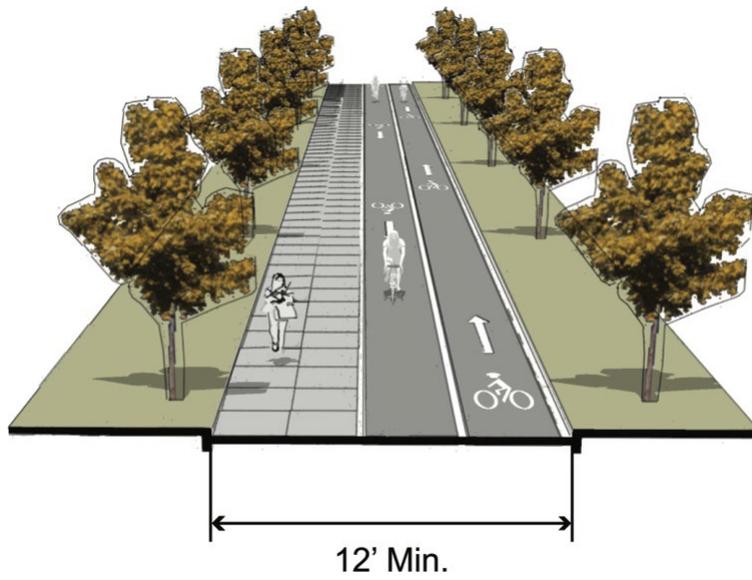
- 2. Commercial Districts**

Curb and gutter with sidewalk are required on both sides of the street in all commercial districts except when the requirement is waived by the Planning Commission.
 - 3. Industrial Areas**

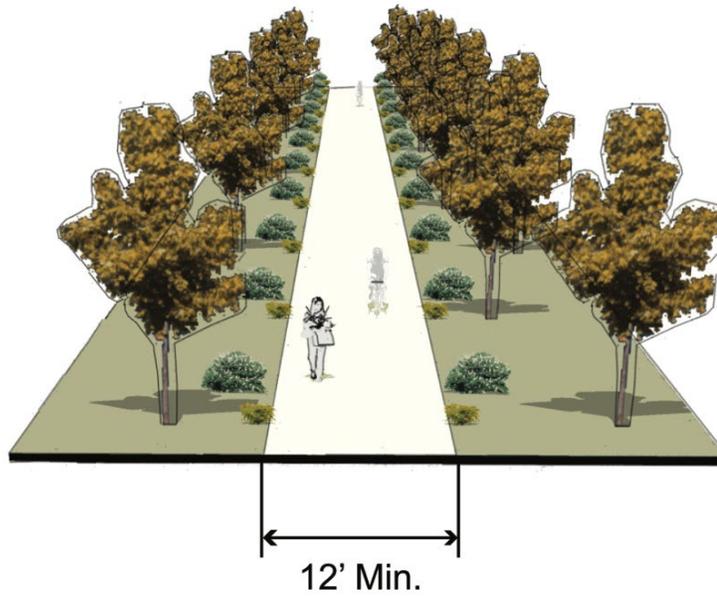
Curb and gutter is required on both sides of streets. Sidewalks are not required except as determined by the Planning Commission.
- B.** Sidewalks are required to be installed along private roadways and developments to allow the general public access to these sites and developments, unless otherwise exempted by the Planning Commission, to be determined on a case-by-case basis. If the Planning Commission exempts sidewalks, a fee-in-lieu of must be paid to the City. Fee-in-lieu of must include costs of engineering, design, geotechnical, grading, clearing, excavation and embankment and material placement and drainage for a five foot wide sidewalk or a width otherwise required for the sidewalk. (Res. 20-11)
 - C.** All sidewalk construction and repair must be in accordance with City standards and specifications. In addition, sidewalks must meet the following standards:
 - 1.** The minimum width of any sidewalk located on a local street in a Residential District must be five feet and must meet all standards of the Americans with Disabilities Act (ADA), including properly constructed accessibility ramps with installation of truncated/bubble tread plate brick inserts constructed as part of the ramp. The minimum width of any sidewalk located on a collector or arterial street in any district must be five feet and must meet all standards of the Americans with Disabilities Act (ADA), including properly constructed accessibility ramps with installation of truncated/bubble tread plate brick inserts constructed as part of the ramp. The Planning Commission reserves the right to require wider sidewalks when necessary to serve existing and anticipated pedestrian traffic, especially in the C-D and C-G Districts.
 - 2.** Concrete curb and gutters or extruded concrete curbs are required for all public rights-of-way where sidewalks are to be constructed. Permissions for when curb and gutter or extruded curb design may be used is found in Section 16.5.B.6 above.
 - 3.** Concrete curbing widths are not calculated as part of the required sidewalk width. The curb of a curb and gutter section must contain an expansion joint between the curb and the sidewalk when the sidewalk is constructed against the back of curb and gutter section. The expansion joint is not calculated as part of the required sidewalk width.
 - 4.** Sidewalks must be constructed of concrete or other masonry material (brick, stone, etc.) approved by the Planning Commission and verified by the City Engineer.
 - D.** Sidewalk location, width, and material must be delineated on the neighborhood concept plan, preliminary plat, and final plat. Sidewalks must be completed within all subdivisions within four years of the recording of the final plat for that particular phase/section of the development, unless the Planning Commission approves a longer time period. The builder is responsible for the installation of sidewalks along the frontage of recorded lots, as illustrated on the approved development plans. The developer is responsible for the installation of sidewalks along portions that do not front upon recorded lots, such as along common open space.
 - E.** Final completion of public improvements prior to end of warranty period is: Four years after the issuance of the first building permit, all defects of public improvements must be corrected and completed, regardless of the percentage of subdivision lots having received building permits, including, but not limited to, installing the remaining sidewalks for the phase.
 - F.** A multi-use path extending from a public way to schools, parks, playgrounds, or other nearby public rights-of-way, should be a minimum of 12 feet in width and be accommodated within a dedicated common open space or an easement with the exception of lots within residential districts. Easements must be indicated on the preliminary and final plat. These multi-use paths may include both sidewalks and bike paths, must be constructed to City construction standards and specifications and the regulations of this Code, as well as any ADA requirements.

EXAMPLES OF MULTI-USE PATHS

Paved Multi-Use Path



Unpaved Multi-Use Path

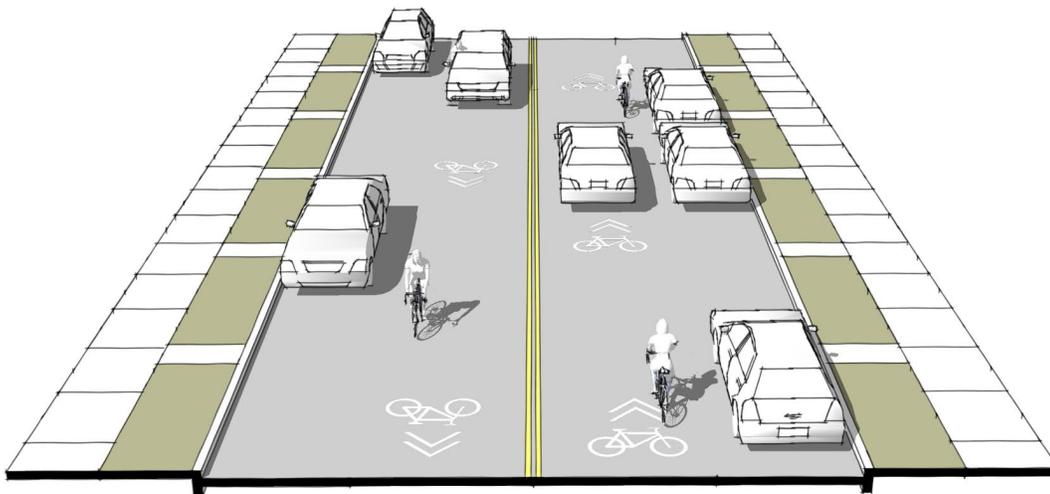


16.7 BICYCLE LANE DESIGN

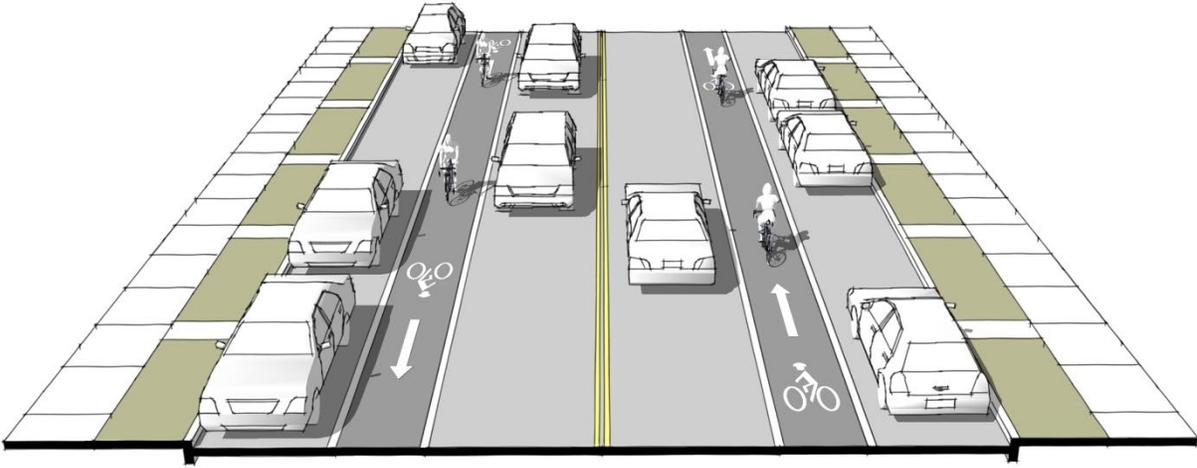
Where bicycle lanes are required per Bicycle and Greenway Plan and/or included in right-of-way construction, appropriate designs include, but are not limited to, the types of design described in this section. Where installed, bicycle facilities should be constructed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and the Urban Bikeway Design Guide published by the National Association of City Transportation Officials (NACTO).

- A. **Shared:** A marking placed in a vehicular travel lane to indicate that a bicyclist may use the full lane. Also called a shared-lane marking. (SHARROW). (Res. 20-11)
- B. **Bike Lane:** A portion of the roadway that has been designated by striping, signs, and pavement markings for the preferential or exclusive use of bicyclists, typically located adjacent to motor vehicle travel lanes and flowing in the same direction as motor vehicle traffic.
- C. **Buffered Bike Lane:** A conventional bicycle lane paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane.
- D. **Side Bike Lane:** A conventional bike lane.
- E. **Cycle Track:** An exclusive bike facility that combines the user experience of a separated path with the on-street infrastructure of a conventional bike lane. A cycle track is physically separated from motor traffic and distinct from the sidewalk.
- F. **Raised Cycle Track.** A bicycle facility that is vertically separated from motor vehicle traffic, typically paired with a furnishing zone between the cycle track and motor vehicle travel lane and/or pedestrian area, and allowing for one-way or two-way travel by bicyclists.
- G. **Two-Way Cycle Track.** A physically separated cycle track that allows bicycle movement in both directions on one side of the road.

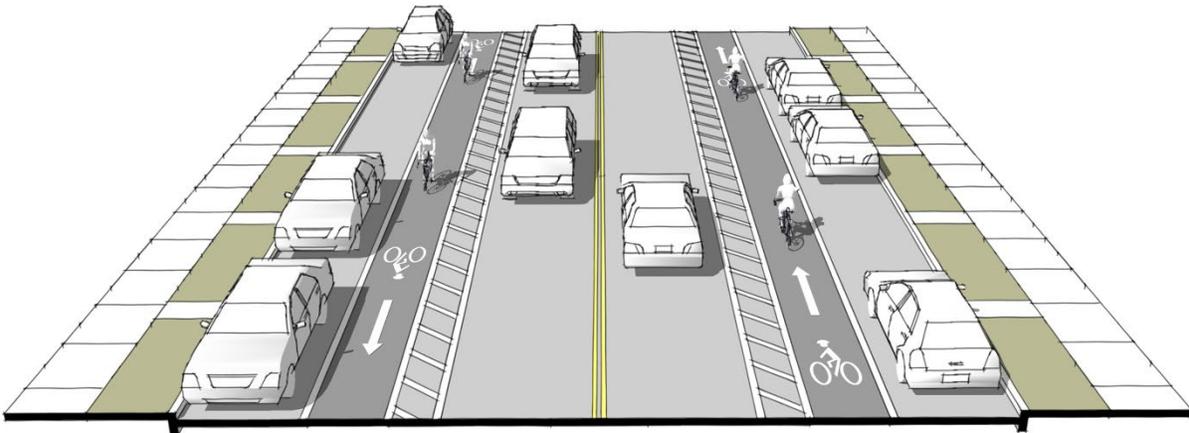
EXAMPLES OF BICYCLE FACILITIES Shared Lane



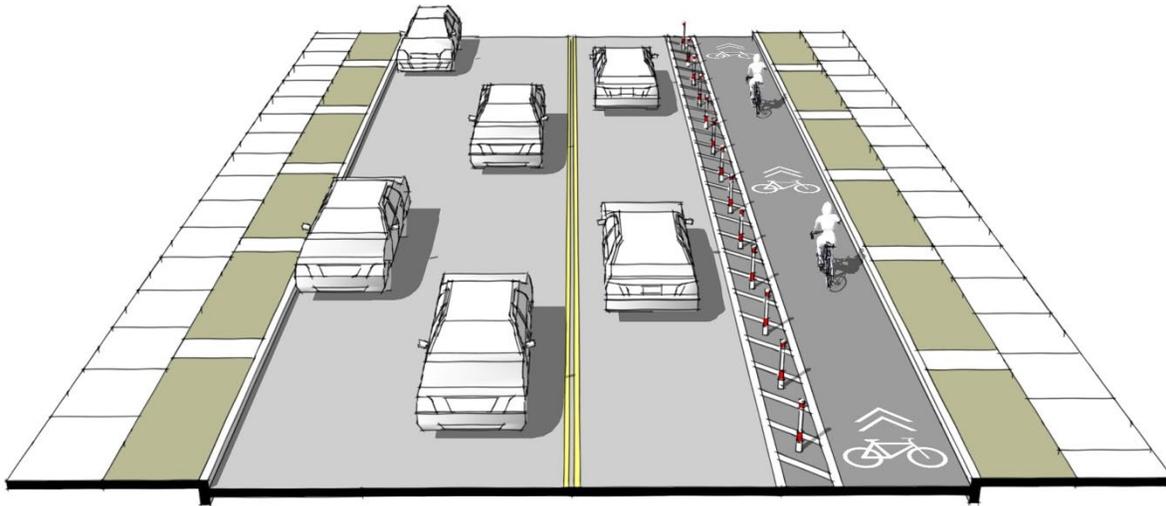
EXAMPLES OF BICYCLE FACILITIES
Bike Lane



Cycle Track



EXAMPLES OF BICYCLE FACILITIES
Buffered Bike Lane



16.8 STREET SIGNS AND STREET LIGHTS

A. Street Signs

1. Street signs designating the name of streets in the subdivision are required in all subdivisions. Street signs designating the name of streets are required at each intersection within the subdivision and must be placed at the point of street intersection.
2. Street signs must be constructed and be of the same size as street signs currently placed and in use by the City of Spring Hill, or such design as may be approved by the Planning Commission.
3. Street signs, traffic control signs and pavement markings must meet the current standards as listed in the MUTCD in size, lettering size, and nighttime visibility (retro-reflectivity). The Planning Commission may allow decorative sign posts and street signs that meet MUTCD standards so long as the costs for installation are borne by the developer and the homeowners associations or property owners associations maintains such signs following installation.

B. Street Lights

1. The applicant must arrange with the local electric power company for electric service and bear the expense of any charge by the electric power company to furnish the service connection.
 - a. The location of any service connection and the control equipment must be shown on the construction drawings.
 - b. Conduit must be placed for all street lighting prior to pavement construction.
2. Street lights are required in all subdivisions.
3. Guidelines for street lighting:
 - a. **Street Light Requests**
 - I. The local power company is responsible for providing street lighting as requested by the City.
 - II. Before considering new or additional local street light request, the City requires unanimous consent of all affected property owners within 100 feet of proposed street light locations and the support of at least 51% of the total number of owners of properties within 300 feet of proposed locations.

b. Costs

The installation of costs of street light fixtures, excluding those that provide demonstrated safety need, will be paid for by the applicant requesting the installation or relocation. The City will assume continued maintenance and energy costs associated with new installation.

c. Design

Street lights installed in public rights-of-way must be an energy efficient lighting source with a minimum of ambient or reflected light (full cut-off fixtures). All street lighting must be in accordance with the Illuminating Engineering Society's (IES) American National Standard practices for roadway lighting as the design standard for all City streets with the following modifications. The applicant shall furnish to the City Engineer a lighting plan illustrating the location, type and height of all lighting and associated specifications and details for street light fixtures. The final installation location and quantity of all street lights to be installed shall be approved by the City Engineer prior to installation by the utility provider. (PC Res. 19- 14, 2/11/19)

- I. Arterials: Street lighting is based on I.E.S standards.
- II. Other Streets: Street lighting may be provided at intersections and identified pedestrian crossings only. Lighting may be considered at locations with demonstrated needs based on changes in horizontal or vertical alignments.
- III. Alleys: Except for alleys in commercial areas with significant night time pedestrian activity, the City will not provide alley lighting.
- IV. All poles must be metal. The minimum luminaire sizing must be 9,500 lumens for local and collector streets. The minimum luminaire sizing shall be 22,000 lumens for arterial streets. All power conductors must be buried in accordance with standards issued by the power company.
- V. Minimum requirements for street lighting per Table 16-4: Street Lighting:

Table 16-4: Street Lighting					
Street Type	Design Traffic Volume (ADT)	Luminaire Size	Lighting Height (ft.)	Pole Type	Spacing (ft.)
Local	NA	9,500	20' - 26'	Metal	250' – 300'
Collector	2,000 – 5,000	9,500	26'	Metal	200' – 250'
Arterial	10,000 – and higher	22,000	30'	Metal	100' – 130'

- 4. Street lights must be consistent (the same type) throughout a subdivision.
- 5. In cases where the developer elects to install decorative poles and/or lighting not mounted on standard wooden poles as provided by the electrical utility or metal poles considered standard by the City, the developer is responsible for the cost of such poles and lights and related improvements including metering devices. The homeowners or property owners associations is responsible for the cost of maintenance and maintenance of such decorative poles and lights. Unless privately owned or otherwise agreed upon between the applicant and the City, the energy expense for street lights is the responsibility of the City. Any non-standard alternative fixture must provide the same intensity and lighting radius as street lights provided by the City.
- 6. After all approved installations of standard City street lights, the developer must give title of ownership of the system to the City.
- 7. All street lights must be installed prior to the first certificate of occupancy being issued. The installation of street lights must be completed within the same time frame, as well as meeting the same satisfaction requirement, as the completion of all other improvements. The street lights must be operational upon the issuance of the first certificate of occupancy in each subdivision phase.

16.9 RIGHT-OF-WAY DIMENSIONS

All rights-of-way must meet the right-of-way dimensions of this section, which may be modified as needed by the Planning Commission and verified by the City Engineer to address specific site conditions. Right-of-way dimensions and designs must implement the policies of the Major Thoroughfare Plan.

A. Right-of-Way Types

The right-of-way classifications are divided into the following types:

1. Arterial streets are designed to move traffic and provide some access to major developments.
2. Collector streets collect traffic from local streets and other collectors and distribute the traffic to roadways with higher classifications.
3. Local streets primarily provide direct access to abutting land and are lower speed facilities.
4. This Code also provides for special right-of-way types:
 - a. Alleys are a vehicular drive located to the rear of lots providing access to service areas, parking, and outbuildings, and often containing utility easements.

B. Right-of-Way Dedication

Right-of-way dedication is required where a subdivision or site plan adjoins an existing public right-of-way or future public right-of-way as depicted on the Major Thoroughfare Plan, Bicycle and Greenway Plan, or any other regulations that indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision. The applicant must dedicate, at his/her expense, areas for widening or realigning such public way as set forth below:

1. The entire right-of-way width must be provided where any part of the subdivision is on both sides of the existing public way.
2. When the subdivision or development is located on only one side of an existing public way, 1/2 of the required right-of-way width, measured from the centerline of the existing pavement, must be provided. (Res. 20-11)
3. The Planning Commission may request additional rights of way within 100 feet of the following types of intersections: arterial to arterial; collector to arterial; or collector to collector.

C. Right-of-Way Dimensions

1. This section provides the minimum dimensions for rights-of-way types and well as the components that make up these rights-of-way. The minimum right-of-way width for each type must be reserved, however the components within that area are determined by the applicant and the Planning Commission, verified by the City Engineer, subject to the requirements of this Code. Larger minimum right-of-way width reservation as well as increase in the size of the components is permitted. The Planning Commission may modify and the City Engineer verify the minimum width for the right-of-way and any component based on site specific conditions.
2. Local streets should incorporate the City’s Neighborhood Traffic Calming Program (NTCP).
3. Utility, drainage, and stormwater easements may be located within the right-of-way area.
4. Right-of-way types must meet the following minimum widths of Table 16-5: Minimum Right-of-Way Widths:

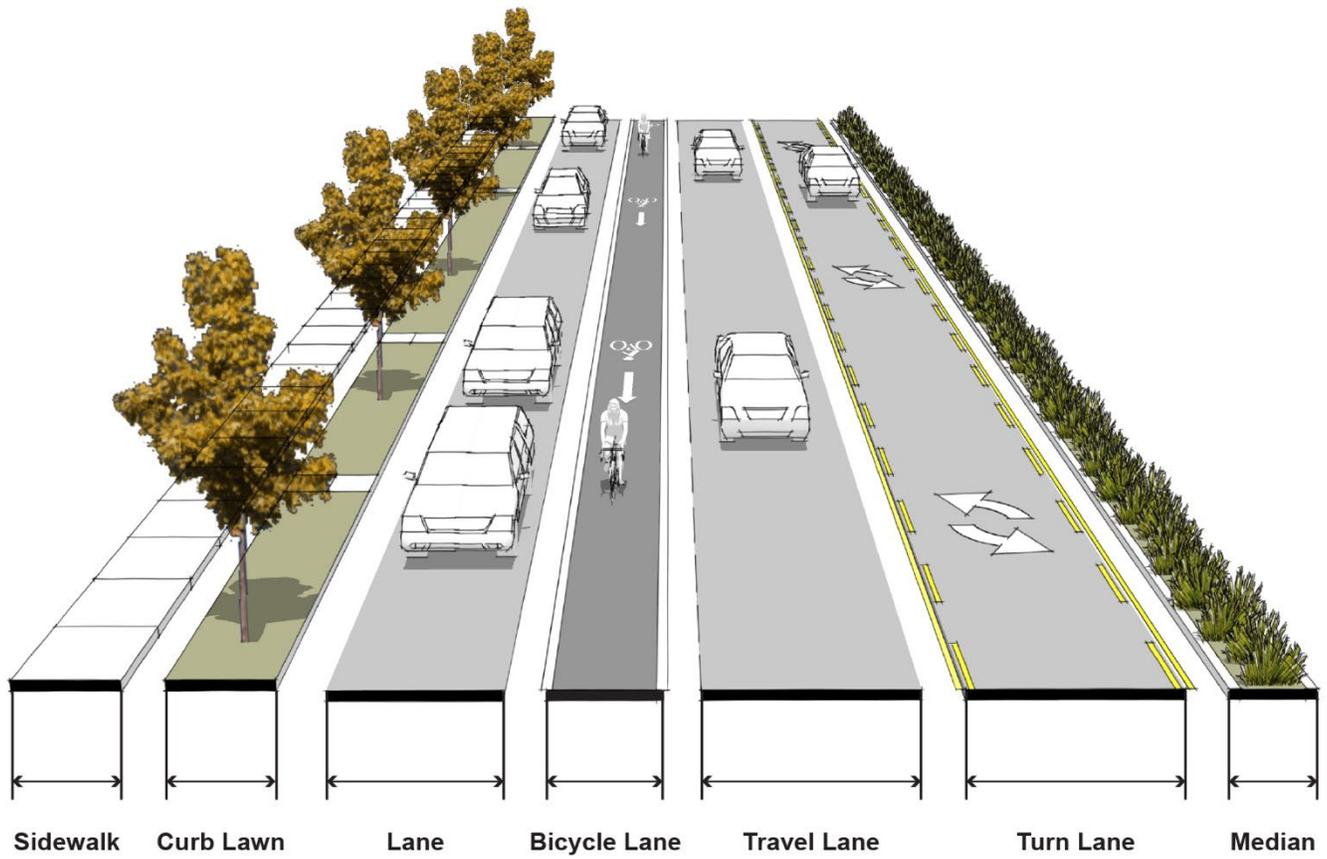
Table 16-5: Minimum ROW Widths	
Right-Of-Way Types	Minimum ROW Width
Alley	20'
Local Street	50'
Collector Street	75'
Arterial Street	95'

5. Street trees are required as per Section 11.9 of this Code.
6. Table 16-6: Minimum ROW Component Widths are the minimum widths for the components of rights-of-way:

Table 16-6: Minimum ROW Component Widths				
Street Type	Local	Collector	Arterial	Alley
Street Capacity	Less than 1,000 vehicles/day	5,000 to 10,000 vehicles/day	Greater than 10,000 vehicles/day	Less than 200 vehicles/day

Table 16-6: Minimum ROW Component Widths				
Street Type	Local	Collector	Arterial	Alley
Minimum Right-of-Way Width	50'	75'	95'	20'
Lane Width	11'	12'	12'	18'
Bicycle Lane Width	Shared	4' – 6'	4' – 6'	Shared
Travel Lane	1 each direction	1 each direction, with or without center turn lane	2 each direction, with or without center turn lane	Shared
Center Turn Lane	Not permitted except at intersections with collector or arterial	10' to 12' may be used in lieu of median for left turn only	10' to 12' may be used in lieu of median for left turn only	None
Parking Lanes	All parking must be parallel	None permitted	None permitted	Shared with travel lane
Type of Curb	12" extruded or 18" curb and gutter	24" curb and gutter	24" curb and gutter	No curb and gutter
Sidewalk Distance from Curb Face	0' to 5'	0' to 6'	0' to 6'	None
Sidewalk Width	5'	Varies, 5' minimum	Varies, 5' minimum	None
Median	None	0' to 12'; Median may be used for left turn lanes only	0' to 12'; Median may be used for left turn lanes only	None

RIGHT-OF-WAY COMPONENTS



EXAMPLE OF RIGHT-OF-WAY TYPE DESIGN

The following examples contain a variety of permitted right-of-way components. Providing more right-of-way components may require more right-of-way width than dictated by this Code as a minimum width.

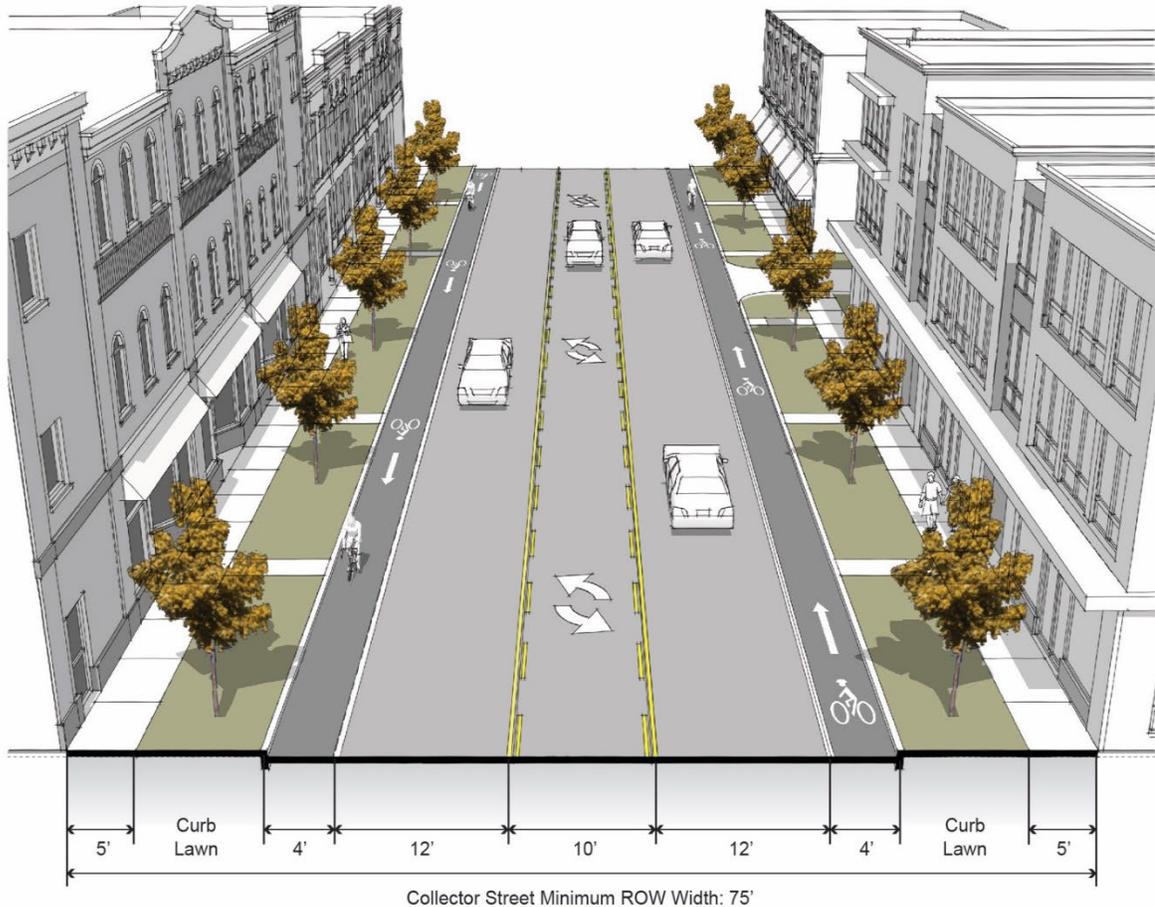
Local Street



EXAMPLE OF RIGHT-OF-WAY TYPE DESIGN

The following examples contain a variety of permitted right-of-way components. Providing more right-of-way components may require more right-of-way width than dictated by this Code as a minimum width.

Collector Street

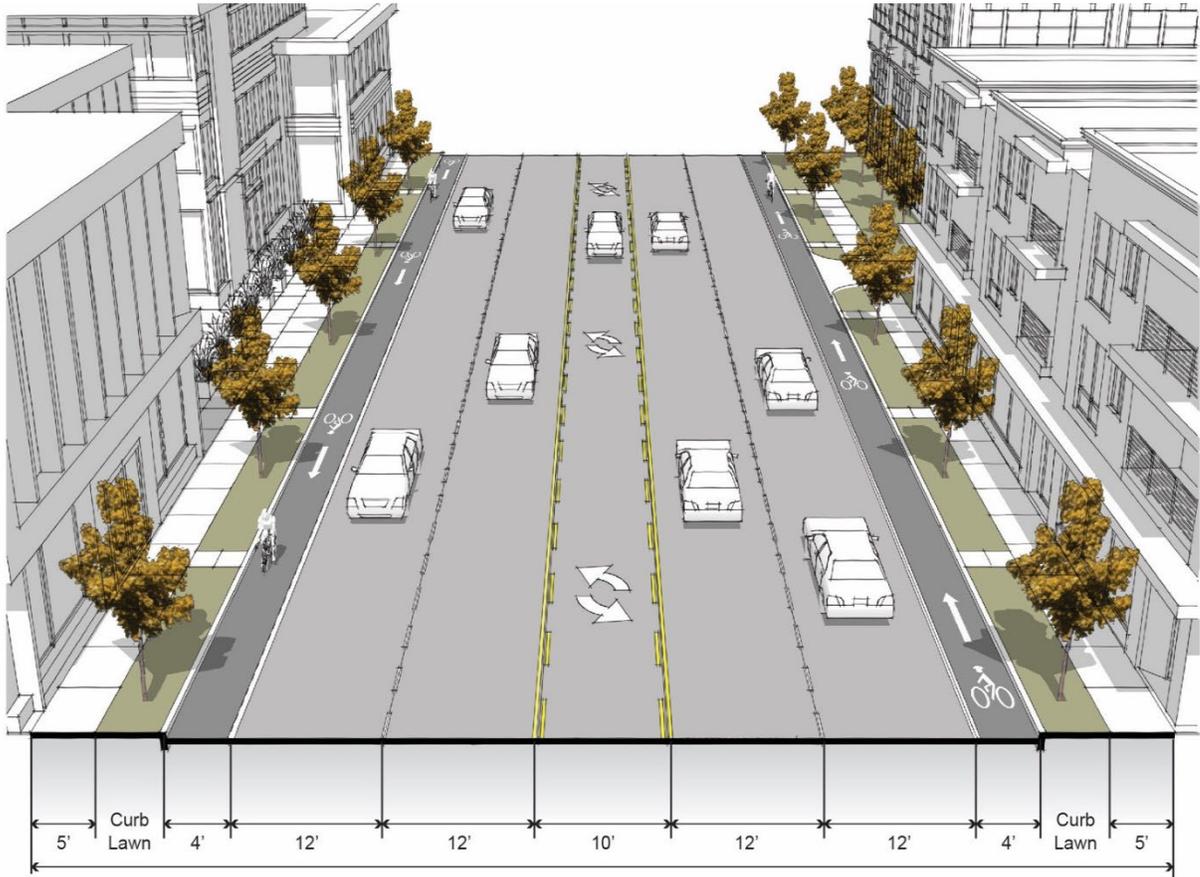


All dimensions labeled are the minimum required width for each right-of-way component

EXAMPLE OF RIGHT-OF-WAY TYPE DESIGN

The following examples contain a variety of permitted right-of-way components. Providing more right-of-way components may require more right-of-way width than dictated by this Code as a minimum width.

Arterial Street



Arterial Street Minimum ROW Width: 95'

All dimensions labeled are the minimum required width for each right-of-way component

ARTICLE 17. SUBDIVISION REGULATIONS – APPROVAL PROCESS

17.1 PURPOSE AND INTENT
 17.2 APPLICABILITY AND AUTHORITY
 17.3 APPLICABILITY OF ADDITIONAL STANDARDS
 17.4 CLASSIFICATION OF SUBDIVISION TYPES
 17.5 SUBDIVISION PROCESS STEPS
 17.6 ADMINISTRATIVE SUBDIVISION PROCEDURE
 17.7 MAJOR AND MINOR SUBDIVISION PROCEDURE
 17.8 VESTING OF DEVELOPMENT
 17.9 SIGNING AND RECORDING OF SUBDIVISION PLAT
 17.10 ACCEPTANCE OF DEDICATION OFFERS
 17.11 MINOR REVISION TO APPROVED FINAL PLAT
 17.12 PROCESS FOR VACATION OF PLATS
 17.13 ENFORCEMENT AND PENALTIES
 17.14 DEFINITIONS

17.1 PURPOSE AND INTENT

All subdivisions must conform and relate to the principles and policies of the Comprehensive Plan, Major Thoroughfare Plan, Bicycle and Greenway Plan, Official Zoning Map and all zoning regulations, and the Capital Budget and programs of the City. In accordance with the laws of the State of Tennessee, TCA Sections 13-4-101, et seq. these regulations are adopted for the following purpose:

- A. To protect and provide for the public health, safety, and general welfare of the City.
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan or any other adopted plan.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the City, and to encourage the orderly and beneficial development to all parts of the City.
- E. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land, reduce traffic congestion; and to insure proper legal descriptions and monumentation of subdivided land.
- H. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivisions.
- I. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- J. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
- K. To encourage subdivision design that maximizes the conservation of all forms of energy.

17.2 APPLICABILITY AND AUTHORITY

A. Applicability

These subdivision regulations apply to any subdivision located within the City of Spring Hill, Tennessee; however, modifications or waivers of any applicable requirements may be made by the Planning Commission only where unique and inherent characteristics of the land proposed for development warrant such deviations. It is the sole responsibility of the property owner to request and justify such waivers to the Planning Commission.

B. Previously Granted Plats

All sketch plat, preliminary plat, and final plats approved prior to the effective date of this Code, or any subsequent amendment to this Code, remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and all applicable conditions.

C. Authority

1. These subdivision regulations are adopted by the Planning Commission in pursuance of the authority and powers granted by Tennessee Code Annotated (TCA), 13-4-301, et seq. No land can be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains Planning Commission approval of the plat, and files the approved plat with the appropriate County register.
2. Having adopted a Major Thoroughfare Plan for the jurisdictional area, and filed a certified copy of the plan with the County Register of Deeds (hereinafter referred to as "county register"), as required by TCA Section 13-4-302, and having held a public hearing as indicated in these regulations and as required by TCA Section 13-4-303 the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.
3. These regulations may be amended by the Planning Commission as the public health, safety, and general welfare require. A public hearing on any amendments are held by the Planning Commission in a manner provided by TCA 13-4-303. This includes the following sections of this Code:
 - a. Article 15. Subdivision Regulations – Required Public Improvements and Bonds
 - b. Article 16. Right-of-Way Design and Access Management
 - c. Article 17. Subdivision Regulations – Approval Process

D. The Planning Director may designate one or more City staff persons to act as a designee for his/her authority in the subdivision approval processes; however, a decision may only be rendered once.

17.3 APPLICABILITY OF ADDITIONAL STANDARDS

A. Applicability of Other Standards

In addition to the requirements established herein, all subdivision plats must comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to the following. Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth herein.

1. The adopted Comprehensive Plan, Major Thoroughfare Plan, Bicycle and Greenway Plan, and other adopted plans and policies of the City.
2. The zoning ordinance, all applicable codes, and other applicable laws of the City of Spring Hill.
3. All applicable provisions of Maury and Williamson County ordinances and codes.
4. All applicable provisions of Tennessee Law, regulations, or policy.
5. The rules of the County Health Department and the Tennessee Department of Environment and Conservation.
6. The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, and/or the Maury and Williamson Counties if the subdivision or any lot contained therein abuts a non-local highway.
7. The standards and regulations adopted by all other boards, commissions, and agencies of the Planning Commission, where applicable.

B. Homes of Historical Significance

1. Development near or contiguous to National Register of Historic Sites, as identified in the book of "National Register Properties 1995" with subsequent amendments, and/or as determined by the Board of Mayor and Aldermen and the Planning Commission to have Historical Value to the City, community, or neighborhood, must be developed in accordance with the approval requirements of the Planning Commission.

2. Any site the subject of a subdivision application that is located within 300 feet of a property designated a historically significant site, as designated by the Board of Mayor and Aldermen or on the National Register of Historic Places, must be reviewed and a recommendation made by the Spring Hill Historic Commission prior to the final decision on the application.

C. Conditions on Approval

Regulation of the subdivision of land and the requirement of reasonable conditions determined during approval to land subdivision is an exercise of valid police power delegated by the State to the City. The applicant must comply with any such conditions determined during approval in order to conform to the physical and economic development goals of the City and to preserve the safety and general welfare of the City's present and future population.

D. Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any ordinance or these regulations, such restrictions or reference thereto must be recorded with the County Registrar on the final plat. These restrictions will not be enforced by the City, unless a stricter standard for a public improvement is included on the plat. Only those shown on the plat will be enforced by the City.

17.4 CLASSIFICATION OF SUBDIVISION TYPES

A. Administrative Subdivision

Administrative subdivisions may be approved by the Planning Director as follows:

1. The division of a single lot into no more than four lots, which front on an existing right-of-way, are served by existing utilities, and do not involve the extension of any public utilities, or the dedication of land for public rights-of-way, parks, or other public purposes.
2. The consolidation of lots or a change in boundary between adjoining lots.

B. Minor Subdivision

Minor subdivision is the division of a parcel or parcels into a maximum of four lots all of which front on an existing street and do involve: the extension of any public utilities; the dedication of land for public rights-of-way, parks, or other public purposes; the creation of any public improvements; or the dedication of easements.

C. Major Subdivision

Major subdivision is any subdivision not classified as a minor or administrative subdivision, including, but not limited to:

1. Subdivisions of five or more lots.
2. Any subdivision of any size requiring the creation of any new street, the installation of any public improvements or utilities, the extension of any public utilities; the dedication of land for public rights-of-way, parks, or other public purposes, the creation of any public improvements, or the dedication of easement.

17.5 SUBDIVISION PROCESS STEPS

A. Subdivision Process Summary

Table 17-1: Subdivision Process describes the required process steps for each of the types of subdivision application.

Table 17-1: Subdivision Process Summary			
SUBMITTALS	Type of Subdivision		
	Administrative Subdivision: 4 or less Lots	Minor Subdivision: 2 to 4 Lots	Major Subdivision: 5 or more Lots
Pre-Application Conference	•	•	•
Neighborhood Concept Plan	Optional	Optional	Optional
Preliminary Plat			•
Final Plat	•	•	•

B. Determination of Official Submittal Dates

1. For an administrative subdivision, the date the Planning Department certifies that the preliminary plat application is complete is the official submittal date.
2. For a minor or major subdivision, the date of the regular meeting of the Planning Commission at which the preliminary or final approval of the subdivision plat is first considered is the official submittal date.

C. Subdivision Application Requirements

Table 17-2: Subdivision Application Submittal Requirements lists the requirements for subdivision applications. Plans and plats must be drawn in a legible manner, at a scale suitable to the size of the lot being developed or subdivided. All plans must be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The following information must be submitted to the Planning Department for review, unless waived by the Planning Director and/or Planning Commission:

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
General Information			
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	•	•	•
Name, address, phone numbers of owner(s), developer(s), and representatives	•	•	•
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	•	•	•
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	•	•	•
Legend containing all symbols and lines shown in the drawing	•	•	•
A purpose statement for subdivision	•	•	•
A vicinity map of the project with a radius of 1.5 miles from the project, any Major Thoroughfare Plan streets, and the 100 year floodplain boundary	•	•	•
The location and type of all existing structures on the property	•	•	•
Site coverage note indicating the percentage of the site that is currently covered by impervious surface		•	•
A concept plan showing the design of the entire site, including lots and rights-of-way	•		
Title, name, address, stamp, and signature of the design professional(s) licensed to prepare the required plans and plats	•	•	•
The current date of the Unified Development Code in effect at the time of submittal	•	•	•
Floodplain/Floodways/Wetlands			
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	•	•	•
Note and delineate wetlands on the property		•	•
Existing and proposed topographic information with source of information noted		•	
Show stream buffers	•	•	•
Plans showing the nature, location, dimensions, and elevation of any part of the property within a flood prone area; existing or proposed structures or building sites, fill storage of materials and flood proofing measures; the relationship of the above to the location of the stream channel, floodway, floodway fringe, regulatory flood elevations, and the regulatory flood protection elevation; and specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities	•	•	•
A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-		•	

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
sectional areas to be occupied by a development in a flood prone area, and high-water information, if required by the Planning Commission			
Tree Protection and Landscaping			
Delineate trees to be retained on-site and the measures to be implemented for their protection	.	.	
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site	.	.	
Landscaping proposals for parking lots, streets, greenspace, and required screening or buffer yards, including proposed plant size and species. Show existing and proposed utility lines, and state the method for irrigation.		.	
Utilities, Existing			
Utility flow and capacity analysis for water and sewer services (Ord. 21-14)	.	.	
Conceptual utility layout, including connection points for water, sewer, location of stormwater detention ponds, and stormwater sewer outfalls	.	.	
Preliminary service demand analysis	.	.	
Show, note, and dimension all known existing on- and off-site utilities and easements		.	.
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants		.	.
Existing easements shall show the name of the easement holder and the purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be added to the plat/plan		.	.
Utilities, Proposed			
Utility flow and capacity analysis for water and sewer services (Ord. 21-14)	.	.	
Show all storm sewer structures, sanitary sewer structures, and drainage structures. Provide structure locations and types. Provide pipe types and sizes.		.	.
Stormwater drainage plans and calculations		.	
Sanitary sewer systems: show manhole locations and provide pipe locations, sizes, and types		.	.
Show invert elevations and connections of all proposed sanitary sewer, stormwater drains, and fire hydrants		.	.
Note the occurrence of previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site		.	.
If a septic system is to be utilized, provide a table of the acreage and percolation rates		.	.
Water systems, on or near the site: provide pipe locations, types, and sizes; note the static pressure and flow of the nearest hydrant; show location of proposed fire hydrants and meters		.	
Underground or surface utility transmission lines: locations of all related structures; locations of all lines; a note shall be placed where streets will be placed under existing overhead facilities and the approximate change in grade for the proposed street		.	.
State the width, location, and purpose of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project		.	.
Streets/Rights-Of-Way/Easements			
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines		.	.
Delineate, label, and dimension from centerline any required ROW dedication		.	.

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
Show the location, widths, grades, and names of existing streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project		•	•
Where a proposed road intersects an existing public way or ways, the elevation along the centerline of the existing public way within one hundred (100) feet of the intersection.		•	
Show the general location and width of existing and proposed streets, alleys, paths, and other ROW, whether public or private within and adjacent to the project	•		
Show the location, widths, grades, and names of proposed streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project		•	•
Show radii of all curves, lengths of tangents, and central angles on all public ways		•	•
Provide a layout of adjoining property in sufficient detail to show the effect of proposed and existing streets (including those in the Major Thoroughfare Plan), adjoining lots, and off-site easements	•	•	•
Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage, rights-of-way, manholes, and catch basins		•	
Location of public way signs, including street extension and speed limit signs		•	
The location of all existing and proposed street lights		•	
Traffic impact study		•	
Description of how the Bicycle and Greenway Plan has been implemented	•	•	
Subdivision of Land			
The lot layout, the dimensions of each lot, number of lots, and total area in square footage or acreage to the nearest one-hundredth acre of each lot	•	•	•
Show the approximate finish grade where pads are proposed for building sites		•	•
Number lots consecutively	•	•	•
For phased developments, identify all phase lines and the phase sequence	•	•	•
Site Information			
Identify the location of known, existing, or abandoned water wells, sumps, cesspools, springs, streams, bodies of water, water impoundments, and underground structures within the project	•	•	•
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etc.)	•	•	•
The location of any potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and any means of mitigating hazards	•	•	•
For residential development, indicate the use and list in a table the number of dwelling units	•	•	•
For non-residential development, indicate the gross floor area, all proposed uses, and the floor area devoted to each type of use	•	•	•
Site amenity plan, if applicable	•	•	
Pedestrian circulation plan	•	•	•
Show location and size of existing or proposed signs, if any		•	•
Show general location and size of parking, loading areas, and traffic flow		•	
Show location, size, and construction details of parking and loading areas.		•	
Show the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow. Include a		•	

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
table showing the required, provided, and handicapped accessible parking spaces			
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections		•	•
Show location and dimensions of buffer strips, fences, or walls, if required	•	•	•
Indicate location of and access to solid waste service			
Provide a description of commonly held areas, if applicable	•	•	•
Show required building setbacks. Provide a note of the current setback requirements for the property/project	•	•	•
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	•	•	•
Show location and dimensions of all property proposed to be set aside for park, playground, or other public/private use, with designation of the purpose and conditions of use	•	•	•
Show contours at vertical intervals of not more than two feet		•	
Street names and property addresses as assigned		•	•
Preliminary grading and drainage plans and reports as required by the City Engineer		•	
Any other data or reports as deemed necessary for project review by the Planning Director, City Engineer, Planning Commission, or other approving authority	•	•	•
All required signature blocks		•	•

D. Inactive Applications

Applications that do not advance through the adopted Planning Review Schedule for 180 days will be deemed null and void. To proceed thereafter, the project must re-enter and complete the full Planning Commission review process from the beginning.

17.6 ADMINISTRATIVE SUBDIVISION PROCEDURE

A. Approval of an administrative subdivision requires only a final plat approval by the Planning Director.

B. Prior to formal submittal of an application, the applicant, and/or his/her representative, must meet with the Planning Director, or his/her designee. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application. At the pre-application conference, the Planning Department will verify that the application is an administrative subdivision. No decision will be made on the application.

C. The Planning Director, or his/her designee, will approve, approve with modifications and/or conditions, or deny the final plat.

D. When a final plat is approved without conditions, the plat is considered the final plat. When a final plat is approved with conditions, the applicant must revise the plat, incorporating all revisions based on such conditions, and present such revised plat to the Planning Department for approval. Following approval of all revisions, the plat is considered the approved final plat.

E. If the Planning Department denies final plat, the applicant may appeal the decision to the Planning Commission within 30 days of the date of the final decision.

17.7 MAJOR AND MINOR SUBDIVISION PROCEDURE

Table 17-1 in Section 17.5 describes which of the following steps in the application process are required for major and minor subdivisions.

A. Pre-Application Conference

Prior to formal submittal of an application, the applicant, and/or his/her representative, must meet with the Planning Director, or his/her designee. The purpose of such pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application. At the pre-application conference, the Planning Department will identify the type of subdivision and the approval process under which the Planning Commission will consider the proposal. No decision will be made on the application.

B. Neighborhood Concept Plan

Before submitting a formal application for a subdivision, the applicant may present a neighborhood concept plan to the Planning Commission for the purpose of obtaining information and guidance prior to formal application. (The neighborhood concept plan is also known as a sketch plat.)

1. The review of the neighborhood concept plan will focus on the appropriateness of the subdivision from the viewpoint of timing, location, zoning, and overall development of the site. Thorough consideration will be given to the requirements that will have to be met for access, utilities, drainage, and other improvements, reservations, and dedications. The neighborhood concept plan review is intended to establish the direction and basis for the subdivision proposal before substantial amounts of time and money have been invested in a very detailed proposal that may contain elements that do not conform to these regulations.
2. The neighborhood concept plan must be submitted to the Planning Department prior to consideration of the neighborhood concept plan by the Planning Commission. Once the neighborhood concept plan is deemed complete, the Planning Director, or his/her designee, will call a staff review committee to review the neighborhood concept plan. Designated Planning Department staff will prepare comments as to the appropriateness of the subdivision as it relates to access, utilities, drainage, and other improvements, reservations, and dedications. The comments of the review committee will be forwarded to the Planning Commission.
3. The Planning Commission will review the neighborhood concept plan. The Planning Commission will approve, approve with modifications and/or conditions, or deny the neighborhood concept plan.
4. The developer must provide the City staff with two additional copies of the approved neighborhood concept plan with all modifications and conditions of approval from the Planning Commission noted thereon.

C. Preliminary Plat

1. An application for preliminary plat approval must be submitted to the Planning Department prior to consideration of the preliminary plat by the Planning Commission. The Planning Department will determine whether the application is complete and will take no steps to begin review of the application until such time as it is deemed complete. All filing fees are due with the submittal. No preliminary plat will be considered complete without the required fees.
2. Upon receipt of a complete preliminary plat application, the Planning Director, or his/her designee, will call a staff review committee to review the preliminary plat and prepare a recommendation to the Planning Commission regarding approval, approval with changes or conditions, deferral, or denial of the plat. The recommendation of the review committee will be forwarded to the Planning Commission.
3. The Planning Commission will approve, approve with modifications and/or conditions, or deny the preliminary plat.
4. The developer must provide the City staff with two additional copies of the approved preliminary plat with all modifications and conditions of approval from the Planning Commission noted thereon.
5. The applicant must submit a final plat within one year of the approval date of the preliminary plat by the Planning Commission. Upon the end of this time period, the applicant may request the preliminary plat be placed on the Planning Commission agenda for re-approval or an extension of the approval period not to exceed one year.

D. Final Plat

1. After the proposed subdivision has been approved and improvements made in accordance with the approved preliminary plat, or bond adequate in form and amount to assure the completion of the required improvements has been established, the final plat may be prepared and presented to the Planning Director for final approval.

2. An application for final plat approval must be submitted to Planning Department staff for consideration. The Planning Department will determine whether the application is complete and will take no steps to begin review of the application until such time as it is deemed complete. All filing fees are due with the submittal. No final plat will be considered complete without the required fees.
3. The final plat follows the approval of a preliminary plat. The final plat must conform substantially to the preliminary plat as approved.
4. Submission of a final plat may be done in phases. If desired by the subdivider, when the final plat follows the approval of a preliminary plat, the final plat may constitute only that portion of the approved preliminary plat that he/she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations and any approved phasing plan.
5. The Planning Director must approve, approve with modifications and/or conditions, or deny the final plat, which must set forth in detail any conditions to which the approval is subject, or reasons for denial.
6. The failure of the Planning Director to act upon a plat within the prescribed time is deemed approval of the final plat and, in such event, a certificate of approval, entitling the subdivider to proceed as specified by these regulations. The applicant, however, may agree to a deferral or to an extension of the time for Planning Director review.
7. After approval has been given, a mylar and/or prints of a suitable size for recording, must be furnished by the developer depending on the requirements of each county of recording. A “.dwg” file based on the Tennessee State Plane Coordinate System must also be submitted in a recordable media format to staff prior to the plats recording.
8. A final plat must be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, open spaces, parks, and easements, in a form approved by legal counsel, as applicable. The subdivision plat must be marked with required notation indicating the formal offers of dedication.
9. A performance bond, if required, must be posted within 60 days of approval of final plat. The plat must be registered within 60 days after the performance bond has been posted if required or, if no performance bond is required, 60 days after approval.
10. Approval of the final plat by the Planning Director does not constitute the acceptance by the City as well as the dedication of any streets or other public way or ground.
11. If a required performance bond and necessary surety have not been posted within the required time period or final plat has not been recorded with the Register of Deeds within prescribed time period, a re-approval is necessary. A re-approval final plat fee is equal to the original final plat fee and must be paid by applicant prior to consideration.
12. The approval of a non-recorded final plat expires within one year if no further progress is made toward the development. An extension may be granted by the Planning Commission.

E. Subdivision Exceptions

1. The Planning Commission may grant exceptions to the subdivision regulations of Articles 15, 16, and 17, where there are particular difficulties or unnecessary hardships in carrying out said standards and requirements.
2. However, in no case may an exception to any zoning regulation be granted as part of subdivision approval, which includes lot area, lot width, and use. Any exceptions to zoning regulations must be granted as administrative modifications or variances per Article 13 following subdivision approval.
3. In considering requests for exceptions, the Planning Commission may impose additional conditions as deemed necessary to protect the public health, safety, and welfare.

F. Reconsideration Fee

Failure of an applicant to appear before the Planning Commission for an item requiring notice to adjacent property owners or a public hearing will be charged a reconsideration fee, per the Municipal Code, each time the applicant fails to appear. Reconsideration of any other item when no representative was present will require an additional fee equal to the original fee. The Planning Commission may waive these fees if sufficient notice is given so that property owners can be notified or if the applicant could not attend for reasons beyond his/her control.

17.8 VESTING OF DEVELOPMENT

- A.** In accordance with TCA Section 13-4-310, Table 17-3: Vesting of Developments for Subdivision Applications. Table 17-3 provides for vesting within the City, under state law, for: the types of plans approved, the vested right, and what action triggers the vesting. During the vesting periods listed below, the adopted standards in effect on the date of approval of the required preliminary approval or final development approval where preliminary approval is not required remain the development standards applicable to the property.
- B.** The applicable vesting periods are listed in Table 17-3: Vesting Timeline.
- C.** The vesting period outlined in Table 17-3 may be terminated upon the following conditions:
1. When the applicant violates the terms and conditions specified in the approved development plan or building permit. The applicant will receive 90 days from the date of the written notification to resolve the violation, unless provided additional time from the City.
 2. Upon a finding by the City that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or approval of a development plan or did not construct the development in accordance with the approved building permit or the approved development plan or an approved amendment for the building permit or the development plan.
 3. Upon the written determination by the City of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, 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.
 4. Upon enactment or promulgation of a State or Federal law, regulation, rule, policy, corrective action, or other governance that is required to be enforced by the City and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within 90 days of notification of the new requirement, which will allow the applicant to comply with the new requirement.
- D.** Should the applicant obtain all necessary permits for site preparation and commences site preparation within three years of approval, the vesting period shall be extended an additional two years to commence construction from the date of the expiration of the three year period, for a total of five years. During the two year period, the applicant must commence construction and maintain any necessary permits to remain vested.
- E.** Should the applicant commence construction during the five year period, the development standards applicable during the vesting period remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project shall not exceed ten years from the date of application approval, during which time the applicant must maintain all necessary permits during this period.

Table 17-3: Vesting of Developments for Subdivision Applications						
Application	Approval	Effective Date	Vesting Period	Total Vesting Period	Required Actions	Phasing
Preliminary Plat	Planning Commission	3 years from date of approval	3 years	3 years	Receive Final Plat Approval	Not Applicable
Final Plat (requiring a Preliminary Plat)	Planning Commission	5 years from date of preliminary approval	5 years	10 years (with construction)	Site Preparations; Complete construction; and maintain permits	15 years
Minor Subdivision Major Subdivision (2-4 Lots)	Planning Commission	Date of approval of Final Plat	5 years	10 years (with construction)	Site Preparations; Complete construction; and maintain permits	Not Applicable
Administrative Subdivision	Planning Department	Date of approval of Final Plat	5 years	10 years (with construction)	Site Preparations; Complete construction; and maintain permits	Not Applicable

F. An amendment or revision to an approved plat by the developer must be reviewed per this article, as applicable, and approved by the Planning Commission in order to retain the protections of the vested property right. An amendment or revision may be denied based upon a finding that the amendment or revision does one or more of the following:

1. Alters the proposed use
2. Increases the overall area of the development
3. Alters the size of any nonresidential structures included in the development plan
4. Increases the density of the development
5. Increases any local government expenditure necessary to implement or sustain the proposed use

If an amendment or revision is denied, the applicant may either proceed under the prior approved plan with the associated vested property right or allow the vested property right to terminate and submit a new application.

17.9 SIGNING AND RECORDING OF SUBDIVISION PLAT

A. Signing of Plat

When the conditions of this section are satisfied, the Secretary of the Planning Commission, or the Secretary’s designee per the Planning Commission bylaws, will sign the permanent reproducible original of the subdivision plat as the final signature.

1. Bond Required

The Secretary of the Planning Commission will endorse approval on the plat after any required bond has been approved by the Planning Commission and after all the conditions of the resolution pertaining to the plat have been satisfied.

2. Improvements Required

The Secretary of the Planning Commission will endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There must be written evidence that the required public facilities have been installed in a manner satisfactory to the governing body as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.

B. Recording of Plat

It is the responsibility of the Enforcing Officer to file a plat with the County Register's office within 14 days of the date of signature. Simultaneously, with the filing of the plat, the Enforcing Officer must record the agreement of dedication together with such legal documents as required to be recorded by legal counsel. The applicant or his/her designated representative may record the plat instrument with the understanding that a copy of the recorded instrument must be returned to the City within 2 days. No building permits will be issued until such time as a copy of the recorded plat instrument has been provided to the City. Recording fees are paid by the applicant. The applicant must provide two copies to the Planning Department for their records.

C. Phasing of Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may approve minor modifications to an approved phasing plan. The following is required of phased plats for bonds and dedication of public ways:

1. Performance Bond Required

The Planning Commission may require that a performance bond be filed in an amount commensurate with the section(s) of the plat to be filed. The Planning Commission may also defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing.

2. Improvements Required

- a.** The developer may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed.
- b.** Subject to any conditions placed by the Planning Commission, the developer may defer filing offers of dedication for the remaining sections until such sections are to be granted concurrently with final approval of the plat.

17.10 ACCEPTANCE OF DEDICATION OFFERS

Acceptance of formal offers of dedication of public ways and improvements to the City will be by the Board of Mayor and Aldermen after review by the Planning Commission. Planning Commission approval of a subdivision plat is not deemed to constitute or imply acceptance by the City of any public ways, public improvements, or required amenities shown on the plat.

17.11 MINOR REVISION TO APPROVED FINAL PLAT

- A.** A minor revision to final plat is defined as an adjustment that will not impact proposed or existing public improvements involving two or fewer building lots.
- B.** To facilitate minor revisions to final plats that have been previously approved, the Planning Director may authorize the minor revisions and sign the revised plat. A final plat must be recorded with the Register of Deeds within five years of approval or it will be deemed void.
- C.** The following procedure is required:
 - 1.** Before submission of the application and the revised final plat, the applicant must present a sketch of the proposed revisions to the Planning Department staff. The staff will review the revisions and within ten days determine if they are in fact minor revisions.
 - 2.** After determination that the revision is a minor revision, the applicant must submit the revised final plat or other appropriate document meeting all specifications contained within these regulations. The plat must use the same format as an original final plat except that it must state that it is a revision and the required certificates may be removed from the final plat, as applicable.

3. The Planning Department staff must have at least ten working days to review and dispose of the application for revised final plat approval. If the staff determines that certain information pertinent to the review is lacking, the staff will notify the applicant in writing within the initial ten day review period of such deficiency and hold the application in abeyance until the additional information is provided upon receipt of all required information, certificates, and fees, and upon the determination by the staff that the revised final plat meets the regulations in every respect, the Planning Director may sign said and release it for recording.
4. The plat may then be recorded at the Register of Deeds Office.

17.12 PROCESS FOR VACATION OF PLATS

- A. Any plat or any part of any plat may be vacated by the owner of such, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat must be attached, declaring the same to be vacated. This instrument must be approved by the Planning Commission in like manner as plats of subdivision. The governing body may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, or public ways.
- B. Such an instrument must be recorded with the Register of Deeds in like manner as plats of subdivision. Being duly recorded must operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in streets, public grounds, and all dedications laid out or described in such plat.
- C. When lots have been sold, the plat may be vacated in the manner herein provided by all owners of lots in such plat join in the execution of the instrument of vacation.

17.13 ENFORCEMENT AND PENALTIES

- A. It is the duty of the Building Official (hereinafter referred to as “Enforcing Officer”) to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.
- B. Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise. These remedies are in addition to the penalties described in herein.
- C. No plat or plan of a subdivision located within the area of planning jurisdiction may be filed or recorded by the appropriate Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in TCA Section 13-4-306.
- D. No board, public officer, or authority may light any street, lay or authorize the laying of water mains or sewers, or the construction of the facilities or utilities in any street located within the area of planning jurisdiction unless such streets have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission, or on a street plan made and adopted by the Planning Commission as provided in TCA Section 13-4- 307.
- E. No building permit may be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.
- F. No County Register may receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in TCA Section 13-4-306 and any County Register so doing will be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.
- G. TCA Section 13-4-306 provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, is deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring is not exempt the transaction from such penalties.
- H. The City, through its City attorney or other official designated by the Board of Mayor and Aldermen, may enjoin such transfer or sale or agreement by action or injunction. Any structure erected or to be erected in violation of the subdivision regulations is deemed an unlawful building or structure, and the City Attorney or other official designated

by the Planning Commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in TCA Section 13-4-306.

17.14 DEFINITIONS

The following definitions apply to Articles 15, 16, and 17. The definitions of Article 2 do not apply to these cited articles and in the case of any conflicts these definitions control.

100-Year Flood. A flood having a 1% chance of happening in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

25-Year Flood. A flood having a 4% chance of happening in any year.

Agent. See developer.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. See developer.

Architect. An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to TCA Title 62, Chapter 2 to practice in Tennessee.

Bicycle and Greenway Plan. A plan consistent with the Master Parks and Recreation Plan and City's Major Thoroughfare Plan Update, that guides the implementation of projects that increase bicycle and pedestrian options, while also providing a continuous and safe non-motorized system that ensures easy access to jobs, services, and commerce. The Bicycle and Greenway Plan represents a commitment to design, construct, and maintain a network of safe, convenient, and attractive bicycle and pedestrian facilities for both commuting and recreational use throughout Spring Hill.

Block. A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond. An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

Contractor. An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist. An agent designated to administer local and/or state health regulations.

Cul-De-Sac. A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement, definition includes dead end, turn-around, or turn-about.

Design Specifications. Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer. The owner of land proposed to be subdivided or his/her representative. One who, having an interest in land causes it, directly or indirectly, to be divided into a subdivision. Consent is required from the legal owner of the premises. Articles 15, 16, and 17 may also use the terms "agent," "applicant," or "subdivider," which also mean developer per this definition.

Driveway Easement. A 25 foot wide easement from a public road for ingress and egress to one or more lot(s).

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property.

Enforcing Officer. The Building Inspector of the City of Spring Hill, unless another person is designated by the Mayor or City Administrator to be responsible for enforcing the provisions of the subdivision regulations.

Engineer. An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to TCA Title 62, Chapter 2 to practice in Tennessee.

Equal Degree of Encroachment. The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow. A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the Planning Commission.

External Subdivision Boundary. All points along the periphery of a subdivision.

Final Plat. The final map or drawing and accompanying materials, as required and described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Director for approval, and which, if approved by the Planning Director, is recorded with the appropriate County Register of Deeds.

Frontage. That side of a lot abutting a public way ordinarily regarded as the front of the lot. It is not considered as the ordinary side of a corner lot.

Governmental Agency. Any public body other than the governing body.

Governing Body. The chief legislative body of any government.

Governmental Representative. An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, utilities, planning, community development, or other public business.

Grade. The slope of a public or private way specified in percentage terms.

Highway, Limited Access. A non-local highway, freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary. All points within a subdivision that do not constitute external boundaries.

Joint Ownership. Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area. Planning boundary(s) established in keeping with TCA Section 13-4-201.

Land Surveyor. A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to TCA Title 62, Chapter 18 to practice in Tennessee.

Legal Counsel. The person, designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot. A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or for building development.

Lot Improvement. Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Thoroughfare Plan. The plan adopted by the Planning Commission, pursuant to TCA Section 13-4-302 showing, among other things, "the general location, character, and extent of public ways and the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Monument. A permanent surveying appurtenance that is utilized to verify location and elevation.

Neighborhood Concept Plan. A generalized concept plan of subdivision offering information in regard to proposed subdivision, public improvements, and natural features of the entire property in question prepared prior to preliminary plat.

Off-Site. Any premises not located within the property to be subdivided, whether or not in the ownership of the applicant for the subdivision approval.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Performance Bond. A surety bond, letter of credit, or cash deposit submitted to the City as assurance for performance of construction of the public infrastructure and/or amenities as approved by the Planning Commission. Said performance bond represents a sum of money fixed as a penalty, binding the parties to pay the same conditioned, however, that the payment of the penalty may be avoided by the performance by someone of the parties of said improvements.

Planning Commission. A public planning body established pursuant to TCA Title 13, Chapter 4 to execute a partial or full planning program within authorized area limits.

Pre-Application Conference. A meeting held between applicant and Planning Department staff to discuss requirements of development and plat approval.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s). A tract of land together with any buildings or structures thereon.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Road Standards. Standards as listed within these regulations to provide adequate right-of-way, roadway width, compacted subgrade, compacted road base stone, bituminous prime coat, asphalt binder, bituminous tack coat, asphalt topping, and concrete curb and gutter or extruded curb, all of which are indicated for each roadway classification.

Public Way. Any publicly owned street, alley, sidewalk, or lane right-of-way that provides for movement of pedestrians or vehicles.

Reach. A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flooding or natural obstructions occur. In an urban area, the segment of a stream or river between two consecutive bridge crossings typically would constitute a reach. A reach is also defined as the stream or river length located within a particular drainage basin.

Regulatory Flood. The 100 year flood.

Regulatory Flood Protection Elevation. The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Re-Subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by a public way, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way," for land platting purposes, means that every right-of-way

hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or areas of such lots or parcels.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise or other written instrument.

Same Owners. Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Slope. The deviation of the land surface from the horizontal per unit horizontal distance changed, generally expressed in percent, i.e. vertical rise or fall per foot dividing the horizontal distance between contour lines into the vertical interval of the contours as required by the appropriate regulations.

Start of Construction. For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Subdivider. See developer.

Subdivision. The division of a tract or parcel of land into two or more lots, sites and other divisions requiring new street or utility construction, or any division of less than five acres.

Subdivision Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Temporary Improvement. Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Utility. Any construction of public roads, public water, public drainage, public sanitary facilities or any other improvement that is or will be dedicated to public use.

Utility Flow and Capacity Analysis for Water and Sewer Services. A study or analysis to evaluate the capacity of existing water and sewer utility infrastructure to serve a proposed development and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the proposed development if approved. The cost for preparation of the water and sewer capacity analysis shall be responsibility of the applicant. (*Ord. 21-14*)

Water Surface Elevation. The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also means the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance. A statute, legally adopted pursuant to TCA Title 13, Chapters 4 or 7 for the purpose of regulating by district, land development or use for a designated area.

ARTICLE 18. DESIGN REVIEW

- 18.1 PURPOSE AND INTENT**
- 18.2 BASIS FOR DESIGN REVIEW**
- 18.3 APPLICABILITY**
- 18.4 APPLICATION AND CONSIDERATION FOR DESIGN REVIEW**
- 18.5 MODIFICATIONS**
- 18.6 APPEALS**

18.1 PURPOSE AND INTENT

The intent of incorporating design guidelines is not to limit growth or development within the City of Spring Hill or to restrict creative design solutions, but to encourage development that reinforces the vision of Spring Hill as a quality place to live, work, and raise a family while maintaining its uniqueness and an authentic sense of place. Implementation of design review guidelines serves the following general purposes:

- A.** Educate property owners, designers, developers, the public, and plan reviewers on what is expected and desired for all non-residential property, multi-family residential properties, and any entrance to a non-residential development throughout the City of Spring Hill.
- B.** Improve the overall quality of commercial and multi-family residential developments in Spring Hill.
- C.** Ensure the compatibility of new and revitalized developments with surrounding land uses.
- D.** Enhance pedestrian safety and walkability.
- E.** Present clear principles and priorities for achieving this vision.
- F.** Provide an objective and fair basis for reviewing projects whether administratively by staff or by the Design Review Commission.

18.2 BASIS FOR DESIGN REVIEW

- A.** Tennessee Code Annotated § 6-54-133 authorizes a municipality to create a Design Review Commission and develop general guidelines for the exterior appearance of non-residential property, multi-family residential properties, and any entrance to a non-residential development within the municipality.
- B.** Pursuant to Tennessee Code Annotated § 6-54-133, the Board of Mayor and Aldermen of the City of Spring Hill adopted Resolution 11-61, a resolution establishing a Design Review Commission.
- C.** As of the effective date of this Code, the City has previously designated the Planning Commission as the Design Review Commission.

18.3 APPLICABILITY

The Design Review Commission is charged with adopting, administering, and amending the following design standards:

- A.** Section 5.4 - Design Standards
- B.** Section 6.4 - Design Standards
- C.** Section 5.5.C – Design Standards
- D.** Section 5.6.B – Design Standards
- E.** Section 7.1.D - Design Standards
- F.** Section 7.3.D - Design Standards
- G.** Section 8.3.K - Dwelling - Multi-Family or Townhouse (design standards only as indicated)
- H.** Section 8.3.M - Dwelling - Two-Family or Three-Family (design standards only as indicated)
- I.** Section 11.3.A.5 – Recommended Plant List referenced therein (*Design Review Board Res. 19-38*)

18.4 APPLICATION AND CONSIDERATION FOR DESIGN REVIEW

A. Submittals

Prior to application for a building permit, all non-residential properties, multi-family residential, and any entrances to residential or non-residential development will be submitted to the Design Review Commission, along with plans, elevations, and landscape plans. A preliminary submittal prior to completion of detailed plans and specifications is recommended but not mandatory.

B. Consideration

1. Within 30 days after an application has been submitted to the Design Review Commission, the City staff will examine the application and forward it to the members of the Commission for examination and determination of whether the proposed structure conforms to the design standards and is conducive to the architectural development of the City as stated in the intent and purpose section of this Article.
2. At the meeting, the Design Review Commission will examine the plans, elevations, landscape plans, and any other specifications or evidence that may be pertinent or requested. The Chairman of the Design Review Commission may request the applicant or his/her representative appear at the meeting.
3. The Design Commission will act as expeditiously as practicable and in no event will any applicant be caused unreasonable delay.

C. Approval or Disapproval

1. At the meeting or any meeting within 15 days later, the Design Review Commission will approve the application if, in its opinion, the proposed development conforms to the design standards and is conducive to the architectural development of the City as stated in the intent and purpose section of this Article.
2. The Design Review Commission will deny and return the application if it determines that the proposed development is unsuitable in appearance or detrimental to the environment of the community. However, the Design Review Commission may make comments and recommendations to inform the applicant, the building official, the Planning Commission, and the Board of Mayor and Aldermen as to why the proposal is unsuitable and what might be done to help bring it into conformance.
3. The important consideration in the decision of whether a proposed project conforms to the design standards is how the project will be seen from adjacent public streets and bordering sites. Structures that are not visible from surrounding locations may be allowed to be more of a departure from these guidelines due to their context than those which are highly visible.
4. If the Design Review Commission approves the application, the City staff may submit the plans to the building official for issuance of the building permit. If the Design Review Commission returns the application with its disapproval and recommendations, the City staff will not submit the project for a building permit until such time that changes have been made and resubmitted in such form that, in the opinion of City staff, is in conformity with the approval of the Design Review Commission.

18.5 MODIFICATIONS

A. The Design Review Commission has sole discretion to grant modifications from the design standards in this Code provided that, in the opinion of the Design Review Commission, the intent and purpose section of this Article has been met.

B. The Design Review Commission may modify or entirely waive any design standard in this Code to encourage the implementation of alternative or innovative practices that implement the intent of the modified standard(s) and provide equivalent public benefits without significant adverse impacts on surrounding development.

C. In granting a modification or waiver, the Design Review Commission may require conditions that will substantially secure the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

18.6 APPEALS

Pursuant to Tennessee Code Annotated § 6-54-133, any property owner affected by the guidelines may appeal a decision of the Design Review Commission to the Planning Commission or, if the Board of Mayor and Aldermen has designated the Planning Commission as the Design Review Commission, the Board of Mayor and Aldermen. In the event of an approval of an appeal of the Design Review Commission, the project may be submitted to the building official for issuance of the building permit.

ARTICLE 19. ENFORCEMENT

- 19.1 ENFORCEMENT OFFICIAL**
- 19.2 APPLICATION OF PENALTIES**
- 19.3 FINES**
- 19.4 SUBDIVISION ENFORCEMENT**

19.1 ENFORCEMENT OFFICIAL

It is the duty of the Building Official (hereinafter referred to as "Enforcing Officer") or their designee as assigned by the City Administrator to enforce this Code and to bring to the attention of legal counsel any violations or lack of compliance herewith. The Building Official or their designee as assigned by the City Administrator may secure the assistance of the City Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Code. At times, the aid of the Police Department or Planning Department may be sought to enforce this Code. The property owner charged with the violation may be held responsible for any legal expenses incurred by the City.

19.2 APPLICATION OF PENALTIES

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Code, upon conviction, will be fined for each offense. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the City. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

19.3 FINES

Each violation, and each day that such violation continues, is subject to a fine as established in the City Code.

19.4 SUBDIVISION ENFORCEMENT

Subdivision enforcement is controlled by Section 17.13.

APPENDIX A. RECOMMENDED PLANT LIST

Resolution 19-38, Exhibit A – Recommended Plant List

PERMITTED SHRUBS		
A woody plant with multiple stems capable of growing to a height of no more than 15 feet.		
Deciduous Shrubs		
Common Name	Scientific Name	Allowed to be planted no closer than 10 feet from center line of overhead power line ("X")
Glossy Abelia	<i>Abelia x grandiflora & cultivars</i>	
Red Chokecherry	<i>Aronia arbutifolia & cultivars</i>	
Flowering Quince	<i>Chaenomeles speciosa</i>	
Silky Dogwood	<i>Cornus species</i>	
Hazelnut	<i>Corylus americana</i>	
Leatherwood	<i>Dirca palustris</i>	
Flowering Forsythia	<i>Forsythia x intermedia</i>	
Oakleaf Hydrangea	<i>Hydrangea quercifolia & cultivars</i>	
Hydrangea	<i>Hydrangea species</i>	
Finetooth Holly	<i>Ilex serrata</i>	
Winterberry	<i>Ilex verticillata</i>	
Virginia Sweetspire	<i>Ilex virginica</i>	
Beauty Bush	<i>Kolkwitzia amabilis</i>	
Crepe Myrtle	<i>Lagerstroemia species</i>	X
Ligustrum (except <i>L. sinense</i> , <i>L. vulgare</i> , <i>L. japonicum</i>)	<i>Ligustrum species</i>	
Knock Out or Carefree Rose	<i>Rosa species</i>	
Spirea (except <i>Spirea japonica</i> and cultivars)	<i>Spirea species</i>	
Lilac	<i>Syringa vulgaris</i>	X
Viburnum	<i>Viburnum species & cultivars</i>	
Evergreen Shrubs		
Common Name	Scientific Name	
Boxwood spp.	<i>Buxus spp.</i>	
Chinese Hollies	<i>Ilex cornuta cultivars</i>	
Japanese Holly	<i>Ilex crenata</i>	
Inkberry	<i>Ilex glabra</i>	
Meserveae hybrid Hollies	<i>Ilex x meserveae</i>	
Chinese Juniper	<i>Juniperus chinensis</i>	
Mountain Laurel	<i>Kalmia latifolia</i>	
Magnolia	<i>Magnolia species</i>	
Japanese Andromeda	<i>Pieris japonica</i>	
Cherry Laurel	<i>Prunus species</i>	
Otto Luyken & Schip Laurels	<i>Prunus laurocerasus</i>	
Rhododendron, Azalea	<i>Rhododendron species</i>	
Fragrant Sumac	<i>Rhus aromatica</i>	
Smooth Sumac	<i>Rhus glabra</i>	
Yew spp.	<i>Taxus spp.</i>	

PROHIBITED SHRUBS		
<i>Japanese Barberry</i>	<i>Berberis thunbergii & cultivars</i>	
<i>Shrub Althea</i>	<i>Hibiscus syriacus</i>	
<i>Leatherleaf Mahonia</i>	<i>Mahonia bealei</i>	
<i>Nandina/Dwarf Nandina</i>	<i>Nandina domestica</i>	
NOTES:		
<i>Applicants shall confirm with utility provider (MTEMC, DREMC, and CPWS) on species and placement before planting.</i>		