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Section 1 - Zoning Districts

A. Establishment of Districts.

In order to regulate the location and Use of land and the permitted Building Types, the City is hereby divided into the following Zoning Districts.

1. Mixed Use and Commercial Districts.
 - a. NC: Neighborhood Commercial District.
 - b. C1: Community Commercial District.
 - c. C2: Regional Commercial District.
2. Office Districts.
 - a. NO: Neighborhood Office District.
 - b. O: Office District.
3. Institutional District.
 - a. P: Institutional District.
4. Residential Districts.
 - a. RE: ExUrban District.
 - b. R1: Suburban Estate District.
 - c. R2: Suburban Manor District.
 - d. R3: Suburban Cottage District.
 - e. R4: Urban Estate District.
 - f. R5: Urban Manor District.
 - g. R6: Attached District.
 - h. R7: Multifamily District.
5. Open Space and Recreation Districts.
 - a. OS1: Neighborhood Civic Space District.
 - b. OS2: Neighborhood Open Space District.
 - c. OS3: General Open Space District.
 - d. OS4: Outdoor Recreation District.
 - e. OS5: Conservation District.
6. Agriculture District.
 - a. AG: Agriculture District.
7. Manufacturing Districts.
 - a. M1: Light Manufacturing District.
 - b. M2: Manufacturing District.
 - c. M3: Infrastructure District.

B. Zoning Map.

The areas and boundaries of the districts listed in III.1.A above are hereby established to scale as shown on the map entitled Zoning Map of the City of Lakeland and referred to herein as "Zoning Map."

1. Zoning Map. The Zoning Map is adopted by reference and declared to be part of these Land Development Regulations.
2. Location of Map. The official Zoning Map shall be located at City Hall and shall be the final authority as

to the Zoning designation of Parcels throughout the City.

3. Amending the Map. All amendments to these Land Development Regulations (refer to I.4.L. Rezoning) which involve a change to the district designation of a Lot shall be recorded on the official map in City Hall.

C. District Descriptions.

The regulations outlining the permitted Uses and Building Types within each district and the standards associated with these Building Types are set forth in III.2 Uses and III.3 Building Type Standards. The following describes each Zoning District.

1. Mixed Use and Commercial Districts.
 - a. NC: Neighborhood Commercial District. The Neighborhood Commercial District is a small Scale mixed Use district. Permitting pedestrian-friendly retail Uses in the Mixed Use and Cottage Commercial Building Types, this district is suited for small Nodes of commercial serving adjacent neighborhoods and for larger traditional neighborhood commercial Nodes. The Civic Building Type is also permitted. This district shall be served by all municipal services (public water and sewer).
 - b. C1: Community Commercial District. The Community Commercial District is a medium Scale commercial district designed to serve not only adjacent neighborhoods, but also the greater community. Therefore, a wider range of commercial Uses are permitted in C1 than in NC. Besides the Mixed Use, Cottage Commercial, and Civic Building Types, the Commercial Building is also permitted. This district shall be served by all municipal services (public water and sewer).
 - c. C2: Regional Commercial District. The Regional Commercial District is a large Scale commercial district designed to serve the greater community and adjacent communities. Of the three (3) commercial districts, it allows the widest range of Uses. The Mixed Use, Cottage Commercial, Commercial, and Civic Building Types may be developed in this district. This district shall be served by all municipal services (public water and sewer).

2. Office Districts.
 - a. NO: Neighborhood Office District. The Neighborhood Office District is a small Scale office district. The Cottage Commercial, Corridor, and Civic Building Types are permitted in the NO District. This

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- district shall be served by all municipal services (public water and sewer).
- b. O: Office District. The Office District allows for the same types of Uses as Neighborhood Office District, but on a larger Scale. The Cottage Commercial, Corridor, and Civic Building Types are permitted in the O district. This district shall be served by all municipal services (public water and sewer).
3. Institutional District.
 - a. P: Institutional District. The Institutional District allows for the development of multiple Civic/ Institutional Uses. The Corridor and Civic Building Types are permitted within this district. This district shall be served by all municipal services (public water and sewer), unless exempted by the MPC.
 4. Residential Districts.
 - a. RE: ExUrban District. RE allows for the large Lot residential development. It permits the construction of the Exurban and Civic Building Types. These areas may be served by a rural level of municipal services (public water and sewer are not required if certain conditions are met).
 - b. R1: Suburban Estate District. R1 allows for large Lot residential through the development of the Suburban Estate Building Type. The Civic Building Type is also permitted in this District. These areas should be served by all municipal services (public water and sewer).
 - c. R2: Suburban Manor District. This district allows for the development of the Suburban Manor, a single family residential Building Type, and the Civic Building Type. These areas should be served by all municipal services (public water and sewer).
 - d. R3: Suburban Cottage District. R3 is a single family residential district that permits the development of the Suburban Cottage Building Type. The Civic Building Type is also permitted. These areas should be served by all municipal services (public water and sewer).
 - e. R4: Urban Estate. R4 is a single family residential district that permits the development of the Urban Estate and Civic Building Types. These areas should be served by all municipal services (public water and sewer).
 - f. R5: Urban Manor. R5 is a single family residential district that allows for the development of the Urban Manor and Civic Building Types. These areas should be served by all municipal services (public water and sewer).
 - g. R6: Attached District. This district allows for the construction of single family attached homes. Both the Civic and the Attached House Building Types
 5. Open Space and Recreation Districts.
 - a. OS1: Neighborhood Civic Space District. This small Scale open space district allows for the development of the Square and Plaza Open Space Types. This district is typically located adjacent to a Mixed Use, Commercial, or Office Districts and is utilized for passive recreation and civic functions.
 - b. OS2: Neighborhood Open Space District. This small Scale open space district allows for the development of the Close, Pocket Park, and Green Open Space Types. It is typically developed adjacent to Residential Districts and may be utilized for passive or active recreation.
 - c. OS3: General Open Space District. The open space in this district serves not only the adjacent development, but also the community as a whole. The Green, Linear Park, and Park are the permitted Open Space Types. The Civic Building Type is permitted in this district. The City shall also use this district for city-wide public parks and greenways.
 - d. OS4: Outdoor Recreation District. Similar to OS3, this district allows for the Green, Linear Park, and Park. It also allows for large Scale outdoor recreation, such as golf courses. The Civic Building Type is permitted.
 - e. OS5: Conservation District. Unlike the other Open Space Districts, this district's goal is to conserve the existing unique and natural features within the City. This district shall be utilized for required Conservation Areas (refer to II.11), Streamside Management Buffers (refer to III.12), and Scenic Corridor Buffers (refer to II.8.C(9), when zoned).
 6. Agriculture District.
 - a. AG: Agriculture District. The Agriculture district allows for both Agriculture, large lot residential, and commercial Uses. The Agriculture and Civic Building Types are permitted in this district. See also III.2 for accessory building standards. These areas may be served by a rural level of municipal services (public water and sewer are not required if certain conditions are met).
 - are permitted. These areas should be served by all municipal services (public water and sewer).
 - h. R7: Multifamily District. This district allows for multiple family residential development. The Multifamily Building and the Civic Building Types are permitted. These areas should be served by all municipal services (public water and sewer).

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7. Manufacturing Districts.
 - a. M1: Light Manufacturing District. The M1 Light Manufacturing District allows for small Scale industrial manufacturing and assembly. The Uses permitted in this district are restricted based upon potential by-products of traffic, noise, and pollution. The Corridor, Warehouse, and Civic Building Types are permitted in this district. These areas shall be served by all municipal services (public water and sewer).
 - b. M2: Manufacturing District. M2 Manufacturing District is an industrial district that allows for more intense activities such as warehousing and distribution of goods and the manufacture of goods that may produce negative by-products such as traffic, noise, and pollution, in addition to the Uses in M1. The Corridor, Warehouse, and Civic Building Types are permitted in this district. These areas shall be served by all municipal services (public water and sewer).
 - c. M3: Infrastructure District. This district is applied to Parcels of land that contain the City's infrastructure, including utilities. The Civic and Warehouse Buildings are permitted, but not required with the exception that all M3 designated Parcels shall meet the maximum impervious coverage requirements of the Warehouse Building Type (refer to III.3.L).

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2. Uses

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- C. Lodging and Housing Uses.
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III. Zoning Regulations

Section 2 - Uses

A. General Requirements.

1. Intent. This Section outlines the Uses of land regulated in these Land Development Regulations.
2. General Provisions. The following general provisions apply to the Uses outlined in these Land Development Regulations.
 - a. A Parcel of land may contain more than one (1) Use.
 - b. Uses are either permitted by-right in a district, permitted by-right with specific development or design parameters, or are Conditional Uses, which require a Conditional Use Permit (refer to I.4.N) in order to be developed.
 - c. Table 2.L-1 Use Table outlines the permitted Uses.
 - d. Each Use shall be located within a permitted Building Type (refer to III.3) or an Open Space Type (refer to III.4), unless otherwise specified.
3. Organization. The Uses are grouped into general categories, which may contain lists or clusters of additional Uses.
 - a. If a Use is not listed, but meets the criteria detailed in the category description, the Code Administrator may interpret the Use as appropriate.
 - b. If a Use is not listed and does not meet the criteria in the category description, the Code Administrator shall interpret the Use as inappropriate; this Use shall only be permitted through amendment of these Land Development Regulations. A Variance of Use is not permitted.

B. Residential Uses.

A category of Uses that include several residence types. Refer to I.2.B Definitions for additional information on Family.

1. Single Family. One (1) Dwelling Unit located within the Principal Structure of a Lot. A Modular Home is considered a Single Family home for the purposes of these Land Development Regulations; a Manufactured Home is not. Refer to I.2.B Definitions.
2. Single Family Attached. A Single Family Dwelling Unit located horizontally adjacent to another Single Family Dwelling Unit that share common wall(s).
3. Multiple Family. Two (2) or more Dwelling Units located in the Principal Structure of a Lot in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit(s) or have individual entrances from the outside.

C. Lodging and Housing Uses.

A service Use that provides furnished rooms for temporary or permanent accommodations.

1. Bed and Breakfast. A business that provides temporary lodging consisting of sleeping rooms in an Owner-occupied structure or Accessory Structure. Meals may or may not be included. Rooming houses are considered permanent and are not included.
2. Hospice. A residential facility providing palliative and supportive medical and health services to meet the needs of the terminally ill and their families in a residential setting.
3. Hotel/Motel. A facility offering temporary lodging consisting of sleeping rooms with or without in-room kitchen facilities to the general public. Secondary service Uses may also be provided, such as restaurants, meeting rooms, entertainment, and recreational facilities.
4. Independent, Assisted Living, and Nursing Home. A residential facility providing temporary and permanent accommodations for persons recovering from a medical procedure, suffering from an illness, those who need assistance with daily activities, including dressing, household chores, or cooking, and nursing care for the aged. Rooms may or may not include individual cooking facilities, but the facility commonly includes a central kitchen and common or dining room.

D. Civic and Institutional Uses.

A category that includes Uses which focus on improving the quality of day-to-day community life by providing a location for assembly, discourse, worship, education, healing, governmental, recreation, and entertainment.

1. Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such Uses as a community center, house of worship, and private clubs and lodges.
 - a. Neighborhood Assembly. An Assembly Use that occupies a structure less than 10,000 square feet in size.
 - b. General Assembly. An Assembly Use that occupies one (1) or more structures on a Lot with a total square footage between 10,000 and 20,000 square feet.
 - c. Large Scale Assembly. An Assembly Use that occupies one (1) or more structures on a Lot with a total square footage greater than 20,000 square

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feet.

2. Cemetery. Land dedicated for the internment of human or Animal remains or cremated remains. Chapels, mausoleums, caretaker facilities, and other Accessory Structures may be developed with a Cemetery, if operated in connection with and within the boundaries of the Cemetery.
3. Hospital. A licensed institution providing medical care and health services to the community. These services may be located in one (1) building or clustered in several buildings and typically include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, and gift shop.
4. Library/Museum. A publicly accessed structure housing educational, cultural, scientific, artistic, or historic information, resources, and exhibits.
5. Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included.
6. Post Office. A publicly accessed facility for the collection and distribution of mail and packages and the selling of supplies and mail related products.
7. School: Pre-Kindergarten to Junior High. An education facility for pre-kindergarten through eighth (8) grade, including associated facilities such as ball fields, ball courts, gymnasium, and auditorium.
8. School: High School. An education facility for grades nine (9) through twelve (12), including associated facilities such as ball fields, ball courts, gymnasium, and auditorium.
9. School: Higher Education. An education facility offering post-secondary school educational activities and programs, which may or may not be tied to a degree program; may also include associated facilities such as ball fields, ball courts, gymnasium, and auditorium.

E. Retail Uses.

A Use that involves the selling of goods or merchandise to the general public for personal or household consumption.

1. Neighborhood Retail. A retail Use involving the small Scale sale of goods or merchandise to residents in adjacent neighborhoods. A Use in this category occupies an area of less than 5,000 square feet.

Neighborhood Retail include such Uses as:

- a. Antique Shop.
- b. Apparel and Accessory Store.
- c. Art and Education Supplies.
- d. Bakery, Retail.
- e. Bicycle Sales and Repair.
- f. Book, Magazine, and Newspaper Store.
- g. Camera and Photo Supply Store.
- h. Collectable Items.
- i. China and Glassware Shop.
- j. Convenience Store.
- k. Drug Store/Pharmacy.
- l. Fabric and Craft Store.
- m. Flower or Garden Shop.
- n. Gift, Novelty, and Souvenir Shop.
- o. Grocery Store.
- p. Hardware Store.
- q. Hobby Shop.
- r. Jewelry Sales and Repair.
- s. Luggage and Leather Goods.
- t. Specialty Food Market (Butcher, Candy/ Confections, Fish Market, Produce, etc.).
- u. Music Store.
- v. Office Supply.
- w. Optical Goods Shop.
- x. Party Supply Shop.
- y. Pet Shop.
- z. Smoke Shop.
- aa. Sporting Goods Sales and Rental.
- bb. Stationary and Paper Store.
- cc. Toy Shop.

2. General Retail. A retail Use involving the sale of goods or merchandise to residents living in the community. A Use in this category occupies an area between 5,000 and 30,000 square feet. General Retail include such Uses as:
 - a. Neighborhood Retail (refer to III.2.E(1)).
 - b. Appliance and Electronic Sales and Service.
 - c. Computer Software Sales and Leasing.
 - d. Department Store.
 - e. Home Furnishings and Accessories Sales and Rentals.
 - f. Medical Supply Store and Rental.
 - g. Musical Instrument Repair and Sales.
 - h. Pawn Shop.
 - i. Vehicle Supply Shop (no service).
 - j. Automobile, Truck, and Trailer Sales and Rental (if in the C2 District, and only at certain locations, per Outdoor Sales Lot standards).
3. Large Scale Retail. A retail Use involving the large Scale sale of goods to residents living within the region. It is almost exclusively accessed by automobile and therefore additional consideration

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Section 2 - Uses

shall be given to parking and traffic issues when developing this Use. The goods or merchandise sold may be of the same type or a variety of types as General Retail (refer to III.2.E(2)) and occupy a space greater than 30,000 and less than 75,000 square feet.

4. Warehouse Retail. Warehouse Retail is the same as Large Scale Retail (refer to III.2.E(3)), except that it occupies a space greater than 75,000 square feet.
5. Outdoor Sales Lot. A permanent retail Use where a significant portion of the goods are stored or displayed outdoors. Outdoor Sales Lots include such Uses as:
 - a. Automobile and Truck Sales.
 - a. Automobile, Truck, and Trailer Rental.
 - b. Boat and Recreational Vehicle Sales and Rental.
 - c. Garden Center or Nursery.
6. Liquor Stores. A retail Use that sells alcoholic beverages solely for off-premise consumption and regulated pursuant to Title 57 of the Tennessee Code Annotated (TCA). For the purposes of this definition, alcoholic beverage means any beverage that contains more than five (5) percent alcohol content by weight as defined in TCA.
7. Commercial Equipment and Supply. A retail Use involving the large Scale sale of goods marketed primarily to commercial or industrial businesses, but available to the general public. This Use may include bulk sales, outdoor storage, and frequent commercial vehicle and consumer traffic. Commercial Equipment and Supply include such Uses as:
 - a. Building Materials, Hardware, and Garden Supply.
 - b. Heating and Plumbing Sales and Service.
 - c. Cabinet Supply (display only).
 - d. Machine Sales and Rental.
8. Firearms Dealer. A retail Use involving the sale of Firearms or Ammunition and occupying a space no greater than 10,000 square feet.
- .
- F. Service Uses.

A category of Uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these Uses, as most customers do not utilize scheduled appointments.

1. Neighborhood Personal Services. A service Use that offers daily conveniences to residents in adjacent neighborhoods. A Use in this category occupies less than 5,000 square feet and includes such Uses as:

- a. Arcade.
 - b. Bank.
 - c. Barber Shop, Beauty Salon, and Spa.
 - d. Billiard Hall.
 - e. Dry Cleaning and Laundry.
 - f. Eating and Drinking Establishments.
 - g. Fitness, Dance Studio, and Gym.
 - h. Framing.
 - i. Home Furniture and Equipment Repair.
 - j. Laundromat.
 - k. Locksmith.
 - l. Mailing Services.
 - m. Pet Grooming (no boarding).
 - n. Photocopying and Printing.
 - o. Photography Studio and Supplies (on-site processing permitted).
 - p. Shoe Repair.
 - q. Tailor or Seamstress.
 - r. Tanning Salon.
 - s. Live Theater.
 - t. Training Center.
 - u. Travel Agency and Tour Operator.
 - v. Video Rental.
2. General Services. A service Use offering daily conveniences to residents living in the community. A Use in this category typically occupies an area between 5,000 and 30,000 square feet and includes such Uses as:
 - a. Neighborhood Personal Services.
 - b. Bowling Alley.
 - c. Catering.
 - d. Currency Exchange.
 - e. Funeral Home.
 - f. Repair of Small Goods & Electronics.
 - g. Tattoo/Piercing Parlor.
 3. Regional Services. A service Use offering conveniences to residents living within the community and the region.
 - a. General Services.
 - b. Concert Hall/Live Theatre.
 - c. Events Facility. A facility regularly available for rental by an individual, group, or business for meetings, conferences, seminars, and lectures.
 - d. Movie Theatre.
 4. Child Care. A licensed facility that provides for the care of children under seventeen (17) years of age for twelve (12) hours or less per day without a transfer of custody.
 5. Outdoor Entertainment. Uses that offer commercial, primarily outdoor entertainment and recreation opportunities. Outdoor Entertainment include such Uses as:
 - a. Batting Cage.

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- b. Go-Carts.
- c. Mini-Golf.
- d. Skating Rink.

6. Vehicular Service. A regional business involving the servicing of vehicles and/or the storage and distribution of gasoline. A convenience store may also be included as a secondary Use, as well as the sales of propane and kerosene. Vehicular service includes such Uses as:
- a. Automotive Service Station.
 - b. Automotive Repair.
 - c. Car Wash, Automatic or Self Service.
 - d. Tire Sales and Mounting.

G. Office Uses.

A category of Uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not rely on walk-in customers.

1. Neighborhood Office. An office Use that typically occupies less than 5,000 square feet and involves twenty (20) or fewer employees at a given location. Neighborhood office includes such Uses as:
 - a. Architecture/Engineering/Design.
 - b. Business Consulting.
 - c. Computer Programming and Support.
 - d. Detective Services.
 - e. Educational Services (tutor and testing).
 - f. Employment Agency.
 - g. Financial and Insurance.
 - h. Government Offices.
 - i. Law Firm.
 - j. Management Services.
 - k. Licensed Massage Therapy.
 - l. Medical and Dental with Laboratory.
 - m. PR and Advertising.
 - n. Property Development.
 - o. Radio and TV Studio.
 - p. Real Estate.
 - q. Research Agency.
 - r. Surveying.
 - s. Veterinarian.
2. General Office. An office Use that typically occupies more than 5,000 square feet and more than twenty (20) employees at a given location. General office includes all Neighborhood Office Uses (refer to III.2.G(1)) on a larger Scale.
3. Research and Development. A Use involving the research and/or development of innovative ideas or

products in technically intensive fields, including limited on-site manufacturing and laboratory facilities.

H. Production Uses.

A category of Uses involving assembly, manufacturing, storing, transferring, and disposal of goods or products.

1. Craftsman Use. A Use that involves the small Scale production or assemblage of goods resulting in little to no by-products, non-noxious or noxious. It includes a showroom or retail store to showcase or sell the goods produced on-site. Craftsman Uses include such Uses as:
 - a. Bakery, Commercial.
 - b. Ceramic Tile, Floor, and Wall.
 - c. Construction - Special Trade Contractors.
 - d. Furniture and Fixtures.
 - e. Leather Products.
 - f. Metal Shop.
 - g. Miscellaneous Repair (small goods).
 - h. Pottery and Related Products.
 - i. Recording, Sound, or Film Studio.
 - j. Sign and Letter Shop.
 - k. Small Goods.
 - l. Taxidermy.
 - m. Textile Mill Products.
2. Production and Assemblage Uses. A Use that assembles goods from finished products that may result in noise and other non-noxious by-products.
 - a. Apparel
 - b. Beverage Production and Bottling.
 - c. Electrical Equipment, Appliances, and Instruments.
 - d. Fabricated Metal Products and Machinery.
 - e. Printing, Publishing, and Allied Industries.
 - f. Tool and Die Shop.
 - g. Vehicle Assembly and Testing.
3. Warehouse, Packing, and Distribution Uses. A Use requiring significant commercial vehicle access and large Scale storage of goods and vehicles, both indoor and outdoor, typically between production and their placement on the market. This includes such Uses as:
 - a. Contractor - Landscaping and Construction.
 - b. Packing and Crating.
 - c. Recycling Center (Collection and Sort).
 - d. Vehicle Staging and Storage (Ambulance, Bus, Limo, Livery, etc.).
 - e. Warehousing and Storage.
 - f. Wholesale Trade of Goods.

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Section 2 - Uses

4. Sexually Oriented Business. A business Use that includes an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, and sexual encounter center. Refer to Sexually Oriented Businesses Title 9, Chapter 5 of the Municipal Code for standards.

I. Infrastructure.

A category of Uses for land utilized for public and private support infrastructure. These Uses may not be located within a Building Type.

1. Parking Lot. A Lot that does not contain a permitted Building Type and is solely used for the temporary parking of vehicles.
2. Utility and Infrastructure. Land utilized for the City's infrastructure needs and include such Uses as:
 - a. Electric or Gas Services
 - b. Sewage Treatment
 - c. Water Treatment and Storage
3. Wireless Transmission Facility. A Use of land that includes buildings, cabinets, structures, and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission and radio transmission, or wireless transmission. Refer to IV.14 for Wireless Transmission Facilities standards.

J. Open Space and Recreation Uses.

A category of Uses for land utilized for active or passive, public or private, outdoor recreation, education, or entertainment, including associated support Uses such as parking, spectator facilities, or food and beverage service. Small cafe food sales or news stand Uses may be Accessory Uses. Recreational Uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair.

1. Neighborhood Civic Open Space. A Use of land, publicly or privately managed for active or passive recreation adjacent to commercial districts. These facilities are typically less than two (2) acres in size and may be illuminated. The neighborhood civic open space Use shall be utilized with the following Open Space Types:
 - a. Plaza
 - b. Square
2. Neighborhood Open Space. A Use of land, publicly

or privately managed, for active or passive recreation or gardening for residents living with walking distance. These facilities are typically less than two (2) acres in size. The Neighborhood Open Space Use shall be utilized with the following Open Space Types:

- a. Close
- b. Pocket Park
- c. Green

3. General Open Space. A Use of land, publicly or privately managed, for active or passive recreation for community residents. General Open Spaces are typically between two (2) and five (5) acres and part or all of the facility may be illuminated for use after dark. Ball courts or fields, swimming pools, parking facilities, food and beverage service, and spectator facilities are commonly included, as permitted by Open Space Type. The general open space Use shall be utilized with the following Open Space Types:
 - a. Green
 - b. Linear Park
 - c. Park
4. Large Scale Outdoor Recreation. Use of land, publicly or privately managed for active recreation, entertainment, and amusement for residents within the region. Large scale outdoor recreation commonly involves facilities with five (5) or more acres, illuminated for use after dark, ball courts or fields, parking facilities, restrooms, spectator facilities, and food and beverage service. Large scale outdoor recreation Uses occur within the Park or Linear Park Open Space Type. Large scale outdoor recreation Uses includes such Uses as:
 - a. General Open Space
 - b. Country Club
 - c. Golf Course
 - d. Membership Sports Clubs
 - e. Riding Academy and Stables
 - f. Sports and Recreational Camps
 - g. Swim Club
 - h. Tennis Courts
5. Conservation. Use of land, publicly or privately managed, that preserves natural open spaces. These spaces may or may not be legally protected as Conservation Areas.
6. Shooting and Archery Range. An establishment offering training facilities and space for target practice with Firearms and bow and arrows. This Use also includes paintball fields. The facility may or may not include an indoor range and/or be associated with a private club.

III. Zoning Regulations Section 2 - Uses

K. Agricultural Uses.

A category of Uses that involve farming and Agriculture related businesses.

1. Agriculture Equipment, Service, and Supply. A business involving the sales and/or rental of agricultural supplies, accessories, or services including:
 - a. Agricultural Services
 - b. Soil Preparation
 - c. Veterinarian (including domestic and livestock)
2. Farming. A Use of land involving the raising and caring for crops or livestock for the purpose of selling or distributing food or food by-products to distribution facilities, including the associated facilities or structures for growing, harvesting, storing, and housing livestock, crops, and other materials. Farming includes such Uses as:
 - a. Farm
 - b. Livestock
 - c. Nursery
 - d. Orchard
 - e. Winery
3. Animal Boarding. A business involving the temporary or permanent care, breeding, or training of horses or other domestic Animals; the facility may include both indoor and outdoor spaces and includes such Uses as:
 - a. Horse Farm, Boarding, and Lessons
 - b. Kennel
4. Natural Resource Harvesting and Management. A Use of land for the growing and harvesting of natural resources, such as timber, that involves low-impact harvest activity and long-range cultivation and management plans.

L. Use Table.

Table 2.L-1 Use Table outlines the permitted Uses in each Zoning District. Each Use is given one of the following designations. A Use may be designated differently in one Zoning District than in another.

1. Permitted (“●”). These Uses are permitted by-right in the districts in which they listed.
2. Permitted in Upper Stories Only (“●”). These Uses are permitted by-right in the districts in which they are listed, provided that the Uses are located in the Upper Stories of a structure or not in the Ground Story adjacent to the front Facade, the space

considered the storefront display area.

3. Permitted with Development Standards (“○”). These Uses are permitted by-right in the districts in which they are listed, provided that they are developed utilizing the standards detailed in III.2.M development standards for Uses.
4. Requires a Conditional Use Permit (“○”). These Uses require the approval of a Conditional Use Permit (refer to I.4.N) in order to occur in the districts in which they are listed. These Uses shall also follow any development standards outlined in III.2.M development standards for Uses.

M. Development Standards for Uses.

The following development standards apply to Uses designated as Permitted with Development Standards “○” or requires a Conditional Use Permit “○” in the Use Table, Table 2.L.1. These standards are intended to alleviate any negative impacts associated with the Use, making it appropriate in a district where it might not otherwise have been appropriate.

1. Bed and Breakfast. In the districts where a bed and breakfast requires a Conditional Use Permit (I.4.N) (“○”), the following apply:
 - a. No more than six (6) bedrooms for guests are permitted.
 - b. No more than two (2) non-resident employees are permitted.
 - c. A Light Side and Rear Buffer of ten (10) feet is required regardless of the adjacent Zoning District (refer to III.5.K).
 - d. Events may be held on site provided that they meet the requirements outlined in III.2.P(5) Private Gathering Facility.
 - e. Parking shall be located on site; off site parking is not permitted.
2. Hospice. In the districts where a Hospice is permitted with development standards (“○”), the following applies:
 - a. Number of Patients. A maximum of four (4) patients are permitted.
 - b. Physical Appearance. No changes to the outside appearance of the structure are permitted that would be a departure from the residential character of the area.

III. Zoning Regulations

Section 2 - Uses

Uses		Districts																						
		Neighborhood Commercial NC	Community Commercial C1	Regional Commercial C2	Neighborhood Office NO	Office O	Institutional P	ExUrban RE	Suburban Estate R1	Suburban Manor R2	Suburban Cottage R3	Urban Estate R4	Urban Manor R5	Attached R6	Multifamily R7	Neighborhood Civic Space OS1	Neighborhood Open Space OS2	General Open Space OS3	Outdoor Recreation OS4	Conservation OS5	Agriculture A	Light Manufacturing M1	Manufacturing M2	Infrastructure M3
Residential/Lodging	Single Family	●	●	●	●		●	●	●	●	●	●									●			
	Single Family Attached												●	●										
	Multifamily	●	●	●	●									●										
	Bed and Breakfast		●	●			○	○														○		
	Hospice		●	●		●	●	●	●	●	●	●												
	Hotel/Motel			●		●																		
	Ind./Assisted Living/Nursing Home		●	●										●	●									
Civic/Institutional	Neighborhood Assembly	●	●	●	●	●																		
	General Assembly			●		●																		
	Large Scale Assembly					●																		
	Cemetery					○											○							
	Hospital			●		●																		
	Library/Museum	●	●	●		●											●	●	●					
	Police and Fire	○	○	○	○	○	○	○	○	○	○	○	○	○	○						○	○	○	
	Post Office	●	●	●	●	●	●																	
	School: Pre K to Junior High		●	●		●	●	●	●	●	●	●	●	●	●									
	School: High School					●																		
School: Higher Education					●	●																		
Retail	Neighborhood Retail	●	●	●											●		●							
	General Retail		●	●																				
	Large Scale Retail			●																				
	Warehouse Retail			●																				
	Outdoor Sales Lot			●																				
	Liquor Store			●																				
	Commercial Equip. & Supply																					●	●	●
	Firearms Dealer			●																			●	

III. Zoning Regulations Section 2 - Uses

Uses		Districts																							
		Neighborhood Commercial	Community Commercial	Regional Commercial	Neighborhood Office	Office	Institutional	Exurban	Suburban Estate	Suburban Manor	Suburban Cottage	Urban Estate	Urban Manor	Attached	Multi-Family	Neighborhood Civic Space	Neighborhood Open Space	General Open Space	Outdoor Recreation	Conservation	Agriculture	Light Manufacturing	Manufacturing	Infrastructure	
		NC	C1	C2	NO	O	P	RE	R1	R2	R3	R4	R5	R6	R7	OS1	OS2	OS3	OS4	OS5	A	M1	M2	M3	
Services	Neighborhood Personal Services	●	●	●												◐			◐						
	General Services		●	●																					
	Regional Services			●																					
	Child Day Care	●	●	●	●	●																			
	Outdoor Entertainment			●																					
	Vehicle Service			○																					
Office	Neighborhood Office	●	◐	◐	●	●	●																		
	General Office	◐	◐	◐		◐	◐																		
	Research and Development				◐	◐																●	●		
Production	Craftsman Use	○	○	◐																		●	●		
	Production and Assemblage																						○		
	Warehouse and Distribution																						●		
	Sexually Oriented Business																						●		
Infrastructure	Parking Lot	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	
	Utility and Infrastructure																						○	○	
	Wireless Transmission Facility	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	
Open Space	Neighborhood Civic Space															●									
	Neighborhood Open Space																●								
	General Open Space																	●							
	Large Scale Outdoor Recreation																			●		●			
	Preserve/Conservation																				●				
	Shooting and Archery Range																			○		○			
	Agriculture																				◐				

- Permitted
- ◐ Permitted in Upper Stories Only
- ◑ Permitted with Development Standards
- Permitted with a Conditional Use Permit

Table 2.L-1 Use Table.

III. Zoning Regulations

Section 2 - Uses

3. Neighborhood Assembly. In the districts where Neighborhood Assembly is permitted with development standards ("●"), the following apply:
 - a. Requires a minimum Lot Width of fifty-five (55) feet.
 - b. Shall be located on a Rural or Urban Connector, Avenue, Scenic Corridor, or Boulevard Street Type.
 - c. Heavy Side and Rear Yard Buffer is required when adjacent to any Residential Zoning District (refer to III.5.K).
 - d. All other Uses located on the site, including but, not limited to, offices, classrooms, or daycare, shall be incidental and associated directly with the Principal Use.
4. General Assembly. In the districts where General Assembly is permitted with development standards ("●"), the following apply:
 - a. Requires a minimum Lot Width of seventy (70) feet.
 - b. Shall be located on a Rural or Urban Connector or Avenue or Boulevard Street Type.
 - c. Heavy side and rear yard buffer is required when adjacent to any residential Zoning District (refer to III.5.K).
 - d. All other Uses located on the site, including but, not limited to, offices, classrooms, or daycare, shall be incidental and associated directly with the Principal Use.
 - e. In all districts, a School or Office Use on the site of more than 10,000 square feet requires a Conditional Use Permit (I.4.N).
5. Large-Scale Assembly. In the districts where Large-Scale Assembly is permitted with development standards ("●"), the following apply:
 - a. Requires a minimum Lot Width of one hundred fifty (150) feet.
 - b. Shall be located on a Rural or Urban Connector or Avenue or Boulevard Street Type.
 - c. All other Uses located on the site, including but, not limited to, offices, classrooms, or daycare, shall be incidental and associated directly with the Principal Use.
 - d. In all districts, a School or Office Use on the site of more than 10,000 square feet requires a Conditional Use Permit (I.4.N).
6. Cemetery. In the district where a Cemetery requires a Conditional Use Permit (I.4.N) ("○"), the following applies:
 - a. When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 - b. Cemetery may only be located in the Park Open Space Type.
7. Police and Fire. In the district where Police and Fire requires a Conditional Use Permit (I.4.N) ("○"), the following applies:
 - a. When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
8. School: Pre-Kindergarten to Junior High or High School. In the districts where Schools are permitted with development standards ("●"), the following apply:
 - a. Requires a minimum Lot Width of one hundred fifty (150) feet.
 - b. Shall be located on a Rural or Urban Connector or Avenue or Boulevard Street Type.
 - c. In all districts where permitted, an Assembly Use (refer to III.2.D(1)) on the site of more than 15,000 square feet requires a Conditional Use Permit (I.4.N). This requirement is not triggered by an accessory auditorium.
9. Neighborhood Retail. In the districts where Neighborhood Retail is permitted with development standards ("●"), the following apply:
 - a. The only permitted Uses are Book, Magazine, and/or Newspaper Shop and Flower Shop.
 - b. Use shall only be located in a Kiosk (refer to III.2.Q(2)(h)) and not in any other type of structure.
10. Warehouse Retail. In the districts where Warehouse Retail is permitted with development standards ("●"), the following apply:
 - a. Shall be located within a Campus Neighborhood Type.
 - b. Shall be located on a Connector, Avenue, or Boulevard Street Type.
11. Outdoor Sales Lot. In the districts where an Outdoor Sales Lot is permitted, the following apply:
 - a. Buildings shall adhere to the following requirements:
 - (1) Any permanent structure is required to conform to the Building Types detailed in III.3 Building Type Standards. Temporary buildings are not permitted.
 - b. An Outdoor Sales Lot shall be treated as a parking lot and landscape buffers shall be installed per III.5.J

III. Zoning Regulations Section 2 - Uses

Frontage Buffer.

- c. Loose material shall be stored in compliance with the standards in III.2.Q(2)(j) Outdoor Storage.
 - d. An Outdoor Sales Lot and accessory Lot may not be located adjacent to another Outdoor Sales Use.
 - e. Automobile, truck, trailer, boat, or recreational vehicle sales or rental uses, or similar uses, shall not be located along a Scenic Corridor, nor along Canada Road, Chambers Chapel Road, Davies Plantation Road, Beverle Rivera Road, Brunswick Road, Stewart Road, U.S. Highway 70, or Paul Barret Parkway. Side or rear yards shall be sufficiently landscaped and/or fenced to completely obscure abutting single-family residential yards from views into the site.
12. Liquor Store. In the districts where Liquor Store is permitted with development standards ("C"), the following applies:
- a. No Liquor Store shall be located within five hundred (500) feet of any church, school, daycare, public park, public building, or any residential property, measured from the nearest point of the building housing the liquor store to the nearest point of the building housing any of the Uses listed herein.
 - b. The number of liquor stores in the city at any time shall be limited to one (1) per each five thousand (5000) residents as measured by the most recent official decennial census or certified special census, not to exceed three (3) liquor stores.
13. Commercial Equipment and Supply. In the districts where Commercial Equipment and Supply is permitted with development standards ("C"), the following applies:
- a. All outdoor storage shall meet the requirements of III.2.Q(2)(j) Outdoor Storage.
 - b. The Use shall not be located along any Scenic Corridor, nor along Canada Road, Chambers Chapel Road, Davies Plantation Road, Beverle Rivera Road, Brunswick Road, Stewart Road, U.S. Highway 70, U.S. Highway 64, or Paul Barret Parkway.
 - c. Shall not be located within 1,320 feet of a single family Lot, unless separated by a City Waterways, a Boulevard not listed above, or a railroad Easement.
 - d. For the purposes of landscape buffers (refer to III.5 Landscape), a Commercial Equipment and Supply shall be treated as an industrial Use.
14. Firearms Dealer. In the districts where Firearms Dealer is permitted with development standards ("C"), the following applies:
- a. The Use shall not exceed 10,000 square feet.
 - b. All other applicable local, county, state, and federal requirements shall be met.
15. Neighborhood Personal Service. In the districts where Neighborhood Personal Service is permitted with development standards ("C"), the following applies:
- a. The only permitted Use is an Eating and Drinking Establishment.
 - b. Use shall only be located in a Kiosk (refer to III.2.Q(2)(h)) in the OS1 District.
 - c. If the open space is zoned OS4, the eating and drinking establishment use is only permitted if on City property.
16. Vehicular Service. In the district where Vehicle Service requires a Conditional Use Permit (I.4.N)("O"), the following apply:
- a. When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 - b. Use Limitation. Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are only permitted in the M1 District.
 - c. Structures: Principal Structure. Principal Structures shall be constructed using one of the permitted Building Types in the District. The Pitched Cap Type and Parapet are the only permitted Cap Type for this Use.
 - d. Structures: Canopies. Canopies shall be developed using the following:
 - (1) Canopies, including the roof, shall be no taller than twenty eight feet.
 - (2) Canopy roof structures shall match the roof

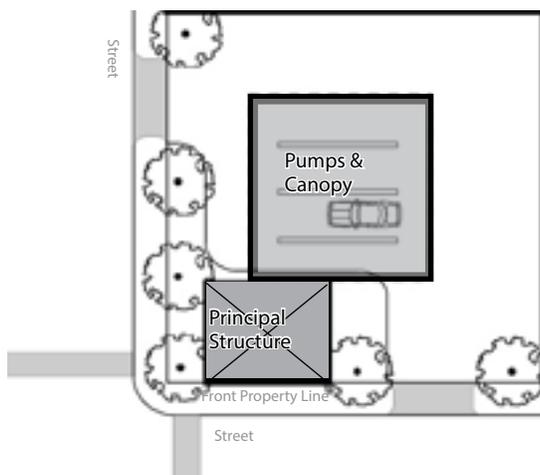


Figure 2.M-1. Relationship between the Principal Structure and the pump islands.

III. Zoning Regulations

Section 2 - Uses

structure of the Principal Structure on the Lot. Refer to permitted Cap Types per non-Residential Building Types in III.3.H through M.

- (3) Columns shall be located on the outer edges of the pump islands, outside of and partially screening the pumps.
 - (4) Columns shall be a minimum of 18" in width in all directions and a maximum of fifteen (15) feet in height.
 - (5) Column materials shall meet the requirements of III.3.A(5) Non-Residential Building Materials.
- e. Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the Front Facade. This is illustrated in Figure 2.M-1
- f. Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
- (1) The vehicles are not stored for more than two (2) days.
 - (2) The storage area is located in the Rear Yard screened from view of the Front Property Line.
 - (3) The storage area is screened using the Heavy Side or Rear Yard Buffer outlined in III.5.K regardless of the adjacent land Uses.
 - (4) Car sales are not permitted.
- g. Outdoor Activities.
- (1) All repairs or washing activities shall occur inside a building.
 - (2) Vacuuming activities may occur in open air, but shall be located in the Side or Rear Yards, screened from the Front Property Line.
 - (3) Outdoor sales is prohibited with the exception of temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, permitted during business hours under the canopy and

adjacent to the Principal Structure.

17. General Office. In the districts where General Office is permitted with Development Standard ("O"), warehouse space is permitted with the following standards:
 - a. The General Office Use shall be located within a Campus Neighborhood Type.
 - b. The warehouse space, as an Accessory Use, shall not occupy more than fifty (50) percent of the Gross Building Area.
 - c. The warehouse space shall be located in the rear of the building.
18. Research and Development. In the districts where Research and Development is permitted with Development Standard ("O"), the following applies:
 - a. NO District. In the NO district, manufacturing component is not permitted.
 - b. O District. In the O district, less than twenty (20) percent of the structure's Gross Floor Area may be utilized for manufacturing.
19. Craftsman Uses. In the districts where Craftsman requires a Conditional Use Permit (I.4.N) ("O") or is permitted with development standards ("O"), the following apply:
 - a. Conditional Use Permit. When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 - b. NC1 District. 10,000 square feet is the maximum overall Gross Floor Area with no more than 3,750 square feet of this total being dedicated to manufacturing.

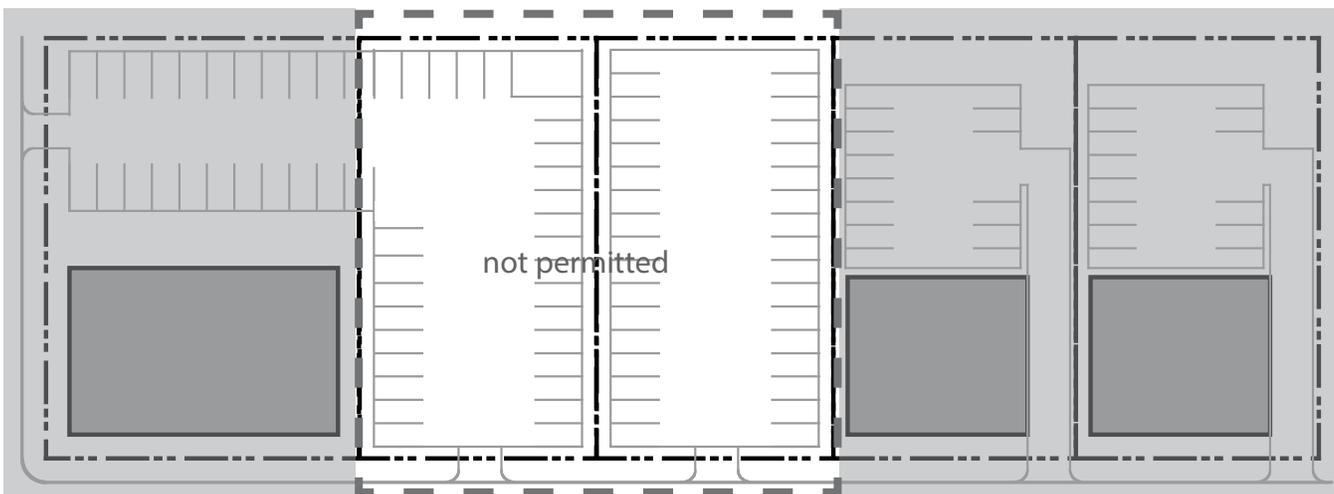


Figure 2.M-2. Two (2) parking lots shall not be located directly adjacent to each other.

III. Zoning Regulations Section 2 - Uses

- c. C1 and C2 Districts. 20,000 square feet is the maximum overall Gross Floor Area with no more than 7,500 square feet of this total being dedicated to manufacturing.
20. Parking Lot. In the districts where a Parking Lot requires a Conditional Use Permit (I.4.N) ("○"), the following applies:
- a. Conditional Use Permit. When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 - b. Adjacent Parking Lots. Two (2) parking Lots cannot be located directly adjacent to one another, as illustrated in Figure 2.M-2.
 - c. Associated Use. Parking Lot shall not be associated with an individual Single Family residence.
 - d. Distance. Parking Lot shall be within one (1) Block's distance of the associated Use unless an approved parking agreement is in place (refer to III.6.B(5)(e) Cooperative Parking Agreement) or at least seventy-five (75) of spaces are dedicated as a Public Parking Facility.
 - e. Pedestrian Access. Shall be connected to associated Use by a Dedicated, public pedestrian pathway.
 - f. Residential Parking Lots. For visitor parking Lots serving Single Family neighborhoods, the following design requirements apply in addition to the above requirements.
 - (1) The Lot shall be limited to one double loaded aisle of parking, perpendicular to the street, the depth of the Parcel to match abutting parcels, not including any required buffers.
 - (2) The Lot surface shall be constructed completely of concrete, brick, or grass pavers.
 - (3) Front Yard, and Side and Rear Yard Buffers are required (refer to III.5.K).
21. Sexually Oriented Business. Refer to Sexually Oriented Businesses Title 9, Chapter 5 of the Municipal Code for standards for Sexually Oriented Businesses.
22. Wireless Transmission Facility. In the districts where a Wireless Transmission Facility is permitted with development standards ("●"), Site Plan review (I.4.K) is required, including review by the DRC. Refer to III.14 for standards for Wireless Transmission Facilities.
23. Shooting and Archery Range. In the districts where a Shooting and Archery Range require a Conditional Use Permit (I.4.N) ("○"), the following apply:
- a. When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 - b. Outdoor shooting and archery ranges shall be set back a minimum of one hundred (100) feet from Side and Rear Property Lines.
 - c. A Heavy Side and Rear Yard Buffer is required, regardless of the adjacent land Uses. Refer to III.5.K Side and Rear Yard Buffer.
24. Agriculture. In the district where Agriculture is permitted with development standards ("●"), the following apply.
- a. Timber Harvesting.
 - (1) Pursuant to T.C.A §6-54-126 or any similar legislation, ordinance, regulation, or rule, any property utilized for timber harvesting shall have a fifteen (15) year suspension on applications for development approvals, including Platting and rezoning, and on land disturbance permits for Uses other than those permitted in the Agriculture category with the following exception.
 - (a) If the harvesting activity is implementing a third party certified management plan, such as the American Tree Farm System, Forest Stewardship Council, or Sustainable Forestry Initiative, the suspension is reduced to ten (10) years.
 - (2) Suspension period shall begin at the time the timber harvest is undertaken
 - (3) A timber harvest plan shall be filed with the City.
 - (4) Timber harvesting shall be performed consistent with the Tennessee Department of Agriculture, Division of Forestry Best Management Practices. Specific timber harvesting practices shall be defined in a Timber Harvest Plan submitted to the City for each Timber Harvest.
- N. Accessory Uses and Structures.
- The following details the Accessory Uses and Accessory Structures permitted by these Land Development Regulations.
- 1. Accessory Uses. Permitted Accessory Uses include:
 - a. Accessory Family Unit. A Dwelling Unit that is associated with and is incidental to another Dwelling Unit on the same Lot which serves as the Lot's Principal Use.
 - b. Animal Boarding. The temporary or permanent care and training of horse and other domestic

III. Zoning Regulations Section 2 - Uses

Uses		Districts																							
		Neighborhood Commercial NC	Community Commercial C1	Regional Commercial C2	Neighborhood Office NO	Office O	Institutional P	Exurban RE	Suburban Estate R1	Suburban Manor R2	Suburban Cottage R3	Urban Estate R4	Urban Manor R5	Attached R6	Multi-Family R7	Neighborhood Civic Space OS1	Neighborhood Open Space OS2	General Open Space OS3	Outdoor Recreation OS4	Conservation OS5	Agriculture A	Light Manufacturing M1	Manufacturing M2	Infrastructure M3	
Accessory Uses	Accessory Family Unit					●	●	●	●	●											●				
	Animal Boarding	●	●	●	●		●														●				
	Garage/Yard Sale						●	●	●	●	●	●	●	●											
	Home Occupation	●	●	●	●		●	●	●	●	●	●	●	●								●			
	Model Home	●	●	●	●		●	●	●	●	●	●	●	●											
	Private Gathering Facilities	●	●	●	●	●	○	○								●			●						
	Sidewalk Sales	●	●	●																					
	Temp. Seasonal Produce Sales	●	●	●	●	●										●	●	●	●		●				●
Accessory Structures	Accessory Building	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Antennae and Satellite Dish	●	●	●	●	●	●	●	●	●	●	●	●	●				●			●	●	●	●	
	Ball Court					●	●	●	●	●	●	●	●	●					●		●				
	Barn and Stable						●												●		●				
	Cistern and Rainwater Collection	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Deck and Patio	●	●	●			●	●	●	●	●	●	●	●							●				
	Dog Run		●	●			●	●	●	●	●	●	●								●				
	Drive Through		●	●																					
	Flag Pole	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Gazebo	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●				
	Kiosk															●			●	●					
	Maintenance Shed																		●	●	●	●			●
	Outdoor Storage			●																		●	●	●	●
	Outdoor Vending Machine		●	●																					
	Play Equipment					●	●	●	●	●	●	●	●	●	●				●		●				
	Roadside Stand																				●				
	Sidewalk Cafe	●	●	●												●			●						
	Solar Panels	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Swimming Pool					●	●	●	●	●	●	●	●	●				●	●		●				
	Temporary Building	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Temporary Storage Container	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Wind Turbine			●		●		●													●					

- Permitted
- ◐ Permitted in Upper Stories Only
- ◑ Permitted with Development Standards
- Permitted with a Conditional Use Permit

Table 2.O-1. Accessory Use and Structure Table.

III. Zoning Regulations Section 2 - Uses

Animals when not the Lot's Principal Use. Both indoor and outdoor facilities may occur.

- c. Garage or Yard Sale. A sale of used or unwanted household or personal articles held on the seller's own premise.
 - d. Home Occupation. An occupational Use that is clearly subordinate to the Lot's Principal Use as a residence and does not require any alteration to the exterior of a building or its appearance.
 - e. Model Home. Use of a residential structure for a temporary period of time to display furnishings and building materials such as carpet, wallpaper, and paint samples. It may also serve as the sales center for a development, displaying layouts of the Subdivision and home plans for individual Lots.
 - f. Private Gathering Facilities. An Accessory Use that permits a facility, with a different Principal Use, to hold occasional events, such as receptions or meetings, including food and beverage service and entertainment, occurring indoors or outdoors, in addition to the facility or business' Principal Use(s). An example of such a Use would be the rental of an office building's atrium for wedding receptions, where Office is the Principal Use and the receptions are Accessory to that Use.
 - g. Sidewalk Sales. Temporary outdoor sales of merchandise by retail businesses, typically occurring on the sidewalk within the public Right-of-Way for limited period of time.
 - h. Temporary Seasonal Produce Sales. The temporary sale of seasonal Agricultural products, such as Christmas trees, pumpkins, fresh produce, or by-products by vendors who are also the producers.
2. Accessory Structures. Permitted Accessory Structures include:
- a. Accessory Building. A structure on a Lot that is detached from the Principal Building on that same Lot and does not contain the Lot's Principal Use, such as a garage, shed, or pool house.
 - b. Antennae and Satellite Dishes.
 - c. Ball Court. Athletic facilities such as tennis and basketball courts.
 - d. Barn and Stable. A structure for the housing and maintenance of horses and other livestock; storage of feed, hay, and other crops; and storage of farm equipment.
 - e. Cistern and Rainwater Collection System.
 - f. Deck and Patio. Outdoor, unroofed, that are unattached to the Principal or Accessory Structure(s) on a Lot.
 - g. Dog Run. An enclosed outdoor area intended for containment and/or exercise of dogs and other domestic Animals. h. Drive Through. Facility associated with a commercial Use that permits patrons to access the Use and the services and goods it provides while remaining within a vehicle.
- i. Flag Pole.
 - j. Gazebo. A freestanding, roofed structure usually with open sides.
 - k. Kiosk. A structure typically containing a neighborhood Scale retail or service Use with limited space for the proprietor and associated goods and no space for customers to enter the structure.
 - l. Maintenance Shed. A structure that typically houses items required to maintain an open space, such as lawn care tools; it may also contain public rest rooms and/or space for administrative Uses associated with the open space.
 - m. Outdoor Storage. Storage of equipment, vehicles, goods or inventory outside of a Principal or Accessory Structure.
 - n. Outdoor Vending Machine. Any self contained or connected appliance, machine, and/or storage container located outside a structure that dispenses or provides storage of a product or service. Outdoor vending includes, but is not limited to, movie vending, ice machines, soda machines, and propane displays.
 - o. Play Equipment. Recreational equipment for children, such as a sandbox, slide, climbing apparatus, swing, or tree house.
 - p. Roadside Stand. A seasonal or permanent structure for the display and sale of agricultural products or by-products produced on-site; the structure does not include space for customers.
 - q. Sidewalk Cafe. Tables and chairs for patrons of eating and drinking establishments located outdoors directly adjacent to the structure containing the associated Use.
 - r. Solar Panels. Energy generator using the power of the sun. Panels may be attached to a structure or stand alone.
 - s. Swimming Pool, Hot Tub, or Jacuzzi. Any basin or other structure containing a minimum of twenty-four (24) inches of water at any point in time for use by the possessor, their Family or guests. Temporarily erected plastic, canvas, or rubber pools that do not meet the depth requirement do not apply.
 - t. Temporary Building. Temporary structure associated with a Subdivision or construction project, used to house offices associated with construction and/or sales and marketing for the development.
 - u. Temporary Storage Container. Temporary and transportable container for waste and other materials associated with rehabilitation of a

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structure(s) or other construction projects.

- v. Wind Turbine. Energy generator that harnesses the wind to provide power. Turbine may be attached to structure or freestanding.

O. Accessory Uses and Structures Table.

Table 2.O-1 Accessory Use and Structure Table detail the permitted Accessory Uses and Structures in each district. Each Use or Structure is given one of the following designations.

1. Permitted ("●"). These Accessory Uses and Structures are permitted by-right in the districts in which they listed.
2. Permitted in Upper Stories Only ("◐"). These Accessory Uses and Structures are permitted by-right in the districts in which they are listed, provided that the Uses are located in the Upper Stories of a structure or not in the Ground Story adjacent to the front Facade, the space considered the storefront/ display area.
3. Permitted with development standards ("◑"). These Accessory Uses and Structures are permitted by-right in the districts in which they are listed, provided that they are developed utilizing the standards detailed in III.2.P-Q Accessory Use and Structure development standards.
4. Requires a Conditional Use Permit ("○"). These Accessory Uses and Structures require the approval of a Conditional Use Permit (refer to I.4.N) in order to occur in the districts in which they are listed. These Uses shall also follow any development standards outlined in III.2.P-Q Accessory Use and Structure development standards.

P. Accessory Uses Development Standards.

The following development standards apply to Accessory Uses designated as permitted with development standards "●" or requires a Conditional Use Permit "○" in Table 2.O-1 Accessory Uses and Structures.

1. Accessory Family Unit. Where an Accessory Family Unit is permitted with development standards ("◑"), the following apply:
 - a. Quantity. One (1) per Lot is permitted.
 - b. Space Limitation. The unit shall be no greater than thirty (30) percent of the Principal Structure's square footage.
 - c. Entrance. If a separate entrance exists, it shall not be located on the front Facade.
 - d. Location on the Lot. An Accessory Family Unit may be located within the Principal Structure or

within an Accessory Building.

- e. Parking. Vehicles shall be accommodated on-site according to the location requirements in III.3 Building Type Standards and quantity in III.6 Parking, Loading, and Site Access Standards.
2. Animal Boarding. Where a Animal Boarding is permitted with development standards ("◑"), the following apply:
 - a. Limitation on Outdoor Facilities. Outdoor kennels are not permitted in NC1, C1, and NO Districts.
 - b. Pet Shops. Pet Shops are not permitted to have outdoor kennels.
 - c. Horses. Horses are only permitted in RE and A Districts and two (2) horses are permitted for every five (5) or more acres on the Lot.
 3. Home Occupation. Where a Home Occupation is permitted with development standards ("◑"), the following apply:
 - a. Uses. Home Occupation includes such Uses as accountant, artist, author, computer operator or programmer, child care, designer (computer, graphic, architect, interior, etc.), home crafts, seamstress or tailor, sales person or representative (no on-site retail or wholesale transactions), tutoring, and instruction of craft and fine art.
 - b. Hours of Operation. Permitted hours of operation are eight (8) AM to eight (8) PM.
 - c. Limited Attendees. Up to four (4) pupils or children may be instructed or cared for at a time.
 - d. Space Limitation.
 - (1) No more than twenty (20) percent of the total square footage of the structures on a Lot, including Accessory Structures, may be dedicated to the Home Occupation.
 - (2) All activities associated with the Home Occupation shall occur inside structure.
 - e. Deliveries & Shipments. Deliveries and shipments are permitted only through the United Postal Service and such carriers as UPS, Fed Ex, and DHL. No delivery by semi-truck is permitted.
 - f. Physical Appearance. No changes to the outside appearance of the structure or Lot and no variation from the residential character of the building are permitted.
 - g. Parking. Vehicles associated with the Home Occupation shall be accommodated on site within the driveway or garage of the existing structure, according to the location requirements in III.3 Building Type Standards.
 - h. Business License. A business license is required for Home Occupations.
 - i. Certificate of Compliance. A certificate of compliance is required for Home Occupations.

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4. Model Home. In the districts where a Model Home is permitted with development standards (“●”) or requires a Conditional Use Permit (refer to I.4.N) (“○”), the following apply:
 - a. A maximum of three (3) Model Homes are permitted per development phase.
 - b. Pedestrian and vehicular traffic associated with the Model Home shall be solely controlled by the developer.
 - c. The structure used as a Model Home shall be constructed according to the provisions of these Land Development Regulations and all other applicable regulations.
 - d. Documented nuisance complaints, such as noise, light, or traffic, could result in a revocation of the Certificate of Compliance.
 - e. Model Home may only be utilized to market homes in the development in which it is located.
 - f. Maximum hours of operation shall be nine (9) AM to one (1) hour after sunset Monday to Saturday and noon (12) to one (1) hour after sunset on Sunday.
 - g. Certificate of Compliance is required prior to utilizing a structure as a Model Home.
5. Private Gathering Facility. In the districts where a Private Gathering Facility is permitted with development standards (“●”) or requires a Conditional Use Permit (refer to I.4.N) (“○”), the following apply:
 - a. Events are permitted to occur between eight (8) AM and ten (10) PM Sunday to Thursday and until eleven (11) PM on Friday and Saturday.
 - b. On-site parking is not required if the Lot is located within six hundred sixty (660) feet, measured along public pedestrian pathways, of a Public Parking Facility.
 - c. In Residential Districts, the events are limited to no more than thirty (30) attendees, unless otherwise approved through a Conditional Use Permit process (I.4.N), and shall be tied to a Bed and Breakfast Use. Private Gathering Facilities shall not permit Sexually Oriented Businesses or events.
 - d. If a Conditional Use Permit is required, it is the Applicant’s burden to prove that granting the permit will not negatively impact the Neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, light, and area character.
6. Sidewalk Sales. In the districts where a Sidewalk Sale is permitted with development standards (“●”), the following apply:
 - a. A minimum of four (4) feet of the sidewalk shall remain available for passing pedestrians.
 - b. Sidewalk Sales are permitted for up to seven (7) days no more than twice (2) per calendar year.
- c. Merchandise shall be stored inside the building during non-business hours.
7. Temporary Seasonal Produce Sales. In the districts where Temporary Seasonal Produce Sales are permitted with development standards (“●”), the following apply:
 - a. The temporary sale is permitted for one (1) period of no more than ninety (90) consecutive days, no more than two (2) times per calendar year, with a minimum of thirty (30) days between each sale.
 - b. The site shall not include any temporary or permanent buildings other than open air tents or canopies.
 - c. Merchandise shall not be located on required parking spaces or drive aisles for required spaces.
 - d. No sight triangle obstructions are permitted.
 - e. Off-street parking shall be provided per III.6.
- Q. Accessory Structure Development Standards.

All Accessory Structures shall be developed utilizing the criteria in III.2.Q(1), unless otherwise specified. Accessory Structures designated as Permitted with development standards “●” or requires a Conditional Use Permit “○” in Table 2.O-1 Accessory Uses and Structures shall also adhere to the development standards detailed in III.2.Q(2).

 1. General Development Standards for Accessory Structures. All Accessory Structures shall meet the following development standards, unless otherwise stated in these provisions.
 - a. Height. The maximum Height is fifteen (15) feet unless otherwise provided. Refer to III.3.E Measuring Height.
 - b. Location. Accessory Structures shall be located in the Side and Rear Yards.
 - c. Setback. A minimum Setback of five (5) feet applies to all Accessory Structures, unless otherwise stated in III.3 Building Type Standards or III.2.Q(2) Specific Development Standards for Accessory Structures.
 - (1) Corner Lots. Accessory Structures are permitted in the Build-to Zone, but shall not extend closer to the Corner Side Property Line than the Principal Structure, refer to III.3 Building Type Standards for more information.
 - (2) Through Lots. The minimum Setback along the vehicular Right-of-Way, for Accessory Structures located in the Rear Yard of a Through Lot is ten (10) feet.
 - (3) Sight Triangle Obstructions. Accessory Structures shall not obstruct sight triangles required at intersections. Refer to II.8.E(3)(d) Intersection Design: Sight Triangles.
 - d. Coverage Requirements. The development of an

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Section 2 - Uses

Accessory Structure shall be counted toward the maximum Building Coverage and Site Impervious Coverage requirements of the associated Building Type (refer to III.3 Building Type Standards for more information).

e. Materials. Roof materials and building materials on Accessory Buildings shall match the Principal Building.

2. Specific Development Standards for Accessory Structures.

a. Accessory Building.

- (1) Refer to the III.3 Building Type Standards for information on locating Accessory Buildings, such as garages and sheds.
- (2) Cap Type shall be one of the permitted Cap Types for the Building Type with which the structure is being developed, refer to III.3 Building Type Standards for more information.

b. Antennae and Satellite Dish. In the districts where an Antennae and Satellite Dish are Permitted with development standards ("●"), the following apply:

(1) Stand-alone Antennas and Satellite Dishes shall be located in the Side and Rear Yards.

- (a) If these permitted locations will not allow the Antennae or Satellite Dish to fully function, it may be located in the Front or Corner Side Yards.
- (b) Property Owners shall provide evidence that the antennae or satellite dish cannot fully function in either the Side or Rear Yards to the Code Administrator prior to installation in the Front or Corner Side Yards.

(2) Antennas and Satellite Dishes may be attached to the roof and side and rear Facades of buildings as long as the dish is not larger than thirty (36) inches in diameter.

(a) If these permitted locations will not allow the Antennae or Satellite Dish to fully function, it may be located on the front or corner side Facade.

(b) Property Owners shall provide evidence that the antennae or satellite dish cannot fully function on either the side or rear Facade to the Code Administrator prior to installation on the front or corner side Facades.

c. Barn and Stable. In the districts where a Barn or Stable is permitted with development standards ("●"), the following apply:

- (1) Minimum Lot size is three (3) acres.
- (2) The maximum height of Barns and Stables is twenty-five (25) feet in the R Districts and thirty-five (35) feet in the OS Districts.
- (3) The Setback for Barns and Stables is thirty (30) feet from the Side and Rear Property Lines.

d. Deck and Patio. In the districts where a Deck or Patio is permitted with development standards ("●"), the Decks and Patios shall follow the Setbacks established for accessory structures. (refer to III.3 Building Type Standards).

e. Dog Run. In the districts where a Dog Run is permitted with development standards ("●"), the Dog Run shall be screened from view of the street through fencing or landscape buffers.

f. Drive Through. In the districts where a Drive Through is a Permitted with development standards ("●"), the following apply:

(1) The Drive Through shall be located in the Rear or Side Yard. One option is illustrated in Figure 2.Q-1. Stacking of vehicles shall not occur in the Front Yard. Refer to Figure 2.B-3 in Article I for an illustration of Yard locations.

(2) When occurring adjacent to a Residential District, the Heavy Side and Rear Buffer with a solid fence is required (refer to III.5.L).

(3) A Site Plan Review (refer to I.4.K) is required.

g. Flag Pole. In the districts where a Flag Pole is permitted with development standards ("●"), the following applies:

- (1) No more than three (3) flag poles permitted per Lot.
- (2) Maximum height of all flag poles is forty (40) feet.
- (3) Flag Poles are permitted in all Yards.

h. Kiosk. In the districts where a Kiosk is permitted with development standards ("●"), the following apply:

(1) Yards. Kiosks are permitted in all Yards.

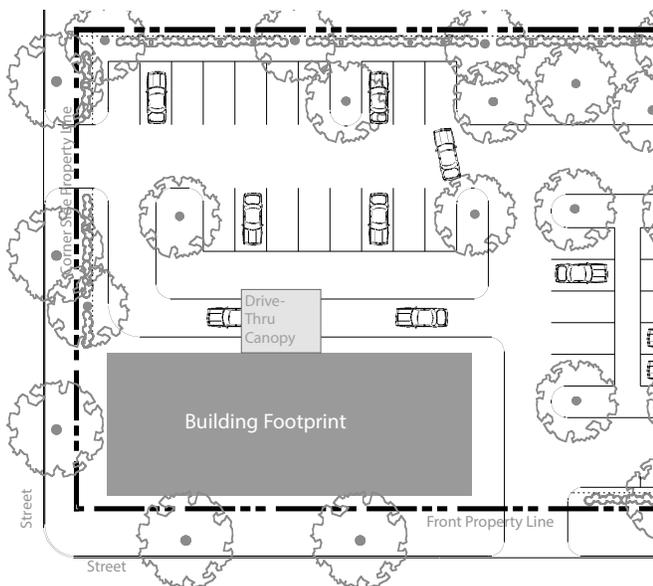


Figure 2.Q-1. Drive Through.

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- (2) Setback. A minimum Setback of five (5) feet from all Property Lines is required.
 - (3) All Open Space Type Standards shall be met (refer to III.4 Open Space Types).
 - (4) Floor Area. Maximum of five hundred (500) square feet.
 - (5) Height. Maximum of one (1) Story or fifteen (15) feet (refer to Height).
 - (6) Facade Requirements. A Kiosk shall meet the following Facade requirements:
 - (a) Front and corner Facades shall have a minimum Transparency of twenty (20) percent (refer to III.3.F).
 - (b) The kiosk shall be oriented toward the Front or Corner Property Line. The primary sales windows or Principal Entrance shall be located on the front or corner Facade.
 - (7) Cap Type. Pitched Roof or Low Pitched Roof Cap Type are permitted (refer to III.3.D)
 - (8) Permanent Structure. No wheels, hitch or chassis shall be located on a kiosk.
 - (9) Materials. Permitted materials include durable, natural materials, such as stone, brick, stucco, metal, concrete, and painted or stained wood.
 - (10) A Site Plan Review (refer to I.4.K) is required.
- i. Maintenance Shed. In the districts where a Maintenance Shed is permitted with development standards ("☐"), the following apply:
- (1) Maintenance Sheds are permitted in any Yard.
 - (2) A Setback of ten (10) feet from all Property Lines is required.
 - (3) All Open Space Type Standards shall be met (refer to III.4 Open Space Types).
- j. Outdoor Storage. In the districts where Outdoor Storage is permitted with development standards ("☐"), the following apply:
- (1) Outdoor Storage shall be located in a Side or Rear Yard only, and connected to or directly adjacent to building.
 - (2) Outdoor Storage shall not be located in the parking Lot.
 - (3) Outdoor Storage shall be limited to less than ten (10) percent of the Side Yard area.
 - (4) Loose materials shall not be stacked higher than six (6) feet.
 - (5) Loose materials shall at a minimum be stored in a three (3) sided shelter and shall be covered.
 - (6) All Outdoor Storage areas shall be screened from view of adjacent Parcels and vehicular Rights-of-Way using the Heavy Side or Rear Buffer, refer to III.5.L Side and Rear Buffer.
 - (7) Refer to the National Pollutant Discharge Elimination System (NPDES) for additional limitations on outdoor storage of materials.
 - (8) A Site Plan Review (refer to I.4.K) is required.
- k. Outdoor Vending Machine. In the districts where an Outdoor Vending Machine is permitted with development standards ("☐"), all of the following apply:
- (1) Outdoor vending machines are permitted on the following buildings:
 - (a) Single occupant buildings with more than ten thousand (10,000) square feet of Gross Floor Area.
 - (b) Individual tenants in a multi-tenant building that each have at least one hundred (100) feet of store front and ten thousand (10,000) square feet of Gross Floor Area.
 - (2) Outdoor vending machines shall be flush against the Facade of the Principal Structure.
 - (3) Outdoor vending machines shall be placed on an Impervious Surface such as concrete or asphalt.
 - (4) The linear width of all outdoor vending machines for a single occupant building or tenant within a multi-tenant building shall not exceed ten (10) percent of the total Façade width of the single occupant building or tenant space for multi-tenant buildings.
 - (5) No vending machine shall be placed in a location so as to impede pedestrian access, block parking areas, or create an unsafe condition. Businesses shall maintain at least four (4) feet of clear pedestrian access at all times.
 - (6) Outdoor vending machines shall not be placed in direct view of directly adjacent residential structures.
 - (7) The property on which the vending machine is located shall remain in compliance with the Americans with Disabilities Act (ADA) standards at all times
- l. Roadside Stand. In the districts where a Roadside Stand is permitted with development standards ("☐"), the following apply:
- (1) Roadside stands are permitted to occur in the Front and Corner Side Yards.
 - (2) If located in the Front or Corner Side Yards, Roadside Stand shall be set back a minimum of five (5) feet from the Property Lines .
 - (3) Roadside stands are limited to the seasonal sale of Agriculture products or by-products. Products shall be produced or grown on-site or sites within a one (1) mile vicinity of the stand.
- m. Sidewalk Cafe. In the districts where a Sidewalk Cafe is permitted with development standards ("☐") and when located within the Right-of-Way, a minimum of four (4) feet of sidewalk shall remain available and obstacle-free for passing pedestrians. The Sidewalk Cafe shall not extend past the

III. Zoning Regulations

Section 2 - Uses

sidewalk edge closest to the street.

- n. Solar Panels. In the districts where Solar Panels are permitted with development standards ("●"), the following apply:
- (1) General Requirements. The following apply to Roof, Building, or Ground Mounted Panels.
 - (a) Solar panels shall be located so that the glare from the solar panels is not directed at any other person's building, or at any public street, public Right-of-Way, or sidewalk.
 - (b) Solar panels, their necessary support structure, and conduit, shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance of the solar energy system as compared to a more visible location. Significantly decrease energy performance is defined as decreasing the expected annual energy production by more than 10 percent.
 - (c) The primary purpose of the solar panel shall be to generate power for use on the property on which the panel is located and not for transmission off-site.
 - (2) Roof or Building Mounted. Panels attached to a structure shall adhere to the following.
 - (a) Panels mounted at the same angle of the roof or flush on the building Facade are permitted on any roof or building face.
 - (b) Panels projecting off the roof at a different angle shall be limited to rear or side facing roofs, unless solar access is limited in any of these locations.
 - (c) Panels shall not extend above the peak of the roof it is mounted on.
 - (d) The total area of roof-mounted panels shall not exceed two hundred and fifty (250) square feet or twenty five (25) percent of the roof plane on which the panels are mounted, whichever is less.
 - (3) Ground Mounted. Ground mounted panels are permitted in any yard in the A: Agriculture district. Light or Heavy Buffer, seven (7) feet minimum width, is required to screen the panels from any street view; refer to III.5.L.
- o. Swimming Pool. In the districts where a Swimming Pool is permitted with development standards ("●"), the following apply:
- (1) Swimming Pools shall be located in the Rear Yard, setback from the Rear Property Line a minimum of ten (10) feet, Side Property Lines a minimum of five (5) feet, and shall not extend into the Corner Side Yard.
 - (2) Installation shall be specified by the Southern Standard Building Code as amended by Memphis and Shelby County governments, except that fabricated pool covers shall not be substitutes for required fencing.
- p. Temporary Building. In the districts where a Temporary Building is permitted with development standards ("●"), the following apply:
- (1) For single Family developments, Temporary Buildings are permitted for no longer than twelve (12) months and with a valid building permit. Temporary Buildings shall be removed prior to closure of the building permit.
 - (2) For all non-single Family developments, Temporary Buildings are permitted with a valid building permit. Temporary Buildings shall be removed prior to closure of the building permit.
 - (3) Two (2) Temporary Buildings are permitted per development project and shall only contain administrative offices and/or sales center or be utilized for the storage of construction material and equipment in connection with development.
 - (4) An administrative office and/or sales center are permitted within a Temporary Building only until a Model Home or unit is completed, at which time the office and/or sales center shall be located within the Model Home.
- q. Temporary Storage Container. In the districts where a Temporary Storage Container is permitted with development standards ("●"), the following applies:
- (1) The container's size is limited to no greater than eight hundred twenty-five (825) cubic feet or covering an area no greater than one hundred eighty (180) square feet of area.
 - (2) Only one (1) storage container is permitted per Lot at a time.
 - (3) Unless being used in conjunction with a valid building permit, the container may be located on a Lot for no more than seven (7) consecutive days, no more than twice (2) in a calendar year.
- r. Wind Turbine. In the districts where a Wind Turbine is permitted with development standards ("●"), the following apply:
- (1) General Requirements.
 - (a) All wind turbines are limited to a rated capacity of not more than 100 kW and shall be intended to primarily reduce on-site consumption of utility power.
 - (b) Noise. Energy systems shall not exceed sixty (60) dBA, as measured at the closest neighboring inhabited dwelling. This level, however, may be exceeded during short-term events such as utility outages and/or

- severe wind storms to a maximum of ten (10) dBA above ambient noise levels.
- (c) No more than one (1) wind turbine is permitted per Lot.
 - (d) No illumination of the wind turbine is permitted.
 - (e) Towers and blades shall be painted white, gray, or another non-reflective, unobtrusive color.
 - (f) All ground equipment, if any, shall be screened from adjacent properties Lots and public Rights-of-Way.
- (2) Roof Mounted. Roof mounted systems shall adhere to the following.
- (a) System may be attached along the roofline at the rear or side Facade.
 - (b) System shall not extend more than twenty (20) feet above the roof or building on to which they are attached.
- (3) Freestanding. Freestanding systems shall adhere to the following.
- (a) Location. Freestanding systems are permitted in all Yards, except the Front Yard.
 - (b) Height. Maximum height of all parts shall be sixty (60) feet above grade, or one hundred (100) feet above grade if located on more than five (5) acres.
 - (c) Setback. All parts of a freestanding system (tower, blade, etc) shall be setback from the Property Line a minimum distance equal to the height of the tower.

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3. Building Type Standards

- A. General Requirements.
- B. Building Type Descriptions.
- C. Base Types.
- D. Cap Types.
- E. Measuring Height.
- F. Measuring Transparency.
- G. Measuring Coverage.
- H. Mixed Use Building.
- I. Commercial Building.
- J. Cottage Commercial Building.
- K. Corridor Building.
- L. Warehouse Building.
- M. Civic Building.
- N. Agriculture.
- O. Exurban.
- P. Suburban Estate.
- Q. Suburban Manor.
- R. Suburban Cottage.
- S. Urban Estate.
- T. Urban Manor.
- U. Attached House.
- V. Multifamily Building.

III. Zoning Regulations

Section 3 - Building Type Standards

- A. General Requirements.
1. Intent. The Building Types detailed in this Section outline the desired building forms for new construction and renovated structures within the City.
 2. Applicability. The Building Type standards shall be applied to all new construction and renovation of existing structures, except as exempted in I.1 Administration: General Provisions. Refer to I.8 Nonconformances for information on the continuation of nonconforming structures.
 3. General Requirements. All Building Types shall meet the following requirements.
 - a. Zoning Districts. Each Building Type shall only be constructed within its designated districts. Table 3.A-1 Permitted Building Types in Each Zoning District outlines which Building Types are permitted in which Zoning Districts. Refer to III.1 Zoning Districts for more information.
 - b. Uses. Each Building Type may house a variety of Uses depending on the district in which it is located. Refer to III.2 Uses for more information.
 - c. Site Plan Review Required. Development of any Building Type(s) shall be considered for approval, approval with conditions, disapproval, or other applicable action by the City. Refer to I.4.J-K for more information.
 - d. Additional Regulations.
 - (1) Parking, Loading, & Access Standards. Refer to III.6.
 - (2) Landscape Standards. Refer to III.5.
 - e. One Principal Building is permitted per Lot, unless otherwise defined in the Building Type standards.
 - f. Permanent Structures. All buildings shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless specifically permitted in these Land Development Regulations. For permitted temporary structures, refer to III.2.N.
 - g. Accessory Structures. Refer to III.2.N and III.2.Q.
 - h. Alleys may provide for the location of and access to underground utilities, and access to refuse collection containers and driveways.
 - i. Non-residential entrances from alleys for interior off-street parking lots shall not be placed within 20 feet of an intersection with a public street. The applicant shall provide an analysis indicating the impacts of interior parking lots situated on an alley at the adjacent street intersections. Additional road and/or alley improvements may be required at and near intersections.

		Zoning Districts																									
		Neighborhood Commercial	Community Commercial	Regional Commercial	Neighborhood Office	Office	Institutional	Exurban	Suburban Estate	Suburban Manor	Suburban Cottage	Urban Estate	Urban Manor	Attached	Multi-Family	Neighborhood Civic Space	Neighborhood Open Space	General Open Space	Outdoor Recreation	Conservation	Agriculture	Light Manufacturing	General Manufacturing	Infrastructure			
		NC	C1	C2	NO	O	P	RE	R1	R2	R3	R4	R5	R6	R7	OS1	OS2	OS3	OS4	OS5	A	M1	M2	M3			
Non-Residential Building Types	Mixed Use Building	●	●	●																							
	Commercial Building		●	●																							
	Cottage Commercial	●	●	●	●	●																					
	Corridor Building			●	●	●	●																●	●			
	Warehouse Building																						●	●	●		
Residential Building Types	Civic Building	●	●	●	●	●	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●	●	●		
	Multifamily														●												
	Attached House													●													
	Urban Manor												●														
	Urban Estate											●															
	Suburban Cottage											●															
	Suburban Manor										●																
	Suburban Estate									●																	
	Exurban							●																			
	Agriculture																					●					

Table 3.A-1. Permitted Building Types in Each Zoning District Table.

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Section 3 - Building Type Standards

4. Residential Front and Corner Side Setback Averaging. Through the Minor Site Plan or Site Plan Review process (refer to 1.4-J or K), a reduced front and corner side Setback may be approved for any single family Building Type in an existing Subdivision or one approved prior to the date of these Land Development Regulations. The reduced Setback shall be based upon an average of the Principal Building front and/or corner side Setbacks of all existing Lots on the Block Face of the Lot in question.
5. Building Materials. The following requirements are applicable to all Facades visible from any public Right-of-Way on both Principal and Accessory Buildings of all buildings, unless otherwise noted.
 - a. General Requirements. The following are applicable to all buildings.
 - (1) All Facades shall be constructed of a durable, natural material, such as stone, or brick; false materials intended to look like natural materials are prohibited, unless otherwise stated.
 - (2) Cast Stone Concrete is permitted on details and as an accent material.
 - (3) Stucco, metal, and exterior insulation and finishing systems (EIFS) shall be used only as an accent material, constituting no more than twenty-five (25) percent of each Facade.
 - (4) Concrete masonry units (CMU), bricks greater than three (3) inches in height, untreated wood, and exterior insulation and finishing systems (EIFS) are not permitted, unless otherwise stated. Decorative CMU may be used as an accent material up to 25% of a facade if approved by the MPC with a recommendation from the DRC.
 - (5) When utilized, shutters shall be appropriately sized to cover the respective opening.
 - (6) For all Building Types except single family, other materials may be reviewed by the DRC and approved by the MPC during the Site Plan review process (I.4.K) with the following considerations:
 - (a) Alternate materials shall be comparable in quality, durability, and appearance to those listed.
 - (b) Alternate materials shall not be inconsistent with materials on adjacent or nearby buildings.
 - (c) Examples of existing buildings utilizing the alternate materials in the same way shall be provided with photographs and addresses, or renderings.
 - b. Non-Residential Building Materials. In addition to III.3.A(5)(a) Building Materials: General Requirements, the following applies to the Mixed Use, Commercial, Cottage Commercial, Corridor, Warehouse, and Civic Building Types. (Refer to III.3.H through III.3.M).
 - (1) Treated, painted, or stained wood and Fiber Cement Board siding is permitted on Upper Story Facades on the Mixed Use Building only.
 - (2) Facade colors shall be from a Historic Paint Palette; more intense colors may be utilized on accent areas.
 - (3) On the Warehouse Building, pre-cast concrete panels are permitted, subject to the Building Variety requirements. (refer to III.3.L(3)(i)).
 - c. Single Family Building Materials. In addition to III.3.A(5)(a) Building Materials: General Requirements, the following applies to the Agriculture, Exurban, Suburban Estate, Suburban Manor, Suburban Cottage, Urban Estate, and Urban Manor Building Types. (Refer to III.3.N through III.3.T).
 - (1) In addition to the materials listed in III.3.A(5)(a)(1) Building Materials: General Requirements, treated, painted, or stained wood and Fiber Cement Board are permitted as Facade materials.
 - (2) Except for the Agriculture Building (refer to Section 3.N), garage doors visible from the street shall match the color palette of the Principal Building and shall be of an upgraded design, such as the carriage house style.
 - d. Attached House Building Materials. In addition to III.3.A(5)(a) Building Materials: General Requirements, the following applies to the Attached House Building Type. (Refer to III.3.U).
 - (1) In addition to the materials listed in III.3.A(5)(a)(1) Building Materials: General Requirements, Fiber Cement Board is permitted as a Facade material.
 - (2) Treated, painted, or stained wood and stucco shall be limited to upper floors and no more than thirty (30) percent of the Facade.
 - e. Multifamily Building Materials. In addition to III.3.A(5)(a) Building Materials: General Requirements, the following applies to the Multifamily Building Type. (Refer to III.3.V).
 - (1) In addition to the materials listed in III.3.A(5)(a)(1) Building Materials: General Requirements, treated, painted, or stained wood and Fiber Cement Board are permitted as Facade materials.
 - (2) Metal and exterior insulation and finishing systems (EIFS) shall be used only as an accent material.

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B. Building Type Descriptions.

The following generally describes the permitted Building Types detailed in this Section and is illustrative only. The regulations associated with each Building Type are outlined beginning with III.3.H and supercede any text or graphic in Section III.3.B.

1. Mixed Use Building.

The Mixed Use Building is designed to contain Uses from a variety of Use categories, including residential, retail, service, and office. Typically the residential or office Uses are located on Upper Stories with retail or service Uses on the Ground Story. It can range in height between one (1) and three (3) stories. Parking is permitted internally or in the rear of the Lot and is typically accessed from an Alley.

Constructed within a small Build-to Zone near the Front and Corner Side Property Lines; this building has a highly transparent Ground Story Facade. The primary entrance is also located on the Front Facade. This makes it ideal for a pedestrian-oriented environment.

For details, refer to Table 3.B-1 and III.3.H.

2. Commercial Building.

Though it can contain a mix of Uses, this Building Type typically houses a single category of Uses, such as retail or service. It can range in height between one (1) and two (2) stories. Unlike the Mixed Use or Cottage Commercial Buildings, parking is permitted not only in the Rear Yard, but also the Side Yard.

This building is set back from the Front and Corner Side Property Lines, creating a greater area of landscaping than the Mixed Use Building. An entrance on the Front Facade with a clear pathway to the sidewalk and secondary entrances off the parking areas allow for access by both pedestrians and those traveling by vehicles.

For details, refer to Table 3.B-1 and III.3.I.

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3. Cottage Commercial Building.

Similar to the Mixed Use Building, but with many physical characteristics of the residential Cottage, the Cottage Commercial Building can be developed as a transition between commercial and residential areas or on its own to serve adjacent residential areas. It is designed to contain a mix of commercial, office, and residential Uses, like the Mixed Use Building, but its pitched roof and location on the Lot more resembles the Cottage. It can range in height between one (1) and two (2) stories. Parking is permitted in the Rear Yard and is typically accessed from an Alley.

Constructed with Setbacks similar to a residential Cottage, this building has more green space than the Mixed Use Building. A shopfront Facade provides this building with a moderately transparent Ground Story. The primary entrance is also located on the Front Facade. It is ideal for pedestrian oriented areas, transitions between commercial and residential, and neighborhood commercial Nodes.

For details, refer to Table 3.B-1 and III.3.J.



4. Corridor Building.

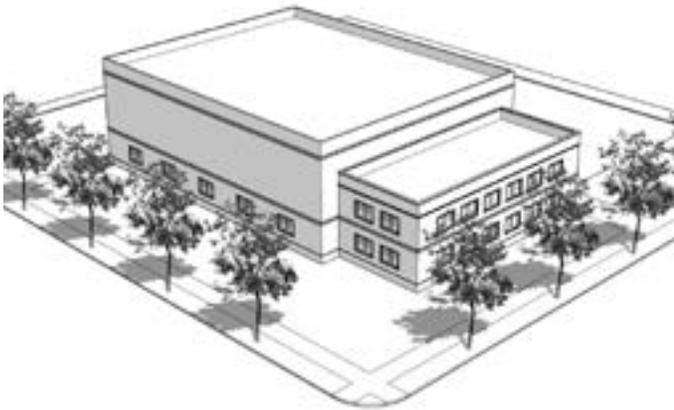
This building can house a single category of Uses, such as office, or a mix of Uses. The Corridor Building can range in height between one (1) and five (5) stories. This building has a variety of configurations possible, including the inclusion of a private Courtyard. Parking is permitted in the Side and Rear Yards and will be accessed from either a driveway or an Alley.

Constructed within a Build-to Zone similar to the Commercial Building, landscaped Yards surround it. Multiple Base and Cap Types are permitted, providing a variety of options, depending on the intent of the building.

For details, refer to Table 3.B-1 and III.3.K.

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5. Warehouse Building.

The Warehouse Building is designed to house industrial Uses; it has two possible configurations, one a simple warehouse building and the other a warehouse with a front administration/office building. It can range in height between one (1) and three (3) stories. Parking may be located in the rear or side Yard with access from driveways. Loading facilities are permitted on the rear or side Facade, accessed from internal drives.

This building is set back from all Property Lines, creating a green or landscaped perimeter around it. Entrances are located on either the administration/office building and/or in the rear or side of the primary building adjacent to the parking areas.

For details, refer to Table 3.B-1 and III.3.L.



6. Civic Building.

The Civic Building is a unique and flexible Building Type designed to house civic and institutional Uses, such as school or assembly Uses, and open space and recreational Uses. It ranges in height between one (1) and two (2) stories, but may also include a Tower and a Spire.

This building is set back from all Property Lines, with parking in the Side and Rear Yards. The Civic Building has a lower minimum level of Transparency required than many Building Types, but the primary entrance shall be located on the front or corner Facades.

For details, refer to Table 3.B-1 and III.3.M.

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7. Agriculture.

The Agriculture Building Type allows for flexible residential development associated with farming and Agriculture related businesses. Like the Exurban, the Agricultural Building Type is set back from all Property Lines.

For details, refer to Table 3.B-2 and III.3.N.



8. Exurban.

Exurban Buildings allow for the development of a large single family residence; greater in Scale than the urban and suburban Building Types. The Exurban Building can range in height between one (1) and three (3) stories. Parking is permitted in the Rear Yard and attached garages are permitted with some conditions; parking is accessed from a driveway to the street.

Exurban Buildings have very large Setbacks, setting the structure on the Lot away from the street or adjacent Lots and structures. It is characterized by the appearance of large, landscaped Yards. This Building Type can have a porch or stoop Base Type; a pitched roof or a parapet are both appropriate Cap Types.

For details, refer to Table 3.B-2 and III.3.O.

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9. Suburban Estate.

Suburban Estate is the largest of the suburban residential Building Types. The Suburban Estate ranges in height between two (2) and three (3) stories. Parking is permitted in the Rear Yard and attached garages are permitted with some conditions. Parking may be accessed from an Alley or a driveway to the street.

This Building Type is set back from the Front and Corner Side Property Lines to allow for large landscaped Yards. This Building Type can have a porch or stoop Base Type; a pitched roof or a parapet are both appropriate Cap Types.

For details, refer to Table 3.B-2 and III.3.P.



10. Suburban Manor.

Suburban Manors are larger in both structure and Lot size than the Suburban Cottage. The Suburban Manor ranges in height between one and a half (1 1/2) and two and a half (2 1/2) stories. Parking is permitted in the Rear Yard and attached garages are permitted with some conditions. Parking may be accessed from an Alley or a driveway to the street.

This Building Type is set back from the Front and Corner Side Property Lines to allow for large landscaped Yards. This Building Type can have a porch or stoop Base Type; a pitched roof or a parapet are both appropriate Cap Types.

For details, refer to Table 3.B-2 and III.3.Q.

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11. Suburban Cottage.

Suburban Cottages are the smallest of the suburban single family residential Building Types, which parallel the urban residential Building Types, but on a different Scale. The Suburban Cottage ranges in height between one (1) and one and a half (1 1/2) stories. Parking is permitted in the Rear Yard and attached garages are permitted with some conditions. Parking may be accessed from an Alley or a driveway to the street.

Suburban Cottages are set back from the Front and Corner Side Property Lines to allow for more green space around its perimeter. This Building Type can have a porch or stoop Base Type and are typically developed with a pitched roof.

For details, refer to Table 3.B-2 and III.3.R.



12. Urban Estate.

Urban Estates are the largest of the three (3) urban single family Building Types. The Urban Estate can range in height between two (2) and three (3) stories. Like the other urban Building Types, its parking is also permitted in the Rear Yard and is accessed from an Alley.

The Build-to Zone of the Urban Estate is set back from the Property Lines, creating a landscaped Front, Corner Side, and Side Yards. This Building Type can have a porch or stoop Base Type; a pitched roof or a parapet are both appropriate Cap Types.

For details, refer to Table 3.B-2 and III.3.S.

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13. Urban Manor.

Urban Manors are constructed on a smallest permitted Lot. The Urban Manor can range in height between one and a half (1 1/2) and two and a half (2 1/2) stories. Like the Urban Estate, parking is permitted in the Rear Yard and is accessed from an Alley.

The Build-to Zone on the Urban Manor is slightly shallower than that of the Urban Estate allowing for an option of additional green space in the Front and Corner Side Yards. The Urban Manor can have a porch or stoop Base Type and is typically developed with a pitched roof.

For details, refer to Table 3.B-2 and III.3.T.

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14. Attached House.

Attached Houses range in height between one (1) and three (3) stories. The Building Type is clustered into groupings of between two (2) and six (6) units and are commonly referred to as attached single family houses. Parking is permitted in the Rear Yard or may be internal to the building; it is accessed from an Alley or a shared driveway.

Attached Houses are designed to allow both a small, landscaped Front and Corner Side Yards. Like the other residential Building Types, both a porch or a stoop are permitted. An Attached House can have either a pitched roof or a parapet Cap Type.

For details, refer to Table 3.B-2 and III.3.U.



15. Multifamily Building.

This building is designed to house multiple residential units. It can range in height between one (1) and four (4) stories. Like the Corridor Building, the Multifamily Building has a variety of configurations possible, including the option of a private Courtyard on the buildings' front or corner side Facade. Parking is permitted in the Rear and Side Yards and will be accessed from either a driveway to the street or an Alley.

Constructed within a Build-to Zone set back from the Property Lines, landscaped Yards surround this building. Multiple Base and Cap Types are permitted, providing a variety of Facade options.

For details, refer to Table 3.B-2 and III.3.V.

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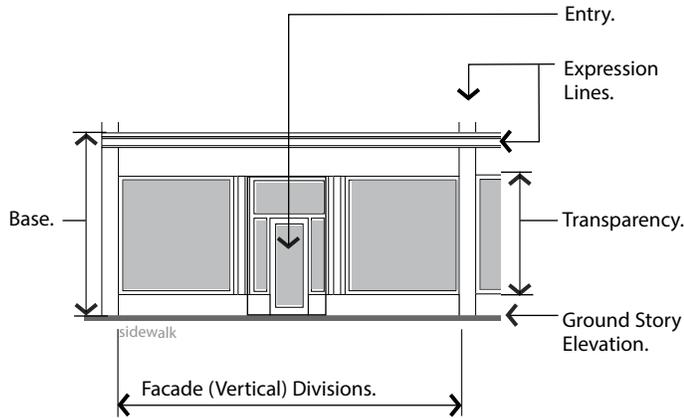


Figure 3.C-1. Storefront Base Type.

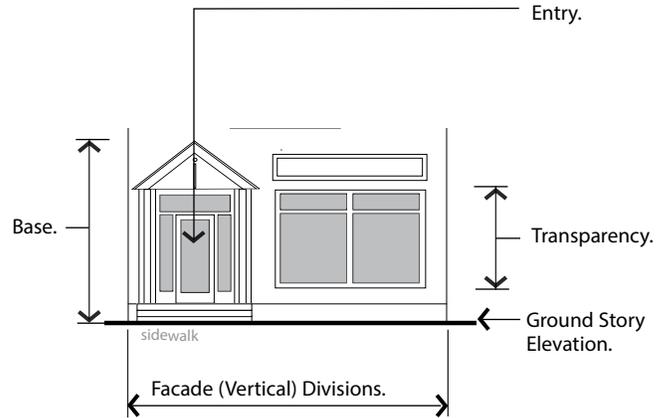


Figure 3.C-2. Shopfront Base Type.

C. Base Types.

Base Type standards apply to Ground Story and Visible Basement Facades of all Building Types detailed in this Section.

1. General Provisions. The following provisions apply to all Base Types.
 - a. Intent. To guide the design of the Ground Story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building's Facades is detailed in each Building Type standard (refer to III.3.H-V).
 - b. Applicability. The entire Ground Story front Facade of all buildings shall meet the requirements of at least one (1) of the permitted Base Types, unless otherwise stated.
 - c. Measuring Transparency. Refer to III.3.F for information on measuring building Transparency.
 - d. Visible Basements. Visible Basements, permitted by Base Type, are optional.
2. Storefront Base Type. (Refer to Figure 3.C-1). The storefront Base Type is a highly transparent Ground Story treatment designed to serve as the display area and primary entrance for retail or service Uses.
 - a. Transparency. A minimum of seventy-five (75) percent of the front Facade between two (2) and eight (8) feet above the sidewalk.
 - b. Elevation. Storefront elevation shall be between zero (0) and one (1) foot above sidewalk.
 - c. Visible Basement. A Visible Basement is not permitted.
 - d. Facade Divisions. Expression Lines shall divide the Facade into segments.
 - (1) Vertically divide base Facade into segments no greater than thirty (30) feet in width.
 - (2) Horizontally define the base Facade from the Upper Stories.
 - e. Entrance. All entries shall be recessed.
 - (1) Recess shall be a minimum of three (3) feet and a maximum of eight (8) feet deep.
 - (2) Recess shall be no wider than eight (8) feet.
3. Shopfront Base Type. (Refer to Figure 3.C-2). The shopfront Base Type treatment is less transparent than the storefront, while still allowing views in and out of the interior space. This Base Type is combined with a porch or stoop for the entrance.
 - a. Transparency. A minimum of fifty (50) percent of the front Facade between three (3) and nine (9) feet above the sidewalk.
 - b. Elevation. Ground Story elevation shall be between zero (0) and three (3) feet above sidewalk, with or without optional Visible Basement.
 - c. Visible Basement. A Visible Basement is permitted.
 - d. Vertical Facade Divisions. For buildings wider than fifty (50) feet, divide base Facade into segments

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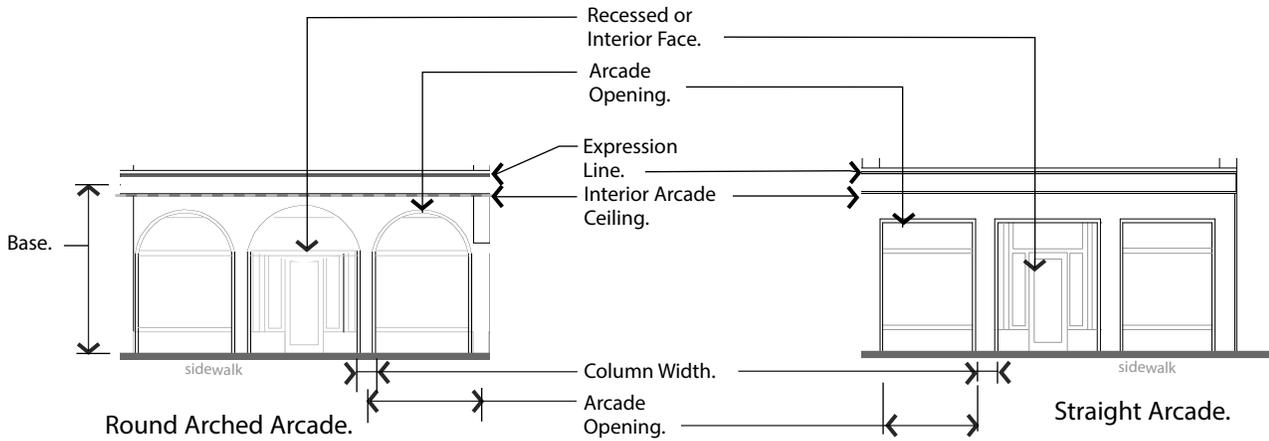


Figure 3.C-3. Arcade Base Type.

- no greater than thirty (30) feet in width with an Expression Line.
- e. Entrance. Porch, enclosed porch, or stoop entrance required.
4. Arcade Base Type. (Refer to Figure 3.C-3). An arcade Base Type is a covered pedestrian walkway within the recess of a Ground Story Facade.
- Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight (8) and a maximum of fifteen (15) feet.
 - Recessed or Interior Facade. Storefront or shopfront Base Types are required on the recessed Ground Story Facade.
 - Column Spacing. Columns shall be spaced at no less than ten (10) feet and twelve (12) feet on center.
 - Column Width. Columns shall be a minimum of 1'-8" and a maximum 2'-4" in width.
 - Arcade Opening. Opening shall be arched or straight and shall not be flush with interior arcade ceiling.
 - Horizontal Facade Division. Horizontally define the base Facade from the Upper Stories.
 - Visible Basement. A Visible Basement is not permitted.
5. Stoop Base Type. (Refer to Figure 3.C-4). A stoop is an unroofed, open platform, typically raised.
- Transparency.
 - A minimum of twenty (20) percent of the entire Ground Story and Visible Basement Facade.
 - No rectangular area greater than thirty (30) percent of the Ground Story Facade shall be blank, without Transparency.
 - Residential Building Types do not have separate ground and Upper Story Transparency levels. (refer to III.3.N through V).
 - Stoop Size. Stoops shall be a minimum of three (3) feet deep and four (4) feet wide.
 - Elevation. Ground Story elevation shall be located a maximum of 2'-6" above the sidewalk without Visible Basement and a maximum of 4'-6" above the sidewalk with a Visible Basement.
 - Visible Basement. A Visible Basement is permitted.
 - Facade Divisions. Expression Lines shall divide the Facade into segments, except on single family and attached Residential Building Types (refer to III.3.N through V).
 - Vertically divide the base Facade into segments no greater than sixty (60) feet in width.
 - Horizontally define the base Facade from Upper Stories.
 - Entrance. All entries shall be located off the stoop.
6. Porch Base Type. (Refer to Figure 3.C-5). A porch is a raised, roofed platform that may or may not be enclosed on all sides.
- Transparency.
 - A minimum of twenty (20) percent of the entire Ground Story and Visible Basement Facade.

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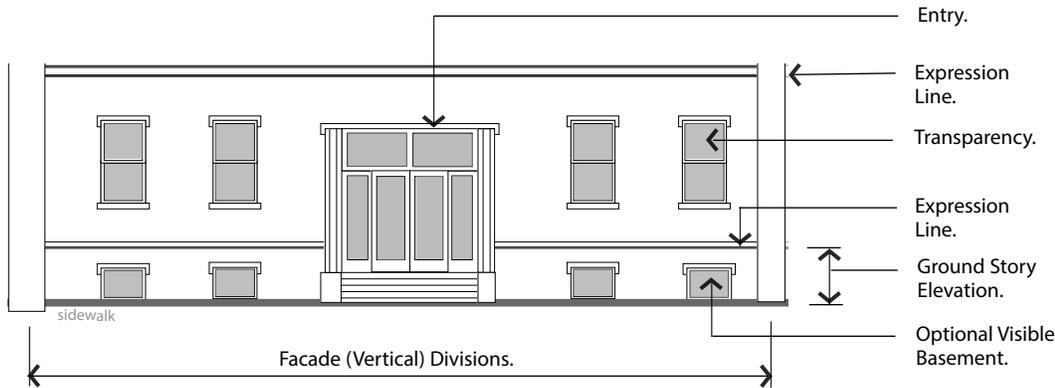


Figure 3.C-4. Stoop Base Type.

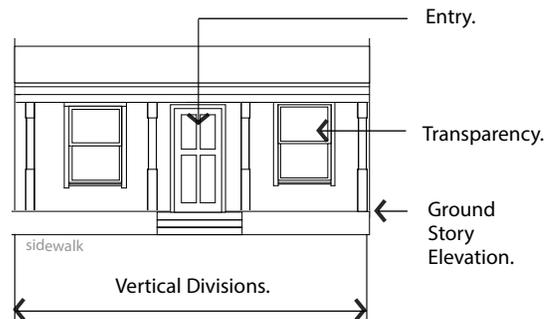


Figure 3.C-5. Porch Base Type.

- (2) No rectangular area greater than thirty (30) percent of the Base may be blank, without Transparency.
- (3) Residential Building Types do not have separate ground and Upper Story Transparency levels. (refer to III.3.N through V).
- (4) If enclosed, the Transparency of the porch shall be a minimum of forty (40) percent.
- b. Porch Size. The porch shall be a minimum of (5) feet deep and (8) feet wide.
- c. Elevation. Ground Story elevation shall be located a maximum of 2'-6" above the sidewalk without a Visible Basement and a maximum of 4'-6" above the sidewalk with a Visible Basement.
- d. Visible Basement. A Visible Basement is permitted.
- e. Facade Divisions. Expression Lines shall divide Facades into segments, except on single family Residential Building Types (refer to III.3.N through W).
 - (1) Vertically divided base Facade into segments no greater than sixty (60) feet in width.
 - (2) Horizontally define the base Facade from Upper Stories.
- f. Height. Porch may be two (2) stories to provide a Balcony on the second floor.
- f. Entrance. All front entries shall be located off a porch.

D. Cap Types.

Cap Type standards apply to cap of all Building Types detailed in this Section.

1. General Provisions. The following provisions apply to all Cap Types.
 - a. Intent. To guide the design of the cap of all buildings.
 - b. Applicability. All buildings shall meet the requirements of one of the Cap Types permitted for the Building Type.
 - c. Measuring Height. Refer to III.3.E for information on measuring building height.
 - d. Other Cap Types. Other building caps not listed as a specific type may be requested with the following requirements:
 - (1) The height shall not exceed any of the Cap Types permitted for the Building Type.
 - (2) The cap would not be disruptive to the surrounding area.
 - (3) The design of the cap shall be reviewed by the DRC and considered for approval, approval with conditions, disapproval, or other applicable action by the MPC during Site Plan Review.
2. Parapet Cap Type. (Refer to Figure 3.D-1). A parapet is low wall projecting above a building's roof along the perimeter of the building. It maybe utilized with a flat or pitched roof and can serve to hide roof-top

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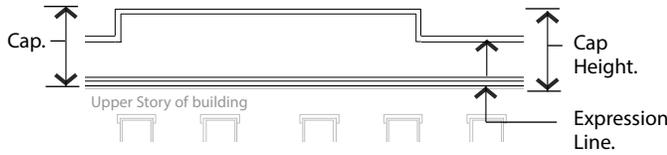
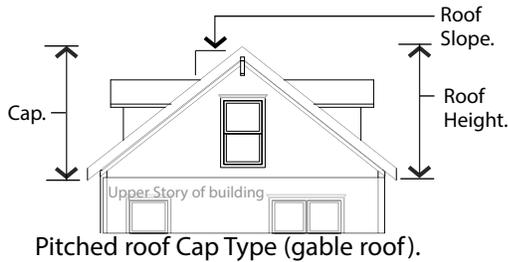
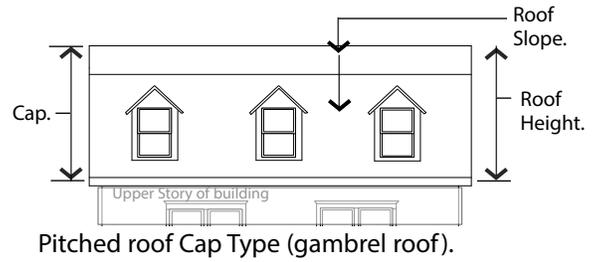


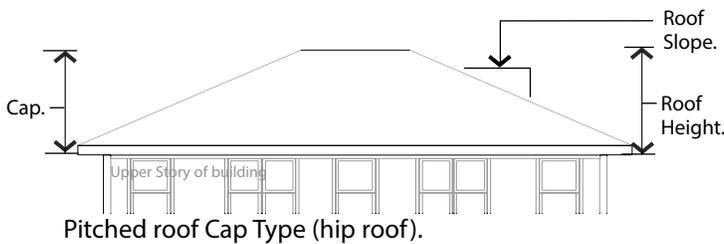
Figure 3.D-1. Parapet Cap Type.



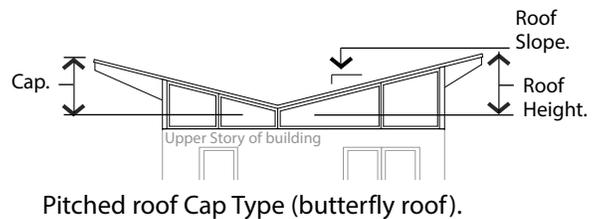
Pitched roof Cap Type (gable roof).



Pitched roof Cap Type (gambrel roof).



Pitched roof Cap Type (hip roof).



Pitched roof Cap Type (butterfly roof).

Figure 3.D-2. Pitched Roof Cap Type.

mechanicals from view of the street.

- a. Parapet Height. Height is measured from the top of the Upper Story to the top of the parapet.
 - (1) Minimum height is two (2) feet with a maximum height of six (6) feet.
 - (2) Cap shall be high enough to screen the roof and any roof appurtenances from view of the street(s) and any adjacent building of similar height.
 - b. Horizontal Expression Lines. An Expression Line shall define the cap from the Upper Stories of the building and also the top of the cap.
 - c. Occupied Space. Occupied space shall not be incorporated behind this Cap Type.
3. Pitched Roof Cap Type. (Refer to Figure 3.D-2). This Cap Type has a sloped or pitched roof. The pitch or slope is measured with the vertical rise divided by the horizontal span or run.
 - a. Pitch Measure. The roof shall not be sloped less than six to twelve (6:12) or more than sixteen to twelve (16:12).
 - (1) Slopes less than six to twelve (6:12) are permitted to occur on minor roofs, such as those over a bay or tower.
 - b. Roof Types.
 - (1) Hipped, gabled, and combination of hips and gables with or without dormers are acceptable.
 - (2) Gambrel and mansard roofs are acceptable.
 4. Towers. (Refer to Figure 3.D-3). A tower is a rectilinear, vertical element, that shall be used with other Cap Types.
 - a. Quantity. One (1) tower is permitted per building. Refer to III.3 for Building Types permitting towers.
 - b. Tower Height. Maximum height, measured from the top of the parapet or Eave to the top of the tower, is the equivalent of the height of one (1) Upper Story of the building to which the tower is applied.
 - c. Tower Width. Maximum width along all Facades

When the ridge runs parallel to the street, a minimum of one (1) dormer per fifteen (15) feet of Street Face is required.

(3) Butterfly roofs (inverted gable roof) are acceptable with a maximum slope of 6:12.

c. Roof Height. Roof height shall not be greater than the total of all floors below the roof. For single story sections of the building, roof height shall not exceed one and half (1.5) times the floor below the roof.

d. Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the Front Property Line.

e. Occupied Space. Occupied space may be incorporated within this Cap Type.

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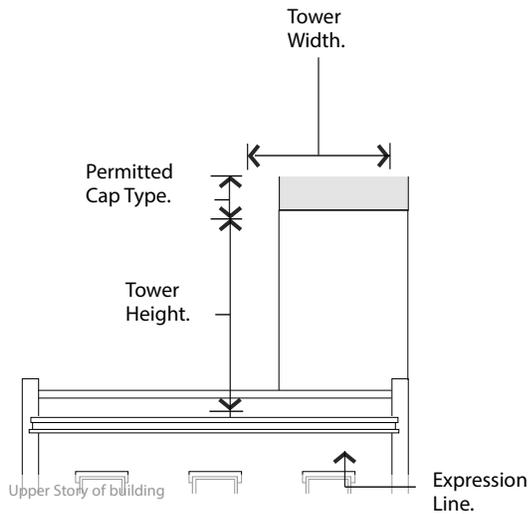


Figure 3.D-3. Tower Requirements.

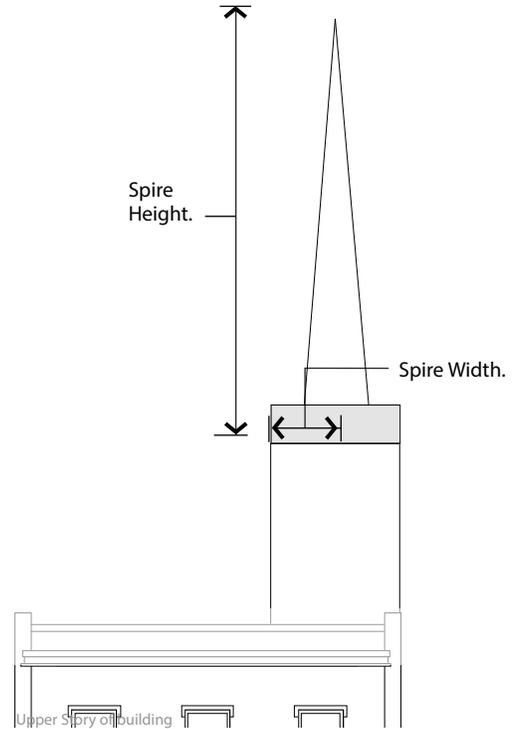


Figure 3.D-4. Spire Requirements.

is one-third (1/3) the width of the front Facade or thirty (30) feet, whichever is less.

- d. Horizontal Expression Lines. An Expression Line shall define the tower from the Upper Stories, except on single family and attached Residential Building Types (refer to III.3.N through V)
- e. Occupied Space. Towers may be occupied by the same Uses permitted in Upper Stories of the Building Type to which it is applied.
- f. Application. May be combined with all other Cap Types.
- g. Tower Cap. The tower shall be capped by the Parapet, Pitched Roof, or Spire, as permitted by Building Type.

- 5. Spire. (Refer to Figure 3.D-4). A spire is a long, tapering, conical design element that may be attached to a tower or other Cap Type.
 - a. Permitted Location. Spires are permitted only on Civic Buildings.
 - b. Spire Height. Measured from the base of the spire to the top, including any decorative elements atop the apex of the spire, maximum height is thirty (30) feet.
 - c. Spire Width. Maximum width, measured at the spire base is one-third (1/3) the width of the front Facade or fifteen (15) feet, whichever is less.
 - d. Occupied Space. Spires are a decorative element;

- e. Application. May be combined with all other Cap Types.

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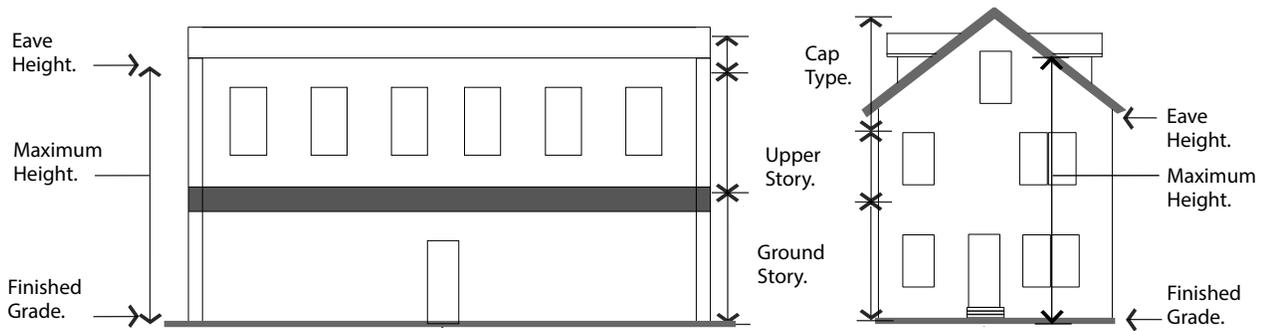


Figure 3.E-1. Measuring Height.

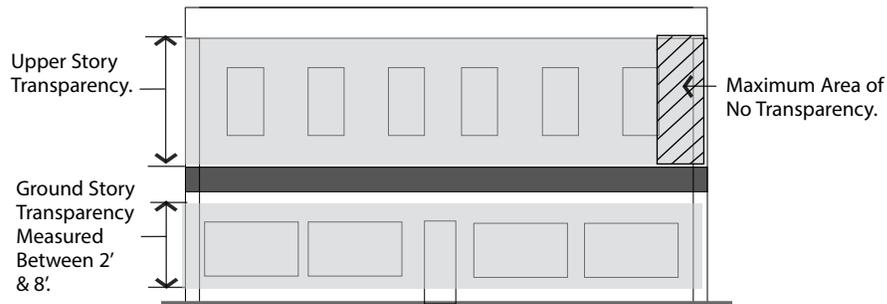


Figure 3.F-1. Measuring Transparency on Buildings with Arcades, Storefronts, or Shopfronts.

E. Measuring Height.

These standards detail how building height is measured.

1. Measuring Height. (Refer to Figure 3.E-1 Measuring Height)
 - a. Height in Stories. Each Building Type includes a provision listing the number of permitted stories, typically in a minimum and maximum range of stories.
 - b. Half Stories. Half Stories are located either completely within the roof structure or in a Visible Basement exposed a maximum of one half (1/2) story above grade.
 - c. Measured in Feet. Each Building Type includes a provision that details the maximum permitted height.
 - d. Floor Height. Each Building Type includes a permitted range of height in feet for each story.
 - (1) Floor height is measured in feet between the floor of a story to the floor of the story above it.
 - (2) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.
2. Overall Building Height. Maximum overall height is

provided for all Building Types and is measured as follows:

- a. Parapet Cap Type. Overall height is measured from the Finished Grade of the building's front Facade to the bottom of the parapet.
- b. Pitched Cap Type. Overall height is measured from the Average Finished Grade of the building's front Facade to the midpoint of the highest roof slope.

F. Measuring Transparency.

These parameters outline how to measure the degree to which a Facade has clear, transparent windows on each story.

1. Arcades, Storefronts, and Shopfronts Buildings. (Refer to Figure 3.F-1)
 - a. Transparency Measured by Floor. On buildings with an arcade, storefront, or shopfront Base Type, Transparency is measured with a separate percentage for the Ground Story Transparency and the Upper Story Transparency.
 - b. Ground Story Transparency. Transparency is measured on the Facade per requirements defined in III.3.C Base Types.
 - c. Upper Story. The Upper Story Transparency level is measured by story, from floor to floor. Refer to III.3.C Base Types for the requirements.

III. Zoning Regulations

Section 3 - Building Type Standards

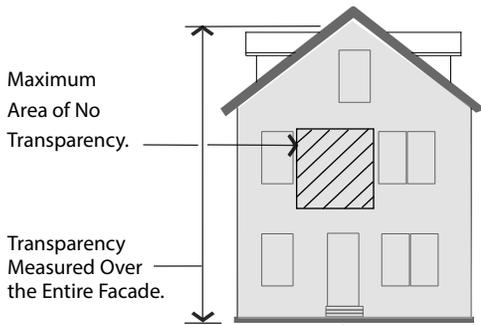


Figure 3.F-2. Measuring Transparency on Porch, Enclosed Porch & Stoop Buildings.

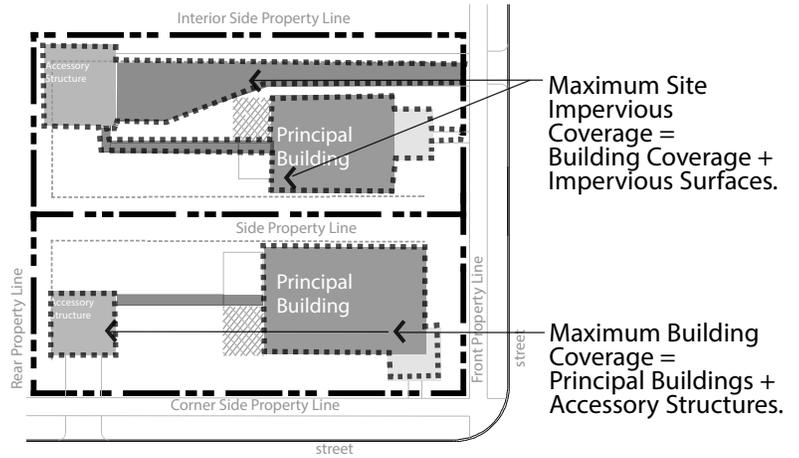


Figure 3.G-1. Measuring Impervious Site and Building Coverage.

2. Porch and Stoop Buildings. (Refer to Figure 3.F-2)
 - a. Transparency Measured by Facade. On residential buildings with a porch or stoop Base Type, Transparency is measured as a percentage of the entire Facade and not by story.
 - b. Ground and Upper Stories. Transparency is measured along the full Facade, including the Facade of Half Stories. Refer to III.3.N through W for the requirements.
 3. Maximum Area of No Transparency. On front and corner side Facades of applicable Building Types, no rectangular area greater than thirty (30) percent of the each story's Facade shall be blank, without Transparency. This area is measured from floor to floor of each story.
- G. Measuring Coverage.

The following details how Impervious Surfaces on a Lot are measured, including both Building Coverage and total Site Coverage (Refer to Figure 3.G-1).

1. Building Coverage. The percentage of a Lot covered by all structures, both principal and accessory.
2. Impervious Site Coverage. The percentage of a Lot covered by all structures, both principal and accessory; pavement; and other Impervious Surfaces.

III. Zoning Regulations
Section 3 - Building Type Standards

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III. Zoning Regulations

Section 3 - Building Type Standards: Non-Residential Building Type Table

	Street Frontage				Side & Rear Yard		Buildable Area	
	Multiple Buildings Permitted on a Lot	Minimum Coverage of Front Property Line	Front Yard BTZ or Setback (feet)	Corner Side Yard BTZ or Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Lot Width (feet)	Maximum Impervious + Semi-Permeable Coverage
Mixed Use, Commercial, Industrial, and Civic Buildings								
Mixed Use Building	No	90%	5 to 10	5 to 10	5	7.5	30	80% impervious + 15% semi-permeable
Commercial Building	Yes	45%	10 to 20	10 to 20	7.5	7.5	50	70% impervious + 15% semi-permeable
Cottage Commercial	No	60%	7 to 15	7 to 15	7.5	7.5	40	65% impervious + 15% semi-permeable
Corridor Building	No	60%	10 to 25	10 to 25	7.5	7.5	50	65% impervious + 15% semi-permeable
Warehouse Building	Yes	Not Applicable	15 Setback for administration/ ofc building, 25 Setback for primary building	15 Setback for administration/ ofc building, 25 Setback for primary building	7.5	7.5	70	60% impervious + 20% semi-permeable
Civic Building	Yes	Not Applicable	15	15	10	20	80	55% impervious + 15% semi-permeable

Table 3.B-1. Commercial, Industrial, and Civic Building Type Table.

III. Zoning Regulations

Section 3 - Building Type Standards: Non-Residential Building Type Table

Parking & Loading		Height		Transparency		Entrance	Cap & Base Type	
Location of Parking Facilities (Yard)	Location of Access and Number of Permitted Curb Cuts	Minimum Principal Building Height	Maximum Principal Building Height	Upper Story Front and Corner Side Façade	30% Rule	Principal Entrance Location	Allowable Cap Types	Allowable Base Types
Rear, Side Permitted with Conditions	If no Alley, 1 per Lot	1 story	3 stories	20%	Applies	Front or Corner Side Façade	Parapet, Pitched Roof, and Tower	Storefront, Shopfront and Arcade
Rear and Side	1 per frontage	1 story	2 stories	20%	Applies	Front or Corner Side Façade	Parapet, Pitched Roof, and Tower	Storefront, Shopfront and Arcade
Rear	If no Alley, 1 per Lot	1 story	2 1/2 stories	20%	Not Applicable	Front or Corner Side Façade	Pitched Roof and Tower	Shopfront
Rear, Side Permitted with Conditions	1 per frontage	1 story	3 stories, up to 5 stories in C2 District with Conditional Use Permit	20%	Applies	Front or Corner Side Façade	Parapet, Pitched Roof, and Tower	Storefront, Arcade, Stoop
Rear and Side	1 per frontage	1 story	2 stories on administration /ofc, 3 stories	20% on admin/ ofc bldg	Not Applicable	Front or Corner Side Façade	Parapet, Pitched Roof, and Tower	Shopfront or Stoop on the administration/ ofc building, none required on primary building
Rear and Side	If no Alley, 1 per frontage	1 story	2 stories, 3 stories permitted in C2 District	10%	Not Applicable	Front or Corner Side Façade	Parapet, Pitched Roof, Tower, and Spire	Stoop

III. Zoning Regulations

Section 3.H - Building Type Standards: Mixed Use Building

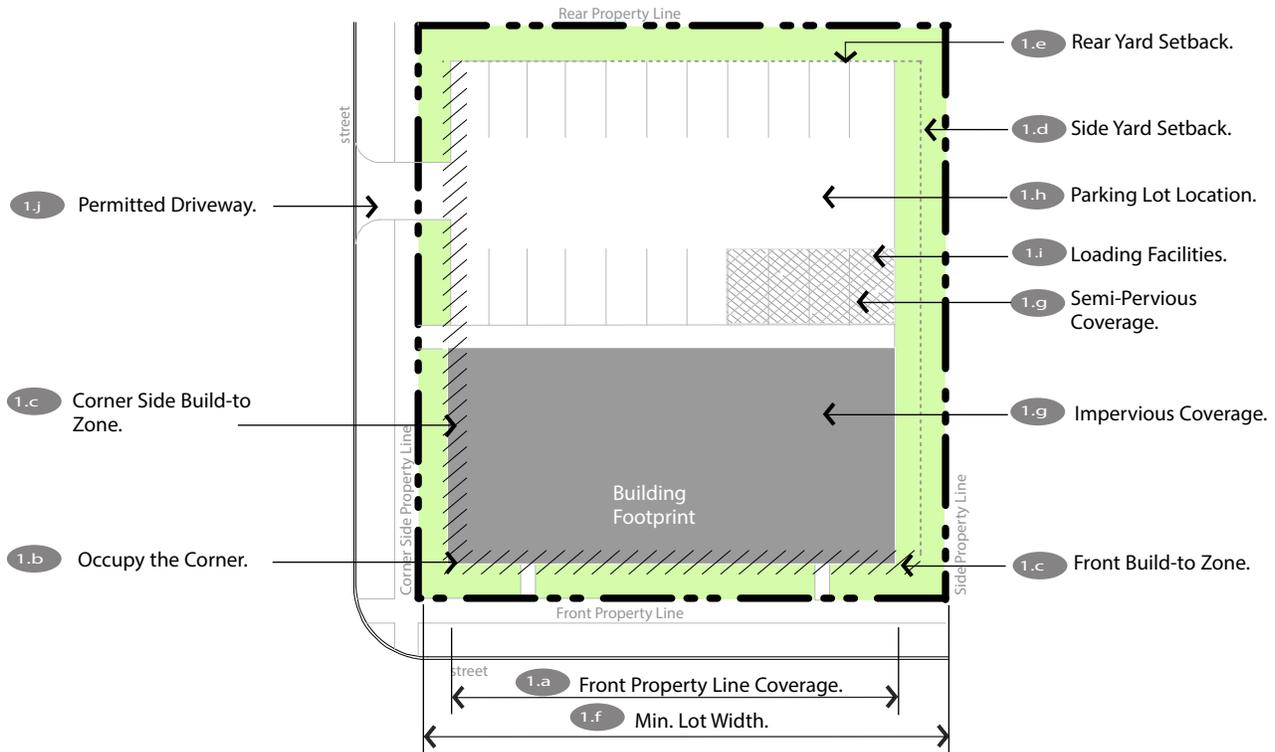


Figure 3.H-1: Building Siting.

1. Building Siting. (See Figure 3.H-1)

Street Frontage.

- 1.a A minimum of ninety (90) percent of the length of the front Build-to Zone, minus the permitted driveway and/or single loaded aisle of parking as permitted (see III.3.H(1)(h) and (k)), shall be occupied by building.
- 1.b The intersection of the front and corner side Build-to Zones (the corner) shall be occupied by a building.
- 1.c Front and corner side building Facades shall be constructed within Build-to Zones located between five (5) and ten (10) feet from the Property Line.

Side & Rear Yard Setbacks.

- 1.d Side Yard Setback shall be a minimum of five (5) feet. (1) When developed in Neighborhood Type III, no minimum Side Yard Setback is required.
- 1.e Rear Yard Setback shall be a minimum of seven and a half (7.5) feet.

Buildable Area.

- 1.f Minimum Lot width is thirty (30) feet.
- 1.g Maximum Impervious Site Coverage shall be eighty (80) percent of total Lot Area; an additional fifteen (15) percent of the total Lot Area may be Semi-Pervious.

Off-Street Parking & Loading.

- 1.h Parking Lots are permitted in the Rear Yard; a single loaded aisle of parking is also permitted in the Side Yard perpendicular to the street, except in Neighborhood Type III.

- 1.i Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.
 - 1.i All loading facilities shall be located on rear Facades.
- ##### Driveways & Access.
- 1.j If no Alley exists, one (1) driveway per Lot is permitted.
 - (1) Access on Corner Lots shall be from the Corner Side Property Line.
 - (2) Shared driveways are encouraged.

2. Height & Use Requirements. (See Figure 3.H-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Building height shall be a minimum of one (1) Story and a maximum of three (3) Stories, with a maximum overall height of forty-four (44) feet:
- 2.b Permitted Ground Story height is a minimum of fifteen (15) feet, maximum of twenty-four (24) feet. When the Ground Story is twenty (20) feet or more in height, it shall count as two (2) Stories in terms of measuring the overall building height.
- 2.c Permitted Upper Story height is a minimum of nine (9) feet, maximum of fourteen (14) feet.

Uses. Refer to III.2 Uses for specific Use information.

- 2.d Parking is permitted fully below grade or internally in the rear of the building with a minimum of thirty (30) feet, measured from the front and corner side Facades, occupied by a permitted Use other than parking.

III. Zoning Regulations

Section 3.H - Building Type Standards: Mixed Use Building

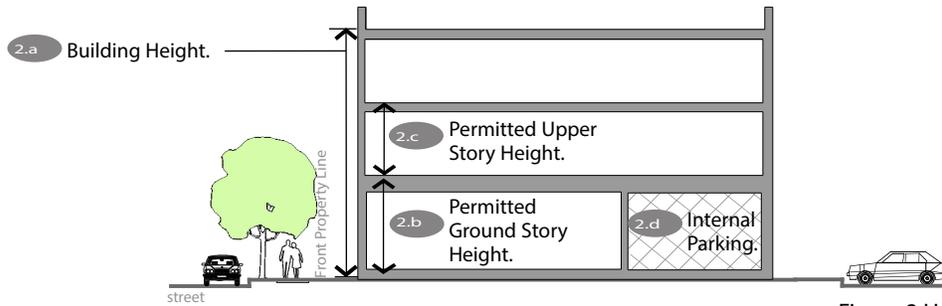


Figure 3.H-2: Height & Use Requirements.

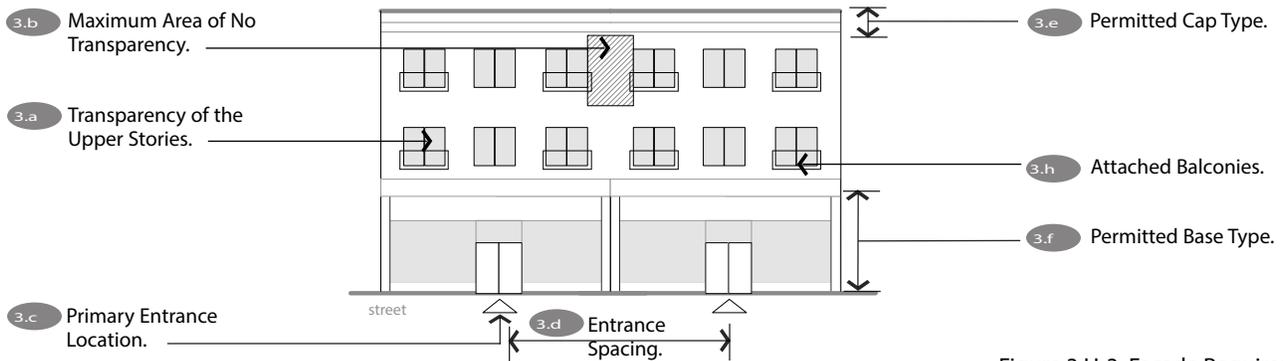


Figure 3.H-3: Facade Requirements.

3. Facade Requirements. (See Figure 3.H-3)

Transparency. (See III.3.F Measuring Transparency)

A minimum of twenty (20) percent of all Facades shall have Transparency.

- 3.a On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.
- 3.b

Building Entrance.

The building's primary entrance shall be on the front or corner side Facade. Entrances at the corner of a building satisfy this requirement.

- 3.c Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on front and corner side Facades and one (1) per one hundred (100) feet of Facades facing parking lots.
- 3.d

Permitted Cap & Base Types. (See III.3.C-D)

Permitted Cap Types are the parapet and pitched roof. A tower is permitted.

- 3.e Permitted Base Type is the storefront, shopfront, and arcade; storefront, arcade, or shopfront treatments are required on the Facade(s) adjacent to parking lots.
- 3.f

A different permitted Base Type is required for every one hundred twenty (120) feet of front Facade.

- 3.g

Balconies.

Each Balcony structure shall only serve one (1) Dwelling Unit.

Balconies shall be independently secured, not connected to any other Balcony, or integral to the Facade.

- 3.h
- 3.i Balconies may be utilized on no more than thirty (30) percent of the front and corner side Facades.
- 3.j

III. Zoning Regulations

Section 3.I - Building Type Standards: Commercial Building

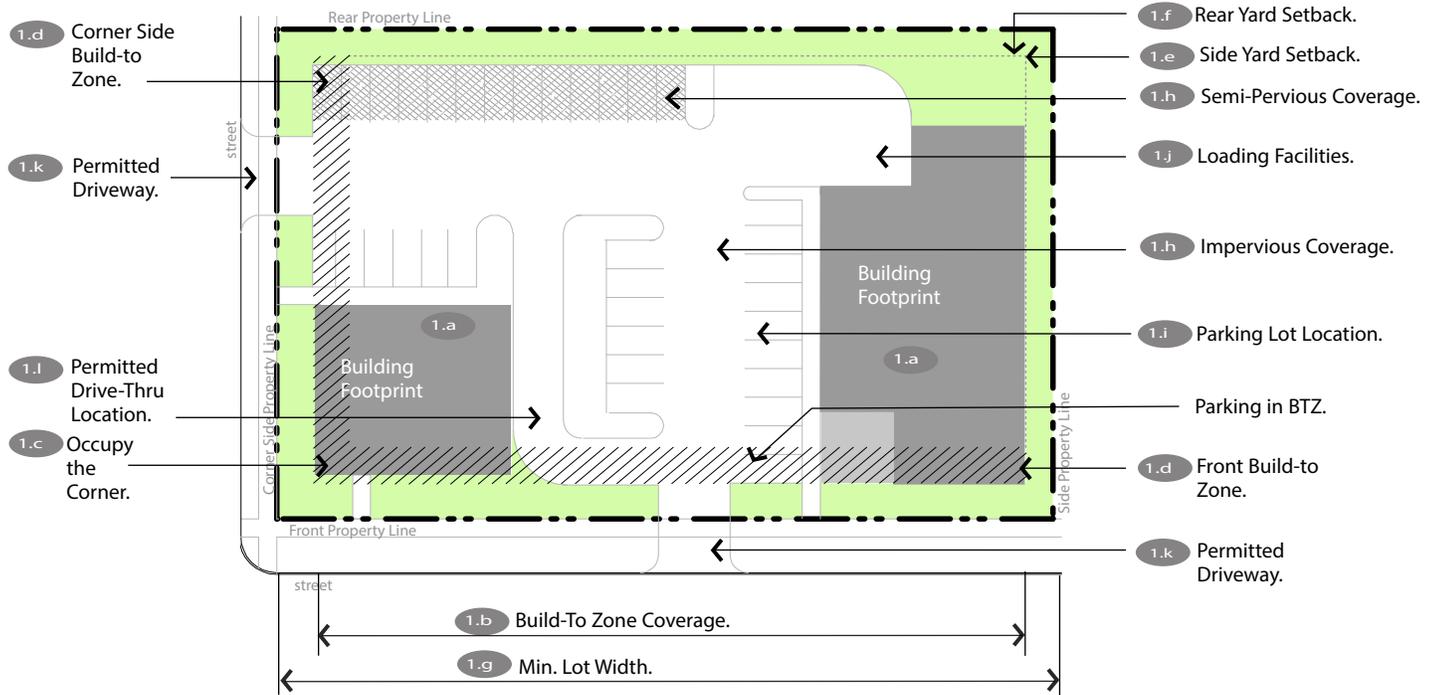


Figure 3.I-1: Building Siting.

1. Building Siting. (See Figure 3.I-1))

- 1.a** Multiple Principal Buildings may be constructed on a single Lot; however, all buildings shall meet the requirements of III.3.I.
- Street Frontage.**
- 1.b** A minimum of forty-five (45) percent of the length of the front Build-to Zone shall be occupied by building.
- 1.c** The intersection of the front and corner side Build-to Zones (the corner) shall be occupied by a building.
- 1.d** Front and corner side building Facades shall be constructed within a Build-to Zone located between ten (10) and twenty (20) feet from the Property Line.
- Side & Rear Yard Setbacks.**
- 1.e** Side Yard Setback shall be a minimum of seven and a half (7.5) feet.
- 1.f** Rear Yard Setback shall be a minimum of seven and a half (7.5) feet.
- Buildable Area.**
- 1.g** Minimum Lot width is fifty (50) feet.
- 1.h** Maximum Impervious Site Coverage shall be seventy (70) percent; an additional fifteen (15) percent of the site may be Semi-Pervious.
- Off-Street Parking & Loading.**
- 1.i** Parking Lots are permitted in the Side and Rear Yards.
Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.

- 1.j** All loading facilities shall be located on the rear Facade.
- Driveways & Access.**
- 1.k** If no Alley access exists, up to one (1) driveway on each street frontage is permitted.
 - (1) Interior Lots greater than four hundred (400) feet wide are permitted one (1) additional driveway.
 - (2) Shared driveways are encouraged.
- 1.l** Drive throughs are permitted on the rear and side Facades of a building (refer to III.2.Q(2)(f)).

2. Height & Use Requirements. (See Figure 3.I-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a** Building height shall be a minimum of one (1) Story and a maximum of two (2) Stories; maximum height shall be thirty (30) feet.
- 2.b** Permitted Ground Story height is a minimum of fifteen (15) feet, maximum twenty-four (24) feet.
- 2.c** Permitted Upper Story height is a minimum of nine (9) feet, maximum of fourteen (14) feet.

Uses. Refer to III.2 Uses for specific Use information.

III. Zoning Regulations

Section 3.I - Building Type Standards: Commercial Building

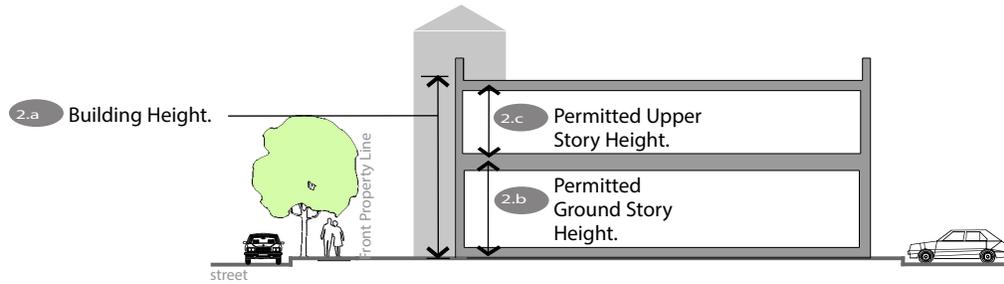


Figure 3.I-2: Height & Use Requirements.

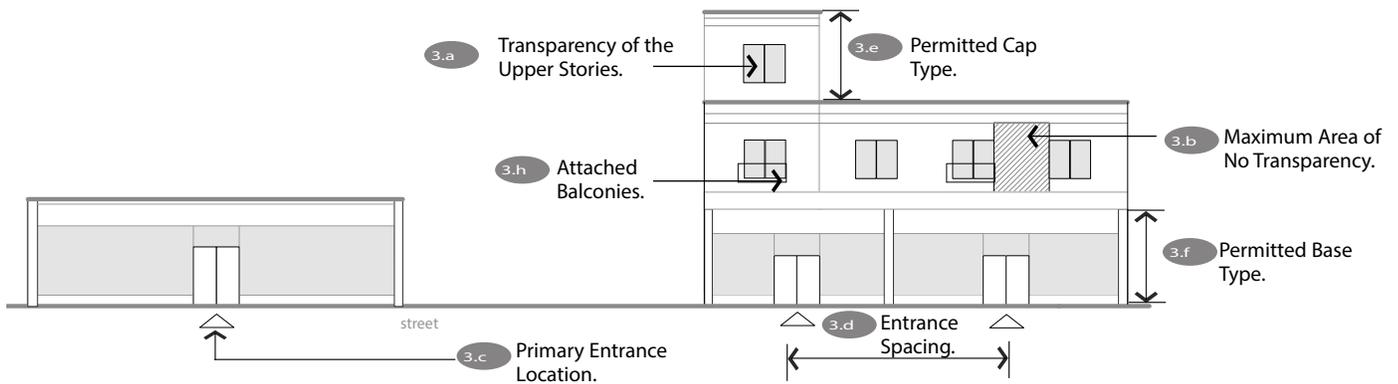


Figure 3.I-3: Facade Requirements.

3. Facade Requirements. (See Figure 3.I-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of twenty (20) percent of all Facades shall have Transparency.
- 3.b On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.

Building Entrance.

- 3.c The building's primary entrance shall be located on the front or corner side building Facade. Entrances at the corner of a building satisfy this requirement.
- 3.d Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on front and corner side Facades and one (1) per one hundred (100) feet of Facades facing parking lots.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.e Permitted Cap Types are the parapet and pitched roof. A tower is permitted.
- 3.f Permitted Base Type is the storefront, shopfront, and arcade; storefront or shopfront treatments are required on the Facade(s) adjacent to parking facilities.
- 3.g A different permitted Base Type is required for every one hundred twenty (120) feet of front, corner side, and parking lot Facade.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Balconies.

- 3.h Each Balcony structure shall only serve one (1) Dwelling Unit.
- 3.i Balconies shall be independently secured, not connected to any other Balcony, or integral to the Facade.
- 3.j Balconies may be utilized on no more than thirty (30) percent of the front and corner side Facades.

III. Zoning Regulations

Section 3.J - Building Type Standards: Cottage Commercial Building

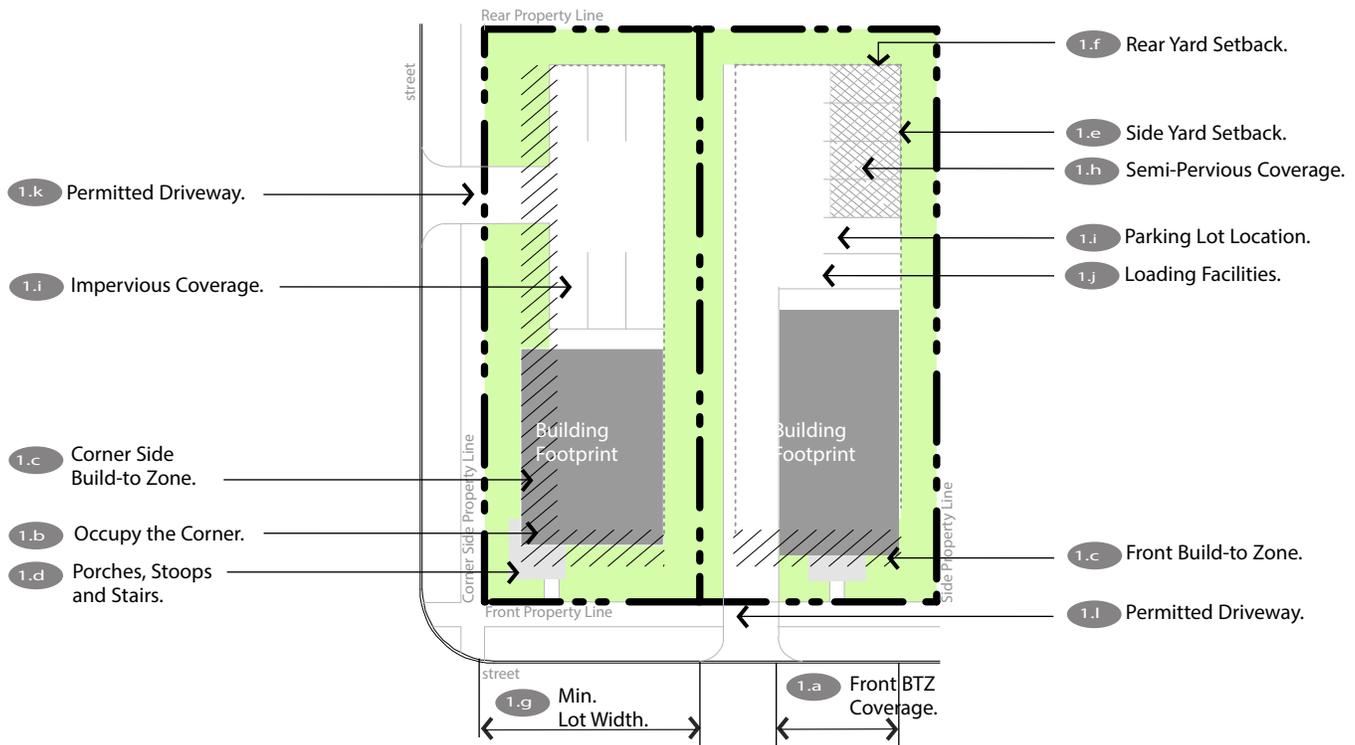


Figure 3.J-1: Building Siting.

1. Building Siting (Refer to Figure 3.J-1)

Street Frontage.

- 1.a A minimum of sixty (60) percent of the length of the front Build-to Zone shall be occupied by a building.
- 1.b The intersection of the front and side Build-to Zones (the corner) shall be occupied by building.
- 1.c Front and corner side building Facades shall be constructed within a Build-to Zone located between seven (7) and fifteen (15) feet from the Property Line.
- 1.d Porches, stoops, and stairs are permitted within three (3) feet of the Front and Side Property Lines.

Side & Rear Yard Setbacks.

- 1.e Side Yard Setback shall be a minimum of seven and a half (7.5) feet.
- 1.f Rear Yard Setback shall be a minimum of seven and a half (7.5) feet.

Buildable Area.

- 1.g Minimum Lot Width is forty (40) feet.
- 1.h Maximum Impervious Site Coverage shall be sixty-five (65) percent; an additional fifteen (15) percent of the site may be Semi-Pervious.

Off-Street Parking & Loading.

- 1.i Parking Lots are permitted in the Rear Yard. Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.

- 1.j All loading facilities shall be located on the rear Facade.

Driveways & Access.

- 1.k If no Alley exists, one (1) driveway is permitted
 - (1) If Alley access is available, additional driveway is not permitted.
 - (2) Shared driveways are encouraged.

2. Height & Use Requirements. (Refer to Figure 3.J-2).

Building Height. (See III.3.E Measuring Height)

- 2.a Building height shall be a minimum of one (1) story and a maximum of two and a half (2 1/2) stories with a maximum height in feet of thirty-five (35) feet.
- 2.b Permitted Ground Story height is a minimum of ten (10) feet, maximum fifteen (15).
- 2.c Permitted Upper Story height is a minimum of nine (9) feet, maximum of fourteen (14) feet.

Uses. Refer to III.2 Uses for specific Use information.

3. Facade Requirements. (Refer to Figure 3.J-3).

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of twenty (20) percent of all Facades shall have Transparency.

III. Zoning Regulations

Section 3.J - Building Type Standards: Cottage Commercial Building

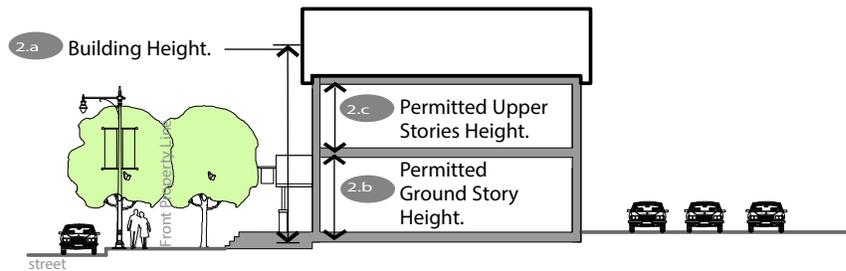


Figure 3.J-2: Height & Use Requirements.

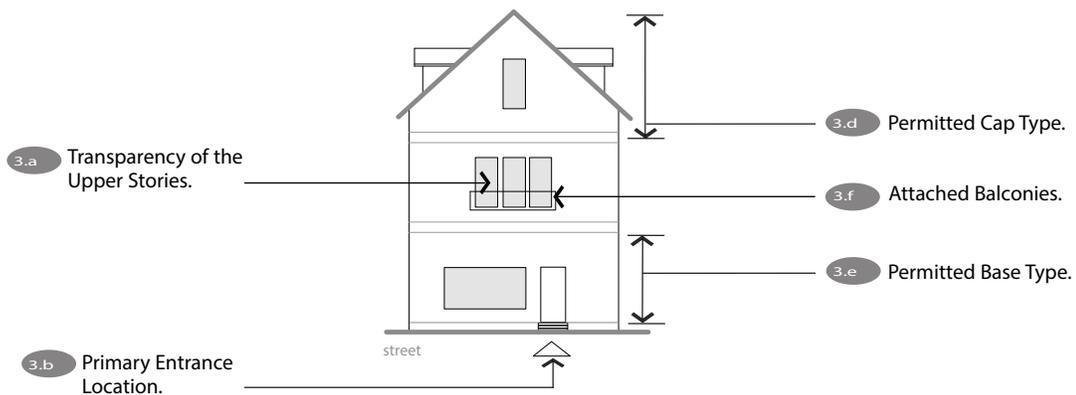


Figure 3.J-3: Facade Requirements.

Building Entrance.

- 3.b The building's primary entrance shall be on the front or corner side building facade. Entrances at the corner of a building satisfy this requirement.
- 3.c Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on the front and corner facades and one (1) per one hundred (100) feet of facades facing parking lots.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.d Permitted Cap Type is the pitched roof. A tower is permitted.
- 3.e Permitted Base Type is the shopfront; shopfront, porch, or stoop treatments are required on the facade(s) adjacent to parking facilities.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Balconies.

- 3.f Each balcony structure shall only serve one (1) dwelling unit.
- 3.g Balconies shall be independently secured, not connected to any other balcony, or integral to the facade.
- 3.h Balconies may be utilized on no more than thirty (30) percent of the front and corner side facades.

III. Zoning Regulations

Section 3.K - Building Type Standards: Corridor Building

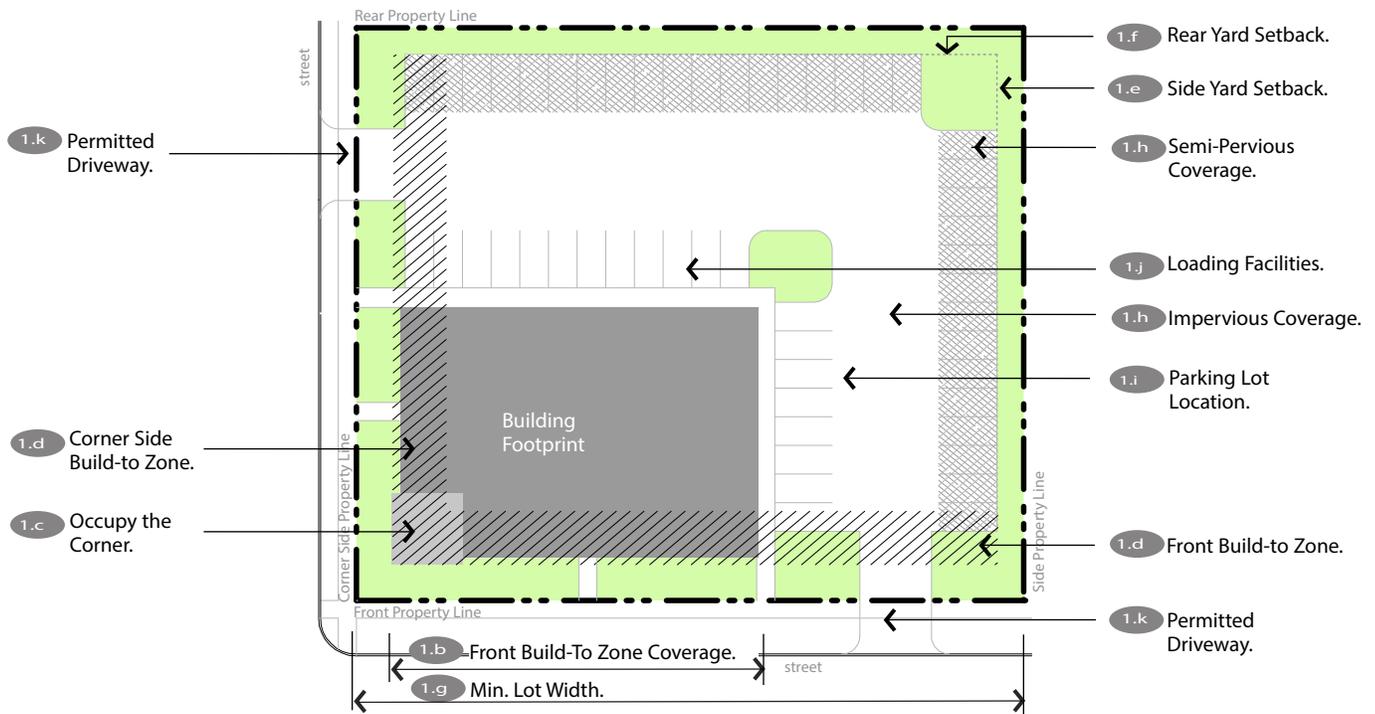


Figure 3.K-1: Building Siting.

1. Building Siting. (Refer to Figure 3.K-1)

- 1.a Multiple buildings may be constructed on a single Lot; however, all requirements in III.3.L shall be met.
- Street Frontage.**
- 1.b A minimum of sixty (60) percent of the length of the front Build-to Zone shall be occupied by building, allowing a Courtyard up to forty (40) percent of front Build-to Zone.
- 1.c The intersection of the front and corner side Build-to Zones (the corner) shall be occupied by a building.
- 1.d Front and corner side building Facades shall be located within Build-to Zones located between ten (10) and twenty-five (25) feet from Property Lines.
- Side & Rear Yard Setbacks.**
- 1.e Side Yard Setback shall be a minimum of seven and a half (7.5) feet.
- 1.f Rear Yard Setback shall be a minimum of seven and a half (7.5) feet.
- Buildable Area.**
- 1.g Minimum Lot Width is fifty (50) feet.
- 1.h Maximum Impervious Site Coverage shall be sixty-five (65) percent; an additional fifteen (15) percent of the site may be Semi-Pervious.
- Off-Street Parking & Loading.**
- 1.i Parking facilities are permitted as follows:
 - (1) Prohibited within a Courtyard on front or corner side Facade.
 - (2) Permitted in the Rear Yard; a double loaded aisle of parking is also permitted in the Side Yard on Parcels wider than one hundred and sixty-five (165) feet.

- (3) Structured parking is permitted behind the rear Facade. Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.
- 1.j All loading facilities shall be located on the rear Facade.
- Driveways & Access.**
- 1.k If no Alley exists, up to one (1) driveway on each street frontage is permitted.
 - (1) Interior Lots greater than four hundred (400) feet wide are permitted one (1) additional driveway.
 - (2) Shared driveways are encouraged.
- 2. Height & Use Requirements. (Refer to Figure 3.K-2)
- Building & Floor Heights. (See III.3.E Measuring Height)**
- 2.a Building height shall be a minimum of one (1) story and a maximum of three (3) stories; maximum height shall be fifty-three (53) feet.
 - (1) When developed in the C2 District on a Boulevard or Connector for a Hotel/Motel Use, up to five (5) stories and eighty (80) feet are permitted with a Conditional Use Permit (see I.4.N).
- 2.b Permitted Ground Story height is a minimum of nine (9) feet, maximum twenty-four (24) feet.
- 2.c Permitted Upper Story height is a minimum of nine (9) feet, maximum of fourteen (14) feet.
- 2.d Parking garages shall be no taller than the height of the building at the Front Property Line.

III. Zoning Regulations

Section 3.K - Building Type Standards: Corridor Building

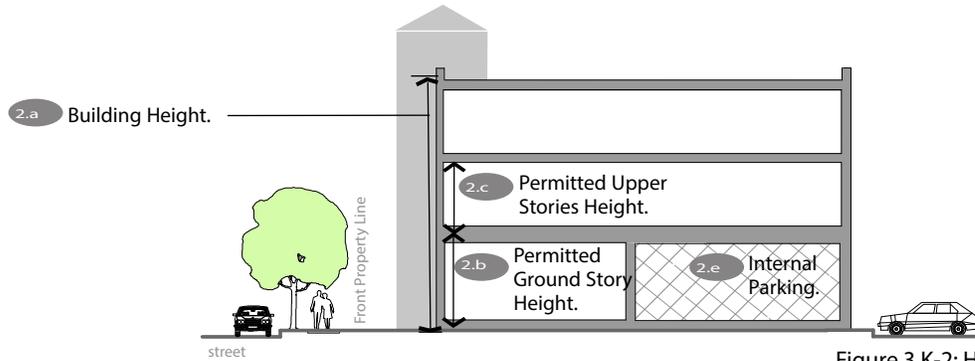


Figure 3.K-2: Height & Use Requirements.

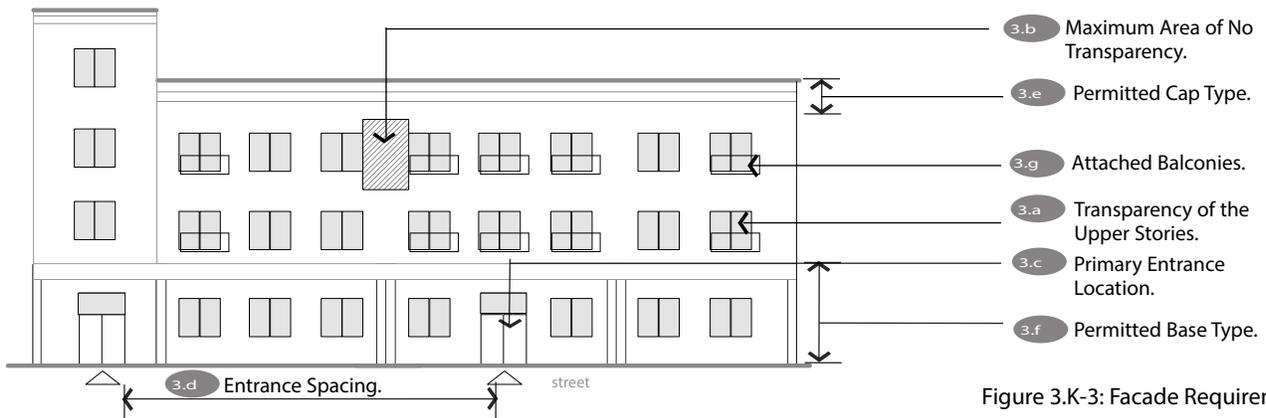


Figure 3.K-3: Facade Requirements.

Uses. Refer to III.2 Uses for specific Use information.

- 2.e Parking is permitted fully below grade or internally in the rear of the building with a minimum of thirty (30) feet, measured from the front and corner side Facades, occupied by a permitted Use other than parking.

3. Facade Requirements. (Refer to Figure 3.K-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of twenty (20) percent of the Upper Story front and corner side Facades shall have Transparency.
- 3.b On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.

Building Entrance.

- 3.c The primary entrance shall be located on the front or corner side building Facade. Entrances at the corner of a building satisfy this requirement.
- 3.d Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on the front and side Facades and one (1) per one hundred (100) feet of Facades on parking lots.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.e Permitted Cap Types are the parapet and pitched roof. A tower is permitted.
- 3.f Permitted Base Types are the storefront, arcade,

and stoop; storefront, shopfront, arcade, or stoop treatments are required on the Facade(s) adjacent to parking facilities.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Balconies.

- 3.g Each Balcony structure shall only serve one (1) Dwelling Unit.
- 3.h Balconies shall be independently secured, not connected to any other Balcony, or integral to the Facade.
- 3.i Balconies may be utilized on no more than thirty (30) percent of the front and corner side Facades.

III. Zoning Regulations

Section 3.L - Building Type Standards: Warehouse Building

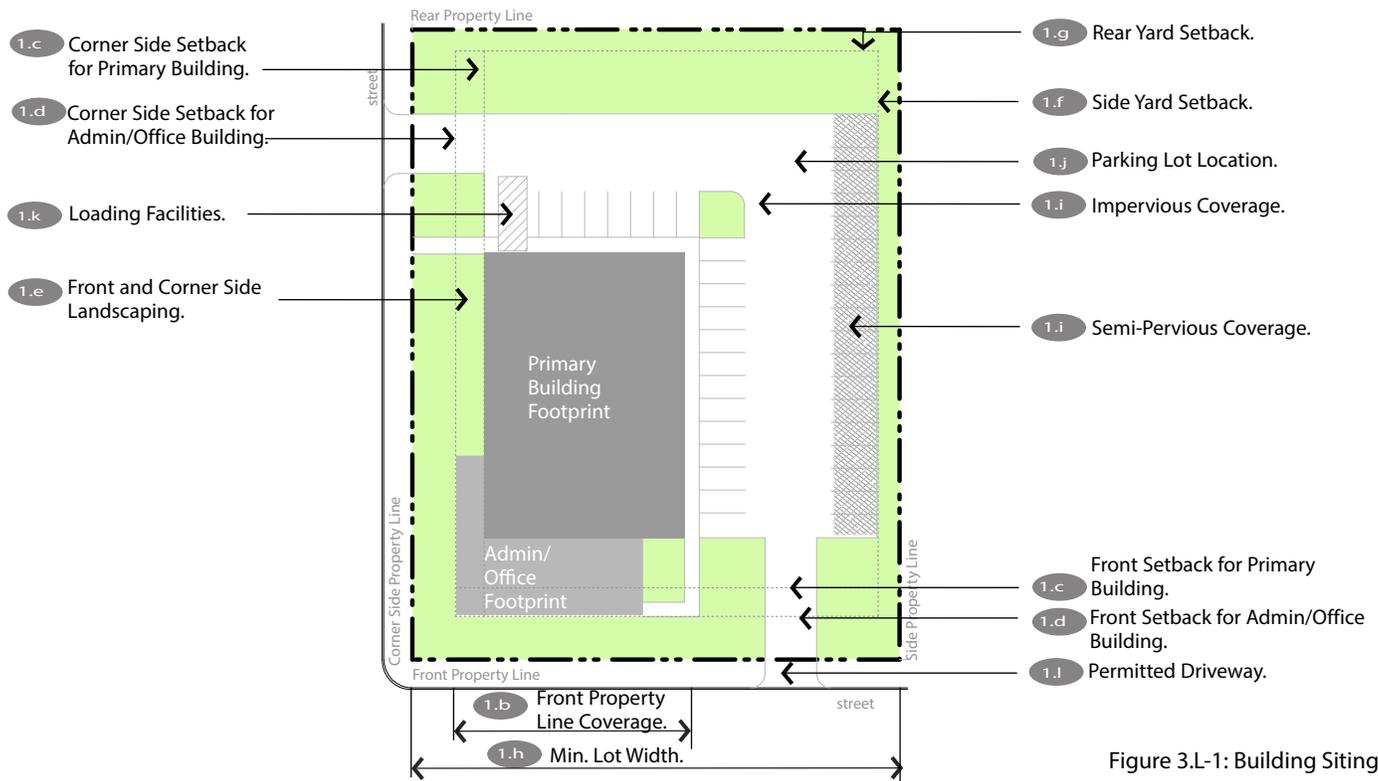


Figure 3.L-1: Building Siting.

1. Building Siting. (Refer to Figure 3.L-1)

- 1.a Multiple buildings may be constructed on a single Lot; however, all requirements in III.3.L shall be met.
- Street Frontage.**
- 1.b Buildings are encouraged to be constructed to occupy a minimum of thirty (30) percent of the length of the Front Property Line.
- 1.c Front and corner side building Facades of the primary building shall be set back a minimum of twenty-five (25) feet.
- 1.d Front and corner side building Facades of the administration/office building shall be set back a minimum of fifteen (15) feet.
- 1.e Front and Corner Side Yards not occupied by building shall be landscaped, in addition to buffer requirements. Refer to III.5 Landscape Standards.
- Side & Rear Yard Setbacks.**
- 1.f Side Yard Setback shall be a minimum of seven and a half (7.5) feet.
- 1.g Rear Yard Setback shall be a minimum of seven and a half (7.5) feet
- Buildable Area.**
- 1.h Minimum Lot Width is seventy (70) feet.
- 1.i Maximum Impervious Site Coverage shall be sixty (60) percent and an additional twenty (20) percent of the site may be Semi-Pervious.
- Off-Street Parking & Loading.**
- 1.j Parking lots are permitted in the Side or Rear Yards.

- Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.
- 1.k All loading facilities shall be located on the side or rear Facades.
- Driveways & Access.**
- 1.l Up to one (1) driveway on each street frontage is permitted.
- 2. Height & Use Requirements. (Refer to Figure 3.L-2)
- Building & Floor Heights. (See III.3.E Measuring Height)**
- 2.a Building height is as follows
 - (1) Administration/office building shall be a maximum of two (2) stories and thirty (30) feet.
 - (2) Primary building shall be no taller than three (3) Stories in height and forty-two (42) feet.
- 2.b Permitted floor height of the administration/office building is a minimum of nine (9) feet, maximum of fourteen (14) feet.
- 2.c Permitted floor height of the primary building is as follows.
 - (1) A minimum of nine (9) feet and a maximum of fourteen (14) for multiple Story structures.
 - (2) A minimum of nine (9) feet and a maximum of thirty-six (36) feet for one (1) Story structures.
 Parking garages shall be no taller than the primary building on the site.

III. Zoning Regulations

Section 3.L - Building Type Standards: Warehouse Building

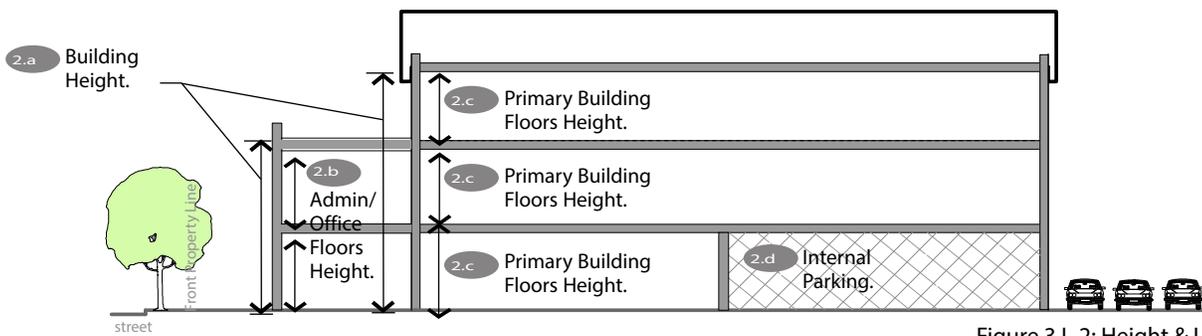


Figure 3.L-2: Height & Use Requirements.

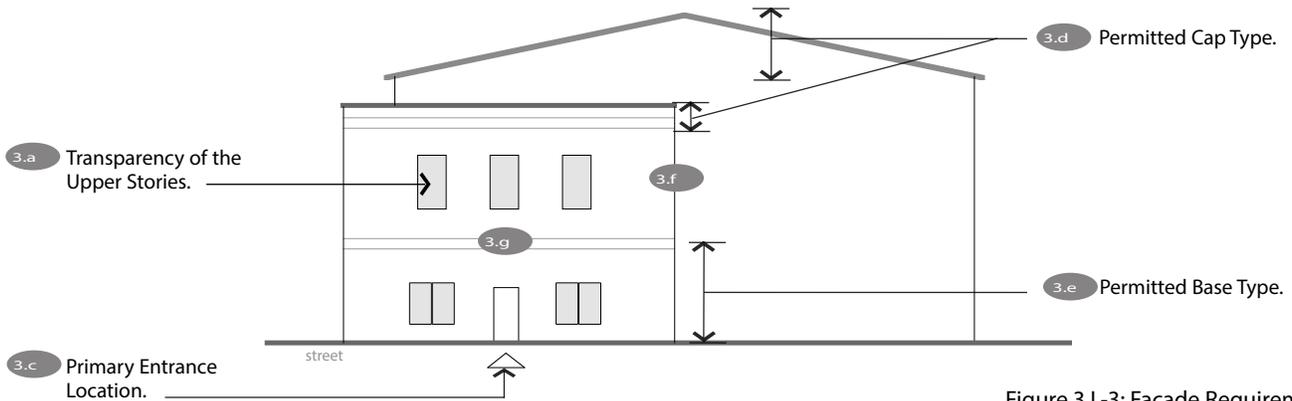


Figure 3.L-3: Facade Requirements.

Uses. Refer to III.2 Uses for specific Use information.

- 2.d Parking is permitted internally in the rear of the building with a minimum of thirty (30) feet, measured from the front Facades occupied by a permitted Use other than parking.

3. Facade Requirements. (Refer to Figure 3.L-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of twenty (20) percent of all Facades of the administration/office portion of the building shall have Transparency.
- 3.b When multiple buildings are constructed on one (1) Lot, only the building(s) visible from the Front or Corner Side Property Lines are required to meet the Transparency requirements.

Building Entrance.

- 3.c The primary entrance shall be located on the front or corner side Facade. Entrances at the corner of a building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.d Permitted Cap Types are the parapet for the office/administration building; and the parapet or pitched roof for the primary building. A tower is permitted.
- 3.e Permitted Base Types for this Building Type are:
 - (1) Shopfront or stoop for the administration/office building.
 - (2) No required Base Type for the primary building.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Expression Lines. Applicable to all Facades of the primary building.

- 3.f All Facades shall be vertically divided with an Expression Line at a minimum of fifty (50) feet on center.
 - 3.g All Facades shall have a horizontal Expression Line that separates the first floor from upper floors in a multiple story structure.
- Building Variety. Applicable to all buildings.
- 3.h Front Facade design divisions, delineated by Expression Lines, shall vary by the type of dominant material or color of that material.
 - 3.i Veneer of any precast concrete panels in an acceptable material is required for thirty (30) percent of Front and Corner Side Facades longer than one hundred and fifty (150) feet.
 - 3.j Corners and entrances shall be defined by two of the following:

- a change in material,
- incorporation of a separate Cap or Base Type, or
- a change in height.

III. Zoning Regulations

Section 3.M - Building Type Standards: Civic Building

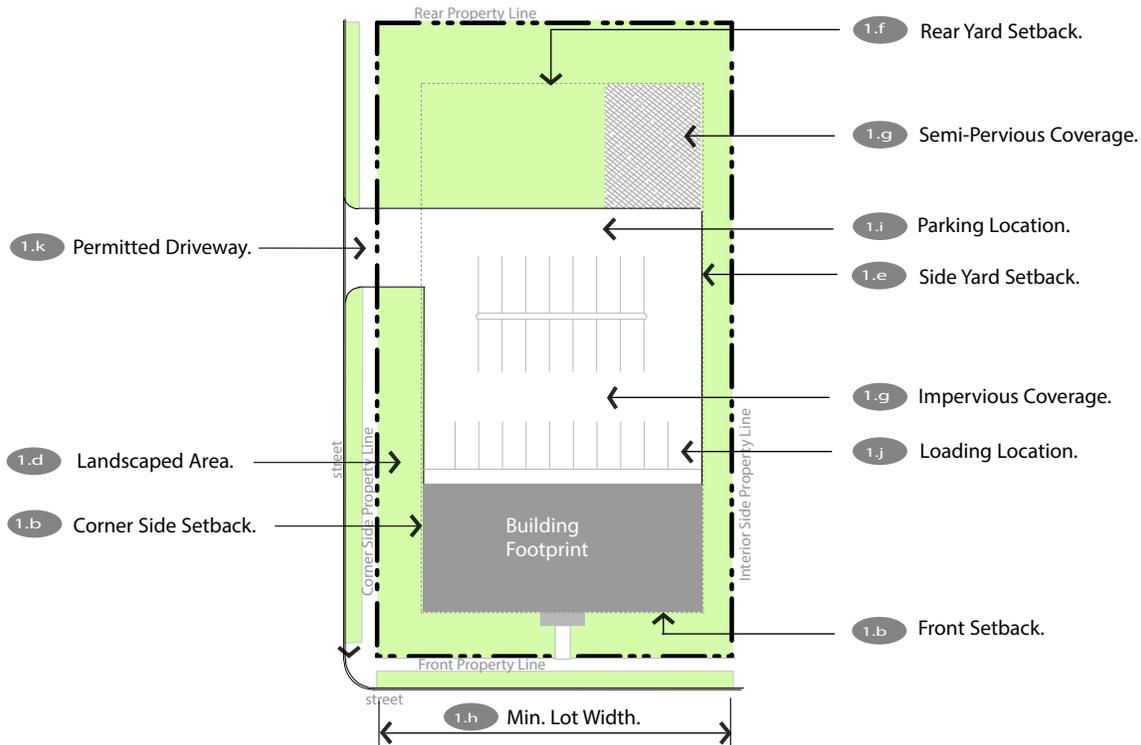


Figure 3.M-1: Building Siting.

1. Building Siting. (See Figure 3.M-1)

- 1.a Multiple buildings may be constructed on a single Lot if developed in the C1 and C2 Districts; however, all requirements in III.3.M shall be met.

Street Frontage.

- 1.b Front and corner side building Facades shall be set back a minimum of fifteen (15) feet from the Front and Side Property Lines.
- 1.c When developed on Connector and Local Street Types, this Building Type shall be located on a Corner Lot.
- 1.d Front and Corner Side Yards not occupied by building shall be landscaped, in addition to any requirements. Refer to III.5 Landscape Standards.

Side & Rear Yard Setbacks.

- 1.e Side Yard Setback shall be a minimum of ten (10) feet.
- 1.f Rear Yard Setback shall be a minimum of twenty (20) feet.

Buildable Area.

- 1.g Maximum Impervious Site Coverage shall be fifty-five (55) percent and an additional fifteen (15) percent of the site may be Semi-Pervious.
- 1.h Minimum Lot Width is eighty (80) feet.

Off-Street Parking & Loading.

- 1.i Parking is permitted in the Rear Yard; a double loaded aisle of parking is also permitted in the Side Yard. Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.
- 1.j All loading facilities shall be located on the side or rear Facades.

Driveways & Access.

- 1.k If no Alley exists, up to one (1) driveway on each street frontage is permitted.
 - (1) Access on Corner Lots shall be from the Corner Side Property Line.
 - (2) If Alley access is available, access to the street is not permitted.
 - (3) In the C2 District, Interior Lots greater than four hundred (400) feet wide are permitted one (1) additional driveway.

2. Height & Use Requirements. (See Figure 3.M-2)

Building & Floor Heights.

- 2.a Building height shall be a minimum of one (1) story and a maximum of two (2) stories; maximum height shall be thirty-five (35) feet.

III. Zoning Regulations

Section 3.M - Building Type Standards: Civic Building

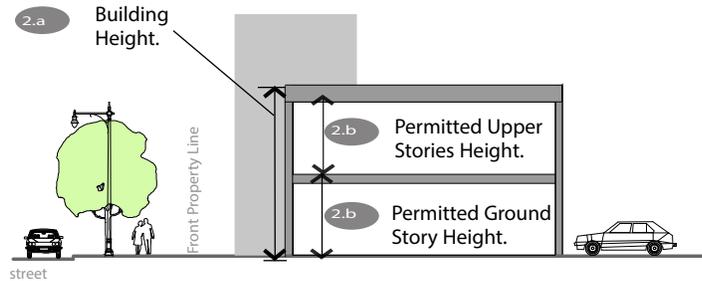


Figure 3.M-2: Height & Use Requirements.

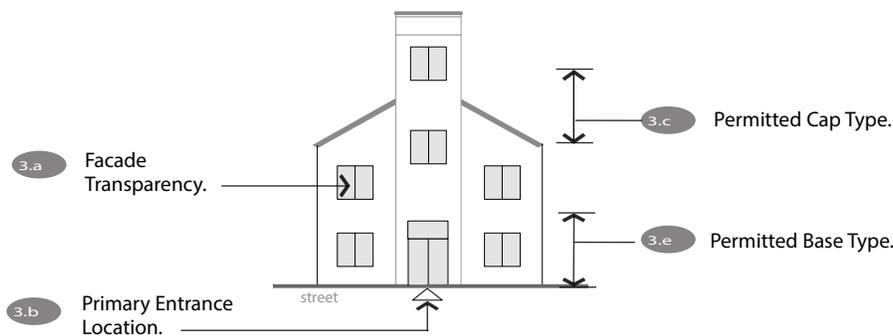


Figure 3.M-3: Facade Requirements.

(1) When developed in the C2 District, permitted maximum height shall be three (3) stories with a maximum height of forty-four (44) feet.

2.b Permitted floor height is as follows.

- (1) With a one (1) story building, the height shall be a minimum of fifteen (15) feet.
- (2) With a two (2) story building, the height shall be a minimum of nine (9) feet and a maximum of fifteen (15) feet.

3.d Other Cap Types not defined in this Article may be used; however, a design review by DRC is required (refer to I.4.P).

3.e Permitted Base Type is stoop. Civic Buildings are exempt from the Transparency requirements associated with a stoop, refer to III.3.C.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Uses. Only Civic/Institutional Uses, Utility and Infrastructure Uses, and Open Space and Recreation Uses are permitted in the Civic Building Type (refer to III.2 Uses).

3. Facade Requirements. (See Figure 3.M-3)

Transparency.

3.a A minimum of ten (10) percent of the all Facades shall have Transparency.

Building Entrance.

3.b The primary entrance shall be located on the front or corner side building Facade. Entrances at the corner of a building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

3.c Permitted Cap Types are the parapet and pitched roof. A tower and spire are permitted.

III. Zoning Regulations

Section 3 - Building Type Standards: Residential Summary Table

	Street Frontage				Side & Rear Yard			Buildable Area			
	Multiple Buildings Permitted on a Lo	Front Yard BTZ or Setback (feet)	Corner Side Yard BTZ or Setback (feet)	Unenclosed Porches, Stoops, and Stairs Permitted to Encroach into Front Yard	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum and Maximum Lot Width (feet)	Minimum Lot Size (sq ft)	Maximum Building Coverage	Maximum Impervious + Semi-Pervious Coverage	
Residential Buildings											
Agriculture	No	50 Setback	50 Setback	No	25	50	150 (no max)	5 acres	4%	7% impervious + 3% semi-pervious	
Exurban	No	50 Setback	50 Setback	No	25	50	150 (no max)	87,120 (2 acres)	6%	10% impervious + 5% semi-pervious	
Suburban Estate	No	30 Setback	30 Setback	No	10	30	100 min, 200 max	17,500	20%	30% impervious + 10% semi-pervious	
Suburban Manor	No	30 Setback	30 Setback	No	5	25	70 min, 100 max	10,000	35%	45% impervious + 10% semi-pervious	
Suburban Cottage	No	15 Setback	15 Setback	No	5	15; 10' with Alley	55 min, 70 max	5,500	40%	45% impervious + 10% semi-pervious	
Urban Estate	No	10 to 20 BTZ	10 to 20 BTZ	Yes up to 5'	7.5	5	50 min, 70 max	5,000	40%	50% impervious + 10% semi-pervious	
Urban Manor	No	7 to 15 BTZ	7 to 15 BTZ	Yes up to 3'	5	5	60 (no max)	4,500	45%	60% impervious + 10% semi-pervious	
Attached House	Yes	10 to 20 BTZ	10 to 20 BTZ	Yes up to 5'	5	5	20 Per Unit (no max)	1500 Per Unit	45%	60% impervious + 15% semi-pervious	
Multifamily	No	10 to 20 BTZ	10 to 20 BTZ	No	10	10	50 (no max)	1000 Per Unit	45%	65% impervious + 15% semi-pervious	

Table 3.B-2. Residential Building Types Table.

III. Zoning Regulations

Section 3 - Building Type Standards: Residential Summary Table

Parking & Loading		Height		Transparency		Entrance	Cap & Base Type	
Location of Parking Facilities (Yard)	Location of Access and Number of Permitted Curb Cuts	Minimum Principal Building Height	Maximum Principal Building Height	Upper Story Front and Corner Side Façade	30% Rule	Principal Entrance Location	Allowable Cap Types	Allowable Base Types
Rear, Attached Garages Permitted with Conditions	1 per lot for residential Use; 2 per Lot with Drop-Off Drive	1 story	3 stories	Not Applicable	Not Applicable	Not Applicable	Parapet, Pitched Roof, and Tower	Stoop and Porch
Rear, Attached Garages Permitted with Conditions	1 per lot; 2 per Lot with Drop-Off Drive	1 story	3 stories	10%	Not Applicable	Front or Corner Façade	Parapet, Pitched Roof, and Tower	Stoop and Porch
Rear, Attached Garages Permitted with Conditions	Alley or 1 per Lot; 2 per lot with Drop-Off Drive	2 stories	3 stories	10%	Not Applicable	Front or Corner Façade	Parapet, Pitched Roof, and Tower	Stoop and Porch
Rear, Attached Garages Permitted with Conditions	Alley or 1 per Lot; 2 per lot with Drop-Off Drive on Corner Lot	1 1/2 stories	2 1/2 stories	15%	Applies	Front or Corner Façade	Parapet, Pitched Roof, and Tower	Stoop and Porch
Rear, Attached Garages Permitted with Conditions	Alley or 1 per Lot; 2 per lot with Drop-Off Drive on corner lot	1 story	1 1/2 stories	15%	Applies	Front or Corner Façade	Pitched Roof and Tower	Stoop and Porch
Rear	Alley	2 stories	3 stories	15%	Applies	Front or Corner Façade	Parapet, Pitched Roof, and Tower	Stoop and Porch
Rear	Alley	1 1/2 stories	2 1/2 stories	15%	Applies	Front or Corner Façade	Pitched Roof and Tower	Stoop and Porch
Rear	If no Alley, 1 per set of 4 attached units	2 stories	3 stories	15%	Applies	Front or Corner Façade	Parapet, Pitched Roof, and Tower	Stoop and Porch
Rear	1 per frontage	2 stories	4 stories	20%	Applies	Front or Corner Façade	Parapet, Pitched Roof, and Tower	Arcade, Porch, and Stoop

III. Zoning Regulations

Section 3.N - Building Type Standards: Agriculture

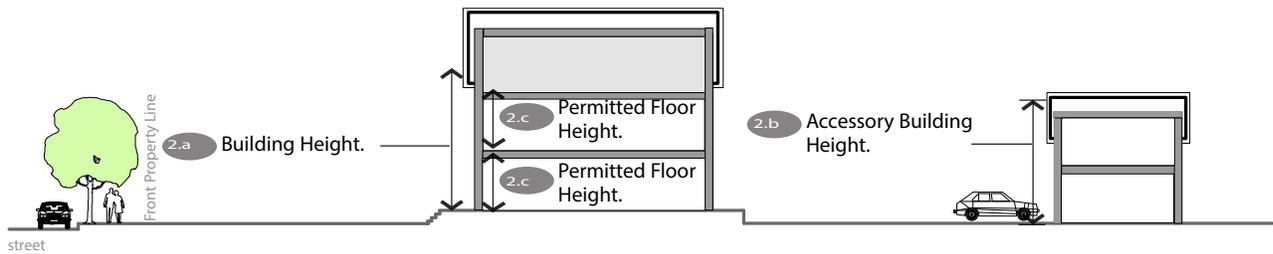


Figure 3.N-2: Height & Use Requirements.

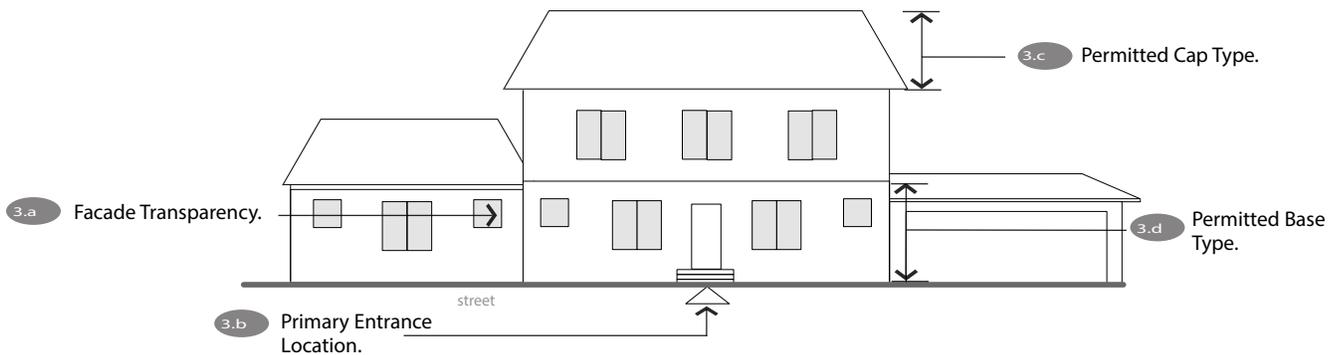


Figure 3.N-3: Facade Requirements.

(3) A porte cochere is permitted on the front Facade when a Drop-Off Drive is utilized.

Driveways & Access.

- 1.i Access is permitted from a driveway; up to one (1) permitted per Street Face is permitted.
- (1) One (1) additional driveway is permitted if a Drop-Off Drive is developed. Refer to III.6.G(3) (d) Drop-Off Drive.

2. Height & Use Requirements. (Refer to Figure 3.N-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Principal Building height shall be a minimum of one (1) Story and a maximum of three (3) Stories with a maximum height in feet of forty-two (42) feet.
- 2.b Accessory Building height shall be a maximum of two (2) Stories
 - (1) The second Story shall be located fully within roof structure.
 - (2) Accessory Building height shall not exceed the height of the Principal Building.
- 2.c Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

Uses. Refer to III.2 Uses for specific Use information.

3. Residential Building Facade Requirements. (Refer to Figure 3.N-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of ten (10) percent of the front Facade shall have transparent, non-reflective windows.

Building Entrance.

- 3.b The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.c Permitted Cap Types are parapet, pitched roof, and tower.
- 3.d Permitted Base Types are stoop and porch.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

III. Zoning Regulations

Section 3.O - Building Type Standards: Exurban

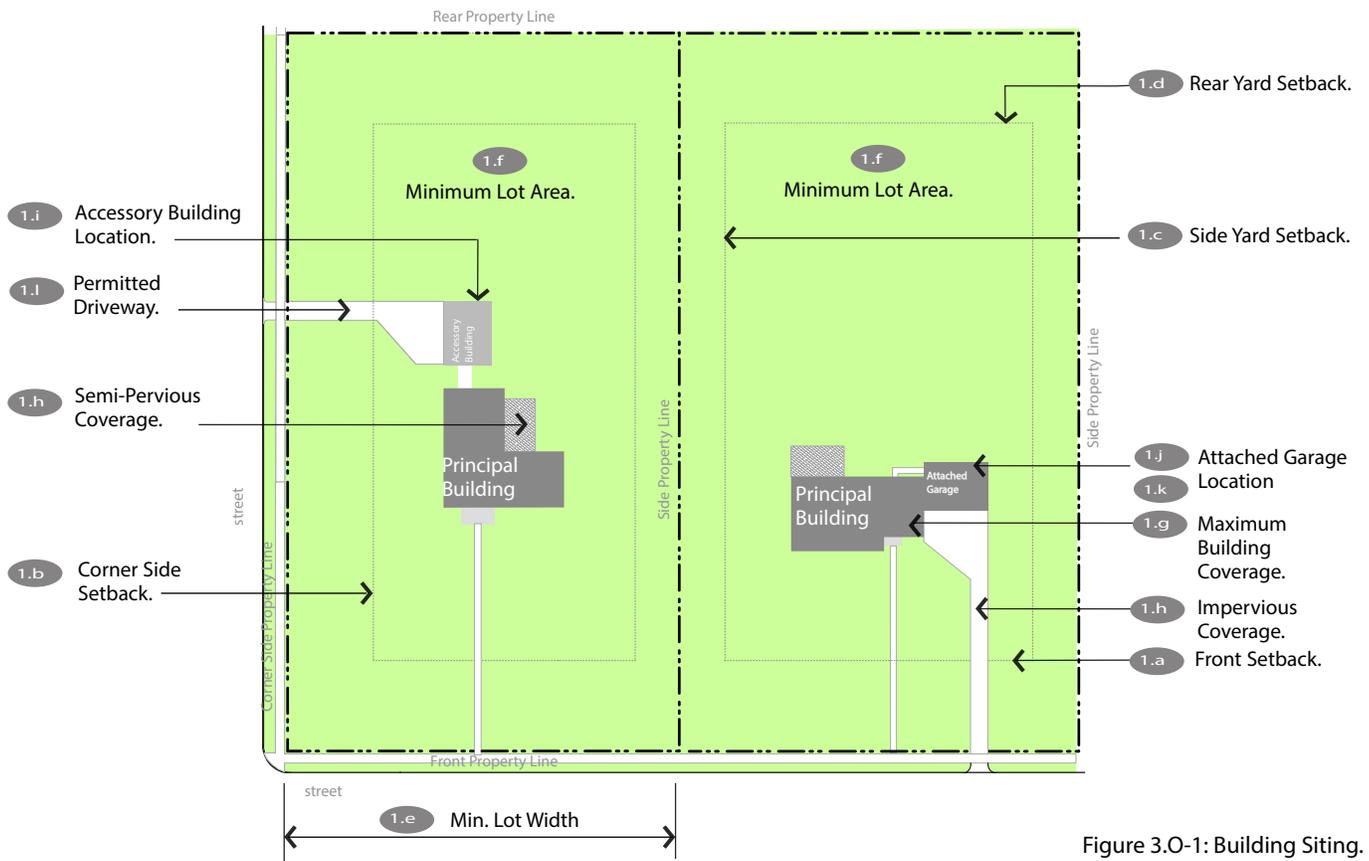


Figure 3.O-1: Building Siting.

1. Building Siting. (Refer to Figure 3.O-1)

Street Frontage.

- 1.a Front building Facade shall be set back a minimum of fifty (50) feet from the Front Property Line.
- 1.b Corner side building Facade shall be set back a minimum of fifty (50) feet from the Corner Side Property Line.

Side & Rear Yard Setbacks.

- 1.c Side Yard Setback shall be a minimum of twenty-five (25) feet.
- 1.d Rear Yard Setback shall be a minimum of fifty (50) feet.

Buildable Area.

- 1.e Minimum Lot Width is one hundred fifty (150) feet.
- 1.f Minimum Lot Area is 87,120 square feet (two acres).
- 1.g Maximum Building Coverage shall be six (6) percent of the Lot Area.
- 1.h Maximum Impervious Site Coverage shall be ten (10) percent of Lot Area and an additional five (5) percent of the site may be Semi-Pervious.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

- 1.i Surface parking and Accessory Buildings are permitted in the Corner Side, Side, and Rear Yards.
- 1.j Attached garages may be located in the Front Yard, but garage doors shall be at a minimum angle of ninety (90) degrees to the Front Property Line.
- 1.k Attached garages with garage doors parallel to the Front Property Line are permitted on the front Facade with the following conditions.
 - (1) Attached garage Facade shall be located a minimum of fifteen (15) feet behind the front Facade.
 - (2) Attached garage Facade shall not occupy a space larger than thirty (30) percent of the building's total front Facade.
 - (3) A porte cochere is permitted on the front Facade when a Drop-Off Drive is utilized.

Driveways & Access.

- 1.l Access is permitted from a driveway; up to one (1) permitted per Lot.
 - (1) One (1) additional driveway is permitted if a

III. Zoning Regulations

Section 3.O - Building Type Standards: Exurban

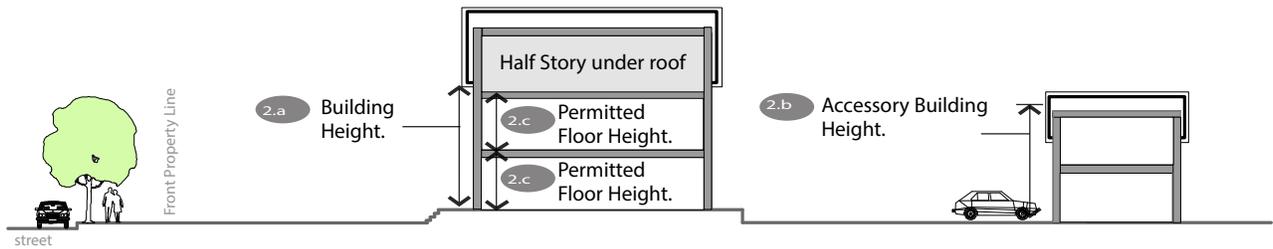


Figure 3.O-2: Height & Use Requirements.

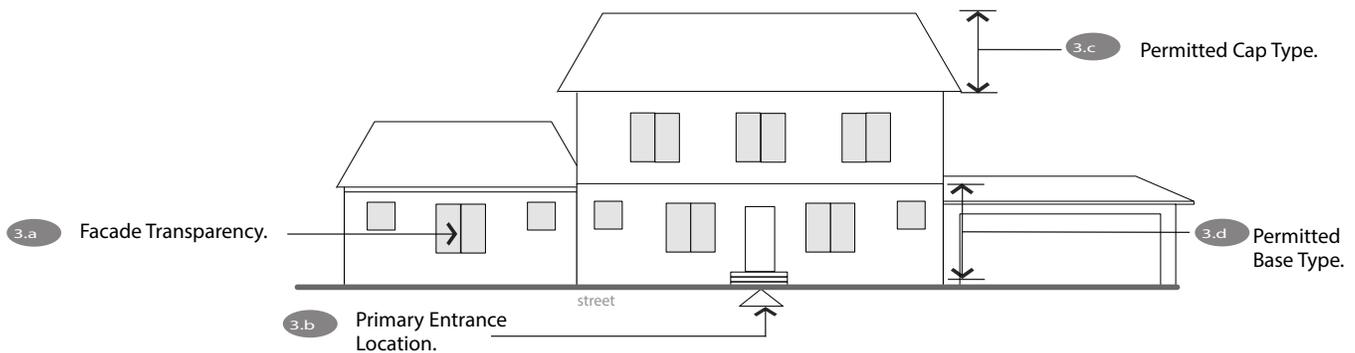


Figure 3.O-3: Facade Requirements.

Drop-Off Drive is developed. Refer to III.6.G(3) (d) Drop-Off Drive.

2. Height & Use Requirements. (Refer to Figure 3.O-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Principal Building height shall be a minimum of one (1) story and a maximum of three (3) stories with a maximum height in feet of forty-two (42) feet.
- 2.b Accessory Building height shall be a maximum of two (2) stories; Accessory Building height shall not exceed the height of the Principal Building.
- 2.c Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

Uses. Refer to III.2 Uses for specific Use information.

3. Facade Requirements. (Refer to Figure 3.O-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of ten (10) percent of the front Facade shall have transparent, non-reflective windows.

Building Entrance.

- 3.b The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.c Permitted Cap Types are parapet, pitched roof, and tower.
- 3.d Permitted Base Types are stoop and porch.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

III. Zoning Regulations

Section 3.P - Building Type Standards: Suburban Estate

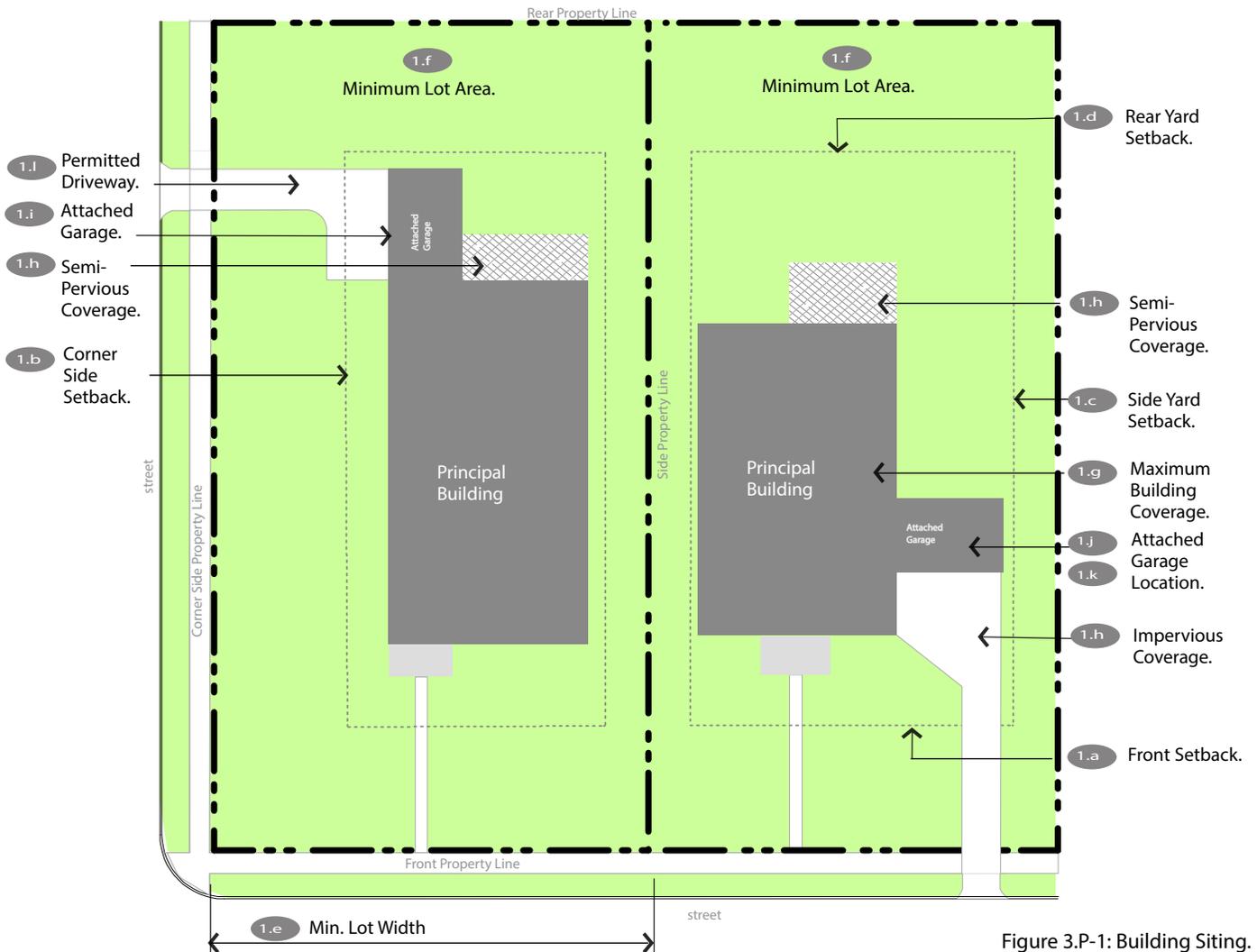


Figure 3.P-1: Building Siting.

1. Building Siting. (Refer to Figure 3.P-1) Street Frontage.

- 1.a Front building Facade shall be setback a minimum of thirty (30) feet from the Front Property Line.
- 1.b Corner side building Facade shall be setback a minimum of thirty (30) feet from the Corner Side Property Line.

Side & Rear Yard Setbacks.

- 1.c Side Yard Setback shall be a minimum of ten (10) feet.
- 1.d Rear Yard Setback shall be a minimum of thirty (30) feet.

Buildable Area.

- 1.e Lot Width shall be a minimum of one hundred (100) feet and a maximum of two hundred (200) feet.
- 1.f Minimum Lot Area is 17,500 square feet.
- 1.g Maximum Building Coverage shall be twenty (20) percent of the Lot Area.
- 1.h Maximum Impervious Site Coverage shall be thirty

(30) percent of Lot Area and an additional ten (10) of the site may be Semi-Pervious.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

- 1.i Surface parking, attached garage, and Accessory Buildings are permitted in the Corner Side, Side, and Rear Yards.
- 1.j Attached garages may be located in the Front Yard, but garage doors shall be at a minimum angle of ninety (90) degrees to the Front Property Line.
- 1.k Attached garages with garage doors parallel to the Front Property Line are permitted on the front Facade with the following conditions.
 - (1) Attached garage Facade shall be located a minimum of fifteen (15) feet behind the front Facade.
 - (2) Attached garage Facade shall not occupy a space larger than thirty (30) percent of the building's total front Facade.
 - (3) A porte cochere is permitted on the front Facade when a Drop-Off Drive is utilized.

III. Zoning Regulations

Section 3.P - Building Type Standards: Suburban Estate

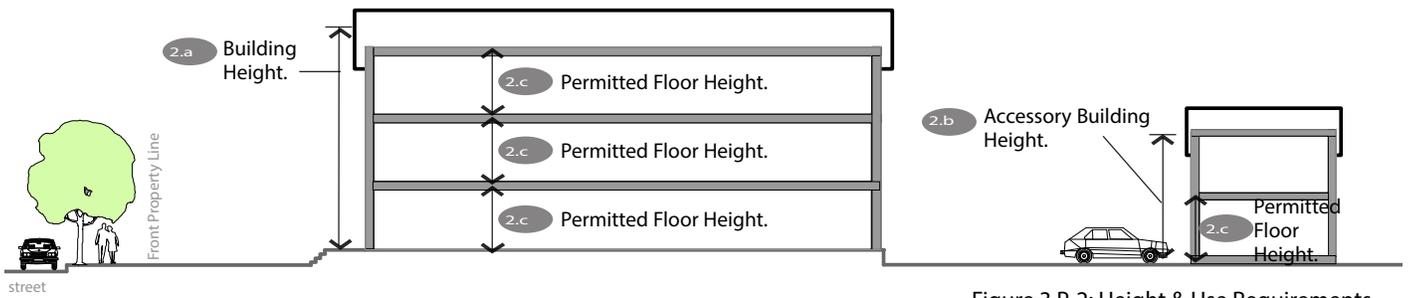


Figure 3.P-2: Height & Use Requirements.

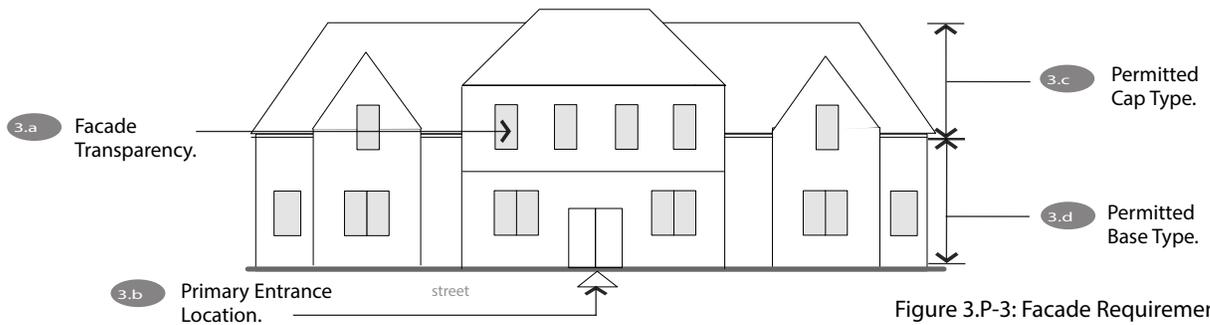


Figure 3.P-3: Facade Requirements.

With Lot access from an Alley, Accessory Buildings may encroach on the Rear Yard Setback up to five (5) feet from the Rear Property Line.

Driveways & Access.

- 1.i Access is permitted from an Alley or a driveway.
 - (1) Up to one (1) driveway per Lot is permitted.
 - (2) If Alley access is available, an additional driveway is not permitted.
 - (3) One (1) additional driveway is permitted if a Drop-Off Drive is developed. Refer to III.6.G(3) (d) Drop-Off Drive.

2. Height & Use Requirements. (Refer to Figure 3.P-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Principal Building height shall be a minimum of two (2) stories and a maximum of three (3) stories with a maximum height in feet of forty-two (42) feet.
- 2.b Accessory Building height shall be a maximum of two (2) stories; Accessory Building height shall not exceed the height of the Principal Building.
- 2.c Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

Uses. Refer to III.2 Uses for specific Use information.

3. Facade Requirements. (Refer to Figure 3.P-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of ten (10) percent of the front Facade shall have transparent, non-reflective windows.

Building Entrance.

- 3.b The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.c Permitted Cap Types are parapet, pitched roof, and tower.
- 3.d Permitted Base Types are stoop and porch.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Building Variety.

- 3.e Front Facade design shall vary from adjacent Lots by the type of dominant material or color of that material and at least one (1) of the following:
 - (1) The proportion of recesses and projections.
 - (2) The location of the entrance and window placement.
 - (3) The Base or Cap Type.

III. Zoning Regulations

Section 3.Q - Building Type Standards: Suburban Manor

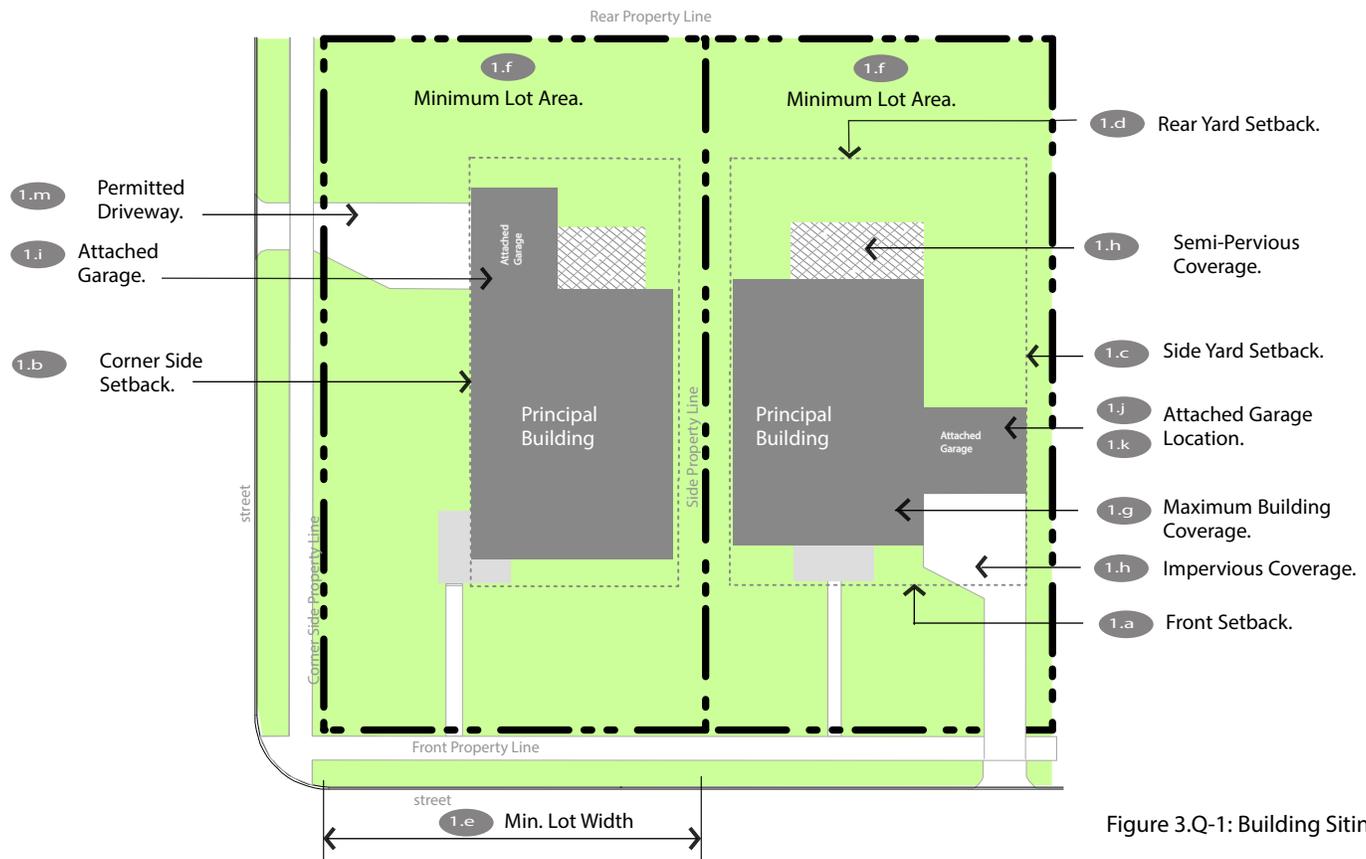


Figure 3.Q-1: Building Siting.

1. Building Siting. (Refer to Figure 3.Q-1)

Street Frontage.

- 1.a Front building Facade shall be set back a minimum of thirty (30) feet from the Front Property Line.
- 1.b Corner side building Facade shall be set back a minimum of thirty (30) feet from the Corner Side Property Line.

Side & Rear Yard Setbacks.

- 1.c Side Yard Setback shall be a minimum of five (5) feet.
- 1.d Rear Yard Setback shall be a minimum of twenty-five (25) feet.

Buildable Area.

- 1.e Lot Width shall be a minimum of seventy (70) feet and a maximum of one hundred (100) feet.
- 1.f Minimum Lot Area is 10,000 square feet.
- 1.g Maximum Building Coverage shall be thirty-five (35) percent of the Lot Area.
- 1.h Maximum Impervious Site Coverage shall be forty-five (45) percent of Lot Area and an additional ten (10) of the site may be Semi-Pervious.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a)

Accessory Buildings).

- 1.i Surface parking, attached garage, and Accessory Buildings are permitted in the Corner Side, Side, and Rear Yards.
- 1.j Attached garages may be located in the Front Yard,

but garage doors shall be at a minimum angle of ninety (90) degrees to the Front Property Line.

- 1.k Attached garages with garage doors parallel to the Front Property Line are permitted on the front or corner side Facades with the following conditions.
 - (1) Attached garage Facade shall be located a minimum of fifteen (15) feet behind the front Facade.
 - (2) Attached garage Facade shall not occupy a space larger than thirty (30) percent of the building's total front Facade.
 - (3) A porte cochere is permitted on the front Facade when a Drop-Off Drive is utilized.
- 1.l With Lot access from an Alley, Accessory Buildings may encroach on the Rear Yard Setback up to five (5) feet from the Rear Property Line.

Driveways & Access.

- 1.m Access is permitted from an Alley or a driveway.
 - (1) Up to one (1) driveway is permitted per Lot is permitted.
 - (2) If Alley access is available, additional driveway is not permitted.
 - (3) Drop-Off Drives are permitted on Corner Lots. Refer to III.6.G(3)(d) Drop-Off Drive.

III. Zoning Regulations

Section 3.Q - Building Type Standards: Suburban Manor

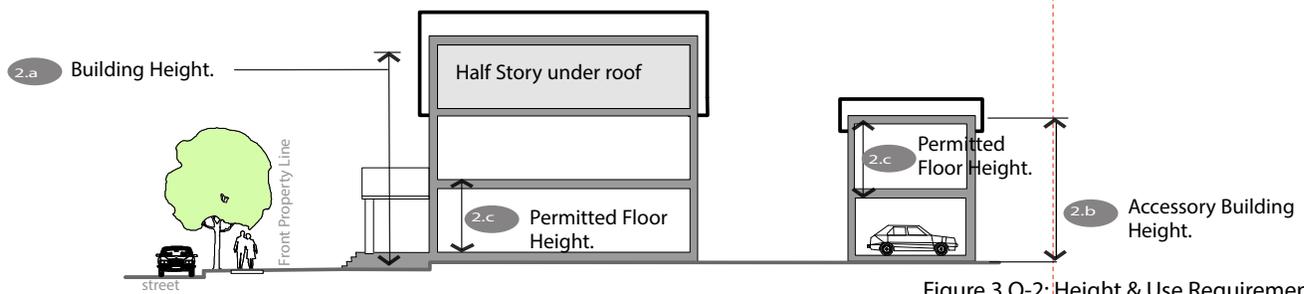


Figure 3.Q-2: Height & Use Requirements.

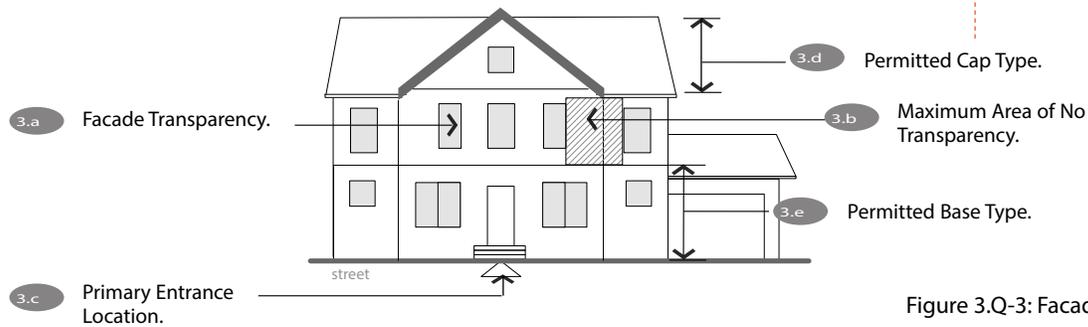


Figure 3.Q-3: Facade Requirements.

2. Height & Use Requirements. (Refer to Figure 3.Q-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Principal Building height shall be a minimum of one and a half (1 1/2) Stories and a maximum of two and a half (2 1/2) Stories with a maximum height in feet of thirty-five (35) feet.
- 2.b Accessory Building height shall be a maximum of two (2) Stories; Accessory Building height shall not exceed the height of the Principal Building.
- 2.c Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

Uses. Specific Use information is found in III.2 Uses.

3. Facade Requirements. (Refer to Figure 3.Q-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of fifteen (15) percent of the front Facade shall have transparent, non-reflective windows.
 - 3.b On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.
- #### Building Entrance.
- 3.c The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.d Permitted Cap Types are parapet, pitched roof and tower.
- 3.e Permitted Base Types are stoop and porch.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Building Variety.

- 3.f Front Facade design shall vary from adjacent Lots by the type of dominant material or color of that material and at least one (1) of the following:
 - (1) The proportion of recesses and projections.
 - (2) The location of the entrance and window placement.
 - (3) The Base or Cap Type.

III. Zoning Regulations

Section 3.R - Building Type Standards: Suburban Cottage

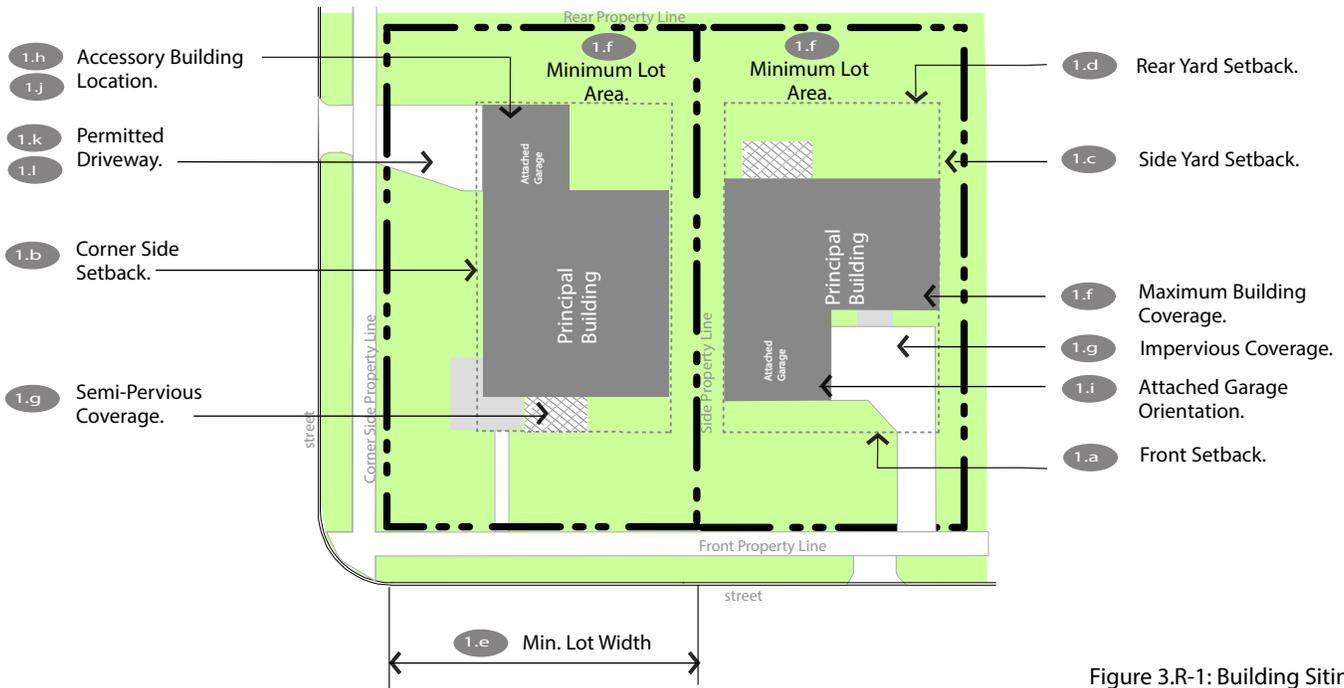


Figure 3.R-1: Building Siting.

1. Building Siting. (Refer to Figure 3.R-1)

Street Frontage.

- 1.a Front building Facade shall be set back a minimum of fifteen (15) feet from the Front Property Line. Corner side building Facade shall be set back a minimum of fifteen (15) feet from the Corner Side Property Line.
- 1.b Corner Side Setback.

Side & Rear Yard Setbacks.

- Side Yard Setback shall be a minimum of five (5) feet.
- 1.c Rear Yard Setback shall be a minimum of fifteen (15) feet.
- 1.d (1) Rear Yard Setback shall be a minimum of ten (10) feet when access is from the Alley.

Buildable Area.

- 1.e Lot Width shall be a minimum of fifty-five (55) feet and a maximum of seventy (70) feet. Minimum Lot Area is 5,500 square feet. Maximum Building Coverage shall be forty (40) percent of the Lot Area.
- 1.f Maximum Impervious Site Coverage shall be forty five (45) percent of Lot Area and an additional ten (10) percent of the site may be Semi-Pervious.
- 1.g

Parking & Accessory Buildings (Refer to III.2.Q(2)(a))

Accessory Buildings.

- 1.h Surface parking, attached garages, and Accessory Buildings are permitted in the Corner Side, Side, and

Rear Yards.

- 1.i Attached garages may be located in the Front Yard, but garage doors shall be at a minimum angle of ninety (90) degrees to the Front Property Line. Attached garages with garage doors parallel to the Front Property Line are permitted on the front or corner side Facades with the following conditions.
 - (1) Attached garage Facade shall be located a minimum of fifteen (15) feet behind the front Facade.
 - (2) Attached garage Facade shall not occupy a space larger than fifty-five (55) percent of the building's total front Facade.
 - (3) A porte cochere is permitted on the front Facade when a Drop-Off Drive is utilized.
- 1.j With Lot access from an Alley, Accessory Buildings may encroach on the Rear Yard Setback up to five (5) feet from the Rear Property Line.

Driveways & Access.

- 1.l Access is permitted from an Alley or a driveway.
 - (1) Up to one (1) driveway is permitted per Lot is permitted.
 - (2) If Alley access is available, additional driveway is not permitted.
 - (3) Drop-Off Drives are permitted on Corner Lots. Refer to III.6.G(3)(d) Drop-Off Drive.

III. Zoning Regulations

Section 3.R - Building Type Standards: Suburban Cottage

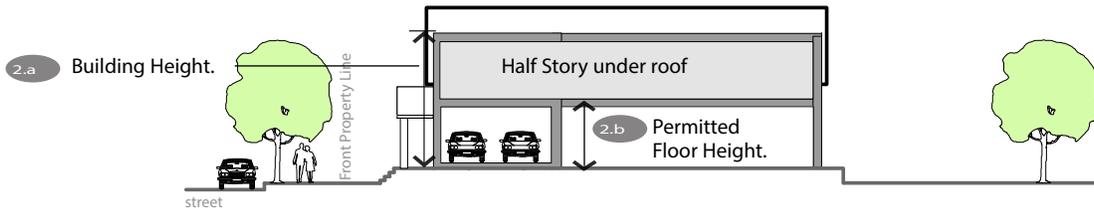


Figure 3.R-2: Height & Use Requirements.

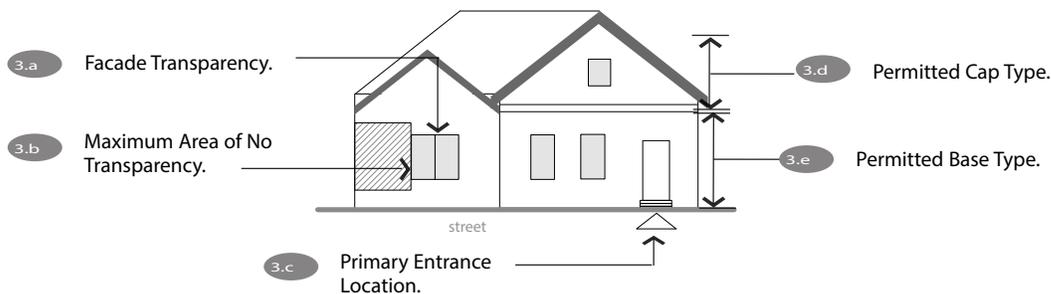


Figure 3.R-3: Facade Requirements.

2. Height & Use Requirements. (Refer to Figure 3.R-2)

Building & Floor Heights. (See III.3.E Measuring Height)

Principal Building height shall be a minimum of one (1) story and a maximum of one and a half (1 1/2) stories with a maximum height in feet of thirty (30) feet.

Accessory Building height shall be a maximum of one (1) stories; Accessory Building height shall not exceed the height of the Principal Building.

Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet, as measured from floor to floor.

Uses. Specific Use information is found in III.2 Uses.

3. Facade Requirements. (Refer to Figure 3.R-3)

Transparency. (See III.3.F Measuring Transparency)

A minimum of fifteen (15) percent of the front Facade shall have transparent, non-reflective windows.

On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade

per floor shall be blank, without Transparency.
Building Entrance.

The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

Permitted Cap Types are pitched roof and tower.

Permitted Base Types are stoop and porch.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Building Variety.

Front Facade design shall vary from adjacent Lots by the type of dominant material or color of that material and at least one (1) of the following:

- (1) The proportion of recesses and projections.
- (2) The location of the entrance and window placement.
- (3) The Base or Cap Type.

Attached garages of the same orientation (garage doors parallel to the street or garage doors perpendicular to the street facing the same direction) shall not be located on more than three (3) consecutive lots.

III. Zoning Regulations

Section 3.S - Building Type Standards: Urban Estate

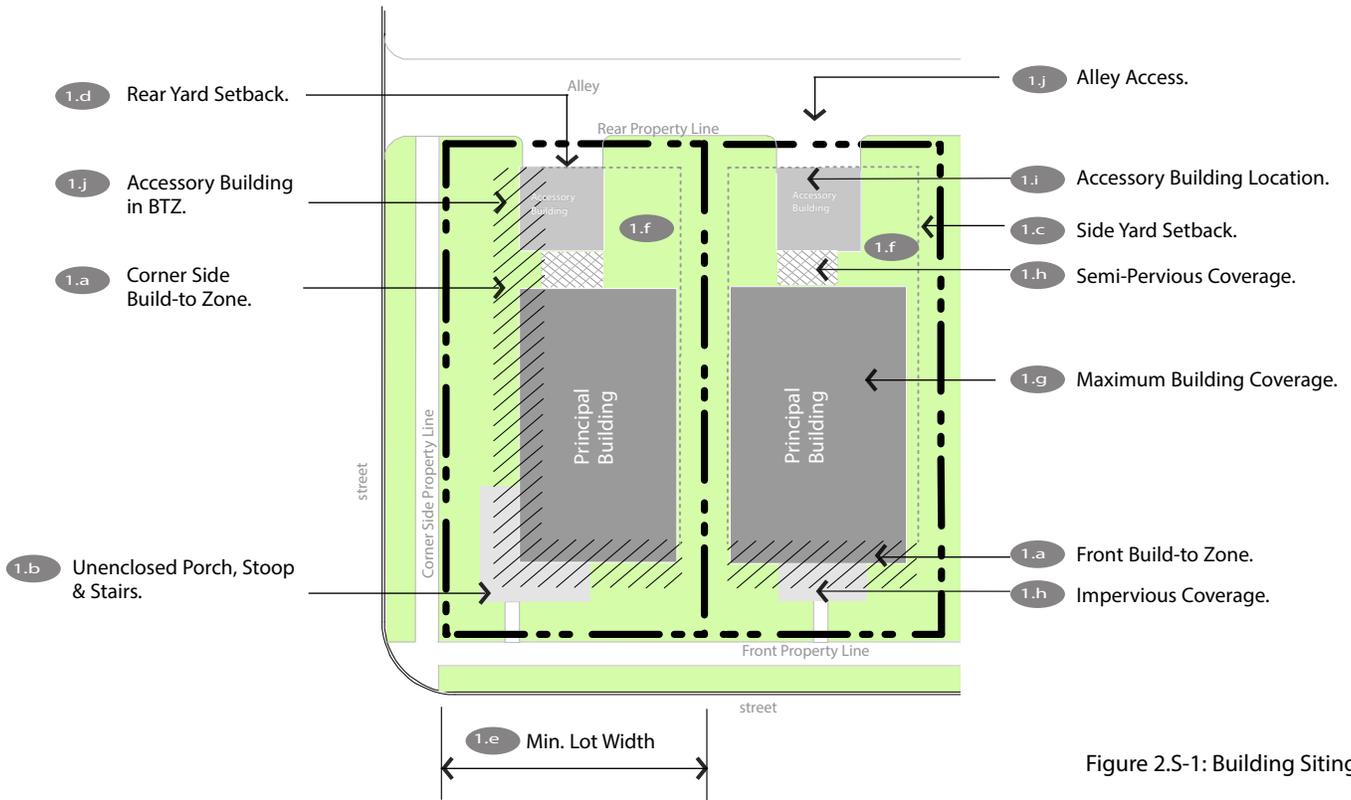


Figure 2.S-1: Building Siting.

1. Building Siting. (Refer to Figure 3.S-1)

Street Frontage.

- 1.a Front and corner side Facades of the Principal Building shall be constructed within a Build-to Zone located between ten (10) and twenty (20) feet into the site from the Front and Corner Side Property Lines.
- 1.b Unenclosed porches, stoops and stairs are permitted to within five (5) feet of the Front or Corner Side Property Lines.

Side & Rear Yard Setbacks.

- 1.c Side Yard Setback shall be a minimum of seven and a half (7 1/2) feet.
- 1.d Rear Yard Setback shall be a minimum of five (5) feet.

Buildable Area.

- 1.e Lot Width shall be a minimum of fifty (50) feet and a maximum of seventy (70) feet.
- 1.f Minimum Lot Area is 5,000 square feet.
- 1.g Maximum Building Coverage shall be forty (40) percent of the Lot Area.
- 1.h Maximum Impervious Site Coverage shall be fifty (50) percent of Lot Area and an additional ten (10) percent of the site may be Semi-Pervious.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

- 1.i Surface parking, attached garages, and Accessory Buildings are permitted in the Corner Side, Side, and Rear Yards.
- ##### Driveways & Access.
- 1.j Alley access is required.

2. Height & Use Requirements. (Refer to Figure 3.S-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Principal Building height shall be a minimum of two (2) stories and a maximum of three (3) stories with a maximum height in feet of forty-two (42) feet.
- 2.b Accessory Building height shall be a maximum of two (2) stories; Accessory Building height shall not exceed the height of the Principal Building.
- 2.c Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

Uses. Specific Use information is found in III.2 Uses.

III. Zoning Regulations Section 3.5 - Building Type Standards: Urban Estate

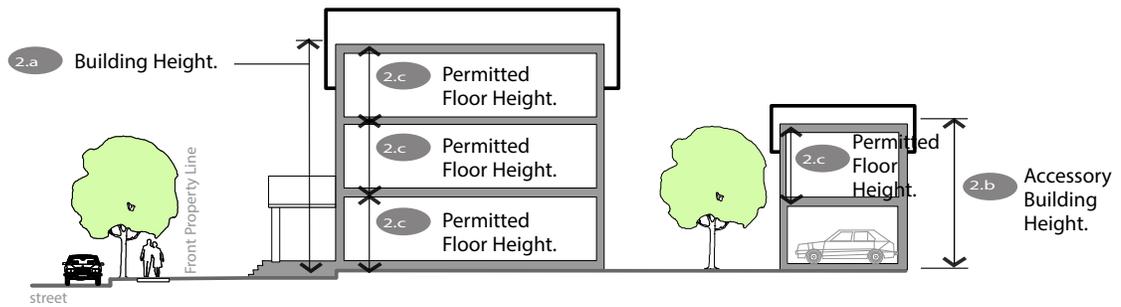


Figure 3.S-2: Height & Use Requirements.

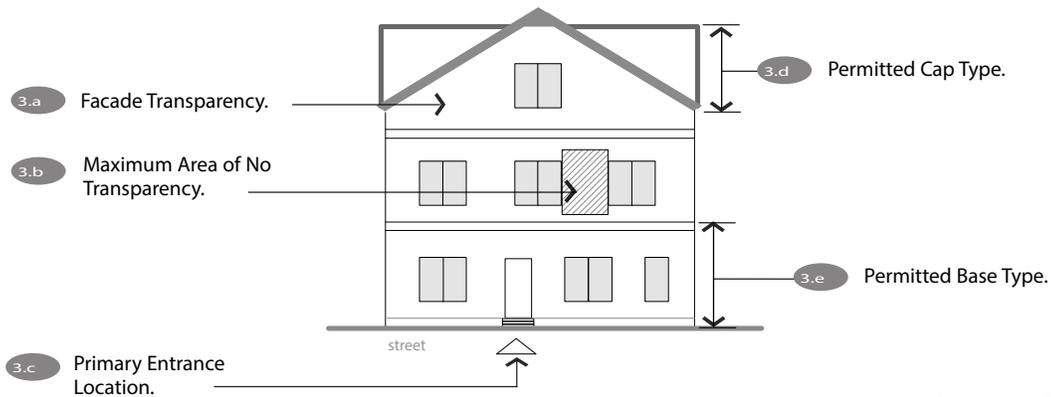


Figure 3.S-3: Facade Requirements.

3. Facade Requirements. (Refer to Figure 3.S-3)

Transparency. (See III.3.F Measuring Transparency)

- 3.a A minimum of fifteen (15) percent of the front Facade shall have transparent, non-reflective windows.
- 3.b On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.

Building Entrance.

- 3.c The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

Permitted Cap & Base Types. (See III.3.C-D)

- 3.d Permitted Cap Types are parapet, pitched roof, and tower.
- 3.e Permitted Base Types are stoop and porch.

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Building Variety.

- 3.f Front Facade design shall vary from adjacent Lots by the type of dominant material or color of that material and at least one (1) of the following:
 - (1) The proportion of recesses and projections.
 - (2) The location of the entrance and window placement.
 - (3) The Base or Cap Type.

III. Zoning Regulations

Section 3.T - Building Type Standards: Urban Manor

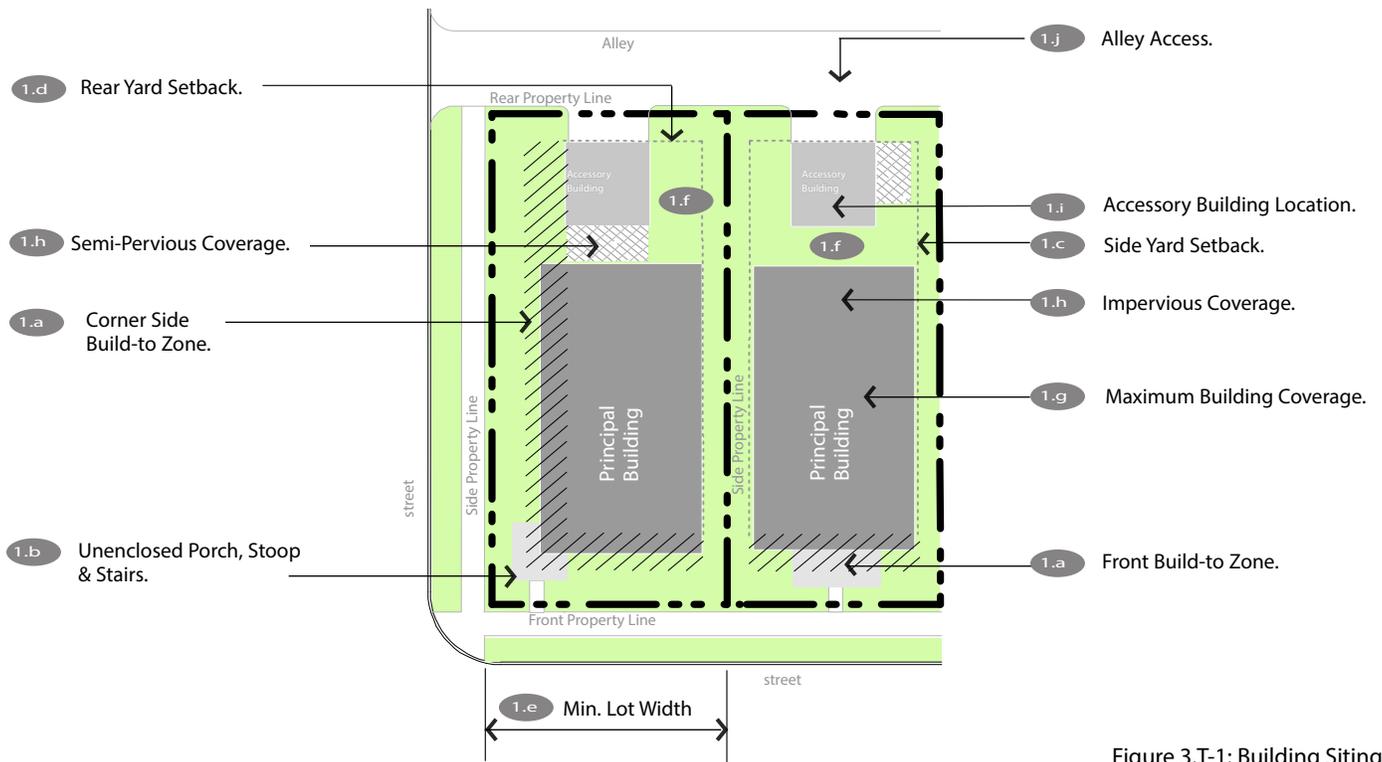


Figure 3.T-1: Building Siting.

1. Building Siting. (Refer to Figure 3.T-1)

Street Frontage.

- 1.a Front and corner side Facades of the Principal Building shall be constructed within a Build-to Zone located between seven (7) and fifteen (15) feet into the site from the Front and Corner Side Property Lines.
- 1.b Unenclosed porches, stoops and stairs are permitted to within three (3) feet of the Front or Corner Side Property Lines.

Side & Rear Yard Setbacks.

- 1.c Side Yard Setback shall be a minimum of five (5) feet.
- 1.d Rear Yard Setback shall be a minimum of five (5) feet.

Buildable Area.

- 1.e Lot Width shall be a minimum of sixty (60) feet. Minimum Lot Area is 4,500 square feet.
- 1.f Maximum Building Coverage shall be forty-five (45) percent of the Lot Area.
- 1.g Maximum Impervious Site Coverage shall be sixty (60) percent of Lot Area and an additional ten (10) percent of the site may be Semi-Pervious.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

Surface parking, attached garages, and Accessory Buildings are permitted in the Corner Side, Side, and Rear Yards.

1.j Driveways & Access.

Alley access is required.

2. Height & Use Requirements. (Refer to Figure 3.T-2)

1.j Building & Floor Heights. (See III.3.E Measuring Height)

Principal Building height shall be a minimum of one and a half (1 1/2) stories and a maximum of two and a half (2 1/2) stories with a maximum height in feet of thirty-five (35) feet.

Accessory Building height shall be a maximum of two (2) stories; Accessory Building height shall not exceed the height of the Principal Building.

Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

2.c

Uses. Specific Use information is found in III.2 Uses.

III. Zoning Regulations

Section 3.T - Building Type Standards: Urban Manor

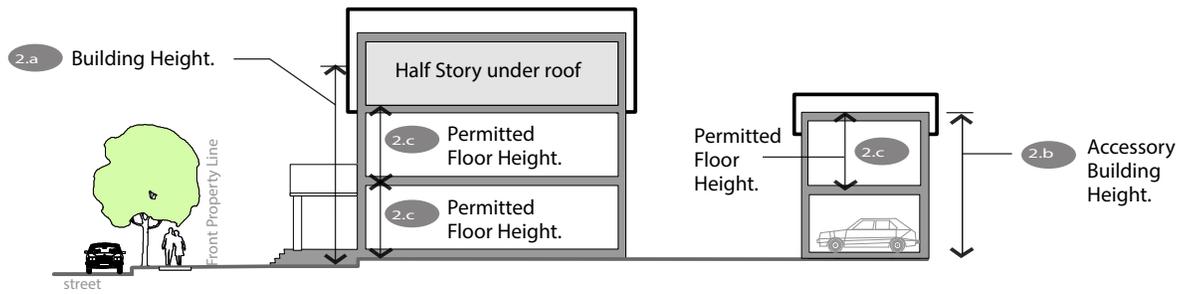


Figure 3.T-2: Height & Use Requirements.

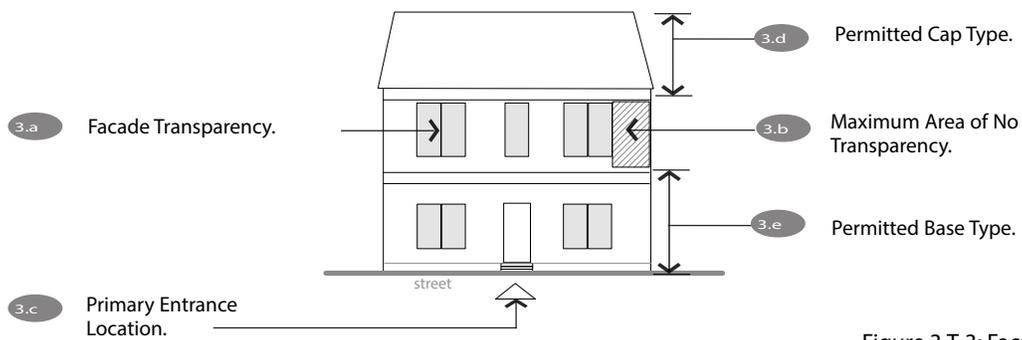


Figure 3.T-3: Facade Requirements.

3. Facade Requirements. (Refer to Figure 3.T-3) Transparency. (See III.3.F Measuring Transparency)

A minimum of fifteen (15) percent of the front

3.a Facade shall have transparent, non-reflective windows.

3.b On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.

Building Entrance.

The primary entrance shall be on the front or corner side Facade. Entrances at the corner of the building satisfy this requirement.

3.c

Permitted Cap & Base Types. (See III.3.C-D)

Permitted Cap Types are pitched roof and tower.

3.d Permitted Base Types are stoop and porch.

3.e

Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Building Variety.

- 3.f Front Facade design shall vary from adjacent Lots by the type of dominant material or color of that material and at least one (1) of the following:
- (1) The proportion of recesses and projections.
 - (2) The location of the entrance and window placement.
 - (3) The Base or Cap Type.

III. Zoning Regulations

Section 3.U - Building Type Standards: Attached House

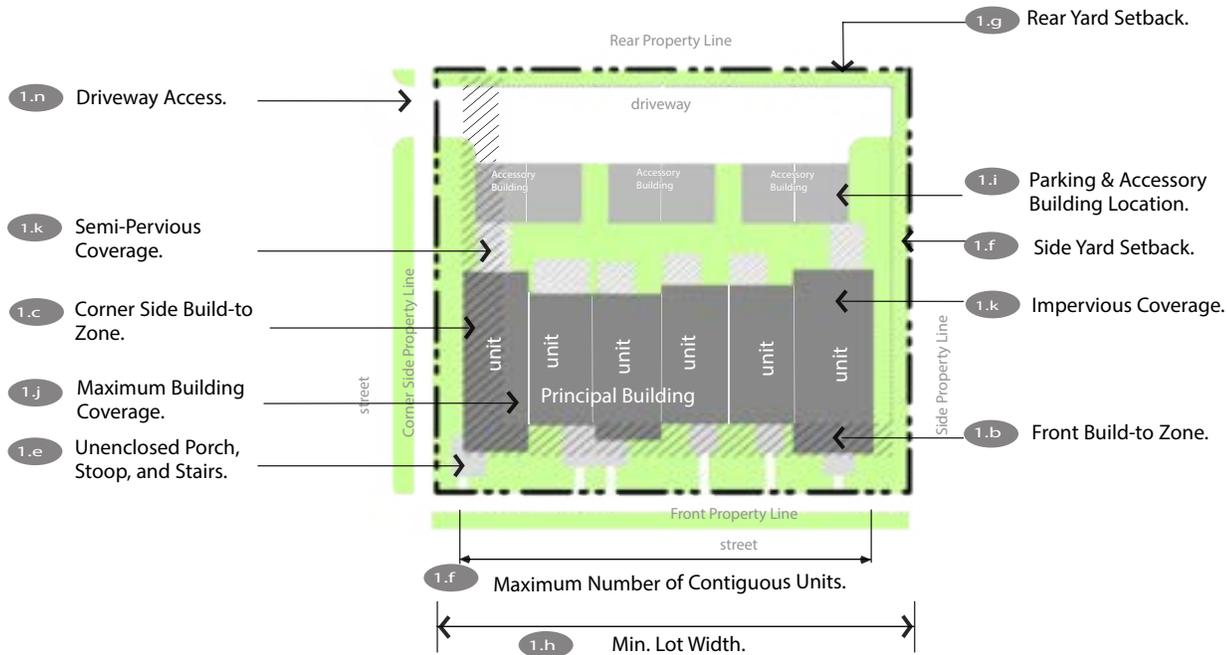


Figure 3.U-1: Building Siting.

1. Building Siting. (Refer to Figure 3.U-1)

1.a For the purposes of this type, a Principal Building consists of a series of units. Multiple Principal Buildings may be constructed on a single Lot, however, all requirements in III.3.U shall be met.

Street Frontage.

1.b Front Facades of the Principal Building shall be within a Build-to Zone located between ten (10) and twenty (20) feet into the site from the Front Property Line.

1.c Corner Side Facades of the Principal Building shall be within a Build-to Zone located between seven (7) and twenty (20) feet into the site from the Corner Side Property Line.

1.d For every three (3) Principal Buildings that meet III.3.U(1)(b), one (1) Principal Building may front an Open Space Type (see III.4), or a Courtyard with a minimum of thirty (30) feet in width measured at the Front Property Line.

1.e Unenclosed porches, stoops and stairs are permitted to within five (5) feet of the Front or Corner Side Property Lines.

Side & Rear Yard Setbacks.

1.f Side Yard Setback shall be a minimum of five (5) feet.
(1) A minimum of two (2) and a maximum of six (6) contiguous units are permitted without Side Yard Setbacks.

Rear yard Setback shall be a minimum of five (5) feet.

Buildable Area.

1.h Minimum Lot Width is twenty (20) feet per unit.

1.i Minimum Lot Area is 1,500 square feet per unit.

1.j Maximum Building Coverage shall be forty-five (45)

percent of the Lot area.

1.k Maximum Impervious Site Coverage shall be sixty (60) percent of Lot Area and an additional fifteen (15) percent of the site may be Semi-Pervious.

Parking & Accessory Buildings (Refer to III.2.Q(2)(a) Accessory Buildings).

1.l Surface parking, attached garages, and Accessory Buildings are permitted in the Corner Side, Side, and Rear Yards.

Driveways & Access.

1.m If no Alley exists, one (1) driveway per set of four (4) units is permitted.

2. Height & Use Requirements. (Refer to Figure 3.U-2)

Building & Floor Heights. (See III.3.E Measuring Height)

2.a Principal Building height shall be a minimum of two (2) stories and a maximum of three (3) stories.

(1) Maximum height in feet is forty-two (42) feet.

2.b Accessory Building height shall be a maximum of two (2) stories; Accessory Building height shall not exceed the height of the Principal Building.

2.c Permitted floor height is a minimum of eight (8) feet, maximum of fourteen (14) feet.

Uses. Specific Use information is found in III.2 Uses.

2.d Parking is permitted fully below grade or internally in the rear of the building with a minimum of fifteen (15) feet, measured from the front Facades, occupied by a permitted Use other than parking.

III. Zoning Regulations

Section 3.U - Building Type Standards: Attached House

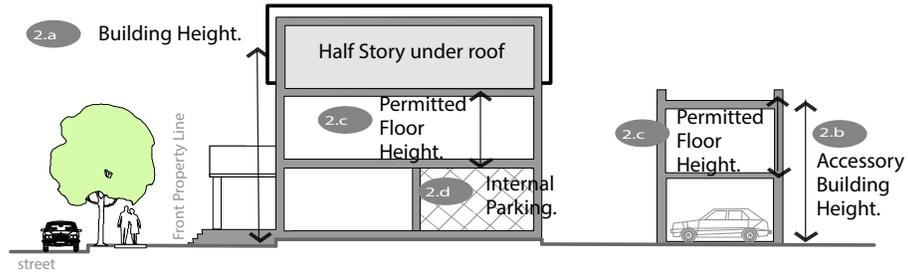


Figure 3.U-2: Height & Use Requirements.

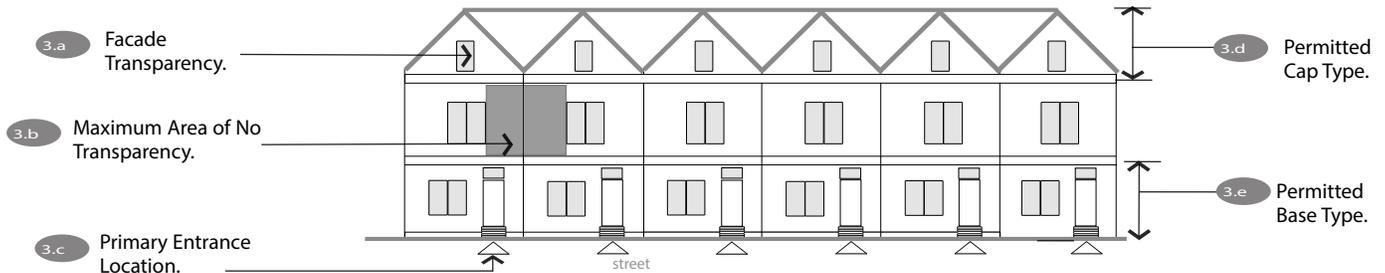


Figure 3.U-3: Facade Requirements.

3. Facade Requirements. (Refer to Figure 3.U-3) Transparency. (See III.3.F Measuring Transparency)

A minimum of fifteen (15) percent of the front

3.a Facade shall have transparent, non-reflective windows.

3.b On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.

Building Entrance.

The primary entrance of each unit shall be on the front or corner side Facade. Entrances at the corner of a building satisfy this requirement.

3.c Primary Entrance Location.

Permitted Cap & Base Types. (See III.3.C-D)

Permitted Cap Types are parapet and pitched roof.

3.d Towers are permitted on end units or units at Street Termini.

Permitted Base Types are stoop and porch.

3.e

Balconies.

Each Balcony structure shall only serve one (1)

3.f Dwelling Unit.

Balconies shall be independently secured, not connected to any other Balcony; structural supports, such as brackets, shall be visible.

3.g

Balconies may be utilized on no more than thirty (30) percent of the front and corner side Facades.

3.h

Materials requirements.

Building Variety.

Front Facade design of different clusters of buildings shall vary by the type of dominant material or color of that material and at least one of the following:

- 3.i
- (1) The proportion of recesses and projections.
 - (2) The location of the entrance and window placement.
 - (3) The Base or Cap Type.

Building Materials. Refer to III.3.A(5) for Building

III. Zoning Regulations

Section 3.V - Building Type Standards: Multifamily Building

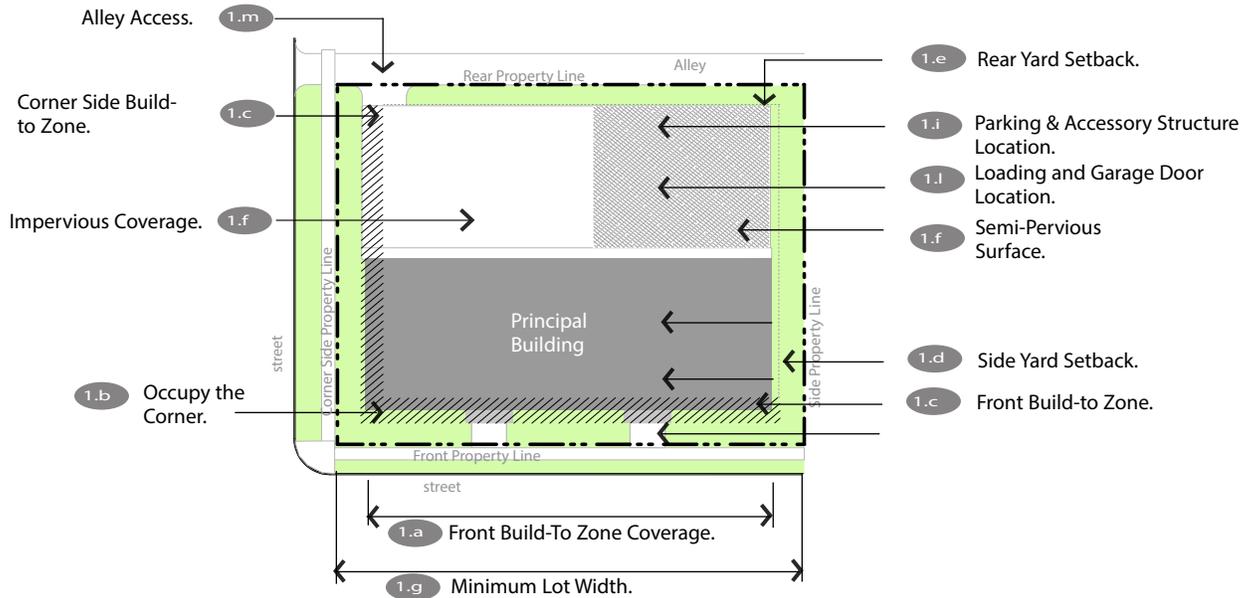


Figure 3.V-1: Building Siting.

1. Building Siting. (Refer to Figure 3.V-1)

Street Frontage.

- 1.a A minimum of 60% of the length of the front Build-to Zone shall be occupied by building, allowing a Courtyard for up to 40% of front Build-to Zone.
- 1.b The intersection of the front and side Build-to Zones (the corner) shall be occupied by a building.
- 1.c Front and corner side building Facades shall be constructed within Build-to Zones located between ten (10) and twenty (20) feet from the Property Lines.

Side & Rear Yard Setbacks.

- 1.d Side Yard Setback shall be a minimum of ten (10) feet.
- 1.e Rear Yard Setback shall be a minimum of ten (10) feet.

Buildable Area.

- 1.f Maximum Impervious Site Coverage shall be 65%; an additional 15% of the site may be Semi-Pervious.
- 1.g Minimum Lot Width is fifty (50) feet.
- 1.h Minimum Lot size is 1,000 square feet per unit.
- 1.i Maximum Building Coverage shall be forty-five (45) percent of the Lot area.

Off-Street Parking & Loading.

- 1.j Parking lots are permitted as follows:
 - (1) Prohibited within a Courtyard on front or corner side Facade.
 - (2) Permitted in the Rear Yard; a double loaded aisle of parking is also permitted in the Side Yard on Parcels wider than one hundred and sixty-five

(165) feet.

- (3) Structured parking is permitted behind the rear Facade.

- 1.k Exterior refuse containers shall be located in the Rear Yard. Refer to III.5.M Landscape for screening.
- 1.l All loading facilities and vehicular garage doors shall be located on the rear or side Facade.

Driveways & Access.

- 1.m If no Alley exists, up to one (1) driveway on each street frontage is permitted.

2. Height & Use Requirements. (Refer to Figure 3.V-2)

Building & Floor Heights. (See III.3.E Measuring Height)

- 2.a Building height shall be a minimum of two (2) stories and a maximum of four (4) stories and forty-four (44) feet.
- 2.b Permitted Ground Story height is a minimum of fifteen (15), maximum of thirty (30) feet.
- 2.c Permitted Upper Story height is a minimum of nine (9) feet, maximum of fourteen (14) feet.
- 2.d Parking garages shall be no taller than the height of the building at the Front Property Line.

Uses. Specific Use information is found in III.2 Uses.

- 2.e Parking is permitted fully below grade or internally in the rear of the building with a minimum of thirty (30) feet, measured from the front and corner side Facades, occupied by a permitted Use other than parking.

3. Facade Requirements. (Refer to Figure 3.V-3)

Transparency. (See III.3.F Measuring Transparency)

A minimum of twenty (20) percent of all Facades

III. Zoning Regulations

Section 3.V - Building Type Standards: Multifamily Building

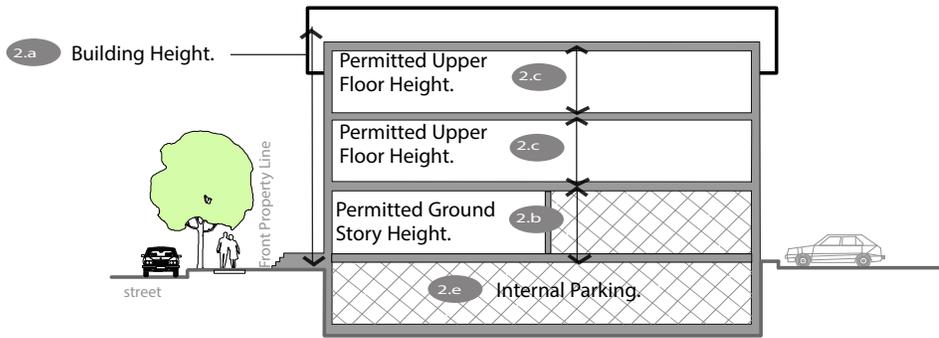


Figure 3.V-2: Height & Use Requirements.



Figure 3.V-3: Facade Requirements.

shall have Transparency.

On front and corner side Facades, no rectangular area greater than thirty (30) percent of the Facade per floor shall be blank, without Transparency.

3.a Facade Transparency.

3.b Building Entrance. The primary entrance shall be located on the front or corner side building Facade. Entrances at the corner of a building satisfy this requirement.

3.c Provide a minimum of one (1) entrance for every seventy-five (75) feet of building frontage on the front and corner Facades and one (1) entrance on parking lots.

3.d Stairs, when located on the front or corner side Facades, shall be enclosed or internal to the building.

Permitted Cap & Base Types. (See III.3.C-D)

Permitted Cap Types are parapet, pitched, and tower.
Permitted Base Types are arcade, porch, and stoop.

3.e Balconies.

3.f Each Balcony structure shall only serve one (1) Dwelling Unit.

Balconies shall be independently secured, not connected to any other Balcony; structural supports, such as brackets, shall be visible.

3.g Balconies may be utilized on no more than thirty (30) percent of the front and corner side Facades.

3.h Building Materials. Refer to III.3.A(5) for Building Materials requirements.

Building Variety.

Front Facade design shall vary from adjacent Buildings by the type of dominant material or color of that material and at least one (1) of the following:

- 3.i** (1) The proportion of recesses and projections.
- 3.j** (2) The location of the entrance and window placement.
- (3) The Base or Cap Type.

III. Zoning Regulations

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III. Zoning Regulations:

4. Open Space Type Standards

- A. General Requirements.
- B. Districts and Uses.
- C. Close.
- D. Pocket Park.
- E. Green.
- F. Square.
- G. Plaza.
- H. Park.
- I. Linear Park.

III. Zoning Regulations

Section 4 - Open Space Types

A. General Requirements.

1. Intent. To provide safe, visible, and accessible open space as an amenity that promotes physical and environmental health for all within the community and to provide each household with walkable access to a variety of active and passive Open Space Types
 - a. TN Code Title 13, Chapters 4 and 7, and Title 6, Chapter 19, enable requirements for adequate open spaces, parks, greenways, public grounds, green spaces, stormwater facilities, landscaping, and planting of shade trees, whether publicly or privately owned.
 - b. The natural resources assessment component of the Comprehensive Plan places particular value on open spaces with forest cover, mature native trees, lakes, streams, wetlands, wildlife habitat, rolling terrain, and their environmental, scenic, and community character, as well as the quality of life benefits of the conservation and connection of all open spaces.
 - c. The recreation, greenways, and bicycle-pedestrian components of the Comprehensive Plan impact quality of life by providing for anticipated demand for recreation, fostering activity, fostering a family-friendly atmosphere, providing opportunities for

relaxation, social interaction, and entertainment, protecting natural areas, connecting facilities to natural areas, and by increasing property values.

2. Applicability. The standards outlined apply to all Parcels designated as an Open Space District OS1, OS2, OS3, or OS4. Refer to III.1 Districts.
3. Neighborhood Scale Open Space Requirement. All Open Space Types may be utilized to fulfill the requirements of II.1.D(3)(a) Neighborhood Scale Open Space, with the exception of the Close.
4. General Requirements. The following applies to all Open Space Types.
 - a. Access. All Open Space Types shall provide pedestrian access into the open space from the sidewalk of each adjacent vehicular Right-of-Way.
 - b. Fencing. Open Space Types may incorporate fencing provided that the requirements of III.5.P Fencing and Walls, are met. In addition, fencing on the Street Face of the open space shall meet the following requirements.
 - (1) Height. Fencing shall be a maximum height of forty-two (42) inches.

Open Space Types	Size				Adjacent Parcels	
	Minimum Size (acres)	Maximum Size (acres)	Minimum Dimension (feet)	Minimum % of Vehicular ROW Frontage Required	Permitted Districts on Adjacent Parcels	Frontage Orientation of Adjacent Parcels (property lines)
Close	0.05	0.25	45'	100%	All Residential & Open Space	Front, Corner Side, or Side
Pocket Park	0.125	0.25	None	50%	All Residential, All Open Space, NC1, NO	Front, Corner Side, Side, or Rear
Green	0.25	5	45'	50% up to 2 acres; 100% 2 acres - 5 acres	All except A: Agriculture	Front or Corner Side if less than 2 acres
Square	0.25	3	80'	100%	All Commercial, All Office, R8, R9	Front or Corner Side
Plaza	0.25	2	80'	50%	All Commercial, All Office, All Manufacturing	Front, Corner Side, or Side
Park	2	None	100'	50% up to 5 acres; 20% over 5 acres	All	Front, Corner Side, Side, or Rear
Linear Park	1	None	30'; recommended minimum average width 80'	50%; 1 Access Point per quarter mile of length, min. 20' width	All	Front, Corner Side, Side, or Rear

Table 4.A-1. Summary Table of Open Space Type Requirements.

III. Zoning Regulations Section 4 - Open Space Types

- (2) Level of Opacity. Fence opacity shall be no greater than sixty (60) percent.
 - (3) Gates or openings shall be provided on every Street Face at a minimum of every two hundred (200) feet.
 - c. Irregular Remnants. Irregular remnants or strips of land inappropriate for play areas or gathering spaces shall not be dedicated as open space.
 - d. Open Water. All Open Water within an Open Space Type shall be located at least twenty (20) feet from a Property Line.
 - e. Ownership. Open Space Types may either be publicly or privately owned.
 - f. Continuity. Connections to existing or planned trails or Open Space Types shall be made when the open space abuts an existing or planned trail Right-of-Way or Open Space Type.
5. Definition of Requirements. The following defines the requirements included in Summary Table 4.A-1, and Tables 4.C-1 through 4.I-1 specific to each Open Space Type.
- a. Size.
 - (1) Minimum Size. The minimum overall size of the open space is the area measured within the Parcel lines of the district.
 - (2) Maximum Size. The maximum size of the open space is the area measured within the Parcel lines of the district.
 - (3) Minimum Dimension. The minimum length and width of the open space is measured along the longest two (2) straight lines intersecting at a right angle within the Parcel See Figure 4.A-1.
 - b. Minimum Percentage (%) of Vehicular Right-of-Way Frontage Required. The minimum percentage of the Open Space Type's perimeter, as measured along the exterior Parcel line and located directly adjacent to a vehicular Right-of-Way, excluding Alley frontage. This requirement provides access to the open space.
 - c. Adjacent Parcels. Parcels directly adjacent to as well as directly across the street from an Open Space Type.
 - (1) Districts Permitted on Adjacent Parcels. The Zoning Districts permitted directly adjacent to as well as directly across the street from open space. Refer to III.1 Districts.
 - (2) Frontage Orientation of Adjacent Parcels. The preferred orientation of the adjacent Parcels'

Improvements					
Designated Sports Fields Permitted	Playgrounds Permitted	Fully Enclosed Structures Permitted	Parking Permitted	Maximum Impervious + Semi-Pervious Surface	Maximum % of Open Water
No	No	No	No	0% + 0%	30%
No	Yes	No	No	50% + 10%	30%
No	Yes	No	No	20% + 15%	30%
No	No	Yes; maximum 5% of area	No	40% + 20%	30%
No	No	Yes; maximum 5% of area	No	minimum: 40% + 10%; maximum: 80% + 10%	50%
Yes	Yes	Yes	Yes	20% + 15%	30%
Yes	Yes	No	Yes	20% + 10%	30%

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frontages to the Open Space. Front, Corner Side, Side, and Rear refers to the Property Line either adjacent to the Open Space or facing the Open Space across the street.

d. Improvements. The following types of development and improvements may be permitted on an Open Space Type.

(1) Designated Sports Fields Permitted.

Designated sports fields or ball courts include, but are not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, skateboard parks, and tennis courts.

(2) Playgrounds Permitted. Playgrounds include a defined area with structures and equipment for free play. Playgrounds are typically for children under twelve (12) years of age, and include such items as slides, swings, and climbing structures.

(3) Fully Enclosed Structures Permitted. Fully enclosed structures may include such Uses as park offices, kiosks, maintenance sheds, community centers, and restrooms. Refer to III.2 Uses.

(a) Maximum Area. For some Open Space Types, fully enclosed structures are permitted, but limited to a maximum Building Coverage as a percentage of the open space area.

(b) Semi-Enclosed Structures. Open-air structures, such as gazebos, are permitted in all Open Space Types.

(4) Parking. Parking is permitted only in the designated Open Space Type. Refer to III.6 Parking for permitted quantities. Parking is not required for any Kiosk (refer to III.2.N(2)(k) in a Square or Plaza.

(5) Maximum Impervious and Semi-Pervious Surface Permitted. The amounts of Impervious and Semi-Pervious Coverage are provided separately to allow an additional amount of Semi-Pervious surface, such as permeable paving, above the Impervious surfaces permitted, including, but not limited to, parking facilities, driveways, sidewalks, paths, and structures as permitted.

(6) Maximum Percentage (%) of Open Water. The maximum amount of area within an Open Space Type that may be covered by Open Water, including, but not limited to, ponds, lakes, and pools.

6. Stormwater Management in Open Spaces. Stormwater management practices, such as storage and retention facilities, shall be integrated into Open Space Types. Refer to II.10 Stormwater Management Requirements for design requirements.

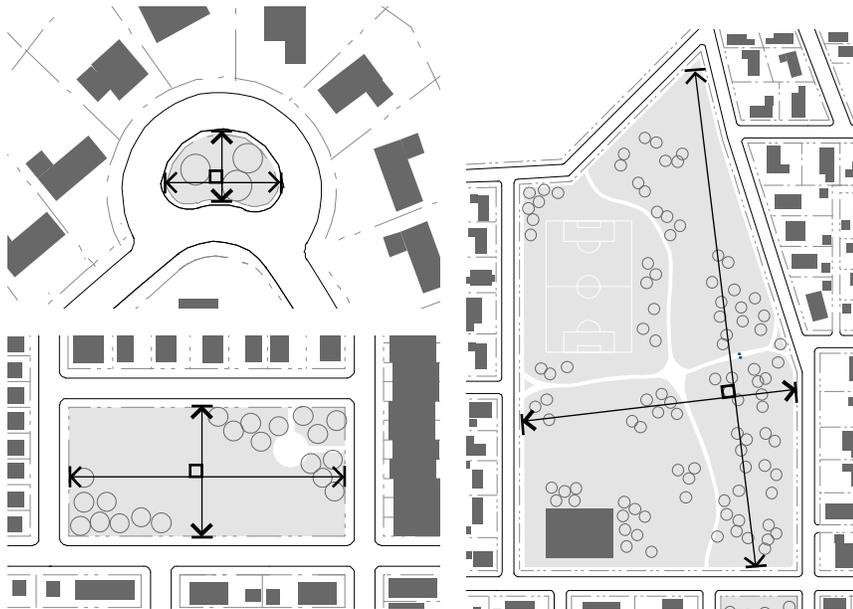


Figure 4.A-1. Examples of Measuring the Minimum Dimension of Open Space Types.

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- a. Stormwater Features. Stormwater features in open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy. See III.10, Stormwater Management (Subdivision Regulations) or III.7, Stormwater Management (Zoning Ordinance), whichever is applicable.
 - b. Qualified Professional. A qualified landscape design professional, such as a registered landscape architect, shall be utilized to incorporate stormwater features into the design of the open spaces.
7. Maintenance of Open Space Types. All zoned open space is considered a Common Improvement. Maintenance shall be the responsibility of the Owners' Association or other entity specified and defined in the Covenants and Restrictions (refer to I.5.D), unless the Parcels are dedicated as parkland to the City.
- B. Districts and Uses.
- 1. Districts. The Open Space Types permitted within each Zoning District are outlined in Table 4.B-1.
 - 2. Uses. Refer to III.2 Uses for a list of permitted Uses in each Open Space District.

Open Space Types	Districts			
	OS1: Neighborhood Civic Space	OS2: Neighborhood Open Space	OS3: General Open Space	OS4: Outdoor Recreation
Close		●		
Pocket Park		●		
Green		●		
Square	●			
Plaza	●			
Park			●	●
Linear Park			●	●

Table 4.B-1 Summary Table of Open Space Districts.

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Figure 4.C-1. Typical Close Layouts.

- C. Close.
 - 1. Intent. To provide an informal, small Scale, passive green space for nearby residential units and to increase the amount of landscaping within the vehicular Right-of-Way. See Figure 4.C-1 for typical layouts.
 - 2. Applicability. Closes are permitted in the OS-2: Neighborhood Open Space District.
 - a. Neighborhood Scale Open Space Requirement. Closes shall not be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 - 3. Requirements. Table 4.C-1 outlines the required design parameters for the Close. Refer to III.4.A(5) for an explanation of the terminology used within the table.
 - a. Minimum Percentage of Vehicular ROW Frontage Required. Alley frontage will fulfill this requirement for the Close.

Close Requirements	
Counts Toward II.1.D(3)(a) Neighborhood Open Space Requirements	No
Minimum Size (acres)	0.05
Maximum Size (acres)	0.25
Minimum Dimension (feet)	45'
Minimum % of vehicular ROW Frontage Required	100%
Districts on Adjacent Parcels	All Residential, All Open Space
Frontage Orientations of Adjacent Parcels	Front, Corner Side, or Side
Designated Sports Fields Permitted	No
Playgrounds Permitted	No
Fully Enclosed Structures Permitted	No
Parking Permitted	No
Maximum Impervious Surface Permitted	0%
Additional Semi-Pervious Surface Permitted	0%
Maximum % of Open Water	30%

Table 4.C-1. Close Requirements.

III. Zoning Regulations Section 4 - Open Space Types

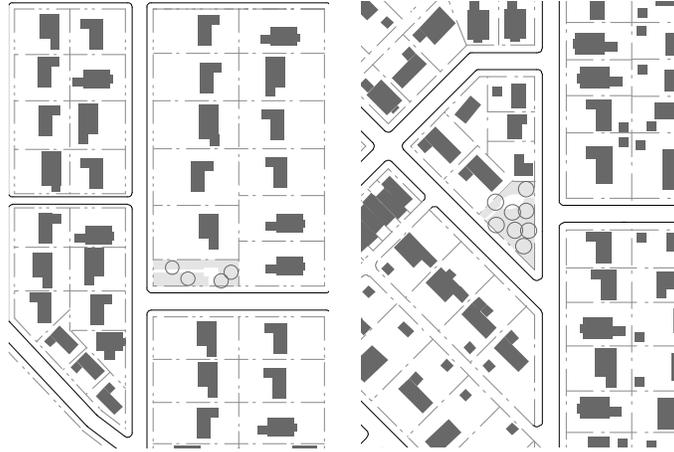


Figure 4.D-1. Typical Pocket Park Layouts.

- D. Pocket Park.
1. Intent. To provide small Scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. See Figure 4.D-1 for typical layouts.
 2. Applicability. Pocket Parks are permitted in the OS-2: Neighborhood Open Space District.
 - a. Neighborhood Scale Open Space Requirement. Pocket Parks may be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 3. Requirements. Table 4.D-1 outlines the requirements for the Pocket Park. Refer to III.4.A(5) for an explanation of the terminology used within the table.

Pocket Park Requirements	
Counts Toward II.1.D(3)(a) Neighborhood Open Space Requirements	Yes
Minimum Size (acres)	0.125
Maximum Size (acres)	0.25
Minimum Dimension (feet)	None
Minimum % of vehicular ROW Frontage Required	50%
Districts on Adjacent Parcels	All Residential, All Open Space, NC1, NO
Frontage Orientations of Adjacent Parcels	Front, Corner Side, Side, or Rear
Designated Sports Fields Permitted	No
Playgrounds Permitted	Yes
Fully Enclosed Structures Permitted	No
Parking Permitted	No
Maximum Impervious Surface Permitted	50%
Additional Semi-Pervious Surface Permitted	10%
Maximum % of Open Water	30%

Table 4.D-1. Pocket Park Requirements.

III. Zoning Regulations Section 4 - Open Space Types



Figure 4.E-1 Typical Green Layouts.

- E. Green.
1. Intent. To provide informal, medium Scale active or passive recreation for neighborhood residents within walking distance. See Figure 4.E-1 for typical layouts.
 2. Applicability. Greens are permitted in the OS2: Neighborhood Open Space, OS3: General Open Space, and OS4: Outdoor Recreation Districts.
 - a. Neighborhood Scale Open Space Requirement. Greens may be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 3. Requirements. Table 4.E-1 outlines the requirements for the Green. Refer to III.4.A(5) for an explanation of the terminology used within the table. The following are additional design requirements for the Green:
 - a. Vehicular Right-of-Way Frontage.
 - (1) Greens Between One Quarter (1/4) and Two (2) acres. At least fifty (50) percent of the perimeter of the Green shall continuously front on a vehicular Right-of-Way.
 - (2) Greens Between Two (2) and Five (5) Acres. One hundred (100) percent of the perimeter of the Green shall continuously front on a vehicular Right-of-Way.
 - b. Frontage Orientation of Adjacent Parcels for Greens Less Than Two (2) Acres. Adjacent parcels may have Side Property Lines facing the Green if the Green is smaller than two (2) acres.

Green Requirements	
Counts Toward II.1.D(3)(a) Neighborhood Open Space Requirements	Yes
Minimum Size (acres)	0.25
Maximum Size (acres)	5
Minimum Dimension (feet)	45'
Minimum % of vehicular ROW Frontage Required	50% up to 2 acres; 100% 2 to 5 acres
Districts on Adjacent Parcels	All except A: Agriculture
Frontage Orientations of Adjacent Parcels	Front or Corner Side, Side of less than 2 acres
Designated Sports Fields Permitted	No
Playgrounds Permitted	Yes
Fully Enclosed Structures Permitted	No
Parking Permitted	No
Maximum Impervious Surface Permitted	20%
Additional Semi-Pervious Surface Permitted	15%
Maximum % of Open Water	30%

Table 4.E-1. Green Requirements.

III. Zoning Regulations Section 4 - Open Space Types

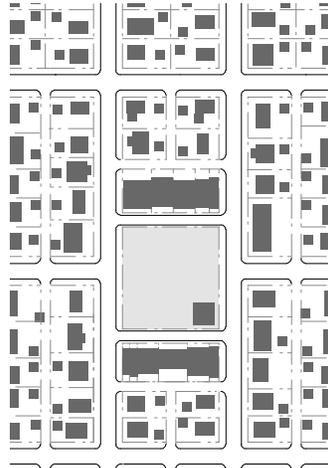


Figure 4.F-1 Typical Square.

- F. Square.
1. Intent. To provide a formal open space of medium Scale to serve as a gathering place for civic, social, and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular Right-of-Way, which together with building Facades creates its definition. They contain both paved areas, such as paths, fountains, gazebos, public art, and street furniture, and landscaping. See Figure 4.F-1 for a typical Square.
 2. Applicability. Squares are permitted in the OS1: Neighborhood Civic Space District.
 - a. Neighborhood Scale Open Space Requirement. Squares may be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 3. Requirements. Table 4.F-1 outlines the requirements for the Square. Refer to III.4.A(5) for an explanation of the terminology used within the table. The following are additional design requirements for the Square:
 - a. Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are permitted to cover a maximum of five (5) percent of the total area of the Square.

Square Requirements		
Dimensions	Counts Toward II.1.D(3)(a) Neighborhood Open Space Requirements	Yes
	Minimum Size (acres)	0.25
	Maximum Size (acres)	3
	Minimum Dimension (feet)	80'
Adjacent Parcels	Minimum % of vehicular ROW Frontage Required	100%
	Districts on Adjacent Parcels	All Commercial, All Office, R8, R9
	Frontage Orientations of Adjacent Parcels	Front or Corner Side
Improvements	Designated Sports Fields Permitted	No
	Playgrounds Permitted	No
	Fully Enclosed Structures Permitted	Yes; maximum 5% of area
	Parking Permitted	No
	Maximum Impervious Surface Permitted	40%
	Additional Semi-Pervious Surface Permitted	20%
Maximum % of Open Water	30%	

Table 4.F-1. Square Requirements.

III. Zoning Regulations Section 4 - Open Space Types



Figure 4.G-1 Typical Plaza.

- G. Plaza.
1. Intent. To provide a formal open space of medium Scale to serve as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other Open Space Type. Special features, such as fountains and public art installations, are encouraged. See Figure 4.G-1 for typical Plaza.
 2. Applicability. Plazas are permitted in the OS1: Neighborhood Civic Space District.
 - a. Neighborhood Scale Open Space Requirement. Plazas may be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 3. Requirements. Table 4.G-1 outlines the requirements for the Plaza. Refer to III.4.A(5) for an explanation of the terminology used within the table. The following are additional design requirements for the Plaza:
 - a. Minimum Building Frontage. At least eighty (80) percent of the Plaza’s perimeter that does not front on vehicular Right-of-Way shall be lined by building frontages.
 - b. Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are permitted to cover a maximum of five (5) percent of the total area of the Plaza.
 - c. Minimum Impervious Surface Permitted. The Plaza shall contain a minimum of forty (40) percent Impervious Coverage.

Plaza Requirements		
Dimensions	Counts Toward II.1.D(3)(a) Neighborhood Open Space Requirements	Yes
	Minimum Size (acres)	0.25
	Maximum Size (acres)	2
	Minimum Dimension (feet)	80'
Adjacent Parcels	Minimum % of vehicular ROW Frontage Required	50%; 80% building frontage required on non-street frontage
	Districts on Adjacent Parcels	All Commercial, All Office, All Manufacturing
	Frontage Orientations of Adjacent Parcels	Front, Corner Side, or Side
Improvements	Designated Sports Fields Permitted	No
	Playgrounds Permitted	No
	Fully Enclosed Structures Permitted	Yes; maximum 5% of area
	Parking Permitted	No
	Maximum Impervious Surface Permitted	80%; minimum 40%
	Additional Semi-Pervious Surface Permitted	10%
	Maximum % of Open Water	50%

Table 4.G-1. Plaza Requirements.

III. Zoning Regulations

Section 4 - Open Space Types



Figure 4.H-1 Typical Park.

- H. Park.
1. Intent. To provide informal active and passive large-scale recreational amenities to City residents and the greater region. See Figure 4.H-1 for a typical Park.
 2. Applicability. Parks are permitted in the OS3: General Open Space and OS4: Outdoor Recreation Districts.
 - a. Neighborhood Scale Open Space Requirement. Parks may be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 3. Requirements. Table 4.H-1 outlines the requirements for the Park. Refer to III.4.A(5) for an explanation of the terminology used within the table. The following are additional design requirements for the Plaza:
 - a. Vehicular Right-of-Way Frontage of Parks Less Than 5 Acres. At least fifty (50) percent of the Park shall continuously front on a vehicular Right-of-Way
 - b. Vehicular Right-of-Way Frontage of Parks Larger Than 5 Acres. At least twenty (20) percent of the Park shall continuously front on a vehicular Right-of-Way.

Park Requirements		
Dimensions	Counts Toward II.1.D(3)(a) Neighborhood Open Space Requirements	Yes
	Minimum Size (acres)	2
	Maximum Size (acres)	None
	Minimum Dimension (feet)	100'
Adjacent Parcels	Minimum % of vehicular ROW Frontage Required	50% up to 5 acres; 20% over 5 acres
	Districts on Adjacent Parcels	All
	Frontage Orientations of Adjacent Parcels	Front, Corner Side, Side, or Rear
Improvements	Designated Sports Fields Permitted	Yes
	Playgrounds Permitted	Yes
	Fully Enclosed Structures Permitted	Yes
	Parking Permitted	Yes
	Maximum Impervious Surface Permitted	20%
	Additional Semi-Pervious Surface Permitted	15%
	Maximum % of Open Water	30%

Table 4.H-1. Park Requirements.

III. Zoning Regulations Section 4 - Open Space Types



Figure 4.I-1 Typical Linear Park.

- I. Linear Park.
 1. Intent. To provide informal, primarily natural linear open spaces that serve to enhance connectivity between Open Space Types and other Uses. Linear Parks are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular Right-of-Way. A Linear Park may border other Open Space Types. See Figure 4.I-1 for a typical Linear Park.
 2. Applicability. Linear Parks may be developed throughout the City.
 - a. Neighborhood Scale Open Space Requirement. Linear Parks may be applied toward the Neighborhood Scale Open Space requirement in Article II Neighborhood Development Regulations.
 3. Requirements. Table 4.I-1 outlines the requirements for the Linear Park. Refer to III.4.A(5) for an explanation of the terminology used within the table. The following are additional design requirements for the Linear Park:
 - a. Minimum Average Width. Linear Parks longer than one (1) mile shall maintain a minimum average width of eighty (80) feet, but may be required to be greater if designated on the Comprehensive Plan.”
 - b. Access Points. Linear Parks shall have a minimum of one (1) Access Point per quarter mile of length from a vehicular Right-of-Way or from another Open Space Type.
 - c. Access Point Width. Each Access Point shall have a minimum width of twenty (20) feet.

Linear Park Requirements		
Counts Toward II.1.D(3)(a) Neighborhood Open Space Reqs.	Yes	
Minimum Size (acres)	1	
Maximum Size (acres)	None	
Dimensions	Minimum Dimension (feet)	30'; when over one mile long minimum average width 80'
	Minimum % of vehicular ROW Frontage Required	50%; 1 Access Point required per quarter mile of length, minimum 20' width
Adjacent Parcels	Districts on Adjacent Parcels	All
	Frontage Orientations of Adjacent Parcels	Front, Corner Side, Side, or Rear
Improvements	Designated Sports Fields Permitted	Yes
	Playgrounds Permitted	Yes
	Fully Enclosed Structures Permitted	No
	Parking Permitted	Yes
	Maximum Impervious Surface Permitted	20%
	Additional Semi-Pervious Surface Permitted	10%
	Maximum % of Open Water	30%

Table 4.I-1. Linear Park Requirements.

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5. Landscape Standards

- A. General Requirements.
- B. Installation & Maintenance.
- C. Maintenance of Public Property & Utility Easements.
- D. Hazardous and/or Noxious Vegetation.
- E. Natural Landscape Areas.
- F. Residential Tree Canopy Requirements.
- G. Nonresidential (except Manufacturing), Attached House, Multiple Family Tree Canopy and Landscape Requirements.
- H. Manufacturing District Tree Canopy Requirements.
- I. Open Space Types Tree Canopy Requirements.
- J. Frontage Buffer.
- K. Side and Rear Buffer.
- L. Interior Parking Lot Landscaping.
- M. Screening of Open Storage, Refuse Areas, and Utility Appurtenances.
- N. Landscape Requirements for Scenic Corridor Buffer
- O. Landscape Requirements for Through Lot Landscape Easement.
- P. Fences and Walls.

III. Zoning Regulations

Section 5 - Landscape Standards

- A. General Requirements.
1. Intent. The standards outlined in this Section are designed to meet the following set of goals in respect to site development and the design, installation, and maintenance of landscaping.
 - a. To foster aesthetically pleasing developments which will protect and preserve the appearance, character, health, safety, and welfare of the community.
 - b. To achieve and maintain sustainable, functional landscapes.
 - c. To maintain a minimum Tree Canopy Coverage as the City continues to develop.
 - d. To maintain and enhance the Tree Canopy's ability to intercept stormwater.
 - e. To install overstory trees and landscaping within predominantly impervious areas to minimize wind, glare, and temperature extremes related to the urban heat island effect.
 - f. To improve the appearance of the vehicular Rights-of-Way and to create a buffer between pedestrian and vehicular travel lanes to increase safety for pedestrians.
 - g. To preserve privacy, deter trespass, and minimize negative impacts on residential property adjacent to more intense developments.
 - h. To minimize the negative visual impacts of parking facilities, outdoor storage, refuse areas, and utility appurtenances.
 2. Applicability. Landscaping, and Street Trees. Street trees required by II.8 Street Types, replacement trees required by the Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code, and landscape buffers per this Article shall be installed as detailed in this Section.
 - a. General Compliance. Application of this Section shall occur per the following.
 - (1) Development of new buildings, open space types, parking facilities, loading facilities, and driveways.
 - (2) Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, installation of new landscape islands, and/or an increase in ten (10) percent or more spaces.
 - (3) Alteration to an existing Principal or Accessory Structure that results in a change of fifteen (15) percent or more in the structure's Gross Floor Area.
 - b. Buffers. Landscape buffers are required according to the provisions in this Section with the following exceptions.
 - (1) Shared Driveways. Buffers shall not be required for the portion along a Property Line where a curb cut or aisle is shared between two adjoining Lots.
 - (2) Points of Access. Buffering is not required at driveways or other points of access to a Lot.
 - c. Temporary Structures. These provisions do not apply to temporary Structures, unless the temporary Structure will be in place for more than twelve (12) continuous months.
 - d. Emergencies. In case of emergencies, such as hurricanes, tornadoes, windstorms, and floods, replacement of damaged landscape may be deferred to a time acceptable to the Municipal Plan Commission (MPC).
3. Exception to Tree Canopy Coverage Requirements. If any Tree Canopy Coverage Requirements cannot be met due to one (1) of the following, the MPC, with review and recommendation by the Natural Resources Board (NRB), may approve a contribution to the Tree Bank in lieu of on-site planting.
 - a. Inappropriate Soils for tree plantings.
 - b. Slopes fifteen (15) percent or greater.
 - c. Lack of planting area.
 4. Landscape Plan and Schedule. Landscape plans are required for all non-single family development. A Landscape Schedule is required for minimum required tree plantings for single family development.
 - a. Landscape Plan Submittal. Landscape plans submitted for consideration of the City shall be prepared by a Registered Landscape Architect. All plans shall include the following:
 - (1) Title block, including north arrow, graphic and written scale, street address, legal description, and date of preparation.
 - (2) Name, address, and telephone number of person preparing plan.
 - (3) Dimensioned Property Lines.
 - (4) Areas unavailable for planting such as areas with existing and proposed structures, utility locations (water, sewer, stormwater, gas, and electric), Easements, water bodies, poor soils, high slopes (greater than 15%), and other areas.
 - (5) Location of proposed graded and compacted soil, hatched on plan.
 - (6) Location, size, and species of all existing trees to be preserved.
 - (7) Location, quantity, size, and species of all proposed plant materials.
 - (8) Calculations demonstrating compliance with the landscape requirements.
 - (9) Maintenance notation indicating maintenance responsibilities upon installation.
 - (10) Any berms and other unique physiographic features.

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- (11) Visibility triangles for entrances and intersecting streets.
 - (12) Plant list.
 - (13) Lighting placement, indicating spacing between tree plantings. Refer to III.13.
 - (14) Soil Fertility Analysis. A soil fertility analysis and bulk density analysis is required as follows.
 - (a) Minimum Information shall include soil type, soil pH, buffer pH, P, K, Ca, Mg, Fe, Mn, Zn, organic matter content, and calculated cation exchange capacity.
 - (b) Required Locations. One test is required for every contiguous area of landscape intended for any tree planting greater than one thousand (1000) square feet and less than ten thousand (10,000) square foot, excluding ornamental planting beds, Natural Landscape Areas, and parking lot islands.
 - (15) Results of compaction test at planting locations denoting compaction in terms of grams/cubic centimeter (g/cm3).
 - (16) Proposed structural soils
 - b. Landscape Schedule. Landscape schedules shall include the following:
 - (1) Location of all available planting areas including Landscape Areas; frontage buffers, side and rear buffers, interior parking lot landscaping, open spaces, stormwater basins, Streamside Management Buffers (refer to III.12), Conservation Areas B and C. Include square footage calculations for each available area.
 - (2) Areas unavailable for planting such as existing and proposed structures, utility locations (water, sewer, stormwater, gas, and electric), Easements, water bodies, and other areas.4
 - (3) Dimensioned Property Lines.
 - (4) Location of existing trees proposed to be preserved and which will be counted toward canopy coverage requirements (refer to III.5.G through J).
 - (5) Summary table of all trees proposed to be removed and the proposed number of replacement trees to be planted by tree size (large, medium, small) and type, including but not limited to such types as overstory deciduous shade tree, evergreen tree, understory tree, ornamental tree per each landscape area.
 - (6) Proposed contribution to the Tree Bank, including the number and size of trees for which the contribution is being made and the associated dollar amount. Refer to the Tree Management Ordinance for details and permission requirements.
- 5. Irrigation Plan. If a permanent irrigation system is required, an irrigation plan including the following is required. Plan shall be prepared by a licensed irrigator or Registered Landscape Architect.
 - a. Title block, including north arrow, graphic and written scale, street address, legal description, and date of preparation.
 - b. Name, address, and telephone number of person preparing plan.
 - c. Dimensioned Property Lines.
 - d. Existing structures and utilities (water, sewer, stormwater, gas, and electric) and related Easements.
 - e. Proposed irrigation system (labeled by size).
 - f. All sprinkler heads labeled as to type (key is acceptable).
 - g. Back-flow prevention device labeled with type and size.
 - h. Location of water meter and connection to water service.
 - i. Maintenance note indicating maintenance responsibility.
 - 6. Inspection of Private Property Landscape. All private landscaped areas regulated by these Land Development Regulations may be inspected by the City.
 - B. Installation and Maintenance.
 - 1. Intent. The following provisions ensure that all required landscaping is installed and maintained properly.
 - 2. Applicability. These provisions apply to all tree and landscape installation and maintenance throughout

Plant Material Type	Minimum Size (refer to ANSI Z60.1)
Deciduous Shade & Overstory Tree	2" to 2.5" Caliper
Evergreen Tree	8' in height
Understory Tree	6' to 8' in height or 10-15 gallon
Ornamental Tree	1.5" Caliper
Shrubs	3 gallon, minimum 18" height unless otherwise noted
Perennials & Ornamental Grasses	3 gallon
Groundcover & Vines	3" in height

Table 5.B-1. Plant Material Size at Installation.

III. Zoning Regulations

Section 5 - Landscape Standards

the City, including but not limited to landscaping and trees required by this Section, street trees required by II.8, and replacement trees required by Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code, unless exempted in this article.

3. Standards. The installation and maintenance of landscaping shall adhere to the following standards.
 - a. Installation. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
 - b. Maintenance and Protection. All landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning (ANSI A300), fertilizing, support systems, lightning protection, and safety.
 - c. Species listed on the Invasive Exotic Pest Plant List, maintained at City Hall, are not permitted.
4. Installation. Landscaping and trees shall be fully installed prior to the issuance of a Certificate of Compliance permit (refer to I.4.R).
 - a. If seasonal conditions preclude the complete installation, security is required per I.5.C(4), and a Certificate of Completion is required.
5. Plant Material. All installed plant material shall be maintained, including watering, fertilization, and replacement as necessary.
 - a. Plant Size Requirements. Plant material shall be sized according to Table 5.B-1 and American Standard for Nursery Stock (ANSI Z60.1) at the time of installation, unless otherwise noted in this Section or in Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code.
 - b. Condition of Landscape Materials. The landscaping materials used shall be:
 - (1) Healthy and hardy with a good root system, free of insect and disease.
 - (2) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - (3) Appropriate for the conditions of the site, including slope, water table, and soil type.
 - (4) Protected from damage by grates, pavers, or other measures.
 - (5) Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - (6) Species native or naturalized to Tennessee. Naturalized refers to plants that are not indigenous to the area, but now maintain themselves in the area's climate and soils without further human intervention.
- c. Native Plants. Where native plants are required or utilized, select vegetation capable of withstanding the extremes of individual site micro-climates for existing soil, drainage, and climatic conditions.
 - (1) Seeds. Seeding of Natural Landscape Areas (refer to III.5.E) with native seed shall conform to generally accepted seeding procedures, methods, and times for meadow, prairie, and savannah species native to Shelby County, Tennessee.
 - (2) Plants. All live herbaceous perennial plants, tubers, bulbs, and dormant rootstocks of herbaceous perennial native plants used in Natural Landscape Areas (refer to III.5.E) and in natural drainage areas (refer to II.10 Stormwater Management) shall have derived from parent generations that are native to Shelby County, Tennessee.
- d. Quality of Trees. Trees shall meet Florida Fancy or Florida #1 grade, with symmetry and crown width for the species, a single dominant leader for single stem trees, appropriate trunk taper, and well spaced lateral branches.
6. Trees. The following applies to all new trees required by these Land Development Regulations, including replacement trees required by Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code.
 - a. A list of the permitted trees shall be maintained at City Hall, organized by size (small, medium, large).

Tree Size	Estimated Tree Canopy Cover at Maturity (sq. ft)	Estimated Height at Maturity (ft)	Recommended Minimum Soil Volume (cubic ft)	Approximate Soil Surface Area with 2' Soil Depth
Small	400	15-25	600	17' x 17'
Medium	900	25-40	1,200	24.5' x 24.5'
Large	1600	40+	2,000	31.5' x 31.5'

Table 5.B-2. Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas.

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- b. Tree Measurement. Tree size shall be measured in Caliper inches at six (6) inches above the mean grade of the tree's trunk until the tree is greater than four (4) inch Caliper, then the measurement is taken at twelve (12) inches above the mean grade of the tree's trunk..
- c. Tree Maintenance. Tree trimming, fertilization, and other similar work shall be performed by or under the management of a ISA certified arborist.
- d. Species Composition. Trees planted on a site shall be any combination of permitted species with the following exceptions.
 - (1) One (1) genus shall not comprise more than thirty (30) percent of trees planted on a site.
 - (2) One (1) species shall not comprise more than ten (10) percent of trees planted on a site.
 - (3) Exceptions to this provision may be granted by the Code Administrator through review of the landscape plan (refer to III.5.A(4)) with one of the following.
 - (a) Tree composition within ten (10) percent of stated maximums above.
 - (b) When fewer than fifteen (15) trees are to be planted.
- e. Tree Spacing. Landscape Trees shall be planted a minimum of thirty (30) feet and twenty (20) feet apart for large and medium trees, respectively, unless otherwise indicated on the approved landscape plan. Refer to Table 5.B-2 for tree sizes.
- f. Soil Volume and Permeable Surface. For each tree preserved or planted an amount of soil volume and permeable surface area is recommended, unless otherwise stated in these Land Development Regulations.
 - (1) Preserved trees should have a permeable area equal to the Critical Root Zone and in no case less than seventy (70) percent of the Critical Root Zone.
 - (2) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 5.B-2 for details.
 - (3) When recommended soil surface area for a tree extends below any pavement, structural soil or equivalent is required.
 - (4) No more than twenty five (25)percent of permeable area for one tree may count toward that of another tree.
 - (5) No trees shall be planted closer to any curb or sidewalk than as follows, except when permeable surface and an aeration system is provided in the adjacent pavement.
 - (a) Medium trees: three (3) feet.
 - (b) Large trees: four (4) feet.
- g. Trees and Infrastructure.
 - (1) No tree shall be planted within five (5) feet of a water, sewer, or drainage line.
 - (2) Trees shall be planted according to the sight triangle provisions in II.8.
 - (3) No tree shall not be planted within ten (10) feet of a fire hydrant.
 - (4) Trees planted underneath overhead utility lines shall follow the guidelines of University of Tennessee Publication "Trees to Plant Under Powerlines", SP611 or current version, or shall be Small Trees from the list of permitted trees maintained at City Hall.
- h. Tree Establishment Security. To ensure that newly planted trees are fully established, a Tree Establishment Security is required.
 - (1) Trees requiring security include the following:
 - (a) Trees required by this Section III.5, including but not limited to all buffer trees, parking lot trees, and trees fulfilling any tree canopy requirements, with the exception of trees required on single family Lots (refer to III.5.G).
 - (b) Replacement trees required by the Tree Management Ordinance, Chapter 13, Title 4 of the Municipal Code, including any replacement trees planted on single family Lots.
 - (2) Security requires, upon receiving Final Plat approval (refer to I.4.E), Certificate of Compliance (refer to I.4.R), or certificate of completion, security in an amount equal to the cost of replacing the newly planted tree (using the Council of Tree and Landscape Appraiser's or similar City approved organization's tree appraisal estimates) and associated labor.
 - (3) Security shall be posted by the Applicant or property Owner of any Lot on which plantings are required per the requirements of these Land Development Regulations.
 - (4) City shall hold the security for a minimum of two (2) years from the date of receipt of the Certificate of Compliance (I.4.R) or certificate of completion to ensure the tree is well established.
 - (5) During or at the end of the two (2) year period, if the tree is dead, partially dead, or any of the following is apparent, the City may require replacement of the tree and an additional two (2) years added to the Security, to be repeated until a healthy tree is established:
 - (a) Undersized leafing.
 - (b) No new growth.
 - (c) Wilting or browning of leaves.
 - (d) Signs of insects, disease, or pests.

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- (6) At the end of two (2) years, if the trees are alive and considered by the Code Administrator to be well established, the security shall be released.
7. Ground Vegetation. All unpaved areas shall be covered by one of the following.
- a. Natural Landscape Area. Refer to III.5.E for planting details.
 - b. Ornamental Planting Beds.
 - (1) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
 - (2) Nonliving materials, such as pine straw or mulch, are permitted for up to fifty (50) percent of a Landscape Area at planting.
 - (3) Colored mulches and stone are not permitted; organic hardwood mulch is encouraged.
 - (4) Annual beds shall be maintained seasonally, replanting as necessary.
 - (5) Restore soil organic matter in Critical Root Zone to levels consistent with similar soils in area.
 - (6) Landscape Areas shall be designed to be drought tolerant.
 - (7) planting beds shall be designed to provide seasonal color to be maintained throughout the year and shall achieve uniform coverage of the entire bed or area.
 - c. Turf Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
 - (1) Grass shall be established within ninety (90) days of planting or the area shall be reseeded, replugged, or resodded.
 - d. Area under Existing Tree Canopy. The areas under existing, preserved trees shall be maintained per Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code.
8. Soil Amendments. The following requirements shall be met for each planting type.
- a. Compost, mulch, and organic matter shall be utilized within any bedding or tree pit soil mix to reduce the need for fertilizers and increase water retention.
 - b. Landscape Areas. For areas requiring soil fertility analysis (refer to III.5.A(4)(a)(14)), either the majority of the measures tested shall fall within acceptable limits for trees, or the soil shall be modified to meet the recommendations of the soil test. Post analysis testing, if desired by the City, will be provided by the City.
9. General Maintenance Requirements. All landscape fulfilling the requirements of these Land Development Regulations shall be maintained according to the following standards.
- a. Maintenance. All landscaping shall be maintained in good condition at all times to ensure health and appearance.
 - b. Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of twenty-five (25) percent of the normal branching pattern.
 - c. Maintenance Responsibility. The Owner, occupant, tenant, and agent are jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
 - d. Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
 - e. Natural Landscape Areas. Refer to III.5.E for information on maintenance of Natural Landscape Areas, including appropriately timed cutting and prescribed burns.
 - f. Tree Topping. Tree topping is not permitted on any tree. When necessary, crown reduction pruning is permitted. Refer to ANSI A300 for definitions of tree topping and crown reduction.
10. Irrigation Systems.
- a. Permanent irrigation is required for all non-single family Landscape Areas with the following exceptions:
 - (1) Designated Natural Landscape Areas (refer to III.5.E) are not required to be permanently irrigated.
 - (2) An irrigation waiver may be obtained for landscape that meets the following standards as reviewed and recommended by the DRC and approved by the MPC:
 - (a) Plant selection, design, installation specifications and site conditions combine to create a micro-climate that will sustain the plant material in a healthy condition without regular irrigation after the plant establishment period.
 - (b) All portions of the non-irrigated landscape area will be within one hundred fifty feet (150') of an exterior water source to enable hand watering during extended dry periods.
 - (c) A temporary irrigation plan shall be provided by the Applicant to ensure landscaping will be properly maintained during the establishment period. The plan shall describe the following:
 - i. Water source

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- ii. Watering and maintenance schedule
- iii. Temporary irrigation methods
- iv. Contractor or individual responsible for maintenance
- (d) The Applicant has demonstrated the ability to provide ongoing long-term maintenance of landscape areas necessary to keep plant material healthy without irrigation.
- b. Permanent irrigation systems shall adhere to the following standards.
 - (1) Non-residential landscape irrigation shall have an automatic clock-activated permanent system.
 - (2) The irrigation system shall provide sufficient coverage to all landscape.
 - (3) The irrigation system shall be designed not to spray or irrigate Impervious Surfaces, including sidewalks, driveways, streets, and parking and loading areas.
 - (4) All systems shall be equipped with a back-flow prevention device.
 - (5) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.
 - (6) Drip irrigation systems shall be utilized in all Ornamental Planting Beds.
 - (7) Re-use of rainwater (refer to II.10.E(3)(e) or greywater (as permitted by the Shelby County Building Department) is encouraged.
- C. Maintenance of Public Property and Utility Easements.
 - 1. Intent. These standards detail the maintenance responsibilities of the City and the maintenance responsibilities for public properties and utility Easements.
 - 2. Maintenance on Utility Easements. Maintenance of landscaping on utility Easements shall occur as follows.
 - a. Public or Private Utility Companies or Agencies. The authority of the City shall extend to the control of the activities of any utility companies or agencies in the matter of treating, trimming, planting, or removing trees or shrubs on the public and private property and streets of the City.
 - b. Permission for Maintenance. It shall be unlawful for any utility company or agency to in any manner treat, trim, plant, or remove trees or shrubs on any public or private property within the City without the written permission of the City. The City is hereby expressly given the right to withdraw any permission where inspection indicates that the work has not been or is not being done in compliance with good horticultural standards.
 - c. Tree Replacement. Removed trees shall be replaced by the utility company or agency per III.5.C(4).
- 3. Maintenance on Rights-of-Way and Public Use Easements. The planting, pruning, or other treatment of trees shall be under the direction of the City and per ANSI A300.
 - a. Permission for Removal. No tree in a Right-of-Way shall be destroyed, cut down, or otherwise removed without the consent of the City.
 - b. Permission for Installation. No trees or plants of any kind shall be planted upon any street, Public Use Easement, or public property except with City permission.
 - c. Right-of-Way Plantings. Developer and subsequent Owner(s) shall be responsible for maintaining any plantings within the Planting Zone (refer to II.8.C Street Types) of the adjacent Right-of-Way, with the exception of street trees and unless a maintenance agreement with the City stating otherwise is in effect.
- 4. Replacement of Trees on Rights-of-Way and Public Use Easements. In order to maintain the number and character of trees on Rights-of-Way and Public Use Easements, the City may replace each tree lost with an appropriate and similar tree.
 - a. If located in a Right-of-Way Planting Zone adjacent to private property, the City may require that the cost be shared by the property Owner on a fifty-fifty (50-50) basis.
 - b. Replacement Trees. Replacement trees for those damaged on Rights-of-Way and Public Use Easements shall be of a species listed on the permitted tree list, maintained at City Hall.
- D. Hazardous and/or Noxious Vegetation.
 - 1. Intent. The following standards shall be enforced with the following goals.
 - a. To protect the safety of persons and property.
 - b. To remove the risk of damage to overhead lines, underground utilities, and obstruction of streets.
 - c. To prevent the unregulated growth of vegetation, invasive and/or exotic pest plants, and noxious vegetation.
 - 2. Applicability. These provisions are applicable to trees on all Lots, improved or not, in all Zoning Districts.
 - 3. Hazardous and/or Noxious Vegetation. The following are regulated by this Section per Tennessee Code Annotated (T.C.A.) §13-54-113.
 - a. Species listed on the Invasive Exotic Pest Plant List, maintained at City Hall.
 - b. Hazardous trees, as defined by the most recent edition of the ISA Standards Tree Condition Guide or the City's municipal code, shall be removed.

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- c. Noxious Vegetation. Noxious vegetation is defined as follows.
- (1) Weeds and grasses taller than twelve (12) inches in height.
 - (2) Noxious weeds shall include, but are not limited to, any noxious weeds, rank vegetation which exhales unpleasant and noxious odors, or any uncultivated vegetation, including grasses.
 - (3) Natural Landscaped Areas (III.5.E Natural Landscape Areas) are exempt from these requirements.
4. Private Property Owner's Responsibility. It shall be the responsibility of the private property tree Owner to prune, remove, or cause to be pruned or removed any tree or part thereof which is an unsafe condition or which by reason of location or condition is or may be injurious to sewers, water lines, electric power lines, gas lines, or other Public or Common Improvements or is affected with any injurious fungus, insect, or other pest. Private property owners shall also be responsible for control of noxious vegetation in accordance with the standards set forth by the Lakeland Municipal Code, Title XIII, Section 13-104.
5. Action. Per Tennessee Code Annotated (T.C.A.) §13-54-113, the City shall contact the property Owner in violation of this Section in writing delivered by United States Postal Service mail with proof of delivery to the last known address of the owner of record, and detail the required action. Notice shall state that the Owner of the property is entitled to a hearing.
- a. Notice. Notice shall include a statement that the Owner of the property is entitled to a hearing; the consequences of failing to remedy the noted condition; the person, office, address, and telephone number of the department or person giving notice; a cost estimate for remedying the noted condition in conformity with the standards of cost in the community; and a place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.
 - b. Hearing. A request for hearing shall be made within ten (10) days of receipt of notice. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.
 - c. Hazardous Trees.
 - (1) The Code Administrator shall set a time frame for abatement of the hazard depending on the severity of the hazard consistent with City policy and as established by the Municipal Code.
 - d. Noxious Vegetation. Cutting, destroying, and/or removing of the noxious vegetation shall occur within ten (10) days of the receipt of the notice.
 - (1) If the Owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the removal shall be within twenty (20) days of the receipt of the notice.
6. Failure to Act. Failure to act on the notice within the allotted time frame constitutes a violation of these Land Development Regulations.
- a. The City is authorized and empowered to arrange and pay for the required abatement.
 - b. The Owner of the property in question shall be billed for the expense of the abatement.
 - (1) If the remediation exceeds \$500, the City may collect the costs assessed against the Owner through an action for debt filed in an court of competent jurisdiction. The filing of the notice with the office of the register of deeds of the county shall be a lien on the property in favor of the municipality. .
- E. Natural Landscape Areas.
1. Intent. These standards encourage the use of native vegetation in designed and managed landscapes for the following purposes.
 - a. To guide the restoration or preservation of regionally native plants in natural plant communities while maintaining public health, safety, and welfare.
 - b. To achieve ecologic, economic, and aesthetic benefits, such as providing wildlife habitat; reducing emissions from lawn mowing; reducing use of chemical pesticides, herbicides, and fertilizers; providing erosion control and infiltration of storm water; and improvement of water quality in streams, wetlands, and other open spaces.
 2. Applicability. Natural Landscape Areas include a natural landscape system of dense, native plants growing together in a balance that deters weeds and other volunteers, utilized in lieu of ornamental landscape, native or non-native, such as ornamental planting beds and turf grass.
 - a. These standards apply to all Lots in all Zoning Districts, except for Lots zoned OS5 reserved for Conservation Areas (refer to II.11), Scenic Corridors, and stream buffers, which adhere to their own set of standards.
 - b. It is not the intent of these standards to allow vegetated areas to be unmanaged, overgrown, or to allow an unsightly appearance, when such growth provides either a direct safety or health hazard.
 - c. Plant species that are defined as noxious and invasive are not within the protection of these standards.

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- d. These standards do not apply to a manually-weeded, ornamental, perennial planting bed containing native plant species.
 - e. Stormwater facilities that are managed naturally shall follow these requirements. Refer to II.10.A(8) Stormwater Management: Operation and Maintenance Plan.
3. General Requirements. Natural Landscape Areas shall be developed using the following parameters.
- a. Landscape Plan on File. When greater than 2,500 square feet, a plan of the area shall be provided to the City that details the location on the Lot, boundaries of the area, list of the plant materials installed, and proposed maintenance techniques.
 - b. Location. Natural Landscape Areas shall be located on a Lot as follows.
 - (1) Natural Landscape Area shall not be located within ten (10) feet of the Front and Corner Side Property Line or Build-to Zone, whichever is greater, adjacent to a sidewalk.
 - (2) Natural Landscape Area shall not be located within five (5) feet of any other Property Line, except that no Setback shall be required along the Rear or Side Yard in the following instances.
 - (a) Where fencing or continuous shrub growth three (3) feet or more in height runs adjacent to the Property Line.
 - (b) Where the Natural Landscape Area abuts a permitted Natural Landscape Area on an adjacent Lot.
 - c. Semi-Annual Cutting. Established Natural Landscape Areas that cannot be burn managed shall be mowed or cut to four (4) to six (6) inches once prior to April 1st and again after July 15th of each calendar year. Cutting may be required more often if unsightly, or when informed by the City.
 - d. Prescribed Burn Management. Naturally landscaped features may undergo periodic burns after the second growing season or as fuel allows to help reduce undesirable weedy species and encourage native species. Applicant is responsible for obtaining any required County permits and notifying the appropriate authorities before burns are conducted.
- F. Residential Tree Canopy Requirements.
- 1. Intent. To achieve a minimum Tree Canopy Coverage per Lot for single family residential Building Types ensuring that the Tree Canopy is spread throughout the City.
 - 2. Applicability. Tree Canopy Coverage requirements shall be met when any Principal Structure is being constructed or being renovated such that the structure's footprint is changed by twenty-five (25) percent or more on properties in the A, RE, or R1 through R5 Districts.
3. General Requirements. Tree Canopy Coverage requirements are as follows.
- a. Measurement. Tree Canopy Coverage is measured in square feet of projection of the Tree Canopy at maturity onto the ground. Table 5.B-2 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas.
 - b. Tree Size. Only large and medium overstory trees shall be counted toward achieving this requirement.
4. Tree Canopy Coverage Requirements. The following are the minimum Tree Canopy Coverage requirements per residential Building Type (refer to III.3 Building Type Standards).
- a. Requirements per Building Type.
 - (1) Urban Manor, Urban Estate, and Suburban Cottage have no minimum Tree Canopy Coverage requirements if developed on a vehicular Right-of-Way with street trees.
 - (2) Urban Manor, Urban Estate, and Suburban Cottage when developed on a vehicular Right-of-Way without street trees, have a required minimum planting of medium or large trees with a minimum canopy coverage of nine hundred (900) square feet.
 - (3) Suburban Manor has a required minimum planting of medium or large trees with a minimum canopy coverage of twenty-five hundred (2,500) square feet.
 - (4) Suburban Estate has a required minimum planting of medium or large trees with a minimum canopy coverage of forty-three hundred (4,300) square feet.
 - (5) Exurban has a required minimum planting of medium or large trees with a minimum canopy coverage of 15,100 square feet.
 - b. Existing Canopy Retention. Preserved, healthy medium and large trees six (6) inches DBH or greater, and listed on the Permitted Tree List maintained at City Hall may be applied to the minimum Tree Canopy Coverage requirements.
 - (1) Multiple, adjacent, existing trunks with overlapping crowns shall be credited with the amount of canopy coverage they project or will project at maturity onto the ground, not including overlap.
 - (2) Trees with trunks growing along a Property Line shall be credited with only that portion of the canopy projection that falls or is expected to fall upon maturity onto the Parcel in question.

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(3) No credit shall be given for trees whose trunks are growing solely on adjacent Lots that overhang the Lot in question.

G. Non-Residential, Attached House, and Multifamily (except Manufacturing), Tree Canopy and Landscape Requirements.

1. Intent. To establish minimum landscape requirements for commercial, Mixed Use, attached house, and multiple family buildings, in addition to any required landscape buffers and screens, to aesthetically improve their appearance, and to ensure that the Yards are planted appropriately.
2. Applicability. These standards apply to all properties in the NC1, C1, C2, NO, O, P, R6, and R7 Districts.
3. Tree Canopy Coverage Requirements. One (1) large or medium overstory tree is required for every two thousand (2,000) square feet of Landscape Area. Refer to III.5.F(3) for General Requirements.
 - a. Existing Tree Canopy may be utilized to meet this requirement. Refer to III.5.F(4)(b) for details.
4. Landscape Areas Requirements. A minimum of forty (40) percent of the Front and Corner Side Yards not already designated as a frontage or side and rear buffer (refer to III.5.J-K) shall be either ornamental planting beds (refer to III.5.B(7)(b)) or Natural Landscape Areas (refer to III.5.E).

H. Manufacturing District Tree Canopy Requirements.

1. Intent. To detail minimum landscape requirements for manufacturing development, in addition to any required buffers and screens, to ensure that the Yards are planted appropriately.
2. Applicability. These standards apply to all properties in the M1-M3 Zoning Districts.
3. Tree Canopy Coverage Requirements. One (1) large or medium overstory tree is required for every two thousand (2,000) square feet of Landscape Area. Refer to III.5.G(3) for General Requirements.
 - a. Existing Tree Canopy may be utilized to meet this requirement. Refer to III.5.F(4)(b) for details.
4. Landscape Areas Requirements. A minimum eight hundred (800) square feet or a minimum of twenty (20) percent, whichever is less, of the Front and Corner Side Yards not already designated as a frontage or side and rear buffer (refer to III.5.J-K) shall be either ornamental planting beds (refer to III.5.B(7)(b)) or Natural Landscape Areas (refer to III.5.E).

I. Open Space Type Tree Canopy Requirements.

1. Intent. To detail minimum landscape requirements for Open Space Types, refer to III.4, to ensure that the Open Space Types are planted appropriately.
2. Applicability. These standards apply to all Open Space Types in the O1-O4 Zoning Districts.
3. Tree Canopy Coverage Requirements. The following are the minimum Tree Canopy Coverage requirements per Open Space Type (refer to III.4). Refer to III.5.G(3) for General Requirements.
 - a. Requirements per Open Space Type. Refer to Table 5.B-2 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas.
 - (1) The Close has a required minimum Tree Canopy Coverage of seventy (70) percent, consisting of a mix of small, medium, and large trees.
 - (2) The Plaza has a required minimum Tree Canopy Coverage of thirty (30) percent, consisting of a mix of small, medium, and large trees.
 - (3) All other Open Space Types have a required minimum Tree Canopy Coverage at maturity of fifty (50) percent, consisting of a mix of small, medium, and large trees.
 - b. Existing Tree Canopy may be utilized to meet this requirement. Refer to III.5.F(4)(b) for details.
4. Parking Lots. All parking lots within an Open Space Type are required to provide the Frontage Buffer (refer to III.5.J) along all sides of the parking facing streets or adjacent private yards.

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J. Frontage Buffer.

1. Intent. To lessen the visual impact of all vehicular areas on private Lots visible from the street and improve the aesthetics of auto-oriented areas.
2. Applicability. These requirements apply to all properties in all Zoning Districts where a parking lot or other vehicle area is located adjacent to a vehicular Right-of-Way. Vehicle areas include but are not limited to drive aisles, drive-through lanes, loading areas.

- a. Alleys. Frontage buffer is required for parking areas adjacent to Alleys when a RE or R1-R8 district is located across the Alley.
- b. Exceptions. Frontage buffers are not required for Single Family Residential Uses. Buffers are required for parking lots provided on Lots in any residential district.
- c. Reduction of Buffer. Municipal Planning Commission (MPC) may reduce these screening requirements through crediting existing landscaping within the proposed buffer area. The existing landscaping shall provide a buffer equal to or greater than the required buffer, shall be of an acceptable species per the City's list, and shall be healthy.

3. Requirements. Typical frontage buffer requirements are illustrated in Figure 5.J-1.

- 3.a Depth. The landscape buffer shall consist of an area nine (9) feet in depth. Buffer width shall be increased if area is also serving to handle the site's stormwater runoff.
- 3.b Location. The buffer shall be located between street facing Property Line and the parking area except:
 - (1) In the Front and Corner Side Yards, when the parking area is located adjacent to any building, the buffer shall be located so that it aligns with the face of the adjacent building back to the vehicular area. The area between the buffer and the Front Property Line shall be landscaped.
- 3.c Uses and Materials. Uses and materials other than those indicated are prohibited in the buffer.
- 3.d Trees. A medium or large overstory tree shall be planted within the required landscape buffer, located on the street side of the fence, spaced to alternate with street trees so that the final effect is a staggered tree line. Where no street trees are provided, the buffer trees shall be planted a minimum of thirty (30) feet and a maximum of fifty (50) feet on center.
 - (1) Existing trees that are located within the Buffer, meet the minimum size requirements, are in good health, and are an acceptable species per the City's tree list may be utilized in place of the tree requirement at the same spacing.
- 3.e Fence. A minimum of three (3) and a maximum of four (4) feet in height steel or PVC picket fence is required, located two (2) feet from the back of curb of the vehicular area.
 - (1) No other fence material is permitted.
 - (2) Fence colors are limited to black, grey, or dark green.
 - (3) Fence opacity shall be no greater than sixty (60) percent, no less than thirty (30) percent.
 - (4) A gate opening of six (6) feet is permitted every one hundred (100) feet.

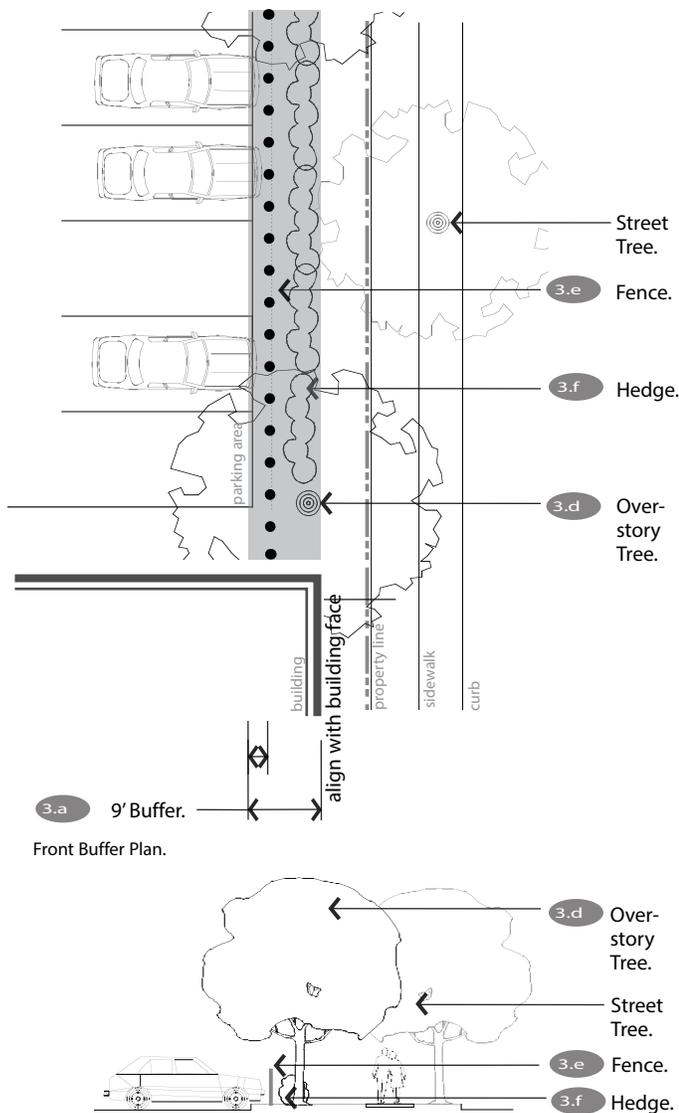


Figure 5.J-1. Frontage Buffer.

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- 3.f Hedge. A continuous, evergreen hedge is required on the street side of the fence, located between required trees and in front of vehicular areas. The hedge shall consist of individual shrubs with a minimum width of twenty-four (24) inches, spaced no more than thirty-six (36) inches on center. Shrubs shall be minimum eighteen (18) inches high at time of planting, minimum thirty (30) inches at maturity.
- 3.g Access. This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings necessary for permitted access drives and walkways connecting to the public sidewalk.
- K. Side and Rear Buffer.
1. Intent. Buffers are required to minimize the impact that one Zoning District may have on a neighboring district and to provide a transition between the districts.
 2. Applicability. These requirements apply to all directly adjoining properties in all Zoning Districts according to Table 5.K-1.
 - a. Reduction of Buffer. Municipal Planning Commission (MPC) may reduce these screening requirements through crediting existing landscaping within the proposed buffer area. The existing landscaping shall provide a buffer equal to or greater than the required buffer, shall be of an acceptable species per the City's list, and shall be healthy.
 3. General Requirements. Side and rear landscape buffers shall meet the following criteria.
 - a. Buffer Depth. Buffer depth varies based upon the Zoning District of Lot and the adjacent Lot, as is outlined in Table 5.L-1.
 - b. Required Landscape Screen. A Heavy or Light Landscape Screen is required within the side and rear yard buffers per Table 5.L-1.
 - c. Location. Buffers shall be located on the more intensively zoned Lot.
 - (1) Buffer is measured from the Side and Rear Property Lines.
 - (2) The five (5) foot required landscape screen shall be located directly adjacent to the Rear or Side Property Line.
4. Heavy Landscape Screen Requirement. The standards specific to the heavy screening requirement are illustrated in Figure 5.L-1.
 - 4.a Screen Depth. A minimum five (5) foot landscape screen shall be installed in addition to other buffer landscaping.
 - 4.b Overstory Trees. A medium or large overstory tree shall be installed at a minimum rate of one (1) per every forty (40) feet.
 - (1) Existing trees that are located within the buffer, meet the minimum size requirements, are in good health, and are an acceptable species per the City's tree list may be utilized in place of the tree requirement at the same spacing.
 - 4.c Hedge. A continuous, evergreen hedge is required, located between required trees, when a solid fence is not utilized.
 - (1) Hedge shall consist of a row of individual shrubs with a minimum width of twenty-four (24) inch spaced no more than thirty-six (36) inch on center, mature height in one (1) year at twenty-four (24) inches.
 - (2) A minimum of thirty (30) shrubs per every one hundred (100) feet of affected Property Line is required.
 - 4.d Fence. One of the following shall be installed.
 - (1) A fence that is a minimum of four (4) and a maximum of six (6) feet in height steel or PVC picket fence shall be installed.
 - (a) No other fence material is permitted.
 - (b) Fence colors are limited to black, grey, or dark green.
 - (c) Fence opacity shall be no greater than sixty (60) percent, no less than thirty (30) percent.
 - (d) Requires installation of hedge.
 - (2) An opaque fence of six (6) feet in height shall be installed.
 - (a) Does not require the installation of hedge.
- a. Uses and Materials. Uses and materials other than those indicated are prohibited within the buffer.
 - e. Existing Landscape. Buffers shall incorporate existing landscaping and topography. Additional planting shall compliment the existing vegetation.
 - f. Berms. Berms may be utilized within the buffer and shall have a maximum side slope of three feet to one foot (3:1).
 - g. Tree Canopy Coverage Requirements. One medium or large tree is required for every two thousand (2000) square feet of buffer, excluding the areas within required landscape screen.
 - (1) Existing Tree Canopy may be utilized to meet this requirement. Refer to III.5.F(4)(b) for details.

III. Zoning Regulations

Section 5 - Landscape Standards

Districts		Buffer	
Buffer Required Between ... (buffer is required on this Lot)	and ...	Screening Intensity	Buffer Width
R6, R7	A, RE, R1-R5	Light	20'
NC, NO, C1, C2, O, & P	R6-R7	Light	15'
NC, NO, & C1	RE, R1-R5	Light	30'
C2, O, & P	RE, R1-R5	Heavy	50'
M1-M2	All districts	Heavy	75'
M3	All districts	Per MPC	

Table 5.K-1. Side and Rear Yard Buffer Requirements by District

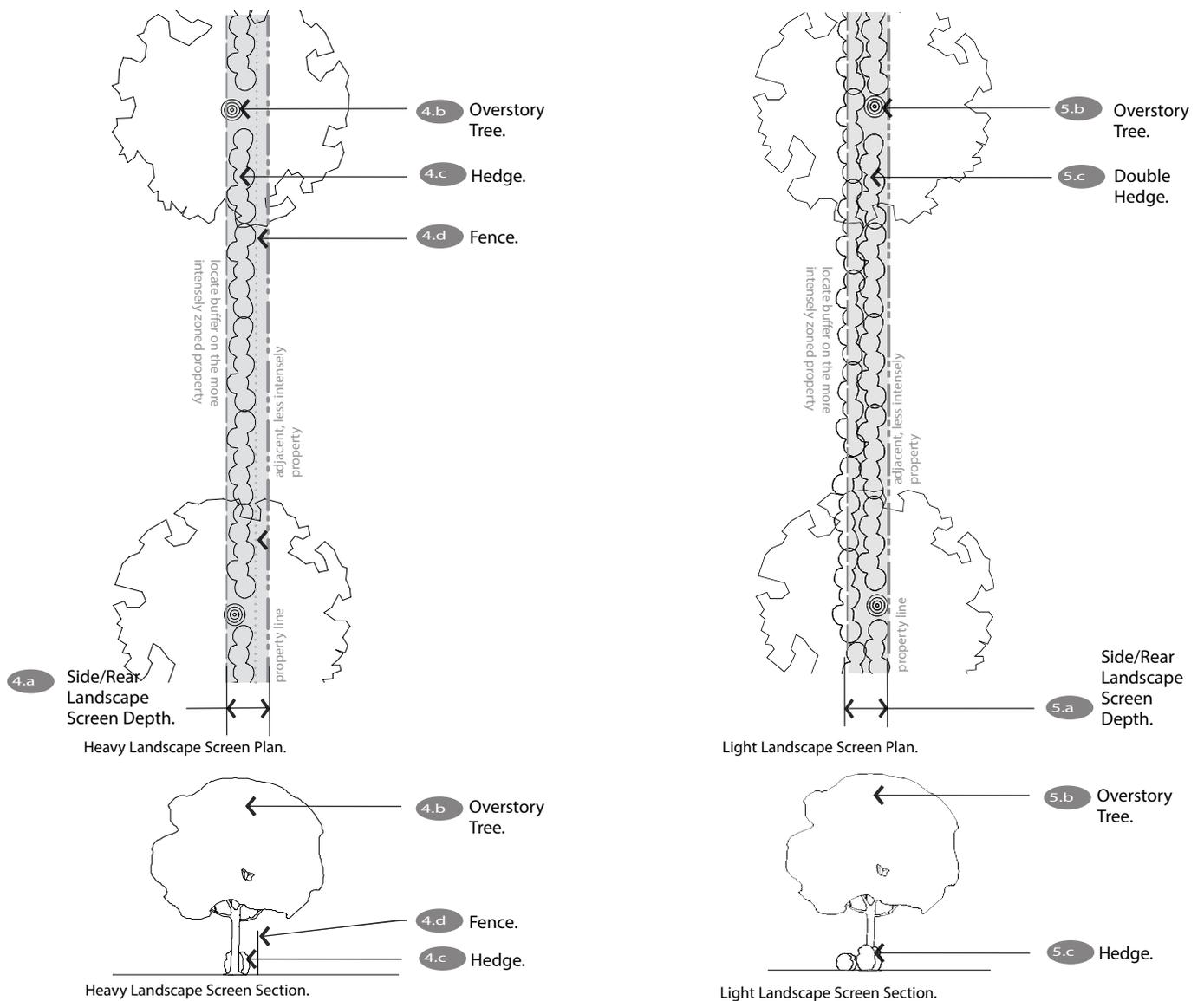


Figure 5.L-1. Landscape Screen within the Side and Rear Yard Buffer.

III. Zoning Regulations

Section 5 - Landscape Standards

5. Light Landscape Screening Requirement. The standards specific to the light screening requirement are illustrated in Figure 5.L-1.

5.a

Screen Depth. A five (5) foot landscape screen shall be installed in addition to other buffer landscaping.

5.b

Overstory Trees. A medium or large overstory tree shall be installed at a minimum rate of one (1) per every forty (40) feet.

- (1) Existing trees that are located within the buffer, meet the minimum size requirements, are in good health, and are an acceptable species per the City's tree list may be utilized in place of the tree requirement at the same spacing.

5.c

Hedge. A continuous double row of evergreen shrubs is required, located between required trees.

- (1) Hedge shall consist of a double row of individual shrubs with a minimum width of twenty-four (24) inch spaced no more than thirty-six (36) inch on center, mature height in one (1) year at twenty-four (24) inches.
- (2) A minimum of fifteen (15) shrubs per every one hundred (100) feet of Property Line is required.

III. Zoning Regulations

Section 5 - Landscape Standards

- L. Interior Parking Lot Landscaping.
1. Intent. Interior parking lot landscaping is required to provide shade, minimize paving and associated runoff, and improve the aesthetic look of parking lots. Refer to Figure 5.M-1.
 2. Applicability. Interior parking lot landscaping is required for all off-street parking lots on all properties in all Zoning Districts.
 - a. Parking Lot Interior. The parking lot interior is defined as the area dedicated to parking on a given Parcel as measured from edge of pavement to edge of pavement.
 - b. Reduction of Requirements. Municipal Planning Commission (MPC) may reduce these landscape requirements through crediting existing landscaping within the proposed area. Existing landscaping shall be equal to or greater than required, shall be of an acceptable species per the City's tree list, and shall be healthy.
 3. Island and Median Requirements. Parking Lot landscape islands and medians shall be installed as follows.
 - a. Location.
 - (1) Landscape islands are required at the terminal ends of any free-standing rows or bays of parking. Free-standing rows or bays of parking are those that are not abutting the parking lot perimeter, and may have a single or double row of parking.
 - (2) A landscape island shall be provided every ninth (9th) parking space for rows of parking that are more than eight (8) spaces in length. There shall be no more than eight (8) continuous parking spaces in a row without a landscape island.
 - (3) A landscape median is required in each free-standing bay of parking along the length of the bay of parking.
 - b. Size of Islands and Medians. Islands and medians shall be a minimum of nine (9) feet in width.
 - (1) When a landscape island is less than fifteen (15) feet in width, the following are required within the estimated Critical Root Zone of the tree at maturity.
 - (a) Structural soil or equivalent shall be utilized under any paved surface.
 - (b) Install an aeration system or utilize permeable pavement.
 - c. Trees. Each landscape island shall have at least one (1) large overstory existing tree or new tree planted within it and Ornamental Planting Bed is required per III.5.B(7) Ground Vegetation.
 - d. Preserving Existing Trees with Parking Areas. When preserving existing trees within the parking area, landscape island width shall be as follows; in all instances the planter soil depth shall be two and a half (2 1/2 feet).
 - (1) Tree(s) of six (6) inches DBH or less shall have an island width of at least nine (9) feet.
 - (2) Tree(s) of six (6) inches to twelve (12) inches DBH shall have an island width of at least fifteen (15) feet.
 - (3) Tree(s) of greater than twelve (12) inches DBH shall have an island width of at least twenty (20) feet.
 - e. Stormwater. Islands may be designed to handle stormwater runoff. Refer to III.7 Stormwater Management.

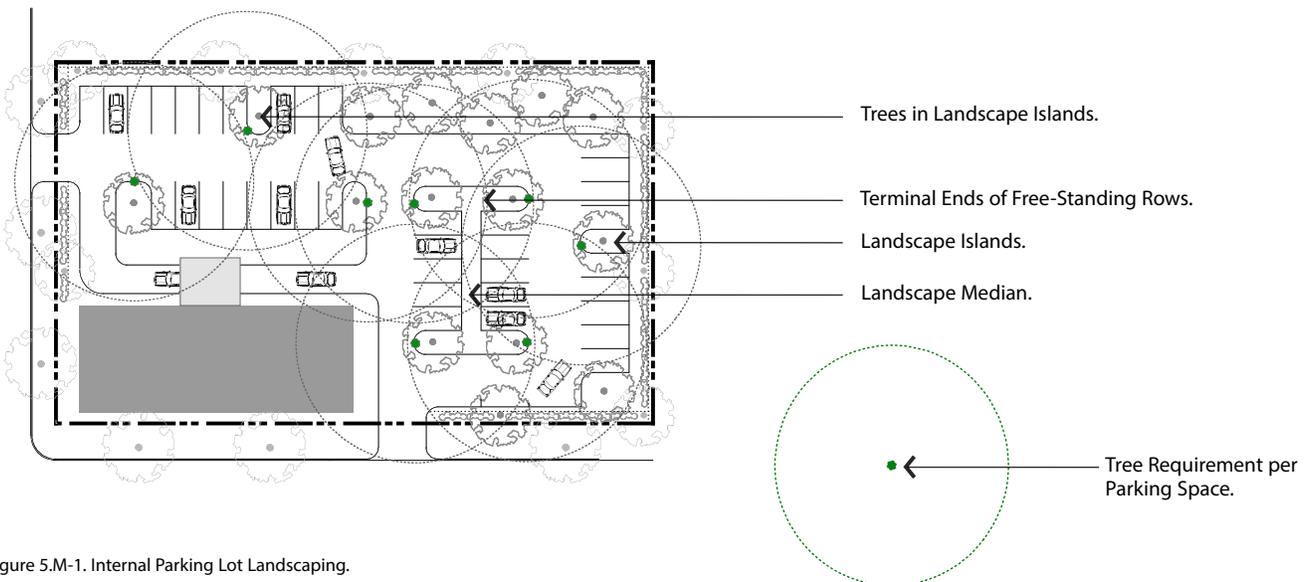


Figure 5.M-1. Internal Parking Lot Landscaping.

III. Zoning Regulations

Section 5 - Landscape Standards

4. Tree Requirements. Trees shall be planted as follows.
 - a. Tree Requirements per Parking Space.
 - (1) Each parking space shall be entirely located within fifty (50) feet of a tree in the interior of the parking lot.
 - (2) A minimum of one (1) large overstory tree shall be planted within the parking lot interior or within four (4) feet of the parking lots' edge for every three (3) parking spaces.
 - (3) Trees within a designated buffer area may not be utilized to meet this criteria.
 - b. Shade Requirements. Within twenty (20) years of tree installation, thirty (30) percent of the interior of the parking lot shall be shaded by the trees' canopy at maturity. Refer to Table 5-B-2.
 - (1) Trees and landscaping located outside of the parking lot interior, in the side and rear buffer, or in the frontage buffer may not be applied to this requirement.
5. Other Potential Landscape Areas. Internal areas not dedicated to parking or drives shall be landscaped as follows.
 - a. One (1) medium or large tree is required in such spaces for the first one-hundred fifty (150) square feet.
 - b. One (1) medium or large tree per each additional six-hundred fifty (650) square feet.

M. Screening of Open Storage, Refuse Areas, and Utility Appurtenances.

1. Intent. Screening reduces the visual impact of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
2. Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances on all properties within all Zoning Districts.
3. Requirements: Open Storage and Refuse Areas. Typical open storage or refuse screening is illustrated in Figure 5.M-1.
 - a. Opaque Screen Wall. An opaque screen wall (vertical structured barrier to visibility at all times such as a fence or wall) is required around three (3) sides of the dumpster and trash bin area and shall match the primary material of the principal building.
 - b. Screen Wall Height. The height of the screen wall shall be the higher of the following.
 - (1) The height of the Use to be screened.
 - (2) Six (6) feet.
 - (3) A height sufficient in the judgment of the Code Administrator to accomplish the objective of the screen.
 - c. Visible Openings. Openings visible from the public way or adjacent properties shall be furnished with opaque gates.
 - d. Location. All open storage, refuse areas, and recycling areas shall be located in the Rear Yard or within the building.
 - e. Location within Parking Lot. If refuse area is located within a larger paved area, such as a parking lot, landscape islands shall be located on three (3) sides of the area and planted per III.5.L(3).
4. Requirements: Screening of Utility Appurtenances.
 - a. Large Private Mechanical Equipment. Private mechanical equipment visible from the Right-of-Way, that is equal to or greater than four (4) feet in height, and equal to or greater than six (6) feet in any one direction shall be fenced with opaque wood or brick-faced masonry on all sides facing the Right-of-Way.
 - b. Small Private Mechanical Equipment. Private mechanical equipment smaller than four (4) feet in height shall have landscape screening and shrub bed containing shrubs spaced no more than thirty-six (36) inches on center.

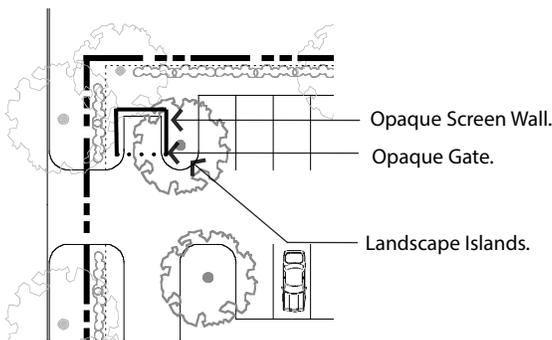


Figure 5.M-1. Screening of Open Storage or Refuse Areas.

III. Zoning Regulations

Section 5 - Landscape Standards

- N. Tree Preservation and Tree Planting Requirements for Scenic Corridor Buffer.
1. Intent. To preserve the existing trees and character of the Scenic Corridor and provide a tree preservation/ tree planting buffer between the Scenic Corridor and adjacent development.
 2. Applicability. All Scenic Corridor Buffers as required by II.8.C(9).
 3. Tree Management. Preserve existing trees within the buffer. Refer to Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code for standards.
 4. Tree Canopy Coverage Requirements. The following tree requirements for Scenic Corridor Buffer apply to every one hundred (100) foot segment of Scenic Corridor, for each side of the street within a site. Refer to III.5.F(3) for general requirements.
 - a. Minimum Ten (10) large or medium overstory trees are required for each segment.
 - b. Minimum Two (2) understory trees are required for each segment.
 - c. Minimum Two evergreen trees are required for each segment.
 - d. Planting locations may be adjusted within adjacent segments to accomplish a natural feel and respond to existing trees, in locations agreed upon per the Site Plan and Landscape Plan review process.
 - e. Existing Tree Canopy may be utilized to meet these requirements per the Credit for Existing Trees at Scenic Corridors in Article IV (Appendix) .
- O. Landscape Requirements for Through Lot Landscape Easement.
1. Intent. To provide a landscape buffer between a major road and the rear of adjacent developments.
 2. Applicability. All landscape Easements required at Through Lots per II.1.E(9)(c) Neighborhood Development: General Block, Lot, and Street Design.
 3. Tree Canopy and Landscape Requirements. The following tree and landscape requirements are required within the landscape Easement.
 - a. One (1) large, medium, or small tree is required for every two thousand (2000) square feet of Landscape Area, with a mix of no more than fifty (50) percent any one size. Refer to III.5.G(3) for General Requirements.
 - b. A minimum of twenty (20) percent of the Easement shall consist of ornamental planting bed, refer to III.5.B(7).
 - c. A minimum of sixty (60) percent of all plantings shall be evergreen.
 - d. Existing Tree Canopy may be utilized to meet this requirement. Refer to III.5.G(4)(b) for details.
4. Landscape Requirements. Preserve, restore, and maintain the existing landscape as a Natural Landscape Area, per III.5.E.

III. Zoning Regulations

Section 5 - Landscape Standards

- P. Fences and Walls.
1. Intent. These standards establish regulations to enhance quality of life, safety, and aesthetics of the City through regulating the erection of fences and walls.
2. Applicability. These standards apply to all Lots in all Zoning Districts.
3. Requirements. Fences and walls shall adhere to the following standards.
- a. Review and Permit Required. All fences require review and approval through the Minor Site Plan Review process (I.4.J), unless otherwise stated.
- (1) Fences are considered part of a Lot's landscaping and shall be illustrated on a landscape plan (refer to III.5.A(4)) when being reviewed.
- b. Height. The maximum average height of any fence or wall shall be six (6) feet measured from the ground at the base of the fence or wall to the top of the fence boards or wall.
- (1) Fences and walls located in the Front Yards shall be a maximum height of two and a half (2 1/2) feet with the following exceptions.
- (a) Solid fences located in the Front Yards in the RE and A Districts may be a maximum height of four (4) feet.
- (2) Solid fences are not permitted within twenty-five (25) feet of any intersection of the Front and Corner Side Property Line.
- (3) Solid fences and walls over two and a half (2 1/2) feet are not permitted within twenty-five (25) feet of an Open Water body.
- (4) Posts, decorative columns, light fixtures, or other decorative details are permitted to exceed the height limit by up to one (1) foot.
- (5) On Lots with steep slopes at Property Lines, height may exceed six (6) feet up to a height that would not exceed six (6) feet above the existing Yard or house grade, but in no case shall the height exceed ten (10) feet.
- (a) Design Review Commission (DRC) review through the Site Plan (I.4.K) or Design Review Process (refer to I.4.Q) is required for all fences or walls exceeding six (6) feet in height because of steep slopes. Documentation justifying the additional height shall be provided, including such items as proof that a six (6) foot height fence or wall would not provide adequate privacy due to the slope.
- (6) DRC review through the Site Plan (I.4.K) or Design Review Process (refer to I.4.Q) is required
- for athletic and agricultural fencing over six (6) feet.
- c. Drainage. No fence or wall shall impede or divert the flow of water through any drainageway.
- d. Materials. All fences and walls shall meet the following requirements.
- (1) Brick, stone, wood, composite wood, or metal are permitted fence and wall materials.
- (a) PVC is permitted for all non-solid fencing.
- (b) All materials shall be finished quality and durable, treated to prevent disease or decay
- (c) Through Lot fences and walls on the Rear Property Line shall be solid, consisting of stone or brick, or wood fences with masonry or stone columns a minimum of every fifty (50) feet on center.
- (2) Prohibited Materials. Barbed wire, chain link, exposed cinder or concrete block, metal mesh, and razor wire and single wire fences are prohibited in all Yards with the following exceptions.
- (a) In RE and R1-R6 districts, chain link, single wire, and metal mesh fencing are permitted for dog runs and Animal pens, provided that they are fully screened from view of the street.
- (b) In the M1-M3 districts, chain link and barbed wire fencing are permitted in Rear and Side Yards with DRC approval through the Site Plan (I.4.K) or Design Review Process (refer to I.4.Q).
- (c) In the AG: Agriculture district, electric, metal mesh, and single wire fences are permitted in Rear and Side Yards, provided that warning signs two (2) square feet in area at installed at regular intervals with electric fencing.
- (d) Chromate or vinyl coated chain link fabric fencing is permitted in the rear and side Yard in all districts, with the exception of Through Lots.
- (3) Finished Face. The finished side of a fence shall face outward from the Lot.
4. Maintenance. Fences and walls shall at all times be maintained in good condition by the Owner.

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Section 5 - Landscape Standards

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III. Zoning Regulations:

6. Parking, Loading, & Access Standards

- A. General Requirements.
- B. Parking Requirements.
- C. Parking Design Standards.
- D. Loading Requirements.
- E. Loading Facilities Design Standards.
- F. Vehicular Stacking Requirements.
- G. Site Access.

III. Zoning Regulations

Section 6 - Parking, Loading, & Access

- A. General Requirements.
1. Intent. The following provisions are established to accomplish the following goals.
 - a. To ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land Uses, including the avoidance of unnecessarily high amounts of excess parking.
 - b. To provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land Uses and Zoning Districts.
 - c. To provide specifications for vehicular site access.
 2. Applicability. These regulations shall apply to all new development and changes in Use or intensity of Use for existing development, in all Zoning Districts.
 3. General Requirements. The scope of the regulations are as follows:
 - a. Compliance. Compliance with the standards outlined shall be attained in the following circumstances:
 - (1) Development of all new parking facilities, loading facilities, and driveways.
 - (2) Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, installation of new landscape islands, an increase in ten (10) percent or more spaces.
 - (3) Changes in intensity through the addition of Dwelling Units, Gross Floor Area, seating capacity, or other units of measurement specified herein for required parking and loading facilities that results in an increase in the number of required spaces.
 - (4) Change in Use that results in an increase in the number of required spaces.
 - (5) Restriping a parking lot only requires compliance with III.6.B(1)(a) Required Accessible Parking.
 - b. Damage or Destruction. When a Use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities shall be reestablished in an amount equal to the number maintained at the time of damage or destruction or if this quantity is in excess of the standards outlined herein, the minimum standards shall be met.
 - c. Access. All off-street parking and loading facilities shall open directly onto an aisle, Alley, or driveway designed to provide safe access to such facilities.
 - d. Location. Each Building Type (III.3 Building Type Standards) includes the permitted Yard locations of parking facilities (surface or structured), loading facilities, and points of access.
 - e. Maintenance of Off-Street Parking. All off-street parking spaces required by these Land Development Regulations shall be continuously maintained by the property Owner.
 - f. Site Plan Approval Required. Refer to I.4.J-K Minor Site Plan and Site Plan Review for more information.
 - g. Certificate of Compliance. Refer to I.4.R Certificate of Compliance for more information.
 4. Parking Plan. All developments requiring more than twenty (20) parking spaces are required to submit a parking plan with Site Plan approval (refer to I.4.K), including the following:
 - a. Intended Uses. List all proposed Uses, stating intentions for any Eating & Drinking Establishments.
 - b. Required vehicular and bicycle parking spaces per Use. Illustrate provision of all required spaces. Submit any methods for handling potential Eating & Drinking Establishments, if intended in the future.
 - c. Location and method of providing required parking spaces.
 - d. Applicants wishing to use shared or cooperative parking (See II.6.B, Shared Vehicular Parking and Cooperative Vehicular Parking components) as a means of reducing the total number of required spaces must submit a shared parking analysis using the latest edition of the Urban Land Institute's Shared Parking. It shall include, but not be limited to, the size and type of the proposed development, the composition of tenants, the anticipated rates of parking turnover, the anticipated peak parking and traffic loads for all uses that will be sharing spaces, and clear indication why the proposed parking reduction is warranted.
- B. Parking Requirements.
1. General Requirements. Off-street parking spaces shall be provided in conformance with Tables 6.B-1 Required Vehicular Parking and 6.B-2 Bicycle Parking.
 - a. Required Accessible Parking. Parking facilities accessible for persons with disabilities shall 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).
 - (1) Refer to Table 6.B-3 Required Accessible Parking Spaces.
 - (2) Each accessible space provided shall be included in the overall number of required

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Section 6 - Parking, Loading, & Access

	Uses	Vehicular Spaces Required		Uses	Vehicular Spaces Required
Residential/Lodging	Single Family/ Single Family Attached	2/Unit	Office	N'hood, General Office	4/1000 sq. ft.
	Multifamily: Studio/ Efficiency	1.25/Unit		Research and Development	4/1000 sq. ft. of sales area
	Multifamily: 1 Bdrm	1.5/Unit	Production	Craftsman	1/Employee at largest shift + 4/1000 sq. ft. of retail space
	Multifamily: 2 Bdrm	1.75/Unit		Production & Assemblage/ Warehouse, Packing, & Distribution/ Manufacturing	1/Employee at largest shift + 1/Company vehicle
	Multifamily: 3+ Bdrm	2/Unit		Sexually Oriented Business	4/1000 sq. ft.
	Accessory Family Unit	1/Unit	Infrastructure	Parking Lot	
	Bed and Breakfast	1.25/Room		Utility and Infrastructure	1/Employee at largest shift + 1/Company vehicle
	Hotel/Motel	1.5/Room, Secondary Uses at 65%		Wireless Transmission Facility	1/Employee at largest on site shift + 1/ Company vehicle
	Independent Living	per Multifamily Reqs.		N'hood Open Space/ Civic Open Space	none
	Civic/Institutional	Hospice/Assisted Living/ Nursing Home	.25/Bed & 1/Employee	Open Space	General Open Space
N'hood, General, Large Scale Assembly		.25/Seat or Building Code Capacity	Large Scale Outdoor Recreation		none
Hospital		.25/Bed & 1/Employee	Country Club		4/1000 sq. ft. + 1/Employee at largest shift + as applicable: 40/9 holes of golf + .25/ facility occupancy for tennis and swim
Library/Museum		3.33/1000 sq. ft.	Golf Course		60/9 holes
Police and Fire		.75/Employee + 1/Office vehicle	Membership Sports Clubs	1/Employee at largest shift + .25/Facility occupancy	
Post Office		3.33/1000 sq. ft.	Riding Academy and Stables	1/Employee at largest shift + 1/Stall	
School: Pre K to Jr High		1.25/Employee	Sports and Recreation Camps	3/1000 sq. ft. of building+ 3/1000 sq. ft. of land	
School: High School		1/Employee + .5/Students in 11th and 12th grades	Swim Club/ Tennis Club	1/Employee at largest shift + .25/Facility occupancy	
School: Higher Education		.75/Employee + .5/Student	Preserve/Conservation	Per MPC	
Retail		N'hood, General, Large Scale Retail, Liquor Store, Commercial Equipment & Supply, Firearms Dealer	4/1000 sq. ft.	Shooting & Archery Range	1.50/Target
	Outdoor Sales Lot	4/1000 sq. ft. of sales area	Agriculture Equipment and Supply	4/1000 sq. ft.	
	N'hood Personal, General, Regional Services	4/1000 sq. ft.	Agriculture	Farming	none
	Eating & Drinking Establishment	.5/Employee at largest shift + .25/Seat or Building Code capacity, whichever is larger		Animal Boarding	1.35/Employee
	Child Day Care	1.35/Employee		Natural Resource Harvesting & Management	1/Employee at largest on site shift + 1/ Company vehicle
Services	Outdoor Entertainment or Recreation	2/1000 sq. ft. + .25/1000 sq. ft. of land			
	Funeral Home	1/Employee at largest shift + .25/Seat or Building Code Capacity			
	Vehicle Service	3.33/1000 sq. ft.			

Table 6.B-1. Required Vehicular Parking.

III. Zoning Regulations

Section 6 - Parking, Loading, & Access

spaces for a Use.

- (3) One (1) of every eight (8) accessible spaces provided, with a minimum of one (1) per Lot, shall be designed as van accessible.
- b. Use of Off-Street Parking Areas. All off-street parking and loading facilities shall be used only for the temporary storage of motor vehicles related to the premises, unless otherwise specified in these Land Development Regulations.
 - (1) Availability of Parking Spaces. Required off-street parking spaces shall be available to residents, customers, employees, or guests of the Principal Use(s).
 - (2) Storage Prohibited in Parking Areas. All off-street parking spaces shall be dedicated for the parking of vehicles in operating condition and shall not be used for storage or display of vehicles, materials, or goods, unless otherwise stated in these Land Development Regulations.
 - (3) Vehicle Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking or loading facilities provided in these districts, with the exception of emergency service required to start vehicles or short incidental minor repairs, such as replacement of a battery.
- c. Requirements for Unlisted Uses. Upon receiving a Site Plan, occupancy permit, or other permit application for a Use not specifically addressed in this Section, the Municipal Planning Commission (MPC) is authorized to apply off-street parking standards specified for the Use deemed most similar to the proposed Use. In instances where an equivalent may not be clearly determined, the Applicant shall submit a parking study and other evidence that will help determine the appropriate requirements.
- d. Private Off-Premises Parking. Parking shall

Use	Bicycle Space Required
Multiple Family (all sizes)	1/2 Vehicular Spaces for buildings with 8+ units
Civic/Institutional	1/10 Vehicular Spaces, min of 4
Retail	1/10 Vehicular Spaces
Service	1/10 Vehicular Spaces
Office	1/10 Vehicular Spaces
Neighborhood Open Space/Civic Open Space	Per Code Administrator MPC
General Open Space	Per Code Administrator MPC
Large Scale Open Space	1/10 Vehicular Spaces
Preserve/Conserve	Per Code Administrator MPC

Table 6.B-2. Required Bicycle Parking.

be provided on-site, unless otherwise stated in these regulations. Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning Lot occupied by the building or Use to which the parking facilities are accessory.

- (1) Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the Use served by the parking.
- (2) The providing for the Use of off-site parking, executed by the parties involved, shall be in a form approved by and filed with the MPC.
- (3) The deed or lease shall require the Owner to maintain the required number of parking facilities for the duration of the Use served or of the deed or lease, whichever shall terminate sooner.
- e. Single Family Residential Parking.
 - (1) A minimum of two (2) garage parking spaces shall be provided for each Single Family and Single Family Attached residential units.
 - (2) Surface parking location is regulated by Building Type, per III.3, and shall be located within a driveway.
- f. Single Family Residential Visitor Parking. If two (2) on-street parking spaces are not available along the Front Property Line of any single family residence Lot, one space shall be provided on private property in addition to required residential spaces.
 - (1) The space may be provided on the Lot.
 - (2) A parking lot may be provided within the Subdivision to accommodate multiple visitor spaces with the following requirements.
 - (a) If developed within an existing, approved

Total Spaces	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001+	20 + 1 per each 100 over 1000

Table 6.B-3. Required Accessible Parking Spaces.

III. Zoning Regulations

Section 6 - Parking, Loading, & Access

Subdivision, a Conditional Use permit is required per III.2. Uses to develop this parking lot. Otherwise, it shall be considered for approval, approval with conditions, disapproval, or other applicable action by the MPC as part of the Preliminary Plat process.

- (b) Ten (10) percent additional total landscape plantings are required for the Frontage Buffer and the Frontage Buffer is required on all sides of the parking lot. Refer to III.5.J. in Landscape Standards.
 - (c) Permeable, colored concrete pavers are required for all parking surfaces.
2. Required Vehicular and Bicycle Parking. Tables 6.B-1 and 6.B-2 outline the required vehicular and bicycle parking requirements.
- a. Organized by Use. The parking requirements are organized by Use, in a similar fashion to Table 2.L-1 Use Table in III.2 Uses.
 - (1) Parking rates are provided for general Use categories; these numbers are applicable for all of the Uses within these categories.
 - (2) If a specific Use requires a different parking rate than its Use category, it is also listed in Tables 6.B-1 and 6.B-2 Required Vehicular and Bicycle Parking.
 - b. Vehicular Spaces Required. The vehicular spaces required column indicates the required off-street parking ratio, which may be subject to credits and other reductions and a maximum number.
 - (1) Neighborhood Type III. The MPC may exempt non residential Uses in NC1 and NO districts developed in Neighborhood Type III from the parking space requirements when sufficient off-site and on-street parking are present and within six hundred and sixty (660) feet from the Lot measured along dedicated pedestrian pathways.
 - c. Required Bicycle Parking. The Required Bicycle Parking column indicates the minimum bicycle parking ratio for a given Use.
 - (1) Bicycle parking is not required for Uses not listed.
 - (2) Bicycle parking is not required for Uses less than 2,500 square feet in size.
 - (3) No Use, other than Civic/Institutional or Open Space and Recreation (see III.2.D and III.2.J), is required to accommodate more than twenty (20) bicycles.
3. Computation. Off-street parking spaces shall be calculated using the following information.
- a. Area Measurements. The following units of measurements shall be utilized to calculate parking requirements.
 - (1) Dwelling Unit. Parking standards for residential buildings shall be computed using Dwelling Unit as the unit of measure.
 - (2) Gross Square Footage. Unless otherwise expressly stated, parking standards for non residential Uses shall be computed on the basis of Gross Floor Area in square feet.
 - (3) Occupancy- or Capacity-Based Measurements. Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.
 - b. Fractions. When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
 - c. Multiple Uses on a Lot. When there are multiple Uses on a Lot, required spaces shall be calculated as an amount equal to the total requirements for all Uses on the Lot, unless the Uses qualify for shared, cooperative, or other credits to reduce parking.
 - d. Maximum Allowable Vehicular Spaces. No Use shall provide greater than ten (10) percent over the minimum parking requirement without incorporating at least two (2) of the following mitigating design features. In no case shall a Use provide over twenty-five (25) percent more parking spaces than the requirement.
 - (1) The frontage buffer shall be increased in width by thirty (30) percent and the heavy side and rear buffer shall be used, regardless of the adjacent Uses (refer to III.5.J-K for more information).
 - (2) The interior parking lot landscaping shall be increased by ten (10) percent over the minimum requirements (refer to III.5.L for more information).
4. Shared Vehicular Parking. An arrangement in which two (2) or more non residential Uses with different times of their peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.
- a. General Provisions. Through review of the Site Plan (refer to I.4.J-K) the MPC may permit up to one hundred (100) percent of the parking required for a daytime Use to be supplied by the off-street parking spaces provided for a nighttime or Sunday Use and vice versa.

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- b. Agreement. An agreement providing for the shared use of off-site parking spaces between the property Owners of the sites of all Uses involved, executed by the parties involved, is required and shall be reviewed by the MPC during review of the Site Plan (refer to I.4.J-K). Refer to Article IV (Appendix) for template agreement.
 - (1) Off-site parking arrangements shall continue in effect only as long as the agreement remains in force.
 - (2) If the agreement is no longer in force, then parking shall be provided as otherwise required in this Section.
- c. Approval. In order to approve a shared parking arrangement, the MPC shall be presented competent evidence provided by the Applicant, that there is no substantial conflict in the principal operating hours of the Uses for which the sharing of parking is proposed. Approval, approval with conditions, disapproval, or other applicable action shall occur during Site Plan review (I.4.J-K).
- d. Description of Uses with Weekday, Nighttime, and Sunday Peak Parking.
 - (1) The following Uses are considered

predominantly weekday Uses: office and industrial Uses and other similar Uses as authorized by the MPC.

- (2) The following Uses are typically considered predominantly nighttime or Sunday Uses: entertainment Uses, eating and drinking establishments, Assembly Uses, auditoriums accessory to schools and other similar Uses with peak activity at night or on Sundays, as authorized by the MPC.
- e. Location of Shared Parking. Any shared parking shall be within six hundred sixty (660) feet, measured from the entrance of the Use to the closest parking space within the shared parking lot along measured along a dedicated pedestrian path.
 - (1) No shared parking space shall be located within six hundred and sixty (660) feet of a single family Lot.
 - (2) Reserved Parking Spaces.
 - (a) A significant amount of reserved parking is not permissible when utilizing shared parking
 - (b) Wheelchair accessible spaces shall be provided for each Use separately and shall not be part of a shared parking arrangement.
 - (3) Dedicated Pedestrian Path Design. The sites involved in the shared parking agreement shall be connected by a dedicated pedestrian pathway with the following elements:
 - (a) Minimum six (6) feet in width.
 - (b) Lined with shade trees a minimum of forty (40) feet on center planted per , staggered or linear, or covered.
 - (c) Buffered from other parking spaces with a minimum five (5) foot landscape zone.
- f. Signage. Signage shall be provided in appropriate locations, directing the driver to the appropriate parking lot. Signage located in public ways shall be considered for approval, approval with conditions, disapproval, or other applicable action by the MPC, with a recommendation from the City Engineer.
- 5. Cooperative Vehicular Parking. An arrangement in which two (2) or more categories of non residential Uses (Refer to Table 2.L-1 in III.2 Uses; Use categories include civic/institutional, retail, service, office, etc.) provide their required off-street parking

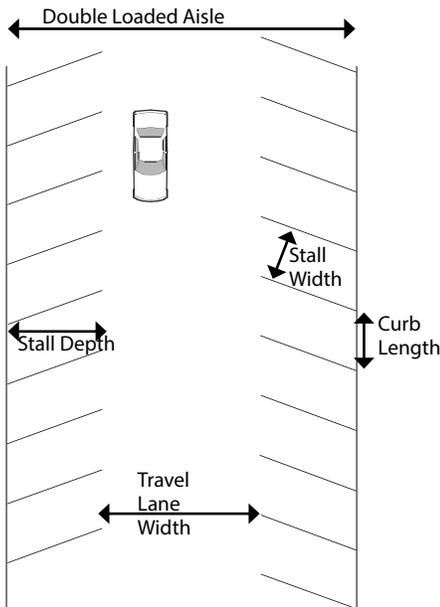


Figure 6.C-1. Parking Lot Layout.

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width: One-Way (feet)	Travel Lane Width: Two-Way (feet)
0	20	7	-	12	20
45	12	8.5	17	12	20
60	10	8.5	18	18	20
90	9	8.5	18	22	24

Table 6.C-1. Parking Space Dimensions.

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as follows:

- a. General Provisions. Cooperative parking may be approved in accordance with the following:
 - (1) A twenty-five (25) percent reduction is permitted when four (4) or more Use categories are involved.
 - (2) A fifteen (15) percent reduction is permitted when three (3) Use categories are involved.
 - (3) A ten (10) percent reduction is permitted when two (2) Use categories are involved.
- b. Uses in Different Buildings. Through review of the Site Plan (refer to I.4.J-K) the MPC may approve a cooperative agreement if any of the Uses are not located in the same structure or building.
- c. Location of Cooperative Parking. Any cooperative parking arrangements shall be within six hundred sixty (660) feet, measured from the entrance of the Use to the closest parking space within the cooperative parking lot along measured along a dedicated pedestrian path.
 - (1) No cooperative parking space shall be located within six hundred and sixty (660) feet of a single family Lot.
 - (2) Reserved Parking Spaces.
 - (a) A significant amount of reserved parking is not permissible when utilizing shared parking
 - (b) Wheelchair accessible spaces shall be provided for each Use separately and shall not be part of a shared parking arrangement.
 - (3) Dedicated Pedestrian Path Design. The sites involved in the shared parking agreement shall be connected by a dedicated pedestrian pathway with the following elements:
 - (a) Minimum six (6) feet in width.
 - (b) Lined with shade trees a minimum of forty (40) feet on center planted per , staggered or linear, or covered.
 - (c) Buffered from other parking spaces with a minimum five (5) foot landscape zone.
- d. Off-Site Signage. When the parking is located off-site from the building as permitted in these requirements, signage shall be provided in appropriate locations, directing the driver to the appropriate parking lot. Signage located in public

ways shall be considered for approval, approval with conditions, disapproval, or other applicable action by the MPC, with a recommendation from the City Engineer.

- e. Off-Site Cooperative Parking Agreement. An agreement providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the MPC during review of the Site Plan (refer to I.4.J-K).
 - (1) Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.
 - (2) If the agreement is no longer in force, then parking shall be provided as otherwise required in this Section.
- 6. Parking Credits. In NC1, C1, C2, NO, and O Districts, the vehicular parking standards in Table 6.B-1 for non residential Uses may be reduced by achieving one (1) or all of the following credits.
 - a. On-Street Parking Credit. Designated on-street parking within six hundred sixty (660) feet of any Lot Line may be credited against the parking requirement at a rate of one (1) credit for every two (2) on-street parking spaces within six hundred sixty (660) feet.
 - b. Public Parking Credit. Public parking within six hundred sixty (660) feet of any Property Line may be credited against the parking requirement at a rate of one (1) credit for every three (3) public parking spaces within six hundred sixty (660) feet.
- C. Parking Design Standards.
 - 1. Refer to the City’s Public Works Construction Specifications for additional requirements.
 - 2. Vehicular Off-Street Parking Lots. The design or redesign of all off-street parking facilities shall be subject to the Site Plan approval procedure described in I.4.J-K.
 - a. Vehicular Parking Space Dimensions. The required dimensions for parking spaces are outlined in Table 6.C-1 Parking Space Dimensions and Figure 6.C-1 Parking Lot Layout. The width of a parking space shall be measured from the center of a stripe.
 - b. Wheel Stops. Install wheel stops or bumper guards when parking is adjacent to a pedestrian pathway or landscaped area. Such stops or guards shall be properly anchored or secured.
 - c. Location of Parking. Refer to III.3 Building Type Standards for information on the location of parking facilities.
 - d. Landscape Screening. All parking areas shall meet the requirements of in III.5 Landscape Standards.

Gross Floor Area (sq. ft.)	Loading Spaces Required
Under 5,000	0
5,000 to 20,000	1
20,001 to 100,000	1 + 1 for each 20,000 over 20,001
100,001+	5 + 1 for each 50,000 over 100,001

Table 6.D-1. Required Loading Facilities.

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- e. Pavement Materials. All parking, loading facilities, and driveways shall be constructed using asphalt, concrete, or pavers that meet at least one (1) of the following.
 - (1) Paving materials with a Solar Reflectance Index (SRI) of at least 29.
 - (2) Semi-Pervious pavement, including permeable asphalt, concrete, or pavers.
 - (3) Material with a minimum recycled content of fifteen (15) percent.
- f. Signage. Accessory signs shall be permitted on parking areas in accordance with the provisions specified in the appropriate sign regulations.
 - (1) City may require the posting of traffic control signs.
 - (2) All traffic control signs shall be installed in accordance with the Manual for Uniform Traffic Control Devices (MUTCD) and its most recent amendments.
 - (3) Decorative posts are required for all Parking Lot traffic control signage per standards available at City Hall.
- 3. Connectivity between Adjacent Parcels. Vehicular and pedestrian access shall be provided between all Parcels of nonresidential Uses and between multiple family and other Uses. Connections between adjacent multiple family Parcels are not required.
 - a. Vehicular Access. Where two parking lots are located on adjacent Property Lines, a minimum of one driveway connection shall be made between those Lots.
 - b. Pedestrian Access. Continuous sidewalks shall be provided with access to all front doors of all businesses and multiple family units adjacent to each other. Sidewalks along Right-of-ways may fulfill this requirement.
- 4. Pedestrian Access. For every two (2) double-loaded aisles within a parking lot, one (1) internal pedestrian pathway(s) shall be provided. Refer to Figure 6.C-1 for an illustration of what constitutes one double-loaded aisle.
 - a. Dimension. The pathway shall be a minimum of six (6) feet in width.
 - b. Quantity. One (1) pathway is required for every two (2) double loaded aisles.
 - c. Location. The pathway shall be centrally located within the parking area to serve a maximum number of parking stalls.
 - (1) Pathways shall provide direct connections to the Principal Structure(s) entrances.
 - (2) At least one (1) pathway shall provide a direct connection between adjacent Vehicular Rights-of-Way and/or trails and the Principal Structure's entrance.
- d. Pathway Delineation. Pedestrian pathways shall be clearly marked with striping or through the use of alternative materials, such as pavers.
- e. Amenities. Amenities such as lighting and bollards are encouraged along pedestrian pathways and building entrances.
- 5. Bicycle Parking. Bicycle parking (refer to Table 6.B-2 Required Bicycle Parking for quantity required) shall be designed and located as follows.
 - a. Dimensions. Required bicycle parking spaces shall have minimum dimensions of two (2) feet in width and six (6) feet in length.
 - b. Secure Spaces. All bicycle parking spaces shall allow for the secure storage for the bicycle.
 - (1) Indoor spaces shall be lockable or provide a permanently affixed rack for securing each bicycle.
 - (2) Outdoor spaces shall provide a permanently affixed rack for securing each bicycle.
 - c. Location. Bicycle parking may be located in the following locations:
 - (1) Indoor or outdoor spaces are permitted, provided they are located on the Lot with which they are associated.
 - (2) Spaces located within individual Dwelling Units may not be counted toward bicycle parking requirements for nonresidential uses.
 - d. Signage. If required bicycle parking for public Use is not visible from the street, signs shall be posted indicating their location.
 - e. Maintenance and Lighting. Areas used for required bicycle parking shall be well-lit with acceptable drainage to be reasonably free of mud and standing water.
- D. Loading Requirements.
 - 1. General Requirements. All loading facilities shall adhere to the following requirements.
 - a. Loading Facilities. Loading facilities shall include the area for temporary parking of commercial vehicles for loading and unloading goods and materials.
 - b. Use of Off-Street Loading Areas. Space allocated to off-street loading shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
 - c. Location. Unless otherwise specified, all required loading facilities shall be located on the same Lot as the Use to be served. No loading space shall block or project into a street, Alley, access drive, or parking area.
 - d. Building Frontage. Loading facilities shall be located per Building Types, refer to III.3.
 - e. Access. Loading facilities shall have clear access

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Section 6 - Parking, Loading, & Access

onto an Alley or be connected to an Alley or street via a driveway. Refer to II.8 for Street Type Standards.

- (1) Direct access to a public way, other than an Alley, is prohibited.
 - (2) Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or Alley in a manner which will least interfere with traffic movement.
2. Loading Requirements. Non residential Uses shall provide off-street loading spaces in compliance with Table 6.D-1 Required Loading Facilities.
 3. Computation. Loading facilities shall be calculated using the following information.
 - a. Gross Square Footage. Unless otherwise expressly stated, loading standards for non residential buildings shall be computed on the basis of Gross Floor Area in square feet.
 - b. Fractions. When computation of the number of required off-street loading spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
 - c. Shared or Central Loading Facilities. Shared or central loading facilities are permitted if the following conditions are met.
 - (1) Each Use served shall have direct access to the central loading area without crossing streets or Alleys.
 - (2) Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of Uses served unless reviewed and approved by the MPC through Site Plan review (refer to I.4.J-K).
 - (3) No Use served shall be more than five hundred (500) feet from the central loading area.
- E. Loading Facilities Design Standards.
 1. General Requirements. All off-street loading facilities shall comply with the following design standards. These plans are subject to approval through the Site Plan Review Process in I.4.J-K.
 - a. All loading facilities shall be striped and identified for "loading only"
 - b. The striping and the "loading only" notation or signage shall be maintained in a clear and visible fashion.
 2. Dimensions. A standard off-street loading space shall be a minimum of ten (10) feet in width by twenty-six (26) feet in length and an oversized loading space shall be a minimum of twelve (12) in width and forty (40) feet in length, exclusive of aisle and maneuvering space and shall have a minimum vertical clearance of fifteen (15) feet.
3. Pavement Materials. All loading facilities shall be constructed using asphalt, concrete, or pavers that meet at least one (1) of the following.
 - a. Paving materials with a Solar Reflectance Index (SRI) of at least 29.
 - b. Semi-PerVIOUS pavement, including permeable asphalt, concrete, or pavers.
 - c. Material with a minimum recycled content of fifteen (15) percent.
- F. Vehicular Stacking Requirements.
 1. General Requirements. Stacking space for vehicles shall be provided according to the requirements in Table 6.F-1 Required Stacking Distances.
 2. Location. Stacking spaces for drive-through and other similar Uses shall be located in accordance with the Building Type Standards (refer to III.3).
 3. Deviation from Standard. Minimum standards shall be adhered to unless a traffic impact study (refer to the appendix for details) provides verifiable evidence to allow a reduction. Reductions may be approved by the MPC through Site Plan review (refer to I.4.J-K).
- G. Site Access.
 1. General Requirements. These standards shall supplement the provisions for access provided in III.3 Building Type Standards. Each driveway providing site access from a street, Alley, or other vehicular Right-of-Way shall be designed, constructed, and permanently maintained as follows.
 - a. Exception. Driveways providing access to a designated state route shall adhere to the Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way as issued by the State of Tennessee Department of Transportation (TDOT).
 2. Quantity of Driveways. The number of driveways

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Use	Stacking Spaces Required
Bank - Drive Through Teller	4/Window or kiosk
Bank - Drive Through ATM	2/Window or kiosk
Car Wash	4/Window or kiosk
Gas Station	2/Pump
Restaurant - Drive Through	4 behind menu & 4 behind first window
All Other	Per MPC

Table 6.F-1. Required Stacking Distances.

permitted for each Building Type is located in III.3 Building Type Standards.

- a. One (1) additional driveway may be granted through a I.4.J-K Site Plan review at the discretion of the MPC.
- b. When more than one (1) drive is permitted for a Lot, the distance between the driveways, measured along the Right-of-Way, shall not be less than twenty-five (25) feet.

3. **Dimensions and Design.** Driveway width is measured at the Property Line as is illustrated in Figure 6.G-2 Driveway Width.

- a. All driveways shall have a maximum width at the property line of twenty-two (22) feet except as stated below.
 - (1) Residential Building Types. Building Types constructed in RE and R1-R7 districts shall have maximum widths of eleven (11) feet.
 - (2) Industrial Building Types. Building Types constructed in M1-M3 shall have maximum widths of thirty (30) feet.
 - (3) Maximum width for one-way driveways is eleven (11) feet, except in M1-M3 where a maximum of fifteen (15) feet is permitted.
- b. Shared Access. Adjacent developments shall share points of access.
 - (1) Shared Driveway Width. When access is shared between three (3) or more non-residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway from twenty-two (22) feet to thirty-two (32) feet provided that:
 - (a) A Traffic Impact Study states its necessity.
 - (b) Access shall be onto a Boulevard (refer to II.8.N) or Avenue (refer to II.8.L-M).
- c. Landscape Center. Driveways in residential districts may incorporate a center landscape or Semi-Pervious strip to decrease a site's Impervious Coverage.
- d. Drop-Off Drive. In the RE, R1, and A Districts and on Corner Lots in R2 and R3 Districts, a Drop-Off Drive

is permitted provided the following.

- (1) The portion of the Drop-Off drive parallel to the street shall not be located closer to the Property Line than the required minimum Setback. Refer to Figure 6.G-1 Drop-Off Drive.
- (2) All driveways shall adhere to the Dimensions and Design standards and Location requirements in III.6.G(3) and (4).
- (3) All driveways shall adhere to the maximum impervious and semi-pervious requirements of the site, per Building Type. Refer to III.3.

4. **Location.** Specific location information can be found in III.3 Building Type Standards.

- a. Driveways shall be no closer than two (2) feet from a Side or Rear Property Line, unless the driveway is shared.
- b. Driveways shall be no closer than three (3) feet from the centerline of a hydrant, light standards, traffic signal, utility pole, or other similar facility that affects traffic operation and regulations.
- c. In non single family districts, driveways shall not be closer than fifty (50) feet from the intersection of two streets (corner), unless otherwise stated in this Section or III.3 Building Type Standards.
- d. In Single Family Residential Districts, driveways shall not be closer than twenty-five (25) feet from the intersection of two streets (corner), unless otherwise stated in this Section or in III.3 Building Type Standards.

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Figure 6.G-1. Driveway Width.

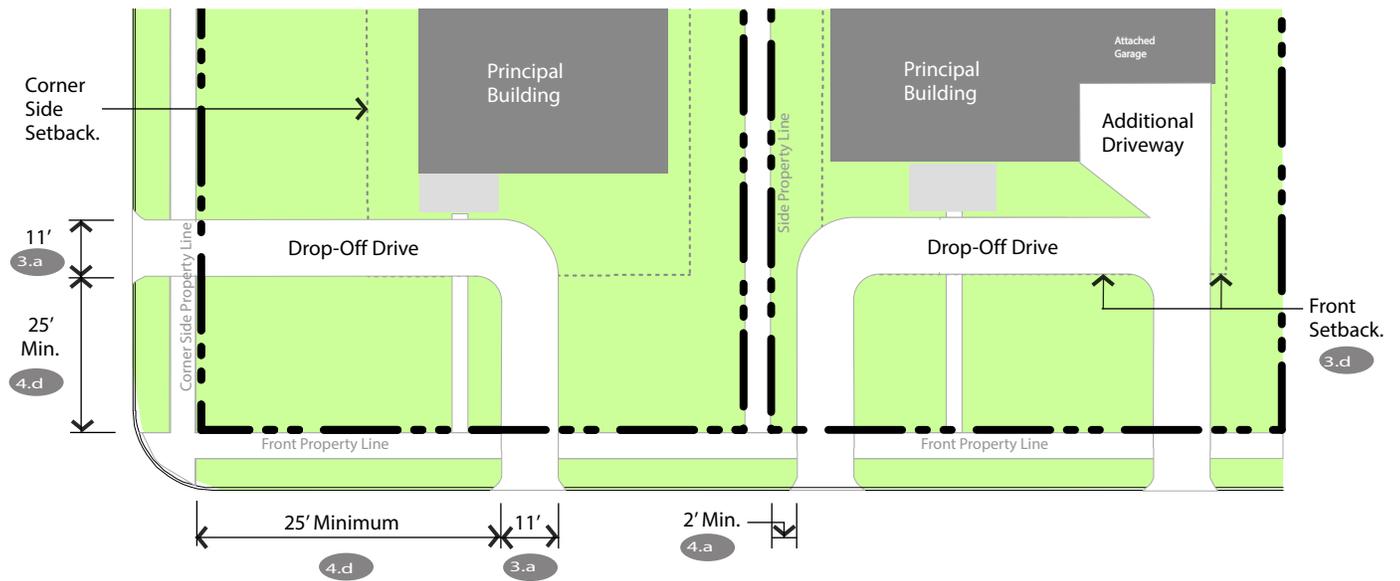
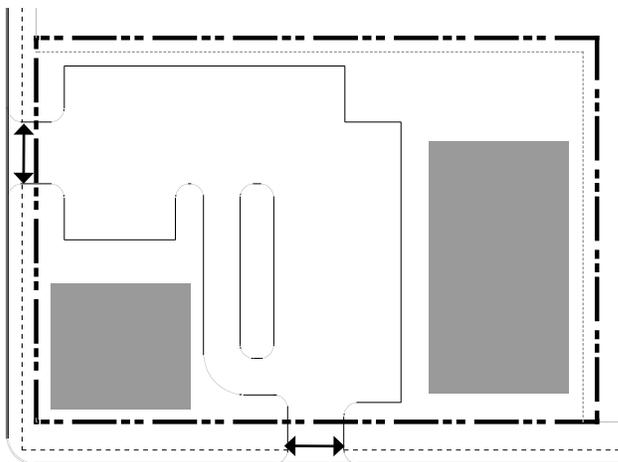


Figure 6.G-2. Drop-Off Drive.



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III.7: Site Development: Stormwater Management

III.8: Site Development: Conservation Area Requirements

III.9: Site Development: Site Disturbance and Grading

III.10: Site Development: Soil Erosion & Sediment Control

During Construction

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Section 7 - Stormwater Management

A. General Requirements.

1. Intent. This section is intended to promote the protection of the City's unique natural environment, including drainageways, soils, topography, Open Water, and landscape, address the non-point source pollution aspects of the federal Clean Water Act, and to encourage the integration of stormwater management with the design of the built environment. The application of these standards shall serve the following goals.
 - a. Prevent or reduce erosion and flood damages.
 - b. Control runoff pollutants and improve water quality.
 - c. Protect aquatic and riparian habitat.
 - d. Recharge groundwater.
 - e. Preserve the natural and beneficial functions of watercourses streams, lakes, wetlands, Areas of Special Flood Hazard, and flood prone areas.
 - f. Simplify and reduce long-term maintenance obligations through better design.
2. Authority. These standards are part of the Zoning Regulations. Variances from the standards of these regulations require approval at the Board of Appeals.
3. Applicability. The stormwater management standards of the Zoning Ordinance apply to any development site included within an application filed under the Zoning Ordinance, including, but not limited to site plans, when the site size is greater than or equal to the Size of Development, Redevelopment, or Land Disturbance indicated in Title 18, Chapter 6, Section 18-603 of the Lakeland Code, Storm Water Management And Pollution Control Ordinance.
4. Stormwater Management Plan. A Stormwater Management Plan is a required for all applicable developments indicated above. The stormwater management plan shall include, at a minimum, the following items.
 - a. Soils report based on Natural Resource Conservation Service Soils mapping and corresponding hydrologic soils groups. Include typical infiltration rates for each soil type. Map areas available and unavailable for stormwater infiltration.
 - b. Location of existing infrastructure features such as culverts, bridges, box culverts, detention ponds, and other downstream improvements
5. Operation and Maintenance Plan. An Operations and Maintenance Plan shall be prepared for the stormwater management system. Modification of stormwater management systems, other than as necessary to maintain compliance with the Operations and Maintenance Plan, is not permitted.
 - a. The plan shall include, at a minimum, the following items.
 - (1) The Stormwater Management Plan.
 - (2) Inspection and maintenance tasks, including routine mowing, litter control, brush and vegetation control, and erosion and sediment control.
 - (3) A description of the dedicated sources of funding for the required maintenance and yearly estimates for the maintenance.
 - (4) Responsible parties for all maintenance.
 - (5) All items indicated in The Lakeland Municipal Code Title 13, Chapter 6, Section 18-604, Storm Water Management and Pollution Control Ordinance.
 - b. Vegetation Management. Naturally landscaped areas of detention and drainage facilities shall be maintained as Natural Landscape Areas, per the Natural Landscape Areas provisions of the Lakeland Zoning Ordinance, Article III.5, Landscape Standards, as may be amended. These areas shall be maintained via controlled burning every year, to control invasive weeds and promote healthy native vegetation. Where controlled burning is not feasible, mowing or other vegetation management measures shall be performed as needed.
6. Stormwater Management Report. A stormwater management report shall be prepared for the stormwater management system. The report shall include, at a minimum, the following items.
 - a. Stormwater management system design.
 - b. Stormwater management system components.
 - c. Proposed natural drainage features and man-made structures necessary to meet the standards of this ordinance, and other applicable stormwater requirements and standards.
 - d. Identify all existing drainage basins, associated wet weather conveyance systems, and blue line streams.
 - e. Delineated drainage areas for each of the proposed drainage features and structures.
 - f. Overland flow paths.
 - g. Easement locations.
 - h. A stormwater report describing the existing and proposed stormwater management system and the hydrologic and water quality analysis used to document conformance with this ordinance, and other applicable stormwater requirements and standards.

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Section 7 - Stormwater Management

B. General Design Principles.

Stormwater management systems are encouraged to utilize the following principles. Figures 7.E.3 and 7.E.4 illustrate potential systems on a small scale.

1. Design and construction of stormwater management systems shall conform to all specifications and procedures established by the City by code, ordinance, or policy.
2. Treat Stormwater as a Valuable Resource. All stormwater shall be treated as a valuable resource not as a waste product. Stormwater shall be collected, stored, and reused to reduce surface water runoff.
3. Replicate Natural Hydrology. The stormwater management system shall replicate the pre-development natural hydrology of the site, protecting natural drainageways, following the natural topography of the site, and preserving the natural infiltration characteristics of the site.
4. Treat Stormwater Where It Falls. All stormwater shall be managed close to where it falls on the site, reducing the need for lengthy, single purpose conveyance.
5. Minimize Discharge. The system shall minimize surface water discharge in smaller, more frequent rainfall events, and minimize the downstream impact of larger, more intense rain events which are far less frequent.
6. Integrate Stormwater and Open Space. All stormwater management systems shall be an integral part of the neighborhood design and the open space design within the neighborhood, and shall serve the dual function of naturally managing the stormwater and creating usable open space. Applicable open space types of this ordinance shall be utilized.
7. Integrate with Natural Resource Management. The location and design of the stormwater management system shall be closely integrated with the City's Natural Resource Inventory and Assessment, to maintain and enhance the City's Natural areas, including respecting the unique geology, soils, landscape cover, slopes, and long-term maintenance objectives of Conservation Areas.
8. Stormwater Sewer System. Stormwater sewer systems shall be utilized as needed to convey heavy rainfall events beyond the requirements defined in herein, and at locations where naturalized stormwater treatment is infeasible.
9. System Design Hierarchy. The design of the stormwater management system for all sites

shall use the following hierarchy of methods of managing stormwater.

- a. Natural Resource Conservation. Preserve and do not negatively affect natural resource features of the development site, including wetlands, Open Water, and woodlands.
- b. Existing Natural Drainageways. Preserve and do not negatively affect existing natural streams, channels, and drainageways.
- c. Vegetated Swales. Primarily utilize open, vegetated Swales to convey stormwater runoff.
- d. Natural Infiltration. Preserve the natural infiltration and storage characteristics of the site.
- e. Water Quality Structures. As needed, utilize structural measures that provide water quality and quantity control.
- f. Structural Conveyance. Utilize structural measures that provide only quantity control and conveyance in instances where vegetated Swales and natural infiltration are infeasible.

C. Design Standards.

1. Design of Stormwater Facilities. Minimum design standards for stormwater facilities shall follow the Memphis Shelby County Stormwater Design Manual, the City of Lakeland Zoning Ordinance, and The Lakeland Municipal Code, Title 13, Chapter 6, Storm Water Management and Pollution Control Ordinance, whichever is the more stringent. Detention Volumes and Maximum Release Rates are specified below.
2. Detention Volume. The required detention volume shall be that volume necessary, given the hydraulic characteristics of the primary outlet structure, to attenuate the post-development 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 both the 2-year and 5-year, 24-hour storms.
3. Maximum Release Rate. The release rate from any detention facility shall 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 shall not exceed that of the site prior to development. Detention facilities shall 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-

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Section 7 - Stormwater Management

development discharge unless waived by the Planning Commission.

4. Storm Sewer Design Requirements. Design storm frequency for land use/development type for storm sewer systems shall be as follows:

- a. Residential - 25 years;
- b. Commercial/business/industrial - 25 years;

For drainage swales, lined channels, and natural channels the system shall be designed to carry the 100 year 24 hour storm and have the capacity to convey storm runoff without life hazard or property damage.

The methodology for hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms is specified in the Memphis Shelby County Stormwater Design Manual.

5. Conservation Area Requirements. Refer to the Subdivision Regulations, Conservation Area Requirements section. No stormwater management facilities shall be located within a Conservation Area Type A open space, nor shall they be permitted with designs that are detrimental to such open spaces.

6. Existing Water Features. Existing streams, lakes, and wetlands shall not be modified for use as stormwater detention or retention.

- a. On-stream impoundments shall be prohibited.
- b. Stream Buffer Requirements. Refer to the Zoning Ordinance Streamside Management Buffers section. No stormwater management facilities shall be located within streamside buffers, nor shall they be detrimental to such buffers, unless a plan with appropriate mitigation is authorized by the MPC.
- c. Drainage to Lakes and Wetlands. Site drainage patterns shall not be substantially altered to decrease or increase the tributary area to lakes or wetlands.
- d. Existing wetlands shall not be used as stormwater detention basins.
- e. Existing wetlands shall not be modified for the purposes of stormwater management facilities unless it is demonstrated that the existing wetland is low in quality and the proposed modifications shall maintain or improve its habitat and ability to perform beneficial functions.

(1) Low quality wetlands are those that have been substantially disturbed, usually reflected in low native species diversity and habitat quality.

(2) All runoff shall be pretreated prior to discharge and the runoff shall enter the wetland as subsurface flow.

7. Easement Standards. Easements and/or Rights-of-Way for stormwater facilities shall be of sufficient width to permit installation, maintenance, or repair within the confines of the Easement or Right-of-Way without relocation of or other unreasonable interference with other public utilities. Easements shall be granted to the City of Lakeland or another party defined in the Operations and Maintenance Plan as the party responsible for maintenance. .

8. Stormwater detention and surface infiltration basins shall be designed as naturalized basins for multiple uses including stormwater detention, habitat enhancement, and passive recreational use. Basins shall not be designed solely for stormwater detention purposes.

- a. Stormwater basins shall be designed and incorporated into a usable Open Space Type as defined in this ordinance, accessible and open to the public.
- b. Basins shall be planted with native or vegetation adapted to the area, suitable for the hydrologic conditions expected within the volume level of the basin to accommodate the two (2) year storm.
- c. Water level fluctuation between normal and high water level shall not exceed eighteen (18) inches for the 2 year design event and shall not exceed five (5) feet for the 100 year design event.
- d. If fish are to be supported, at least twenty-five (25) percent of the permanent pool of water shall be a minimum of ten (10) feet in depth.
- e. Detention outlet structures shall be located a minimum of six (6) inches above the seasonal high groundwater table to promote infiltration and to improved stormwater residence time.
- f. Detention inlet and outlet structures shall be located at opposite ends of the basin to maximize water quality benefits.
- g. Maximum height of the face of any Retaining Walls utilized shall not exceed twenty four (24) inches above grade to minimize the visual impact and the need for fencing.

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Section 7 - Stormwater Management

- h. For wet detention basins, water entry slopes between one (1) foot above and one (1) foot below shall not exceed ten to one (10:1) to minimize shoreline erosion. Shallow entry angles will improve water quality treatment and increase aquatic habitat.
 - i. The basin shall be at least one hundred (100) feet away from any water supply wells.
 - j. The basin shall be at least ten (10) feet away from foundations and associated granular backfill unless measures approved by the City Engineer are taken to prevent leakage to foundation drains.
9. Parking Lots. Parking Lots may be utilized to detain or retain water with the following requirements.
- a. Maximum Depth. The maximum allowable depth of standing water at any time in parking Lots shall be six (6) inches at the curb line and one (1) inch in the drive lane.
 - b. The following landscape and infiltration treatments may be utilized within parking Lots along the edges of the parking area and within parking islands and medians to achieve the stormwater standards.
 - (1) Infiltration bio-swales.
 - (2) Vegetated Swales.
 - (3) Vegetated filter strips.
 - (4) Infiltration basins or trenches.
 - (5) Sand filters.
 - (6) Other similar measures designed to filter, retain, and infiltrate runoff, approved by the City Engineer.
 - c. Below grade stormwater storage and permeable paving practices are permitted.
10. Redevelopment and development sites shall meet local, State, and NPDES construction erosion and sediment control requirements.

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Section 7 - Stormwater Management

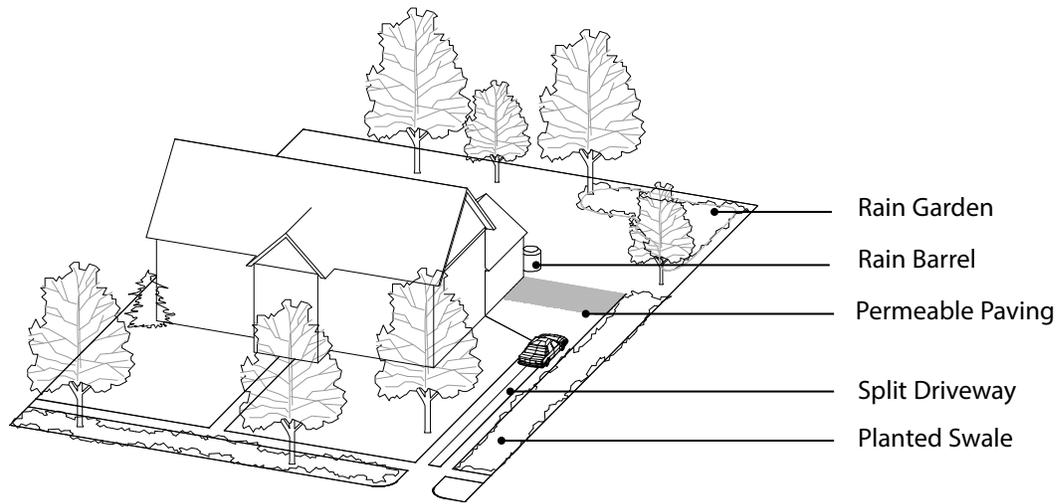


Figure 7.E-3. Residential Site Example incorporating Infiltration and Retention Methods.

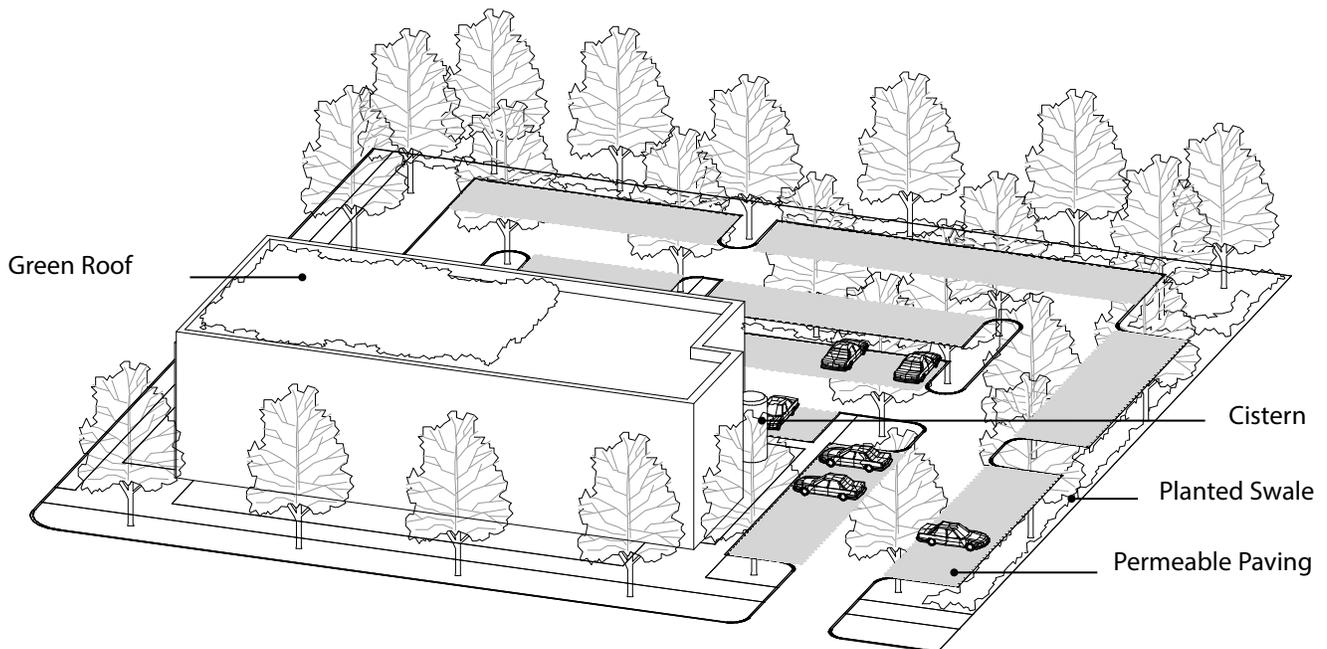


Figure 7.E-4. Commercial Site Example incorporating Infiltration and Retention Methods.

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Section 8 - Conservation Area Requirements

- A. General Requirements.
1. Intent. The following applies to all requirements of this Section.
 - a. TN Code Title 14, Chapters 4 and 7, and Title 6, Chapter 19, enable requirements for adequate open spaces, parks, greenways, public grounds, green spaces, stormwater facilities, landscaping, and planting of shade trees, whether publicly or privately owned.
 - b. The Natural Resources Assessment component of the Comprehensive Plan places particular value on open spaces with forest cover, mature native trees, lakes, streams, wetlands, wildlife habitat, rolling terrain, and their environmental, scenic, and community character, as well as the quality of life benefits of the conservation and connection of such open spaces.
 - c. The recreation, greenways, and bicycle-pedestrian components of the Comprehensive Plan impact quality of life by providing for anticipated demand for recreation, fostering activity, fostering a family-friendly atmosphere, providing opportunities for relaxation, social interaction, and entertainment, protecting natural areas, connecting facilities to natural areas, and by increasing property values.
 - d. The standards outlined in this Section intend to:
 - (1) Preserve and protect the City's natural character while allowing development to occur.
 - (2) To protect and manage the City's natural areas through the restoration of Natural hydrology and sustainable land management, which shall maximize ecosystem health and biodiversity.
 - (3) To protect and enhance the water quality of the City's and surrounding waterways.
 - (4) Visibly incorporate these Natural areas into new developments.
 - (5) Prioritize conservation of Streamside Management Buffers and Very High and High Conservation Priority Areas, while still maintaining open space.
 - (6) Provide continuity and connectivity between all conservation areas and open spaces, to allow migration of plants and animals.
 2. Applicability. The following standards apply to all properties included within an application for Site Plan Review (I.4.K), unless the site is part of an approved Plat with defined Conservation Areas.
 3. Authority. This Section, III.8, is part of the Zoning Regulations.
 - a. Any variance from these regulations for a Site Plan requires a Zoning Variance (I.4.O).
 - b. Amendments to this Section, III.8, require an Amendment to Zoning Regulations (I.4.M).
 4. Streamside Buffers. Required Streamside Management Buffers (refer to III.12) are calculated separately and do not count toward any Conservation Area requirement.
 5. Conservation Types. The following three (3) levels of conservation are defined, each with specific requirements, in this Section and referred to as "Conservation Types" or "Conservation Areas."
 - a. Conservation Area A.
 - b. Conservation Area B.
 - c. Conservation Area C.
 6. Required Amount of Conserved Area. For each Priority Area on any site, percentages required to be set aside for Conservation Areas are defined within the Specific Requirements for each Priority Area and Conservation Area Type (See Table 8.A-1), with the following exception:
 - a. Refer to III.8.D for exceptions to Properties with more than fifty (50) percent of the Applicant's Property required to be Conservation Area and/or Open Space.
- B. Qualifying Features Delineation.
- The following process shall be utilized by the Applicant to determine the location of Priority Areas and Conservation Areas on a Parcel.
1. Conservation Priority Map. The Conservation Priority Map, available at City Hall, determines approximate locations of initial Priority Areas (Very High, High, and Medium Priority) on each Parcel. These locations are defined for Owner information purposes only and shall be verified through a Qualifying Features Delineation (QFD) prior to application for Site Plan (refer to I.4.K).
 2. Qualifying Features Delineation (QFD). A survey and assessment is required to delineate areas of qualifying features and determine the accurate boundaries of Priority Areas on the Parcel.
 3. Qualified Professional. Unless otherwise noted, the QFD shall be conducted by a forester, arborist, botanist, or other similarly qualified professional approved by the City. Approval includes, at a minimum, certification from a national organization or four (4) year degree in botany, natural resources, or a related field, and a minimum of ten (10) years professional experience in the related field.
 4. Release Letter. For any portion of the QFD process, the Applicant may submit a letter to the City from

III. Zoning Regulations

Section 8 - Conservation Area Requirements

the qualified professional stating that no qualifying features exist on the Applicant's Property or a specified portion of the Applicant's Property. City staff will review the determination and make recommendations to the MPC during the site plan approval process. The MPC may then release the Applicant from performing that step of the QFD on the applicable portions of the Applicant's Property.

5. Relief. When any Priority Area, verified through the Qualifying Features Delineation, exceeds the initial Priority Areas delineated on the Conservation Priority Map, the Applicant may seek a Zoning Variance to the requirements of the applicable Conservation Area. Refer to III.8.F, III.8.G, III.8.H, and Table 2.A-1.
6. Qualifying Features Delineation Process. The Qualifying Features Delineation process in Section II.11 of the Subdivision Regulations are duplicated and incorporated by reference herein as part of the Zoning Ordinance, as may be amended, to apply to all non-residential development that requires a site plan.
7. Conservation Area Map.
 - a. Qualify Each Area. The qualification of each area as Very High, High, or Medium Priority is based on the Qualifying Features of each Conservation Area (refer to III.F, III.G, and III.H).
 - b. All areas that do not meet any qualifications are considered Low Priority and do not constitute a Conservation Area designation.
 - c. Conservation Area Map. Submit a map of Conservation Areas on the Applicant's Property per the requirements of this Section during Site Plan Review (I.4.K).

C. Restoration and Management Plan.

The Restoration and Management Plan provisions in Section II.11 of the Subdivision Regulations are duplicated and incorporated by reference herein as part of the Zoning Ordinance, as may be amended, to apply to all non-residential development that is filed under the provisions of the zoning ordinance, with the following amended Sections:

1. Funding Plan.
 - a. Restoration. Funding of the restoration is the sole responsibility of the development.
 - b. Management. The process and estimated amounts for funding the Management Plan shall be provided for a five (5) year increment and continuously available to the City should the responsible party fail to implement the Management Plan. The funds shall be set aside in a form acceptable to the City, including but not limited to an escrow account.

- c. Funding Amounts. The funding plan shall include total estimates, unit costs, and quantity estimated for all items on the Action Plan, with an additional fifteen (15) percent contingency.

2. Plan Approval and Revisions. The Restoration and Management Plan shall be submitted concurrent with the Site Plan Approval Process (refer to I.4.K), reviewed by the NRB and considered for approval by the MPC with the Site Plan (refer to 1.4.K).
 - a. File. The Restoration and Management Plan shall be kept on file at City Hall, updated as approved.
 - b. Modifications. Any modifications to the Restoration and Management Plan shall be submitted to the City for review and approval.
 - (1) The Code Administrator shall review the changes and provide written comments and status within sixty (60) days of submittal.
 - (2) Major revisions involving any change to activities defined in the Action Plan shall be reviewed by the NRB and shall be considered for approval, approval with conditions, disapproval, or other applicable action by the MPC.
 - c. Emergencies. Modifications to the plan, implemented due to an emergency situation, such as fire, flooding, insect infestation, or disease, shall be submitted to the City within thirty (30) days of implementation, to begin the review process discussed in III.8.C(2).
 - (1) If the Code Administrator disagrees with the need for the emergency modifications, the Applicant shall submit the modification as a major revision for NRB review and approval by the MPC (refer to III.8.C:

D. Designation Requirements.

An Easement shall be established for all Conservation Areas included on any Site Plan, unless the conservation area exists or is platted as a separate parcel. If a separate parcel, the Conservation Area shall be zoned OS5: Conservation Open Space through a rezoning process (refer to I.4.L).

E. General Design Requirements.

The General Design Requirements in the Subdivision Regulations Section II.11.E are duplicated and incorporated by reference herein as part of the Zoning Ordinance, as may be amended, to apply to any development site included within an application filed under the Zoning Ordinance, including, but not limited to, site plans.

F. Specific Requirements for Very High Priority Areas and Conservation Area A.

1. Intent. Very High Priority Areas shall be established as Conservation Area A to preserve and restore the City's

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Section 8 - Conservation Area Requirements

- prime Natural areas, including valuable forest stands, wetlands, Open Water bodies, and steep slopes.
2. Qualifying Features. Very High Priority Areas are areas greater than two (2) acres that meet any one of the following criteria:
 - a. Greater than forty (40) percent Lakeland Heritage Plants, as determined by the vegetation survey, refer to III.8.B(6).
 - b. All wetlands.
 - c. All Open Water bodies.
 - d. Archaeologically historic sites, as determined by the required archaeological survey, refer to III.8.B(6).
 3. Amount of Area to be Conserved. One hundred (100) percent of the Very High Priority shall be preserved in its entirety (see Table.8.A-1) with the following exceptions:
 - a. No more than fifty (50) percent of the site is required as Total Open Space. When more than fifty (50) percent of the gross site area, including Conservation Areas and other Open Space, is calculated or measured as a result of the requirements of these regulations, the Applicant may reduce the amount accordingly, and shall coordinate the most appropriate location of Conservation Areas with the Code Administrator for approval of the MPC.
 - b. Refer to III.8.B for relief based on unexpected quantities of Conservation Area.
 - c. See Specific Design Requirements, below.
 4. Specific Design Requirements. The following specific design standards are required for all Conservation Area A locations. Refer to III.8.F(3), above, for relief.
 - a. Minimum Size of Conservation Area. Conservation Area A shall consist of at least five (5) acres of contiguous area.
 - (1) If the qualifying area consists of less than five (5) contiguous acres, the area shall be expanded to fulfill this requirement.
 - (2) Exception: For Sites fourteen (14) acres or smaller where qualifying area exists, Conservation Area A may be eliminated from open space requirements, unless it is contiguous to a required, existing or approved Conservation Area A, Stream Management Buffer, Scenic Corridor Buffer or Easement, or public park, wherein the total of the combined areas reaches five (5) acres or more. In no instance shall more than fifty (50) percent of the site, including all Conservation Areas and Open Spaces (Total Open Space), be required. Due to the small site size, MPC may allow reduced continuity, street frontage, street connection, minimum width, and buffer requirements for the conservation area.
 - b. Minimum Width of Conservation Area. The minimum width of the area in any location shall be at least one hundred (100) feet.
 - c. Required Buffers. Fifty (50) foot buffers shall be established between the area and any adjacent Zoning District other than Open Space Districts.
 - (1) Buffer Designation. These buffers shall meet all the requirements of Conservation Area B areas, and will count towards the requirement quotas of that Area (see III.8.G).
 - d. Street Connections and Crossings. There shall be no street connections or crossings through Conservation Area A, unless otherwise approved by the MPC for connectivity through the City.
 - e. Impervious Coverage. No increase in Impervious Surfaces is permitted.
 - f. Uses and Structures. No Use other than Conservation (refer to III.2.J) is permitted.
 - (1) No structures are permitted in Conservation Area A.
 - (2) Sports fields and playgrounds are not permitted.
 5. Restoration and Management Requirement. Restoration and Management of Conservation Area A shall be defined in the Restoration and Management Plan (refer to III.8.C) with the following minimum requirements.
 - a. Avoid or minimize soil damage, compaction, or other impacts to soil health.
 - b. Establish a stable vegetative condition for the entirety of the Parcel. Remove invasive or noxious trees, shrubs, and herbaceous plants.
 - c. In wooded areas, thin all trees to allow a light level on the ground plane that can sustain suitable grasses and flowering perennials, approximately thirty (30) to eighty (80) shade trees per acre.
 - d. Seed or plant bare (prepared) soil with suitable prairie, woodland, or meadow grasses.
 - (1) Provide adequate water, weed control, and other measures to allow healthy establishment of the vegetation.
 - (2) For warm season grasses, maintain with annual controlled prescription burning, or seasonal mowing, when burning is not feasible.
 - (3) For cool season grasses or meadows, maintain with seasonal mowing.
 - e. Improve and enhance biodiversity.
 - f. Restoration is required for one hundred (100) percent of the area of Conservation Area A.

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- G. Specific Requirements for High Priority Areas and Conservation Area B.
1. Intent. Conservation Area B is established to set aside appropriate portions of High Priority Areas, to maintain natural area through management, and to foster continuity between the natural areas.
 2. Qualifying Features. High Priority Areas include areas greater than two (2) acres with twenty (20) to thirty-nine (39) percent Lakeland Heritage Plants, as determined by the vegetation survey, refer to III.8.B(6).
 3. Amount of Area to be Conserved. Reference Table 2.A-1 for percentages of High Priority Areas to be designated as Conservation Area B with the following exceptions.
 - a. Refer to III.8.B for relief based on unexpected quantities of Conservation Area.
 - b. See Specific Design Requirements.
 4. Specific Design Requirements. The following specific design standards are required for all Conservation Area B locations.
 - a. Minimum Size of Conservation Area. Conservation Area B shall consist of at least two (2) acres of contiguous area. If the qualifying area consists of less than two (2) contiguous acres, the area shall be expanded to fulfill this requirement and all shall serve as Conservation Area B
 - (1) Exception: For sites fourteen (14) acres or smaller where qualifying area exists, Conservation Area B may be eliminated from open space requirements, unless it is contiguous to a required, existing or approved Conservation Area A or B, Stream Management Buffer, Scenic Corridor Buffer or Easement, or public park, wherein the total of the combined areas reaches five (5) acres or more. In no instance shall more than fifty (50) percent of the site, including all Conservation Areas and Open Spaces (Total Open Space), be required. Due to the small site size, MPC may allow reduced continuity, street frontage, street connection, minimum width, and buffer requirements for the conservation area.
 - b. Contiguous. The site shall be designed for maximum contiguity of the Conservation Area, uninterrupted by drives, parking, or buildings.
 - c. Minimum Width of Conservation Area. The minimum width of the area in any location shall be at least fifty (50) feet.
 - d. Relationship with Other Conservation Areas. The area shall comply with the continuity provisions of this section with other Conservation Area A, Conservation Area B, and Conservation Area C areas, both on the Parcel and adjacent Parcels. Refer to III.8.E.
 - e. Impervious Coverage. A maximum of five (5) percent of the Applicant's Property's Conservation Area B may be covered in Impervious surfaces, to accommodate permitted structures and parking. An additional area of five (5) percent may be Semi-Impervious.
 - f. Uses and Structures. All Uses, Accessory Uses, and Accessory Structures permitted in the OS5 district are permitted within Conservation Area B limits. Refer to IV.2 Uses.
 - (1) Sports fields and playgrounds are not permitted.
 - (2) A Library/Museum (refer to III.2.D) is permitted with following development standards.
 - (a) The Conservation Area B Lot shall be a minimum of five (5) acres.

Qualified Priority Areas Existing on Site			Required Percentages of Priority Areas to Include in Protection/ Conservation Areas		
Very High (A)	High (B)	Medium	Protection Area A	Conservation Area B	Conservation Area C
●			100%		
	●			50%	
		●			40%
●	●	●	100%	30%	0%
●	●		100%	30%	
●		●	100%		25%
	●	●		50%	25%

Note: 0% Conservation Area is required for sites less than 14 acres, unless contiguity exists per the design requirements of Areas A and B. Refer to III.8.B for other relief provisions.

Table 8.A-1. Table of Required Conservation Areas as Percentages of Priority Areas.

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- (b) The library/museum collection and/or programming shall be focused on the natural environment.
 - (c) The Civic Building Type (refer to III.3.M) shall be used for the Library/Museum.
 - (3) Accessory Structures are permitted only on Conservation B Areas five (5) acres or larger.
5. Management Requirement. Management of Conservation Area B shall be defined in the Restoration and Management Plan with the following minimum requirements.
- a. Soil Health. Avoid or minimize soil damage, compaction, or other impacts to soil health.
 - b. Establish a stable vegetative condition for the entirety of the Parcel. Remove invasive or noxious trees, shrubs, and herbaceous plants.
 - c. In wooded areas, thin all trees to allow a light level on the ground plane that can sustain suitable grasses and flowering perennials, approximately thirty (30) to eighty (80) shade trees per acre.
 - d. Seed or plant bare (prepared) soil with suitable prairie, woodland, or meadow grasses.
 - (1) Provide adequate water, weed control, and other measures to allow healthy establishment of the vegetation.
 - (2) For warm season grasses, maintain with annual controlled prescription burning, or seasonal mowing, when burning is not feasible..
 - (3) For cool season grasses or meadows, maintain with seasonal mowing.
 - e. Improve and enhance biodiversity.
- H. Specific Requirements for Medium Priority Areas and Conservation Area C.
1. Intent. Conservation Area C is established to set aside appropriate portions of Medium Priority Areas, to maintain Natural areas through management, to foster continuity between the Natural areas, and to preserve the existing character of the City.
2. Qualifying Features. Medium Priority Areas include all areas greater than one (1) acre, not included in Very High or High Priority, with ten (10) to nineteen (19) percent Lakeland Heritage Plants, as determined by the vegetation survey, refer to III.8.B(6).
3. Amount of Area to be Conserved. Reference Table 2.A-1 for percentages of Medium Priority Areas to be designated as Conservation Area C with the following exceptions.
- a. Refer to III.8.B(5) for relief based on unexpected quantities of Conservation Area.
 - b. See Specific Design Requirements below.
4. Specific Design Requirements. The following specific design standards are required for all Conservation Area C locations.
- a. Minimum Size of Conservation Area. There is no minimum contiguous area required. The size of this area is determined by other open spaces on the site, and Total Open Space, if medium priority qualifying features exist. In no instance shall more than fifty (50) percent of the Subdivision, including all Conservation Areas and Open Space (Total Open Space), be required.
 - (1) Exception: For parcels less than fourteen (14) acres, no medium priority conservation area is required. Due to the small size of the site, MPC may allow reduced continuity, street frontage, street connection, minimum width, and buffer requirements for the conservation area, if it is utilized.
 - b. Minimum Width of Conservation Area. The minimum width of the area in any location is thirty (30) feet.
 - c. Relationship with Other Conservation Areas. The conservation area shall comply with the continuity provisions of this section with other Conservation Area A, Conservation Area B, and Conservation Area C areas, both on the Parcel and adjacent Parcels.
 - d. Impervious Coverage. A maximum of five (5) percent of the Property's Conservation Area C may be covered in Impervious surfaces. An additional area of five (5) percent may be Semi-Pervious.
 - e. Uses and Structures. All Uses, Accessory Uses, and Accessory Structures permitted in the OS5 district are permitted within the Conservation Area C limits. Refer to III.2. Uses.
 - (1) Sports fields and playgrounds are not permitted.
 - (2) A Library/Museum (refer to III.2.D) is permitted with following development standards.
 - (a) The Conservation Area C Lot shall be a minimum of five (5) acres.
 - (b) The library/museum collection and/or programming shall be focused on the natural environment.
 - (c) The Civic Building Type (refer to III.3.M) shall be used for the Library/Museum.
 - (3) Accessory Structures are permitted only on Conservation B and C areas totaling five (5) acres or larger.
5. Management Requirement. Management of Conservation Area C shall be defined in the Restoration and Management Plan (refer to III.8.C) with the following minimum requirements.

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- a. Avoid or minimize soil damage, compaction, or other impacts to soil health.
- b. Establish a stable vegetative condition for the entirety of the Parcel. Remove invasive or noxious trees, shrubs, and herbaceous plants.
- c. In wooded areas, thin all trees to allow a light level on the ground plane that can sustain suitable grasses and flowering perennials, approximately thirty (30) to eighty (80) shade trees per acre.
- d. Seed or plant bare (prepared) soil with suitable prairie, woodland, or meadow grasses.
 - (1) Provide adequate water, weed control, and other measures to allow healthy establishment of the vegetation.
 - (2) For warm season grasses, maintain with annual controlled prescription burning, or seasonal mowing, when burning is not feasible..
 - (3) For cool season grasses or meadows, maintain with seasonal mowing.
- e. Improve and enhance biodiversity.

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Section 9 - Site Disturbance and Grading

A. General Requirements.

1. Intent. The following provisions are established to accomplish the following:
 - a. Preserve existing topography, drainage patterns, perviousness, and soil characteristics.
 - b. Design sites to fit and follow the topography and soil so as to create the least potential for tree and natural vegetation loss.
2. Applicability. The following standards apply to all properties included within an application for Site Plan Review.
3. Authority. This Section, III.9, is part of the Zoning Regulations.
 - a. Any variance from these regulations for a Site Plan requires a Zoning Variance (I.4.O).
 - b. Amendments to this Section, III.9, require an Amendment to Zoning Regulations (See I.4.M).
4. Submittal. A Protection Zone Plan is required per I.4.K. Scale shall be one inch is no greater than one hundred feet, including the following:
 - a. Protection Zones with dimensions of site disturbance areas per III.9.B(1).
 - b. Fencing required for Protection Zones.

B. Site Disturbance and Grading.

1. Site Disturbance. Limit site disturbance and any construction activities to the following maximum dimensions:
 - a. Forty (40) feet beyond all building perimeters.
 - b. Ten (10) feet beyond all surface walkways, patios, surface parking, pools, and utilities less than twelve (12) inches in diameter;
 - c. Fifteen (15) feet beyond Accessory Structures, street curbs, and utilities larger than twelve (12) inches.
 - d. Twenty five (25) feet beyond constructed areas with permeable surfaces (permeable paving areas, stormwater detention facilities, playing fields) that require additional staging areas in order to limit compaction in the construction areas.
 - e. To the extent that these areas occupy the entirety of the Lot, the Code Administrator (for I.4.J Minor Site Plans) or the Municipal Planning Commission (MPC) (for I.4.K Site Plan Review), depending on the applicable process, may exempt the Applicant from establishing Protection Zones.
2. Conservation Areas. Conservation Areas as designated shall not be disturbed. See III.8.

3. Tree Protection. Tree protection areas shall be delineated separately outside the disturbance areas. Refer to Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code.

4. Limit Areas of Disturbance. Confine construction, staging, and disturbance zones to only those necessary for the current stage of work, and to areas previously disturbed.

5. Install Erosion and Sedimentation Controls. Site clearing operations shall not commence until temporary erosion- and sedimentation-control and plant-protection measures are in place.

C. Grading and Slope Preservation.

1. Maximum Cut and Fill. The following maximums apply to all sites.
 - a. Cuts shall not exceed four (4) feet of depth except for construction of a building foundation, basement or swimming pool excavation.
 - b. Fill shall not exceed four (4) feet of depth.
 - c. A combination of cut and fill in any location shall not exceed eight (8) feet.
 - d. All cuts and fill shall be restored and stabilized.
 - e. Exception. MPC may approve cut and/or fill exceeding that in III.9.C above, when all of the following apply:
 - (1) No other site layout is feasible resulting in the same amount of gross building square footage; and
 - (2) The excessive cut and/or fill shall not be located within Conservation Area Type A or within Streamside Management Buffers; and cut and/or fill shall not detrimentally impact nearby Stream Management Buffers, or Conservation Open Spaces
 - (3) Fifty (50) percent or more of the site is unavailable for development if the maximums defined in III.9.C are adhered to.
 - (4) The resulting total amount of cut and fill is no more than is necessary to accomplish the proposed site layout

2. Steep slopes. Slopes greater than fifteen (15) percent shall be protected and incorporated as follows:
 - a. Areas with slopes greater than fifteen (15) percent across one (1) or more contiguous acres shall incorporate the area into Open Space (refer to III.4), Conservation Area (refer to III.8), Streamside Management Buffer (refer to III.12), or general site Landscape Areas.

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Section 9 - Site Disturbance and Grading

- b. Areas with slopes greater than fifteen (15) percent across a contiguous area less than one acre shall incorporate fifty (50) percent or more of that area into general site Landscape Area.
- D. Existing Vegetation and Soil Protection.
1. Intent. Protect existing soils and vegetation from disturbance during construction processes.
 - a. To preserve existing Tree Canopy and natural or existing vegetation, until such time as an area is to be disturbed for development; and
 - b. To help hold soils in place, to enhance absorption, retention, and infiltration of precipitation and minimize runoff; and
 - c. To maintain infiltration and subsurface drainage of existing soils.
 2. Protection Zone Plan. Develop a site vegetation and soil Protection Zone Plan, and designate areas outside the limits of disturbance as Protection Zones, including the following areas:
 - a. All areas to be landscaped.
 - b. All areas utilized for stormwater management.
 - c. All areas of existing trees and landscape to be retained.
 - d. All areas outside the limits of site disturbance. See III.9.B(1).
 3. Fencing. Install fencing, per standard City detail available at City Hall, along edges of Protection Zones before materials or equipment are brought on the site and construction operations begin.
 4. Prohibited Practices. The following practices are prohibited within Protection Zones during construction:
 - a. Storage of construction materials, debris, waste, or excavated material.
 - b. Parking vehicles or equipment.
 - c. Foot traffic.
 - d. Erection of sheds or structures.
 - e. Impoundment of water.
 - f. Excavation or other digging unless otherwise indicated.
 - g. Attachment of signs to or wrapping materials around trees or plants unless otherwise indicated.
 - h. Disposal of any waste material or substance.
 5. Construction Zone Soils. In unprotected locations receiving construction activities:
 - a. Maintain the infiltration and subsurface drainage capacity of existing soils by avoiding rutting and compaction.
- b. Regularly apply thick layers of mulch to minimize soil compaction in areas of high traffic.
 - c. Avoid working on wet soils with heavy equipment.
- E. Retaining Walls.
1. Intent. The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by governing the construction and placement of Retaining Wall systems through the adoption of specific standards to augment existing codes.
 2. Applicability. These provisions shall apply to the construction and/or alteration of Retaining Walls on all public and private property that is not within a public right-of-way of the city.
 3. Exemptions. Retaining walls with a height of wall not exceeding four feet are exempt from this standards if:
 - a. The wall is set back from any adjacent property lines or structures at a minimum distance equal to the height of the wall;
 - b. The material retained by the wall slopes up and away from the wall at a ratio not exceeding one foot vertical per three feet horizontal distance; and
 - c. The wall is not supporting a surcharge.
 4. Definitions. For the purposes of this chapter, the following definitions shall apply:
 - a. "Height of wall" means the measured distance between the bottom of the footing to the top of a wall.
 - b. "Structural repairs" means to replace, restore, or remove any part of a Retaining Wall which affects its ability to resist the lateral or vertical forces of the adjacent soils.
 5. Permit requirement. It shall be unlawful to construct, enlarge, or make structural repairs to any retaining wall without acquiring Site Plan Review if associated with other development, or Minor Site Plan if unassociated with other development. Cosmetic repairs that do not affect the ability of the wall to resist lateral and vertical soil forces shall not require a permit.
 6. Emergency Repairs. Emergency repairs required to stabilize slopes may exceed the height limits set forth in this Chapter provided the City Engineer determines the following criteria are met:
 - a. An imminent danger of slope failure exists that will threaten life or the safety of existing up slope or down slope property; and

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Section 9 - Site Disturbance and Grading

- b. The Code Enforcement Official certifies that strict compliance with the other provisions of this Chapter is likely to result in insufficient time to complete the repairs to provide for the necessary stabilization of the active area.
 - c. The emergency repairs are not necessitated by actions of the Applicant or property Owner in violation of City codes.
 - d. The height of the Retaining Walls is the minimum necessary to stabilize the slope.
7. Design and Construction. Retaining wall systems that are newly constructed, structurally repaired or enlarged shall be designed or reviewed by a professional engineer licensed to practice in the state of Tennessee for all loads as specified in the Building Code and within this Chapter and in keeping with nationally recognized standards. Designs shall be based upon sound engineering and geotechnical principles.
- a. Utility Easements. Retaining walls shall not restrict access to utilities.
 - b. Drainage Easements. Retaining walls shall not impede the normal flow of storm water and shall not cross an open drainage channel.
 - c. Retaining walls shall not be constructed over a public or private access Easement.
 - d. Retaining walls constructed near street intersections shall provide a reasonable degree of traffic visibility.
8. Maximum Wall Heights.
- a. The maximum height of a Retaining Wall in a fill section shall be limited to ten (10) feet.
 - b. The maximum height of a Retaining Wall in a cut section shall be limited to twelve (12) feet. A section that consists of a combination of a cut and a fill shall be considered as a cut; provided that the fill above the cut is no more than two (2) feet in depth.
 - c. Where multiple walls are situated in a terrace-like pattern, they shall be considered one wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than or equal to the combined height of the walls.

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Section 10 - Soil Erosion and Sediment Control **During Construction**

A. General Requirements.

1. Intent. To regulate erosion and sediment control on land disturbance or construction sites and to promote clean water in all waters of the state, storm sewers, and drainage structures.
2. Applicability. Any land disturbance activity, except as exempted by Subdivision or Zoning Regulations, included within an application for Site Plan (I.4.K) or Minor Site Plan (I.4.J), requires development of a Soil Erosion and Sediment Control Plan per III.10.B, below.
3. Authority. This Section, III.10, is considered part of the Zoning Regulations and is under the purview of the BOC.
 - a. Any variance from these regulations for a Site Plan requires a Zoning Variance (I.4.O).
 - b. Amendments to this Section, III.8, require an Amendment to Zoning Regulations (I.4.M).
4. Pre-Construction Design. All development shall be planned and designed to minimize soil erosion and sedimentation of drainageways using the following principals.
 - a. Plan the development to fit the existing topography, soils, drainage patterns, and natural vegetation of the site.
 - b. Minimize the amount of cut and fill.
 - c. Retain and protect natural vegetation and soil structure.

B. Soil Erosion and Sediment Control Plan.

Soil Erosion and Sediment Control Plan in Section II.13.B that apply to Subdivisions are duplicated and incorporated by reference herein as part of the Zoning Ordinance, as may be amended, to apply to all site development, with the following amended Sections.

1. Approval. Depending on the type of development, the SESC Plan shall be submitted with the Minor Site Plan Review, or Site Plan Review process.
 - a. The City Engineer's signature of approval is required on all SESC Plans.
 - b. Approval of the Minor Site Plan, Site Plan, or Construction Plans shall constitute approval of the SESC Plan.
2. Other Permits. All other required permits must be obtained from other federal, state, and local governments. Copies of approvals from other agencies shall be provided to the City to assure compliance.

C. Soil Erosion and Sediment Control Techniques.

Soil Erosion and Sediment Control Techniques in Section II.13.C that apply to Subdivisions are duplicated and incorporated by reference herein as part of the Zoning Ordinance, as may be amended, to apply to all site development that is not considered Subdivision.

D. Post-Construction Restoration.

Post-Construction Restoration in Section II.13.D that apply to Subdivisions are duplicated and incorporated by reference herein as part of the Zoning Ordinance, as may be amended, to apply to all site development that is not considered Subdivision.

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Section 11 - Floodplain Overlay District

A. Authorization And Purpose

1. **Statutory Authorization.** The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
2. **Findings of Fact.**
 - a. **Eligibility in National Flood Insurance Program**
The Lakeland Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
 - b. **Areas Subject to Flooding.** Areas of the City of Lakeland 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.
 - c. **Flood Losses.** These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
3. **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:
 - a. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities
 - b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction
 - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers that accommodate flood waters
 - d. Control filling, grading, dredging and other development that may increase erosion or flood damage
 - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. **Objectives.** The objectives of this Ordinance are:
 - a. To protect the health, safety, and general welfare of its citizenry.
 - b. To minimize expenditure of public funds for costly flood control projects
 - c. To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public.
 - d. To minimize prolonged business interruptions
 - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas
 - f. To help maintain a tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas
 - g. To ensure that potential buyers are notified that property is in a floodable area
 - h. To maintain eligibility for participation in the National Flood Insurance Program (NFIP)

B. 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.

Accessory Structure. A subordinate structure to the principal structure and, for the purpose of this section shall conform to the following:

- a. Accessory structures shall not be used for human habitation.
 - 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.
- Act. The statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

III. Zoning Regulations

Section 11 - Floodplain Overlay District

Appeal. A request for a review of the City Engineer's interpretation of any provision of this Ordinance or a request for a variance to the Board of Appeals.

Area of Shallow Flooding. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and 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. 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 rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Base Flood. 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. That portion of a building having its floor subgrade (below ground level) on all sides.

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

Building. For purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure").

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

Elevated Building. A non-basement building built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater pilings, columns (posts and piers) or shear walls adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

Emergency Flood Insurance Program or Emergency Program. The program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

Exception. A waiver from the provisions of this Ordinance that 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. 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 before the effective date of the 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. 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).

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

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A,

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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

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

Flood Protection System. 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 constructed in conformance with sound engineering standards.

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

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

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

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

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

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

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

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

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure. Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. 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;
- c. Individually listed on a Tennessee inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior.

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

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

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a

basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

National Geodetic Vertical Datum (NGVD). A vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction. Any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed 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.

One hundred (100)-Year Flood. See Base Flood.

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Person. 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. A vehicle that is:

- Built on a single chassis;
- Four hundred (400) square feet or less when measured at the largest horizontal projections;
- Designed to be self-propelled or permanently towable by a light duty vehicle; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

Special 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 a 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. 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 one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the

placement of a manufactured home on a foundation. Permanent construction does not include 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 (Tennessee Department of Economic and Community Development, Local Planning Assistance Office). The agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

Structure. 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. 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 (50%) percent 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

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improvement or repair project or; (2) any alteration of an "historic structure", provided that the alteration will not preclude the structures continued designation as an "historic structure".

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

Variance. A grant of relief from the requirements of this Ordinance that permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

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

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

C. Procedures And Provisions

1. General Provisions.

- a. Applicability. This Chapter shall apply to all areas within the incorporated area of City of Lakeland, Tennessee.
- b. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified on the Lakeland, Tennessee, federal emergency management agency, flood insurance study (FIS) and flood insurance rate map (FIRM), community panel number 47157C0195G, 47157C0215G, 47157C0220G, 47157C0310G; and 47157C0330G, dated February 6, 2013, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance.
- c. Requirement for Development Permit. A development permit shall be required in conformity with this Chapter prior to the commencement of any development activity.
- d. Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

e. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

f. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

g. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas 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 Lakeland, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

h. Penalties for Violation. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues it shall be considered a separate offense. Nothing herein contained shall prevent the City of Lakeland from taking such other lawful actions to prevent or remedy any violation.

2. Administration.

- a. Designation of City Engineer. The City Engineer is hereby appointed to administer and implement the provisions of this Ordinance.
- b. Permit Procedures. Application for approval of a development shall be made to the City Engineer prior to any development activity. The development requirement may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required: (1) Application stage.

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- (a) 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.
 - (b) Elevations in relation to mean sea level, to which any non-residential building will be flood-proofed, where base flood elevation data is available or to certain height above the highest adjacent grade when applicable under this ordinance.
 - (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 3, where base flood elevation data is available.
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- (2) Construction Stage.
- (a) Within unnumbered A zones, where flood elevation data are not available, the City Engineer or Code Enforcement Official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The city engineer 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.
 - (b) for all new construction and substantial improvements, the permit holder shall provide to the City Engineer an as-built certification of the regulatory floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing.
 - (c) 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.
- 1. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor and certified by same. When flood proofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.
 - (d) 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.
- c. Duties and Responsibilities of the City Engineer. Duties of the City Engineer shall include, but not be limited to:
- (1) Review of Development Applications. The City Engineer shall review all development applications to assure that the requirements of this Ordinance have been satisfied and that proposed building sites will be reasonably safe from flooding. The developer's engineer will submit all necessary hydraulic analysis to the City Engineer.
 - (2) Provide Advice to Applicants – The City Engineer shall advise applicants that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
 - (3) Notification – The City Engineer shall provide notification to adjacent communities and the Tennessee Department of Economic and Community Development Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

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- (4) Interpretation of boundaries. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City Engineer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 3.D.
 - (5) Utilize flood elevation and floodway data -When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency, then the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the City Engineer shall require the lowest floor of a residential building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 2 of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 3.
 - (6) Maintain records. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the City Engineer and/or Code Enforcement Official and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files in construction code enforcement office.
 - (7) Monitor carrying capacity. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.
 - (8) Document Building Elevations. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings. Survey data to be provided to construction code enforcement prior to issuance of final use and occupancy.
 - (9) Document Flood-proofing of Buildings. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed. This information will be kept by the City Engineer.
3. Provisions for Flood Hazard Reduction
 - a. General Standards. In all flood prone areas the following provisions are required:
 - (1) Anchoring. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) Anchoring for Manufactured Homes. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 - (3) Construction Materials. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (4) Construction Methods. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (5) Service Facilities. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) Water Supply Systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (7) Sanitary Sewerage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - (8) On-site Waste Disposal Systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;
 - (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said nonconformity is not further extended or replaced;
 - (11) 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;
 - (12) All subdivision proposals and other proposed new development proposals shall meet the standards of paragraph 5 below.
 - (13) 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;
 - (14) 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.
- b. Specific Standards. These provisions shall apply to all areas of special flood hazard as provided herein:
- (1) Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than thirty (30) inches above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facility the unimpeded movements of flood water shall be provided in accordance with standards of Section 3. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the city engineer shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 2 of this ordinance. All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section b.3
 - (2) Non-Residential Construction. 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 basement, elevated or floodproofed to no lower than thirty (30) inches 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".
 - (3) in approximate a zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in article ii). 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"
 - (4) 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 city engineer as set forth in this ordinance.
 - (c) Enclosures. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

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1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 3 of this Ordinance.
- (4) Standards For Manufactured Homes And Recreational Vehicles
- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
- (1) In AE zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation no lower than thirty (30) inches above the level of the base flood elevation; or;
 - (2) In approximate a zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers or other foundation elements at least three (3) feet in height above the highest adjacent grade.
 - (3) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 3.
- (4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) All recreational vehicles placed on identified flood hazard sites must either:
- a. Be on the site for fewer than one hundred eighty (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.
 - c. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.
 - d. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Standards for subdivisions and other proposed new development proposals
1. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
 2. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 3. 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.
 4. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 5. In all approximate "a" zones require that all new subdivision proposals and other proposed

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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.

d. Standards For Areas Of Special Flood Hazard Zones AE With Established Base Flood Elevation But Without Floodways Designated – Located within the areas of special flood hazard established in Section 3, where streams exist with base flood data provided but where no floodways have been provided, (Zone AE) the following provisions apply:

- (1) Certification for Encroachments. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) Elevating or Flood-proofing. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 3.

e. Standards for Areas of Shallow Flooding (AO and AH Zones). Located within the areas of special flood hazard established in Section 3 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; therefore, the following provisions apply:

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

- (2) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. the structure together with attendant utility and sanitary facilities must be flood proofed and designed water tight to be completely flood proofed to at least one (1) foot above the specified firm flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (a) If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the city engineer as set forth above and as required in Section 3.
- (b) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- (c) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

f. Standards for Areas Protected by Flood Protection System (A-99 Zones). Located within the areas of special flood hazard established in Section 3.B are areas of the one hundred (100)-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones), all provisions of Section 3 shall apply.

g. Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and With Floodways Designated. Located within the areas of special flood hazard established in Section 3 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 discharge of the base flood without increased flood heights and velocities. Therefore the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other

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

- (2) New construction or substantial improvement of buildings shall comply with all applicable flood hazard reduction provision of Section 3.
- h. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations but Without Floodways Designated (AE Zones)- Located within the City of Lakeland established in Section 3 where streams exist with base flood data provided but where no floodways have been designated (Zones AE) the following provisions apply
 - (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot an any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles
 - (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 3.
- i. Standards for Streams Without Established Base Flood Elevations or Floodways (A Zones). Located within the areas of special flood hazard established in article iii, where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:
 - (1) When base flood elevation data or floodway data have not been provided in accordance with Section 3, then the city engineer shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 3. Only if data is not available from these sources, then the following provisions (b & c) shall apply:
 - (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
 - (3) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 3 and "elevated buildings".
- j. Standards for Subdivision. Subdivisions and other proposed new developments, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. All subdivision proposals shall be consistent with the need to minimize flood damage. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:
 - (1) Public Utilities and Facilities. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - (2) Drainage. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (3) Base Flood Elevation Data. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

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- (4) Streets. The lowest point of all subdivision streets shall be no less than twelve (12) inches above base flood elevations.
 - (5) Design – Subdivision designs will include a routing of the 100 year storm through the development. Minimum finish floor elevations will be set by the developer’s engineers on critical lots to ensure thirty (30) inches above the 100 year storm is maintained.
4. Variance Procedures.
- (1) The City of Lakeland Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
 - (2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
 - (3) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (a) The danger that material may be swept onto other property to the injury of others.
 - (b) The danger to life and property due to flooding or erosion;
 - (c) The susceptibility of the proposed facility and its contents to flood damage;
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - (4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
 - (5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- b. Conditions for Variances.
- (1) Minimum Relief Necessary. Variances shall be issued upon a determination that the variance is the minimum relief necessary.
 - (2) Justification of Need. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
 - (3) Written Notice. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
 - (4) Record Keeping and Reporting. The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

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Section 12 - Streamside Management Buffers

A. General Requirements.

1. Intent. It is the intent of this section to establish a Streamside Management Buffer to restrict development and limit land use adjacent to all perennial streams and rivers in Lakeland. The purposes of the Streamside Management Buffer are: to protect public and private water supplies, to trap sediment and other pollutants in surface runoff, to promote bank stabilization, to protect riparian wetlands, to minimize the impacts of floods, to prevent increases or decreases in base flow, to protect wildlife habitat, and to generally maintain water quality. The quality of the groundwater that is used for drinking, agricultural and industrial purposes in the City of Lakeland and Shelby County, Tennessee is connected with the quality of the surface water in the streams and rivers of Lakeland. Furthermore, the Board of Commissioners finds that the protection of the streams and rivers of Lakeland is vital to the health, safety and welfare of its citizens.
2. Applicability. This Article shall apply to the following:
 - a. This Article shall apply to all proposed development except for that development which meets variance criteria as outlined in Section G of this Article.
 - b. This Article is intended to modify the location of new development in relation to streams and other water resources but not to modify its overall density. The provisions here shall apply to the construction of any building or any land disturbance resulting from or in connection with any activity or use requiring any of the following:
 - i. Building Permit
 - ii. Board of Zoning Appeals (Variance)
 - iii. Special Exception approval
 - iv. Subdivision/Planned Development/Site Plan approval
 - v. Grading Permit/Land Disturbance Permit.
 - c. This Article shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with this Article.
 - d. This Article shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved surface mining permit issued by the State of Tennessee.
 - e. Except as provided in Section G of this Article, this Article shall apply to all parcels of land, structures, and activities that are causing or contributing to:
 - i. Pollution, including nonpoint source pollution, of the waters of the State of Tennessee
 - ii. Erosion or sedimentation of stream channels
 - iii. Degradation of aquatic or riparian habitat
3. The standards and regulations set forth in this Article are created under the authority of the City of Lakeland's zoning powers granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the City of Lakeland. In the event of a conflict between or among any provision of this Ordinance, or any other ordinances of the City of Lakeland, the requirement that is most restrictive and protective of water quality shall apply.
4. Definitions. For the purposes of this section, the terms below have the following meaning:

Active Channel. The area of the stream channel that is subject to frequent flows (approximately once per one and one half years), and that includes the portion of the channel below where the floodplain flattens.

Best Management Practices (BMP's). Conservation practices or management measures which control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment, and runoff.

Buffer. A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect a stream system. Alteration of this natural area is strictly limited.

Development. (1) The improvement of property for any purpose involving building; (2) Subdivision, or division of a tract or parcel in to two (2) or more parcels; (3) the combination of any two or more lots, tracts, or parcels of property for any purpose; or (4) the preparation of land for any of the above purposes

Existing Land Use. A land use which, prior to the effective date of this Ordinance, is either:
 - i. Completed; or
 - ii. Ongoing, as in the case of agricultural activity; or
 - iii. Under construction; or
 - iv. Fully approved by the governing authority; or
 - v. The subject of a fully completed application, with all necessary supporting documentation, which has been submitted for approval to the governing authority or the appropriate government official, for any construction-related permit.

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Impervious Surface. Any paved, hardened, altered or structural surface which does not allow for complete on-site infiltration of precipitation. Such surfaces include but are not limited to buildings, driveways, streets, parking lots, graded land, swimming pools, dams, tennis courts, and any other structures that meet the above definition.

Land Disturbing Activity. Any grading, scraping, excavating or filling of land, clearing of vegetation and any construction, rebuilding or significant alteration of a structure.

Non-Point Source Pollution. Pollution which is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than direct discharge.

Protected Area. Any land and vegetation that lies within the Streamside Management Buffer, as defined herein.

Second Order Stream or Higher. Any stream that is formed by the confluence of two or more other streams, as indicated by solid or dashed blue lines on the United States Geologic Survey 7.5 minute quadrangle maps, of the most recent edition (see Exhibit "A" attached herein).

Stream or River. All of the following:

- a. Any perennial stream or river (or portion thereof) that is portrayed as a solid line on a United States Geologic Survey 7.5 minute quadrangle map, of the most recent edition (see Exhibit "A" attached herein); and
- b. Any intermittent stream or river (or portion thereof) that is portrayed as a dashed line on a United States Geologic Survey 7.5 minute quadrangle map, of the most recent edition (see Exhibit "A" attached herein); and
- c. Any other stream as may be identified by the City of Lakeland or State or Federal authority

Stream Bank. The uppermost limit of the active stream channel, usually marked by a break in slope.

Stream Channel. Part of a watercourse either naturally or artificially created which contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

- a. Hydrophytic vegetation, hydric soil or other hydrologic indicators in the area(s) where

groundwater enters the stream channel, in the vicinity of the stream headwaters, channel bed or channel banks; or

- b. Flowing waters not directly related to a storm event; or
- c. Historical records of a local high groundwater table, such as well and stream gauge records maintained by local, state or federal authorities.

Streamside Management Buffer or "SMB". An overlay zone that encompasses all land within a minimum of fifty (50) feet on either side of all streams in the City of Lakeland, measured as a horizontal line extending perpendicular from the top of the stream bank.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structures either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - b. Any alteration of a structure listed on the national Register of Historic Places.

Top of Bank. The stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two (2) year recurrence interval flood elevation may be used to approximate the "bank full stage" or delineate the top of bank.

B. Boundary Determination.

1. Planning Commission to Determine Boundary. The Planning Commission upon the recommendation of the City Engineer shall be responsible for determining the location of the Streamside Management Buffer. An applicant shall provide all necessary plans, maps, and other supplemental information as required by the City Engineer to make such determination.

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The Planning Commission shall review the information provided by the applicant along with the recommendation of the City Engineer and either approve, approve with conditions, or disapprove citing the reasons for such disapproval.

2. Appeal of Planning Commission Determination. Any party aggrieved by the decision of the Planning Commission as to the boundaries of the Streamside Management Buffer or the conditions placed upon it may appeal such decision in writing to the Board of Zoning Appeals. The Board shall hear the appeal and render its decision to approve, approve with conditions, or disapprove the boundaries and related conditions pertaining thereto. The decision of the Board of Zoning Appeals shall be final.

C. Streamside Management Buffer Use and Regulations.

1. Streamside Management Buffer District
The Streamside Management Buffer (hereinafter referred to as "SMB") is an overlay buffer zone that encompasses all land within fifty (50) feet unless additional buffer is required due to the size of the drainage basin served by the stream on either side of all streams in the City of Lakeland, measured as a horizontal line extending perpendicular from the top of the stream bank immediately adjoining the subject parcel(s). The SMB must be maintained in a naturally vegetated state. Any property or portion thereof that lies within the SMB is subject to the restrictions of the SMB as well as any and all zoning restrictions that apply to the tax parcel as a whole.
2. Distinct Sections within Streamside Management Buffer. The Streamside Management Buffer shall be composed of two distinct zones, with each zone

having its own set of allowable uses and vegetative targets as specified in this Article (see Figure 12.C-1).

1. Zone 1. Streamside Section
 - i. The function of the streamside section is to protect the physical and ecological integrity of the stream ecosystem.
 - ii. The streamside section will begin at the edge of the stream bank of the active channel and extend a minimum of twenty-five (25) feet from the top of the bank.
 - iii. Allowable uses within the streamside section are highly restricted to:
 1. flood control structures;
 2. utility rights-of-way;
 3. footpaths; or
 4. road crossings, where permitted.
 - iv. The vegetative target for the streamside section is undisturbed native vegetation.
2. Zone 2. Outer Section
 - i. The function of the outer section is to protect key components of the stream, to prevent encroachment into the SMB, filter runoff from residential and commercial development, and to provide transition between upland development and the streamside section.
 - ii. The outer section will begin at the outer edge of the streamside section and extend a minimum of twenty-five (25) feet plus any additional streamside management buffer width as specified in Section D of this section.
 - iii. There shall be no septic systems, permanent structures or impervious cover, with the exception of paths, within the outer zone.
 - iv. Allowable uses within the outer section are restricted to:
 1. Biking or hiking paths; or
 2. Stormwater management facilities, with the approval of the City Engineer; or

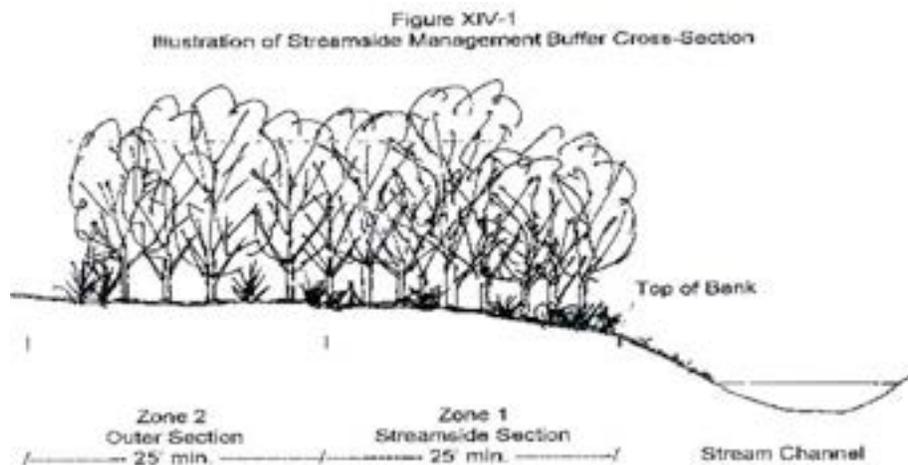


Figure 12.C-1. Streamside Management Buffer

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- 3. Recreational uses as approved by the Planning Commission; or
 - 4. Limited tree clearing with approval from the Planning Commission.
 - v. The vegetative target for the outer zone may vary, although planting of native vegetation adapted to the region should be encouraged to increase the cover within this zone.
- D. Design Standard For Streamside Management Buffer.
1. Design Standards for Streamside Management Buffer.
- a. A streamside management buffer for a stream system shall consist preferably of a dense, native, deep-rooted, ground-plain vegetation along with open grown large, overstory forest trees planted no closer than 40 feet on center of land extending along both sides of a stream and its adjacent wetlands, floodways or slopes. The streamside management buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands or other water bodies.
 - b. The streamside management buffer shall begin at the top edge of the stream bank.
 - c. The required width for all streamside management buffer(s) (i.e., the “base buffer width”) encompassing both Zone 1 and Zone 2 as more fully described below shall be a minimum of fifty (50) feet, with the requirement to expand the streamside management buffer depending on stream order, size of drainage basin, percent slope, floodway, and wetlands or critical area considerations as provided for in this Article.
 - d. In third order and higher streams, add twenty-five (25) feet to the base buffer width.
 - e. Streamside management buffer width shall be modified to account for steep slopes. If the average percent slope within the baseline fifty (50) foot buffer is fifteen (15) percent or above, an additional buffer width in Zone 1, as described in Table 12.D-1, shall apply. In those cases, the streamside management buffer width will be adjusted in accordance with Table 12.D-1 below.
 - f. Streamside management buffers shall be extended to encompass the entire floodway and a buffer with a minimum of fifty (50) feet beyond the edge of the floodway.
 - g. Streamside management buffers shall be modified to account for the size of the drainage basin the stream is serving. An additional buffer width in Zone 1 (in addition to that prescribed in Table 12.D-1 below), as described in Table 12.D-2 below, shall apply. In those cases, the streamside management buffer will be adjusted in accordance with Table 12.D-2 below. The additional buffer width required in Table 12.D-2 may be combined with the additional buffer width requirements contained in Table 12.D-1 upon approval by the City Engineer.
 - h. When wetland or critical areas extend beyond the edge of the required streamside management buffer width, the streamside management buffer shall be adjusted so that the buffer consists of the extent of the wetland plus a twenty-five (25) foot buffer extending beyond the wetland edge.
2. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards, and must be set back in addition to the streamside management buffer base width from any stream or water body by the distance indicated below:
- a. Storage of hazardous substances - (500 feet)
 - b. Above ground or underground petroleum storage facilities - (500 feet)
 - c. Drainfields from onsite sewage disposal and treatment systems (i.e. septic systems) – (250 feet)
 - d. Raised septic systems - (250 feet)
 - e. Solid waste landfills or junkyards – (500 feet)
 - f. Confined animal feedlot operations - (500 feet)
 - g. Subsurface discharges from a wastewater treatment plant - (250 feet)

Percent Slope	Additional Width to Each Side of Zone 1 in Base Buffer
15% - 17%	Add 10 feet to base buffer width
18% - 20%	Add 30 feet to base buffer width
21% - 23%	Add 50 feet to base buffer width
24% - 25%	Add 60 feet to base buffer width

Table 12.D-1. Additional Streamside Management Buffer Width Requirements for Both Sides of Streams with Steep Slopes.

Size of Stream Drainage Basin	Additional Width to Add to SMB
0 to less than 32 acres	No additional buffer width required
32 acres to less than 60 acres	Add 25 feet to each side of Zone I
160 acres to less than 320 acres	Add 50 feet to each side of Zone I
320 acres or greater	Add 75 feet to each side of Zone I

Table 12.D-2. Additions Required to Streamside Management Buffer (SMB) Based on Drainage Basin Size*.

* Note: See also Table 12.D-1, which may require further additions to the SMB.

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h. Land application of biosolids - (250 feet)

Additional buffer may be required by the City based upon slope and the size of drainage basin in accordance with Table 12.D-1 and Table 12.D-2 above.

E. Streamside Management and Maintenance

1. Management Practices in Streamside Management Buffer.

a. The streamside management buffer, including wetlands and floodways, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within Zones 1 and 2 of the SMB, except with approval by the Planning Commission:

- i. Clearing of existing vegetation except for clearing, cutting, or prescribed burning associated with an approved buffer management plan or practice and/or at the recommendation or approval of the Natural Resources Director. Where prescribed burning of the buffer vegetation is not allowed and/or not feasible, annual cutting shall be performed.
- ii. Soil disturbance by grading, stripping, or other practices
- iii. Filling or dumping
- iv. Drainage by ditching, underdrains, or other systems
- v. Use, storage, or application of pesticides and herbicides except for spot application of noxious weeds or non-native species consistent with recommendations of Natural Resource Director.
- vi. Housing, grazing, or other maintenance of livestock
- vii. Storage or operation of motorized vehicles, except for maintenance and emergency use approved by Natural Resource Director or Planning Commission.

b. The following structures, practices, and activities are permitted in the SMB, with specific design or maintenance features, subject to the review and approval of City Engineer and Municipal Planning Commission:

- i. Roads, bridges, paths, and utilities:
 1. An analysis needs to be conducted to ensure that no economically feasible alternative is available.

2. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 3. The angle of the crossing shall be perpendicular to the streamside management buffer in order to minimize clearing requirements.
 4. The minimum number of road crossings should be used within each subdivision, and no more than one roadway crossing is allowed for every one thousand (1,000) linear feet of streamside management buffer running parallel with the stream channel.
- ii. Stormwater management:
1. An analysis needs to be conducted to ensure that no economically feasible alternative is available and that the project is either necessary for flood control, or significantly improves the water quality or habitat in the stream.
 2. In new developments, onsite and nonstructural alternatives will be preferred over larger facilities within the SMB.
 3. When constructing stormwater management facilities (i.e., BMPs), the area cleared will be limited to the area required for construction and adequate maintenance access.
 4. Material dredged or otherwise removed from a BMP shall be stored outside the SMB.
 5. Where the Streamside Management Buffer is greater than five (5) percent slope, concentrated stormwater discharges shall discharge directly to the water body and energy dissipation shall be provided to prevent scour, using techniques approved by the City Engineer.
 6. Where the Streamside Management Buffer is less than or equal to five (5) percent slope, concentrated stormwater discharges shall be allowed to be directed to the Streamside Management Buffer Zone 2 Outer Section provided that the energy of the discharge shall be dissipated using trench level spreaders or other measures approved by the City Engineer. Trench level spreaders shall be constructed on the contour and the peak discharge rates through the level spreader shall not exceed 0.01 to 0.02 cubic feet per second (cfs) per foot of level spreader.
 7. Stormwater management facilities shall be designed and maintained to be compatible with the intent of this and other City

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- regulations, including the City stormwater management standards (e.g. planted with native vegetation and, if feasible, designed as multi-purpose facilities for stormwater management, water quality, and habitat benefits).
- iii. Stream restoration projects, facilities and activities approved by the City Engineer, and Planning Commission are permitted within the SMB.
 - iv. Water quality monitoring and stream gauging are permitted within the streamside management buffer, as approved by City Engineer or Natural Resource Director.
 - v. Prescribed burning shall be allowed within the streamside management buffer as part of an approved buffer management plan or upon approval by the Natural Resources Director. Applicant or property owner is responsible for obtaining any required County permits and notifying the appropriate authorities before burns are conducted.
2. Maintenance of Streamside Management Buffer
 - a. Individual trees within the SMB in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream may be removed upon approval by the Natural Resource Director or City Engineer.
 - b. Other timber cutting techniques approved by the City and/or State of Tennessee may be undertaken within the SMB under the advice and guidance of City and/or State of Tennessee if necessary to preserve the forest from extensive pest infestation, disease infestation, or threat from fire.
 - c. In order to support the establishment of an adequate layer of ground-plain vegetation, the forest canopy may be thinned to reduce ground-plain shading (to as little as 50% canopy cover) as part of an approved buffer management plan or upon approval by the Natural Resources Director.
 - F. Plan Requirements and Administration.
 1. Plan requirement. In accordance with Section A of this Article, a plan approved by the City Engineer and Planning Commission is required for all development, surface mining operations, and agricultural operations in the streamside management buffer.
 2. Plan submittal. The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity by means of maps, graphs, charts, or other written or drawn documents so as to enable the Planning Commission an opportunity to make a reasonably informed decision regarding the proposed activity.
 3. Required plan details. The plan shall be prepared to scale (same scale as preliminary site plan or preliminary plat or 1":100') and shall contain, at a minimum, the following information:
 - a. A location or vicinity map;
 - b. Field delineated and surveyed streams, springs, seeps, bodies of water, and wetlands (include a minimum of 200 feet into adjacent properties);
 - c. Field delineated and surveyed existing and proposed forest cover within the SMB;
 - d. Limits of the floodway and one hundred (100)-year floodplain (if available and applicable);
 - e. Hydric soils mapped in accordance with the NRCS soil survey of the site area;
 - f. Steep slopes greater than fifteen (15) percent for areas adjacent to and within two hundred (200) feet of streams, wetlands, or other water bodies; and
 - g. A narrative of the species and distribution of existing vegetation within the streamside management buffer.
 - h. A plan showing the location of any stormwater discharge and an accompanying narrative detailing the design of such discharge.
 4. Streamside management buffer plan in conjunction with grading plan. The streamside management buffer plan shall be submitted in conjunction with the required grading plan for any development, and the SMB should be clearly delineated on the final grading plan.
 5. Permanent boundary markers required. Permanent boundary markers, in the form of signage approved by the City, shall be installed prior to final approval of the required clearing and grading plan. Signs shall be placed at the outer edge of Zone 2. A notation shall be made upon the plan denoting where the permanent boundary markers shall be installed.
 6. Notation of streamside management buffer required on plans. All site plans shall clearly:
 - a. Show the extent of any SMB on the subject property;
 - b. Label the streamside management buffer ("SMB");
 - c. Provide a note to reference any streamside management buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Lakeland"; and
 - d. Provide a note to reference any protective covenants governing all streamside management buffer stating: "Any Streamside Management Buffer shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."

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7. Dedication of streamside management buffer required. The Streamside Management Buffer for every Second Order or higher stream when such buffer corresponds with a City of Lakeland Recreation Master Plan greenway component shall be dedicated without liens or encumbrances to the City of Lakeland. The entire Streamside Management Buffer shall be dedicated with the initial phase of development to establish protection of the stream at the outset of development. The dedication offer will be reviewed by the City Engineer and a recommendation shall be made on acceptance of the dedication by the Planning Commission to the Board of Commissioners.
 8. Declaration of protective covenant required. All streamside management buffers shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the Planning Commission. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. A copy of the recorded covenant shall be presented to the City.
 - a. All lease agreements must contain a notation regarding the presence and location of protective covenants for streamside management buffer and shall contain information on the management and maintenance requirements for the streamside management buffer for the new property owner.
 - b. An offer of dedication of a streamside management buffer to the City shall not be interpreted to mean that this automatically conveys to the general public the right of access to this area.
 9. Annual inspection of streamside management buffers. The City may inspect established streamside management buffers annually for evidence of sediment deposition, erosion, or concentrated flow channels and corrective actions taken to ensure the integrity and functions of the streamside management buffer.
 10. Successional growth in streamside management buffer allowed. Streamside Management Buffers may be allowed to grow into their vegetative target state naturally, but methods to enhance the successional process such as active reforestation, selective forest thinning, or prescribed burning may be used when deemed necessary and appropriate by the Natural Resource Director and City Engineer to ensure the preservation and propagation of the streamside management buffer. Streamside Management Buffers may also be enhanced through reforestation or other growth techniques as a form of mitigation for achieving preservation requirements.
- G. Exceptions and Variances.
1. Exceptions
 - a. This Article shall apply to all proposed development except for activities that were completed prior to the effective date of this Article and had received the following:
 - i. A valid, unexpired permit in accordance with development regulations;
 - ii. A current, executed public works agreement;
 - iii. A valid, unexpired building permit; or
 - iv. A waiver in accordance with current development regulations.
 - b. This Article shall not apply to any development or land disturbance occurring after its effective date to a development or land disturbance which:
 - i. Is covered by a valid, unexpired plat in accordance with the Lakeland Subdivision Regulations.
 - ii. Is covered by a current, executed Development Agreement with the City of Lakeland.
 - iii. Is covered by a valid, unexpired Building Permit.
 - iv. Is an existing nonconforming building or use that is not permitted under this Article. Existing nonconforming buildings and uses may be continued but the existing building footprint or use shall not be expanded or enlarged unless approved by the Planning Commission. Discontinued nonconforming uses may be resumed within one (1) year from such discontinuance but not thereafter unless approved by the Planning Commission, provided, however, that no change or resumption of use shall be more detrimental to any streamside management buffer than the existing or former nonconforming use, as measured against the intent and objectives of this Article.
 - c. This Article shall not apply to agricultural operations that are covered by approved BMP's as defined by the Tennessee Department of Agriculture and the U.S. Department of Agriculture. Livestock operations are subject to limited application of this Article relative to the protection of Streamside Management Buffer from significant degradation of the stream system and accelerated streambank erosion from livestock.
 2. Variances. The Board of Zoning Appeals may grant a variance for the following:
 - a. Those projects or activities for which it can be demonstrated that strict compliance with the ordinance would result in a practical difficulty;
 - b. The requirements of the SMB represent an extreme hardship for the landowner such that little or no reasonable economic use of the land is available without reducing the width of the SMB;

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- c. The size, shape or topography of the property, as of the effective date of this Article, is such that it is not possible to construct a single-family dwelling without encroaching upon the SMB;
 - d. Those projects or activities serving a public need where no feasible alternative is available;
 - e. A determination that the granting of the variance would not impact adjoining properties or affect the public health, safety and welfare;
 - f. Whether plan modifications or conditions of approval can achieve similar conservation objectives of this Article;
 - g. The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to associated aquatic ecosystems have been addressed; or
 - h. Those developments which have had buffers or conservation easements applied in conformance with previously issued requirements.
3. Variance from required streamside management buffer width. Variances from required streamside management buffer widths for development may also be granted, if deemed appropriate by the Board of Zoning Appeals, provided, however, the streamside management buffer width may be reduced at some points as long as the average width of the streamside management buffer meets the minimum requirement. This averaging of the streamside management buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside management buffer (Zone I) is not disturbed or encroached upon and no new structures are built within the one hundred (100)-year floodplain unless otherwise permitted by the Floodway regulations contained in the Zoning Ordinance. Under no circumstance shall the streamside management buffer be less than twenty-five (25) feet (the buffer required for Zone 1).
4. Application for variance required. The applicant shall submit a written request for a variance to the Board of Zoning Appeals at least thirty (30) days prior to the hearing. The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request. The Board may require an alternative analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development. Each applicant for a variance must provide documentation that describes in detail:
- a. Existing site conditions, including the status of the protected area; and
 - b. The needs and purpose for the proposed project; and
 - c. Justification for seeking a variance, including how buffer encroachment will be minimized to the greatest extent possible; and
 - d. A proposed mitigation plan that offsets the effects of the proposed encroachment during site preparation, construction and post-construction phases.
5. Requirements from Board of Zoning Appeals. In granting a request for a variance, the Board of Zoning Appeals may require site design, landscape planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, streams, wetlands, floodways and floodplains. All landscape, fencing and signage plans shall be subject to applicable review and approval via subdivision and/or zoning processes defined in Article I, as determined by the Code Administrator.
6. Conditions for granting a variance. Any variance granted by the Board of Zoning Appeals will meet, at a minimum, the following conditions:
- a. The width of the SMB is reduced only by the minimum extent necessary to provide relief; and
 - b. Land disturbing activities must comply with the requirements of the Erosion and Sediment Control Ordinance of the City of Lakeland and all applicable best management practices. Such activities shall not impair water quality, as defined by the federal Clean Water Act and the rules governing water quality of the State of Tennessee Department of Environment and Conservation; and
 - c. As an additional condition of issuing the variance, the Board of Zoning Appeals may require water quality monitoring downstream from the site of land disturbing activities to ensure that water quality is not impaired.
7. Decision of Board of Zoning Appeals. The decision of the Board of Zoning Appeals shall be final.
- H. Enforcement.

In addition to any other enforcement right provided herein, the City may bring civil action to restrain a violator from proceeding with any development or land disturbance pending the completion of the proceedings provided in this Article, to restrain the violator from violating any provision of this Article and to require the violator to restore at his/her expense any damage to the Streamside Management Buffer which he/she caused. The violator shall be liable to the City for all costs, including attorney fees, which the City may

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incur in bringing such an action. Alternatively, the City may seek damages from the violator in the amount necessary to repair any damage to the Streamside Management Buffer and may also recover any costs and its attorney fees incurred in obtaining a recovery of damages.

I. Severability.

Should any section, subsection, clause, or provision of this Article be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Article in whole or any part thereof other than the part so declared to be invalid.

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Section 13 - Site Lighting Requirements

A. Intent and Purpose

It is the intent of this Chapter to encourage lighting practices and systems that will minimize light pollution, glare, light trespass; conserve energy and resources while maintaining night-time safety, utility, security and productivity; and curtail the degradation of the night time visual environment. The purpose of this section is to establish regulations to allow for outdoor illumination levels that are appropriate for the visual task, safety and security while minimizing the undesirable side effects of excessive illumination such as glare, sky glow and light pollution. Over time, it is the intent that this section will allow for reasonably uniform illumination levels in the community. It is also the purpose of this section to establish design criteria for outdoor lighting fixtures that will enhance the visual and aesthetic character of the City of Lakeland.

B. Applicability

1. **New Uses.** All proposed new land uses, developments, buildings, structures, or building additions of twenty-five percent (25%) or more in terms of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, either with a single addition or cumulative additions subsequent to the effective date of this provision, shall meet the requirements of this Chapter for the entire property. This includes additions which increase the total number of required parking spaces by twenty-five percent (25%) or more. For all building additions of less than twenty-five percent (25%) cumulative, the applicant shall only have to meet the requirements of this Chapter for any new outdoor lighting provided.
2. **Change in Use/Intensity –** Whenever the use of any existing building, structure, premises is changed to a new use, or the intensity of use is increased through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, and which change in use or intensification of use creates a need for increase in the total number of required parking spaces of twenty-five percent (25%) or more, either with a single change or cumulative changes subsequent to the effective date of these provisions, then all outdoor lighting facilities shall meet the requirements of this Chapter for the entire property. For changes of use or intensity which require an increase in parking of less than twenty-five percent (25%) cumulative, the applicant shall only have to meet the requirements of this Chapter for any new outdoor lighting provided.

C. Definitions

The following words and terms related to outdoor lighting are defined as follows:

- Direct Illumination.** Illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.
- Foot Candle.** A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
- Full Cut-Off Type Fixture.** A luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above 90 degrees, horizontal plane from the base of the fixture.
- Fully-shielded Light Fixture.** A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
- Glare.** The sensation produced by lighting that causes an annoyance, loss in visual performance and visibility to the eye. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.
- Horizontal Luminance.** The measure of brightness from a light source, usually measured in foot candles or lumens, which is taken through a light meter's sensor at a horizontal position.
- Illuminance.** The quantity of light measured in foot candles or lux.
- Light Trespass.** Light from an artificial light source that is intruding beyond the boundaries of the property upon which the lighting is intended to serve.
- Lumen.** Unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.
- Luminaire.** A complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

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Luminance. The physical and measurable quantity corresponding to the type of surface (e.g., a lamp, luminaires, reflecting material) in a specific area, with a luminance meter.

Motion-sensing Security Lighting. Any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

Lux. A unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per foot candle.

Opaque. A material that does not permit light transmittal from an internal illumination source.

Outdoor Lighting Fixture. An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- a. buildings and structures;
- b. recreational areas;
- c. parking lot lighting;
- d. landscape lighting;
- e. architectural lighting;
- f. signs;
- g. street lighting;
- h. product display area lighting;
- i. building overhangs and open canopies; and
- j. security lighting

Outdoor Recreation Facility. An area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball fields, softball fields, soccer fields, football fields, golf courses and driving ranges, tennis courts, and swimming pools.

Semi Cut-off Light Fixture. A luminaire that allows no more than 6 percent of the light from the lamp to be emitted above a horizontal plane passing through the luminaire's lowest light-emitting part.

Security Light. Lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting fixtures.

Unshielded Light Fixture. Any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or reflector.

Uplighting. Any light source that distributes illumination above 90-degree horizontal plane.

Uniformity Ratio. Describes the average level of illumination in relation to the lowest level of illumination for a given area. For example, a Uniformity Ratio of 4:1 for a given area means the lowest level of illumination (1) should be no less than 25% or "4 times less" than the average (4) level of illumination.

Watt . The unit used to measure the electrical power used in the illumination of a light fixture.

D. Approval Required

All lighting plans, with the exception of a single family home on a lot, requires site plan approval as described in Article 1, Section 4(J) and 4(K).

E. General Requirements (All Zoning Classifications)

1. Site lighting shall minimize light spill into the dark night sky.
2. Metal Halide fixtures shall be permitted. The use of metal halide light fixtures shall be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.
3. Wherever practicable, it is encouraged that lighting installations include timers, dimmers, and/or sensors to reduce overall energy consumption and unnecessary lighting. Uses that can turn off their outdoor lighting during night hours are to be encouraged in residential districts with those requiring all night illumination to be discouraged where appropriate.
4. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
5. Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.
6. All light fixtures including street lights, shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries.

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7. Search lights, laser light sources, or any similar high-intensity light shall not be permitted, except in emergencies by emergency response personnel.
8. Outdoor light fixtures installed on single family attached and detached properties shall be positioned so that there are no significant direct light emissions onto adjacent residential properties or public rights-of-way.
9. Illumination for outdoor recreation facilities must conform to the shielding requirements of this Chapter, except when such shielding is determined to interfere with the intended activity. For such facilities, partially-shielded luminaires are permitted. Examples of activities where partially-shielded luminaires are permitted including, but are not limited to, baseball, softball, football, soccer and lacrosse. Specifically, tennis, volleyball, racquetball and handball courts and swimming pools must utilize fully-shielded luminaires.
10. Internal and external illumination of signs shall conform to the requirements of the Sign Ordinance.
11. Except as otherwise allowed for herein, exterior light fixtures on multi-family, office, commercial and industrial projects including planned developments which use the equivalent lumens per bulb of 100 watt or more incandescent bulbs shall conform with the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures; that is, no significant amount of the fixture's total output may be emitted above a vertical cutoff angle of 90 degrees. Any structural part of the fixture providing this cutoff angle must be permanently affixed.
12. Lighting should meet the minimum IESNA standards in providing illumination and shall not exceed 200% of the recommended values without specific written approval by the Design Review Commission. Site lighting shall be designed as part of the architecture and landscaping themes of the site. Lighting should provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment for inhabitants.
13. Reference IESNA Recommended Practices RP-6 (Sports), RP-8 (Roadway), RP-20 (Parking Facilities) and RP-33 (Exterior Environment) for additional site lighting guidelines.
14. Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.
15. Glare and light trespass control shall be required to protect inhabitants from the consequences of stray light shining in inhabitant's eyes or onto neighboring properties. Light pollution control shall be required to minimize the negative effect of misdirected upward lighting.
16. Where feasible, additional landscaping may be required by the Design Review Commission to provide light screening between non-residential uses and residential districts to help prevent light spillage. Where landscaping is used for light screening, the Design Review Commission shall take into consideration the applicable landscaping standards found elsewhere in these regulations, the design standards found elsewhere in these regulations, the

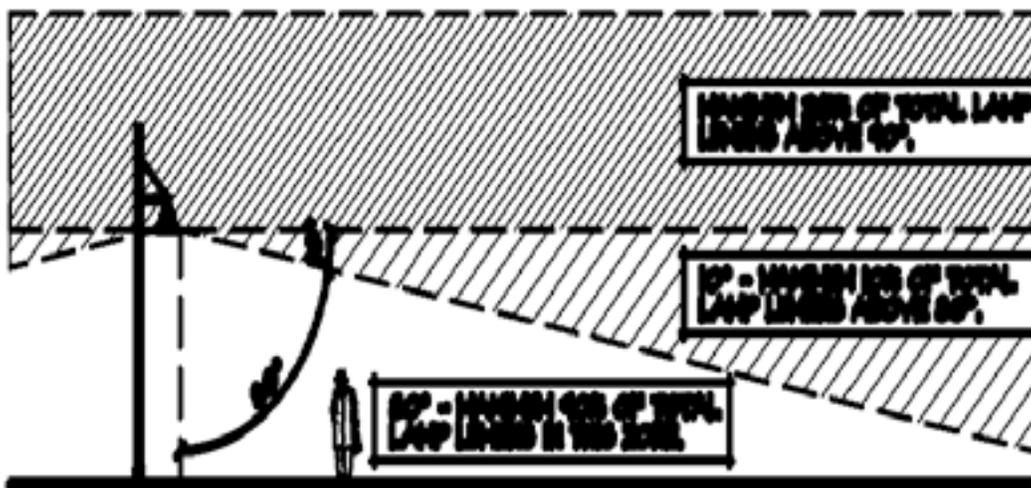


Figure 13.E-1. Example of Full Cut-off Fixture as Defined by IESNA.

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creation of excessive shadows or dark spaces, and views into and out of a site.

17. Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.
18. To minimize the indiscriminate use of illumination, it is recommended that outdoor lighting, except as required for security, be extinguished during non-operating hours.
19. Upward lighting of building façades, monument signs up to six (6) feet tall, and outdoor artwork is permissible so long as the lighting is aimed directly at the object to be illuminated, not aimed into the sky, and light spillage is avoided. Signs mounted at a height greater than six (6) feet from the ground shall not use upward lighting.

F. Total Outdoor Light Output

The maximum total amount of light, measured in lumens, shall be calculated from all outdoor light fixtures. For lamp types that vary in their output as they age (such as metal halide), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with this Chapter, the light emitted from outdoor light fixtures is to be included in the total output as follows:

1. Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above the structure itself as defined in subsections 2 and 3 below, are to be included in the total outdoor light output by simply adding the lumen outputs of the lamps used;
2. Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five (5) feet but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output;
3. Outdoor light fixtures located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

G. Height

The mounting height of light fixtures shall be as follows:

1. The mounting height of a light fixture shall be measured from the center of the lamp to the finished grade immediately below the light fixture.
2. The height of wall-mounted light fixtures shall not exceed the height of the wall to which it is mounted and shall have the lamp source shielded from view to minimize glare.
3. The height of light fixtures should be in proportion to the building structure (e.g., single story building should provide pedestrian-scale lighting).
4. For multi-family residential, office, commercial, industrial, and mixed-use developments, exterior freestanding light fixtures shall be mounted using a full cut-off type light fixture as follows:
 - a. Light fixtures located within a Residential District shall not exceed 14-feet in height measured from finished grade.
 - b. Within 50-feet of a residential zoned parcel – 14-foot maximum height of fixture measured from finished grade.
 - c. 51-150 feet from a residential zoned parcel – 20-foot maximum height of fixture measured from finished grade.
 - d. 151 feet or more from a residential zoned parcel – 25 foot maximum measured from finished grade.
 - e. The use of a 25-foot tall pole shall require pre-approval by the Design Review Commission prior to approval of overall site lighting plan.
5. For residential developments with fewer than 20 dwelling units, exterior freestanding light fixtures shall be mounted no more than ten (10) feet high including base of post.
6. Freestanding light fixtures installed along the right-of-way of Canada Road or Highway 70 shall be mounted no more than forty-five (45) feet high measured from finished grade of the centerline of the street.
7. Freestanding light fixtures installed within public right-of-ways other than Canada Road and Highway 70 shall be mounted no more than thirty-five (35) feet high measured from finished grade of the centerline of the street.

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H. Parking Lot Lighting

1. Parking lot lighting shall not exceed light levels necessary for safety and located vehicles at night. To achieve this and minimize light spillage onto adjacent properties, fixtures which cut off light at 90 degrees or less from the vertical shall be used.
2. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward, and/or incorporate design features with the intent of reducing off-site light pollution.
3. Illumination of parking areas shall be required for all parking areas with more than twenty (20) parking spaces.
4. The illumination may be provided through the use of light fixtures mounted upon poles.
5. The illumination of parking areas shall not be provided by building mounted light fixtures. Any building mounted fixtures shall be for aesthetic and security purposes only and shall be full cut-off style fixtures mounted near entryways.
6. Lighting shall be designed to provide for uniform lighting throughout the site with no dark patches or pockets.
7. No fixtures that shine outward and create a glare from a street right-of-way or residential property shall be permitted.
8. Lighting used to illuminate parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or any street right-of-way. Light poles and fixtures shall meet the following criteria:
 - a. The style of light poles and fixtures should reflect the architectural character of the area and streetscape.
 - b. Maintain parking lot poles/fixtures of the same style, height, color and intensity of lighting throughout the development site. Varying styles of fixtures may be permitted if it is demonstrated that the styles contribute to an overall theme for the area.
 - c. Light fixtures shall be nonadjustable, horizontally mounted fixtures, or fixtures with ninety (90) degree or less luminaire cutoff. Fixtures that project light or glare toward a street right-of-way or neighboring property shall not be permitted.
9. Illumination for parking areas shall be provided as follows:
 - a. Average Maintained Footcandles: The maximum average maintained footcandles for all parking lots shall be three (3), unless otherwise approved by the Design Review Commission. For purposes of this Ordinance, the average maintained footcandles shall be calculated at eight-tenths (0.8) of initial footcandles.
 - b. Minimum Footcandles and Uniformity Ratio: The minimum amount of maintained illuminations for open parking shall be as provided in Table 10-1 below.
 - c. The maximum maintained vertical footcandle at an adjacent residential district shall be one half (0.5) footcandle measured five (5) feet above finished grade.
 - d. The required illumination within a nonresidential development shall be measured at finished grade.
- I. Minimum Perimeter Lighting Requirements
 1. Lighting levels shall be based on initial lamp lumens and 1.0 maintenance factor.
 2. For lighting levels adjacent to commercial property, the lighting shall not exceed one (1) foot-candle of illumination at the property line, and shall not

Uses	Footcandles	Uniformity Ratio
Low Activity	0.5	25:1
Medium Activity	1.0	20:1
High Activity	2.0	15:1

Table 13.H-1. Minimum Footcandles and Uniformity Ratio (Max to Min).

For purposes of interpreting Table 13.H-1 above, the following rules shall apply: high activity uses shall include athletic events, major cultural or civic events, major regional shopping centers and similar uses; medium activity uses include fast food restaurants, financial institutions, community shopping centers (fifteen acres or more in land area), hospitals, residential complex parking and similar uses; low activity uses include local merchant parking (less than 15 acre sites), industrial and office park parking, educational parking and similar uses.

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exceed one-half (1/2) foot-candle 10 feet over the property line.

3. For lighting levels adjacent to residential zoned property, the lighting shall not exceed one-half (1/2) foot-candle of illumination at the property line and shall not exceed one-quarter (1/4) foot-candle 10 feet over the property line.

J. Canopy Lighting Standards

Lighting levels for canopies and aprons of commercial facilities shall be adequate only to facilitate the activities taking place in such location and shall not be used to attract attention to the business. It is recommended that the maximum level of illumination underneath the canopy not exceed 10 footcandles. The following standards shall be met:

1. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical, as shown in Figure 10-2 below.
2. All luminaires mounted on the under surface of a canopy shall be fully shielded and utilize flat glass or flat plastic (acrylic or polycarbonate) covers.
3. The total light output used for illumination service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed twenty (20) lumens per square foot of canopy in the C-2, General Commercial District, and shall not exceed fifteen (15) lumens per square foot in the C-1, Neighborhood Commercial District. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface of the canopy and auxiliary lighting, is to be included toward the total permitted light output.

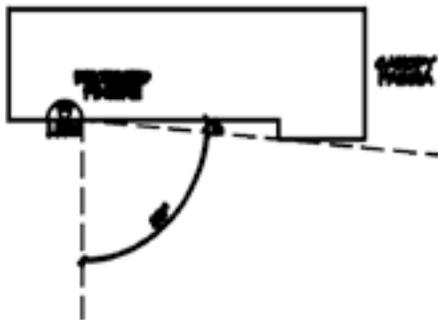


Figure 13.J-1. Example of Recessed Canopy Light Fixture Mount.

4. Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated in whole or part.
 5. Canopies shall be constructed of non-light-emitting material.
- #### K. Park and Common Space Lighting Requirements

Park and common open space lighting shall conform to the following requirements:

1. Light fixtures in municipal parks, pocket parks, common open spaces, and athletic fields shall employ full cutoff fixtures or fixtures designed to direct light downward.
2. Where it is established that there is a need for some up lighting, such as a baseball park, "sharp cutoff" fixtures, ones in which there is very good beam control of the light output, shall be used.
3. Lighting is discouraged on undeveloped open space and passive recreation areas. Any lighting installed on open space lands shall be pedestrian-scale with preference for bollard-style lighting.
4. Recreational Facility – No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00pm except to conclude any recreational or sporting event or other activity conducted at the facility in progress prior to 11:00pm.
5. Lighting for all recreational facilities shall be reviewed on a case by-case basis. New sports lighting systems shall be furnished with glare control. Lighting fixtures shall be mounted 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.

L. Lighting Plan Requirements

A lighting plan, prepared to the same scale as the site plan, shall be submitted for approval as part of the site plan process as described in Article I, Section 4 of the Land Development Regulations. The lighting plan shall contain the following information:

- a. A site plan drawn to scale showing all existing and proposed buildings, landscaping, parking and loading areas, driveways and pedestrian ways, and proposed exterior lighting fixtures.

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- b. Site plan depicting the location of all exterior light fixtures and a numerical grid of lighting levels (in footcandles) showing footcandle readings every 25 feet within the property or site that the fixtures will produce on the ground (photometric analysis), and at 10 feet beyond the property lines at a scale specified on the site plan. An iso-footcandle contour line style plan is also acceptable. A report shall accompany the photometric plan that indicates the minimum, maximum and average foot-candle lighting levels, max-to-min ratio, and shall also indicate the light level at the property line.
- c. Exterior light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five (5) feet but less than ten (10) feet from the nearest edge of a canopy, building overhang, or roof eave are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.
- d. Exterior light fixtures located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or roof eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.
- e. The calculation shall be measured at finished grade for light levels within the parking lot.
- f. Area of illumination.
- g. Indicate the means intended for on/off control of exterior lighting fixtures.
- h. Lamp type and wattage.
- i. Mounting height of all fixtures.
- j. A cut sheet of the proposed fixtures, including the candlepower calculation and an illustration depicting

the design and finishes of all fixtures and designation as IESNA "cutoff" fixtures.

- k. Drawings of all relevant building elevations showing the location and aiming points of accent light fixtures.
- M. Prohibited Lighting

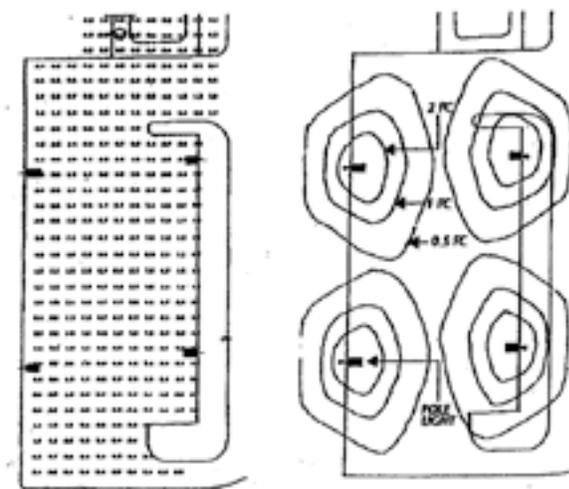
The following lighting is prohibited as follows:

1. Blinking and flashing lights.
 2. Mercury Vapor lighting fixtures.
 3. Exposed strip lighting used to illuminate building facades or outline buildings or architectural features unless otherwise authorized by the Design Review Commission.
 4. Neon tubing except as allowed as a means of illumination for signage in accordance with the Sign Ordinance of the City of Lakeland.
 5. Any light that may be confused with or construed as a traffic control device except as authorized by the Federal government, State of Tennessee, or City of Lakeland.
 6. Beacons and search lights, except as used for rescue operations by the City of Lakeland and Shelby County.
- N. Exemptions

Provided that no dangerous glare is created on adjacent streets or properties, the following lighting is exempt from the regulations of this section:

1. Holiday-style lighting;
 2. Street lighting installed by MLGW upon authorization by the City of Lakeland for the benefit of public health, safety and welfare.
- O. Mixed Use Developments

To allow the desired mixing and integration of uses, streetscapes, and innovative design treatments for mixed use or traditional neighborhood design developments, these design guidelines may be waived, so long as the development is a Planned Development, and so long as the development complies with all prior approvals of the City of Lakeland. All waived portions of the guidelines must be specifically identified in writing and approved by



Computer generated light level grid. Readings in tenths of foot-candles.

Parking Lot Light Plans

Iso-illuminance circles. Each circle indicates an even light level. Readings in foot-candles.

Figure 13.L-1. Example of Photometric Plans.

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the Planning Commission, otherwise the applicable design guidelines of this chapter shall apply.

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Section 14 - Supplementary District Regulations and Special Provisions; Wireless Transmission Facilities

A. Scope.

The regulations set forth in this section shall apply to wireless transmission facilities.

B. Purpose.

The purpose of the regulations of this section is to minimize the potential negative impact to surrounding property through application of reasonable technical and development standards for the installation and placement of wireless transmission facilities. The goals of this ordinance are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in non-residential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use transmission facilities;
5. Encourage users of transmission facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of transmission facilities to configure them in a way that minimizes the adverse visual impact of towers and antennas through careful site design, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
8. Consider the public health and safety of wireless transmission facilities; and
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful site selection of tower structures.
10. Give due consideration to the City of Lakeland Land Use Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless transmission facilities.

C. Definitions.

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

Alternative Tower Structure. Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul Network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and or long distance providers, or the public switched telephone network.

FAA. The Federal Aviation Administration.

FCC. The Federal Communication Commission.

Height. When referring to a tower or other structure, the distance measured from finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Mature System. An existing wireless transmission facility.

Street. The surface of and all rights-of-way and the space above and below any public street, road, highway, freeway, lane, public way or place, sidewalk, alley court, boulevard, parkway, drive or easement now or hereafter held by the City for the purpose of public travel and shall also mean other easements or rights-of-way as shall be now held or hereafter held by the City which shall, within their proper use and meaning, entitle a user to the use thereof for the purposes of installing plant, facilities and equipment as may be ordinarily necessary and pertinent to utilizing wireless transmission facilities for the purpose of production or transmission.

Tower. The base of any wireless transmission facility including, but not limited to, a self-supporting lattice tower, guyed tower, or monopole tower, together with an antennae or other appurtenances.

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User. Any wireless telecommunications carrier utilizing wireless transmission facilities for the purpose of production or transmission.

Transmission Facilities. Buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to, wire, cable, fiber optics, laser, microwave, digital, radio, satellite, portable phones, pagers, mobile phones or similar facilities) to the conventional ground-wired communications system (including, but not limited to, telephone lines, video and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid.

D. Applicability

1. New Towers and Antennas. All new towers and antennas in the City of Lakeland shall be subject to these regulations, except as provided herein.
2. Amateur Radio Station Operator/Receive Only Antenna. These regulations shall not govern any tower, or the installation of any antenna, that is under forty (40) feet in height and is owned and operated by a radio station operator, or is less than forty (40) feet in height used exclusively for receive-only antennas.
3. Pre-existing Towers or Antennas. Pre-existing towers and antennas shall not be required to meet the requirements of this Ordinance; provided, however, the applicant shall meet any state or federal requirements established since erection where compliance is mandated regardless of the date of installation.
4. AM Array. For purposes of implementing this Section, an AM Array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

E. Process

1. The use of land for wireless transmission facilities shall be permitted in residential, agricultural, commercial and industrial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission with a recommendation from the Design Review Commission; and that the other requirements set forth in this division are met. All wireless transmission facilities shall be subject to the technical and developmental standards of this section, to the minimum standards in the zoning district in which the "wireless transmission facility" is located, and to such additional conditions that the Planning Commission and the Design Review Commission may require in order to preserve and protect the character of the district in which the proposed use is located.
2. The use of an electrical transmission tower or pole along major arterial or collector street (per the City's Major Road Plan), for wireless transmission facilities, shall be permitted in residential, agricultural, and commercial and industrial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and Design Review Commission; and that the other requirements set forth in this section are met. All wireless transmission facilities on an electrical transmission tower or pole along a major arterial or collector street shall be subject to the technical and development standards of this section, to the minimum standards in the zoning district in which the wireless transmission facility is located, and to such additional conditions that the City may require in order to preserve and protect the character of the district in which the proposed use is located.
3. The use of land for the shared use of wireless transmission facilities where an approved wireless transmission facility exists on public or private property, and is not located within an existing power transmission line tower, shall be permitted in the residential, agricultural and commercial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and with a recommendation from the Design Review Commission, and that the other requirements set forth in this section are met. All

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wireless transmission facilities on a major and/ or collector street shall be subject to the technical and development standards of this section, to the minimum standards in the zoning district in which the wireless transmission facility is located, and to such additional conditions that the City may require in order to preserve and protect the character of the district in which the proposed use is located.

4. If, upon review of a wireless transmission facility submitted under subsections E.2. through E.3. of this section, and the City determines that additional review is necessary to completely evaluate the proposed facility, the City may defer the facility to the full process of review under Subsection E.1. of this section which includes review and approval by the Planning Commission and with a recommendation from the Design Review Commission.

F. Exceptions.

The provisions of this Section shall not apply to:

1. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Lakeland.
2. Antennas or towers located on property that are less than forty (40) feet in height unless otherwise regulated in this Ordinance.

G. Site Plan

The applicant shall submit a site plan describing the concept for the development of the entire parcel containing the wireless transmission facility as described in Article 1, Section 4(K).

H. Time Limitation.

A final plan approved by the Planning Commission with a recommendation from the Design Review Commission shall be valid for a period not to exceed six (6) months. If substantial construction on the wireless transmission facility has not begun within six (6) months, the approval shall expire, and the applicant shall be required to resubmit plans to the Planning Commission with a recommendation from the Design Review Commission for approval based upon the latest technical and development standards for such facilities contained in this section as well as other

applicable provisions contained in the Zoning Ordinance and Lakeland Municipal Code.

I. Technical Standards

1. Frontage and setbacks. Towers within all agricultural and residential districts shall be located on a single lot with a minimum of two hundred 200 feet of frontage on a public street (except when antenna is installed on existing electrical transmission towers or utility poles). Towers installed in zoning classifications other than agricultural and residential zoning districts shall conform to the minimum lot area and lot width requirements prescribed for the district in which the tower will be placed. The minimum distance from the base of the tower to any right-of-way and adjoining property line shall be equivalent to or greater than two hundred (200) feet or two hundred percent (200%) of the height of the tower, whichever is greater; provided, however, in the case of self-supporting lattice or guyed towers the minimum distance from the base of the tower to any right-of-way and adjoining property line shall be equivalent to or greater than two hundred fifty (250) feet or three hundred percent (300%) of the height of the tower, whichever is greater. Guys shall be placed no closer than seventy-five (75) feet from a right-of-way or adjoining property line. No buildings or structures shall be located within the setback area of any required yard, thereby providing a clear fall zone for the tower to any right-of-way and adjoining property line. The setbacks for all associated appurtenances, including buildings, cabinets, structures and facilities, shall correspond with the minimum setback requirements established for the zoning district in which the use is proposed.
2. Separation Distance Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower. The separation distances shall be as described in Table 13.J-1 based upon the type of tower:
3. National standards. The applicant's engineer shall provide documentation that the proposed wireless transmission facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.

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	Existing Self-Support Lattice	Existing Guyed	Existing Monopole (less than 75' in height)	Existing Monopole (75' or more in height)
Proposed Self-Support Lattice	5,000 feet	5,000 feet	1,500 feet	1,500 feet
Proposed Guyed	5,000 feet	5,000 feet	1,500 feet	1,500 feet
Proposed Monopole	1,500 feet	1,500 feet	1,000 feet	750 feet

Table 13.J-1. Separation Distance Between Towers.

4. Tower height.
 - a. For a single user, up to ninety (90) feet in height; for two or more users up to one hundred twenty (120) feet in height.
 - b. To encourage shared use, the maximum tower height for wireless transmission facilities, incorporated within an existing power transmission line tower, shall be twenty (20) feet above the highest point of the existing power transmission line tower.
 - c. To encourage shared use, the maximum tower height for wireless transmission facilities, on top of a utility pole, located within the right-of-way of a collector or major arterial street as defined in the Major Road Plan of the City of Lakeland, shall be eight (8) feet above the highest point of the existing utility pole.

5. Structural requirements. Prior to the approval of any tower in excess of thirty-five (35) feet in height, the applicant shall provide the City including the Planning Commission and Design Review Commission with written certification from a registered structural engineer that the tower is able to minimally withstand winds of seventy (70) miles per hour with one-half-inch radial ice, as per the ANSI Standards, and/or one hundred (100) miles per hour wind gusts, whichever is greater. For towers placed on buildings, the applicant shall also provide the City and Planning Commission and Design Review Commission such written certification, plus evidence that the building itself is structurally capable of safely supporting the tower and its accompanying equipment. Wireless transmission facilities shall be designed in accordance with acceptable standards for Seismic Zone 3.

6. Cable Microcell Network. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology may be permitted; provided, however, such installations do not require the use of towers.

7. Shared use. The shared use of existing towers or the placement of towers less than thirty-five (35) feet in height at locations adjacent to a mature wireless facility, or wireless transmission facility incorporated within existing power transmission line towers, shall be encouraged whenever possible.
 - a. The applicant's proposal for a new wireless transmission facility shall not be approved unless it can be documented by the applicant that the proposed equipment planned for the proposed tower cannot be accommodated on an existing or approved tower located within a minimum distance of ten hundredths (.10) miles due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause radio frequency (FR) interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved.
 - (4) Geographic service requirements.
 - b. The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. A letter of intent committing the tower owner and his successors to allow shared use of the tower, if an applicant agrees in writing to pay any reasonable charge for shared use, shall be filed with the City, prior to any building permit being issued.

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c. The applicant's plans must demonstrate how shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be required to be designed for multitenants on the initial installation, i.e., designed for two sets of fully sectorized antenna arrays.

J. Development Standards

1. Buffer/landscaping provisions. The planting, maintenance and removal of trees associated with wireless transmission facilities shall comply with the Tree Management Ordinance of the City of Lakeland, and other related regulations pertaining to land disturbance and grading and sediment and erosion control. For ground structures and equipment buildings, located in or abutting property zoned residential (either immediately adjacent to such property or across a public roadway), special care shall be taken to minimize the effects on the adjacent residential area. The following shall be considered minimum standards:
 - a. A minimum of fifty (50)-foot buffer strip shall be required on the outer perimeter of the property, abutting property currently zoned for residential, office or commercial use or development. No internal roads or driveways, parking areas, structures or storage of materials shall be allowed within the buffer strip. This standard shall not supersede any existing or future agreements or regulations which may provide for a greater buffer strip than outlined in subsection K.1. of this Section.
 - b. The buffer strip shall consist of plantings and physical features sufficient to screen the view beginning at a specified level, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property from ground level view to a minimum height of six (6) feet. A landscaping plan detailing the type, substance, design, width, height, opacity, growing period to maturity, time schedule for installation, and responsibility for perpetual maintenance of the buffer strip shall be submitted to the Design Review Commission for consideration of a recommendation.
 - c. The landscaping provisions of this Section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the Planning Commission, meet the intent and purpose of this

Section. In instances where significant physical features exist (i.e., railroads, major roads and interstates, hillsides, preserved wooded areas, and utility easements, etc.) which in the opinion of the Planning Commission provided adequate buffering between land uses, the existing buffers may be used to meet landscaping requirements of this Section.

- d. Security fencing shall be required and shall comply with the regulations set forth in Article III, Section 5(Q) of this Code for fencing. Security fencing (wood only) shall be required around the area of the wireless transmission facility. Other fencing requested by the user, in compliance with the Fence Regulations contained in this code shall be constructed, in addition to, and behind the required wood fencing.
 - e. Wireless transmission facilities mounted on a building or structure in a commercial district shall be screened and/or designed to blend in visually with the roof and/or structure and surroundings where mounted. Such methods and materials shall only require approval by the Planning Commission with a recommendation from the Design Review Commission.
 - f. Prior to issuance of a building permit, security acceptable to the City (such as a maintenance bond, letter of credit or similar security) shall be required to ensure completion of landscaping and screening provisions as outlined in the plan approved by the Planning Commission. The security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of such improvements. This security shall be required for a period of one (1) year following the issuance of a Certificate of for the building, or one (1) year following the completion of construction of the wireless transmission facility if no Certificate of Completion is required.
2. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate at no existing tower, structure or alternative technology can accommodate

III. Zoning Regulations

Section 14 - Supplementary District Regulations and Special Provisions; Wireless Transmission Facilities

the applicant's proposed antenna may consist of any of the following:

- a. No existing tower or structures are located within the geographic area which meets the 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 the 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 and structures would cause interference with the applicant's proposed antenna.
 - e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - f. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
3. Off-street parking. At least one (1) off-street parking space and/or an all-weather access drive capable of parking a vehicle shall be provided to service the wireless transmission facility. Parking facilities will be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action by the Planning Commission and City Engineer.
 4. Lighting. Outside lighting, if required for safety and security purposes, shall be arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Commission may recommend and the Planning Commission may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed 0.5 footcandles, measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other governmental authority.
 5. Signs. The visual transfer of information on the public facility through the use of external signs shall comply with the sign regulations set forth in the Lakeland Municipal Code. No signs including flags shall be allowed on an antenna or tower under any circumstance including flags. Signage, where required, shall be reviewed and considered for a recommendation for approval, approval with conditions, disapproval, or other applicable action by the Design Review Commission.
 6. Vehicle access control. The location and design of driveways and/or accesses to reach the facility from a public street shall be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action by the Planning Commission and City Engineer.
 7. Erosion control and stormwater management. The control of erosion during development and the design of drainage systems suitable to handle stormwater runoff after the site is developed shall be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action by the Planning Commission and the City Engineer.
 8. Exterior treatment. All wireless transmission facilities including buildings, cabinets, structures and facilities, shall be designed and constructed of materials so as to be architecturally compatible with the architectural character of the general area, and as approved by the Planning Commission.
 9. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lakeland have been obtained and shall file a copy of all required franchises with the City.
 10. Noise. The intensity level of sound from the wireless transmission facility including temporary generators used during extended power outages, measured at the property line of abutting property zoned residential, shall not at any time exceed fifty (50) decibels. In instances where the Planning Commission with a recommendation from the Design Review Commission determines that a new wireless transmission facility site may create objectionable noise or a nuisance to any adjacent property, additional buffers or other physical features shall be required to mitigate the noise.
 - K. Inspections

III. Zoning Regulations

Section 14 - Supplementary District Regulations and Special Provisions;

Wireless Transmission Facilities

1. The user shall provide the City with a letter of certification from the design engineers (electrical, structural and civil) indicating that the wireless transmission facility was constructed according to the plans approved by the City. The letter shall be submitted within thirty (30) days of completion of the facility.
 2. The user shall provide the City with a copy of the Shelby County's electrical inspector's report which ensures that the user met code requirements during construction of the facility.
 3. The user shall annually provide the City with a certified copy of the engineer's annual inspection report, which includes, but is not limited to, the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of fasteners, and a plan to correct any documented deficiencies.
- L. Removal.

Users vacating the property shall be responsible for removal of their respective buildings, cabinets, structures, facilities, and other appurtenances at their expense. It shall be the responsibility of the remaining facility user(s) and the landowner to maintain the site as per the site plan approved by the City of Lakeland. Legal use of the property for a wireless transmission facility shall be discontinued if all facility uses vacate the site for a minimum period of ninety (90) days.

- M. Removal of Abandoned Wireless Transmission Facilities.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower and related appurtenances shall remove the same within ninety (90) days of receipt of notice from the City of Lakeland notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandoned the tower and related appurtenances.

- N. Nonconforming Uses

1. Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. Pre-Existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance (including replacement with a new tower of like construction and height) on a pre-existing tower shall cause the property and all wireless transmission facilities and related appurtenances to be brought into compliance with current requirements of this Section and shall require review and approval by the Planning Commission with a recommendation from the Design Review Commission.
3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Article I of the Zoning Ordinance, a nonconforming tower or antenna that is damaged or destroyed may be rebuilt; provided, however, that the type, height, and location of the tower and related appurtenances shall be designed similarly to the previous tower and related appurtenances. Substantial deviation from the original facility will require submittal of revised plans and approval from the Planning Commission with a recommendation from the Design Review Commission. Building permits will be secured within 180 days of the date damage or destruction was incurred. If no building permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this Section.

- O. Building Permits.

It shall be unlawful to commence the excavation for the construction of any wireless transmission facility, including all associated appurtenances, until the City has issued a building permit and related permits for such work.

III. Zoning Regulations

Section 15 - Supplementary District Regulations and Special Provisions; Accessory (Incidental) Uses with Wineries

A. Intent

Specified incidental activities or uses in the AG District, as regulated by the requirements of this section and other relevant City regulations, may be allowed, when in conjunction with a winery. These uses are not permitted in the AG District in the absence of a winery on the site, nor are they permitted to become primary uses on the site. These uses are indicated Table 1 and/or the definitions of this section.

Wineries shall be permitted by right in the AG District, per TCA 6-54-126, and TCA 57-3-207. Such facilities shall comply with the Tennessee Grape and Wine Law, TCA 57-3-207, and are not regulated by this section.

B. Location requirements for incidental uses in conjunction with wineries

If any non-winery activity or use occurs at a winery site, such as, but not limited to, special events, commercial uses, or the uses and events listed in Table 1 of this section, the site shall be accessible from the one of the following roadways or intersections:

The site shall obtain direct access from a highway, or from one of the following roads: Pleasant Ridge Road, Salem Road, Stewart Road, Long Rd, Brunswick Road, Old Brunswick Road, Canada Road, the North frontage of Monroe Rd., or the East frontage of Chambers Chapel Rd.

The site shall be prohibited from obtaining access located as follows:

Site access points shall not fall within an area located within 1000' of the intersections of Hwy 385 & Stewart Road, Hwy 385 & Brunswick Rd., Hwy 64 and Chambers Chapel Road, and I-40 & Chambers Chapel Rd., nor within 2,500' of I-40 and Canada Road, nor within any portion of a highway that is designated "limited access".

C. General requirements for incidental uses in conjunction with wineries

Incidental uses in Table 1 of this section may be permitted when in conjunction with a winery, via a Conditional Use Permit (CUP).

The hours of operation, intensity, building, bulk, extent, lighting, signage, noise, location of activities and events indoors or outdoors, maximum attendance, and other limits or standards of the portions of the development that include other land uses and activities that are incidental to the winery, may be subjected to limits

or requirements (beyond those of this section) by the Board of Appeals at the time a conditional use permit is requested, when such limits or requirements are necessary to reduce or mitigate impacts on the public health, safety, and welfare, or on the existing or planned character of the neighborhood in which it is located. If so, such limits shall appear in a Plan of Operation.

Unless a Plan of Operation approved by the Board of Appeals establishes different requirements, the hours of operation for outdoor activities for the permitted incidental uses shall be limited to a maximum of:

Sunday, Noon – 7pm

Monday thru Thursday, 8am – 7pm

Friday and Saturday, 8am – 10pm

The Board of Appeals may establish hours that are either more or less restrictive for each incidental use, as determined thru the conditional use process.

The permitted incidental uses shall comply with the bulk regulations and zoning standards of the C2 District, unless this section indicates a different provision. A site plan approval is required, per Article IV of the zoning ordinance.

Facilities including paved parking, loading, buildings, staging, and event areas shall be located at least 50' from any residential ("R") or AG District lot that is adjacent.

A traffic study shall be required with any CUP request, if it is projected to generate over 96 new peak hour trips from any or all of its combined activities. The City may require improvements identified as needed in the traffic study.

All applicable criteria in City regulations for subdivision, open space, site development, parking, architectural design, lighting, landscaping, screening, signage, and other City regulations shall be complied with, unless an alternate standard is provided in this section, or unless variances are granted.

Applicable information from TDEC and The County Health Department shall be supplied with the required site plan, such as regarding drainage, sewer, water, and waste disposal.

III. Zoning Regulations

Section 15 - Supplementary District Regulations and Special Provisions; Accessory (Incidental) Uses with Wineries

The total acreage of a site with incidental uses associated with a winery, including the primary use (winery) and incidental uses, shall be a minimum of 10 acres.

The total building coverage for incidental uses shall not exceed 2 percent of the site area. The total gross floor area for incidental uses, shall not exceed 10,000 square feet.

The total attendance for all events occurring at the site at one time may not exceed 350 people.

All site activities shall exclude sexually oriented acts and businesses as defined by the City of Lakeland Sexually Oriented Businesses Ordinance.

D. Parking

If incidental uses are developed in conjunction with a winery, minimum parking requirements shall be provided for, including both the winery and incidental uses.

Except as provided in this section, parking shall comply with Article V of the Zoning Ordinance. A minimum of one paved parking space per 300 sq. feet of building gross floor area for a tasting room, sales area, and buildings that accommodate the public, plus one parking space per employee is required. These minimum parking areas shall be paved by means of materials listed below.

Unless excepted in this section, all parking, loading facilities, and driveways shall be constructed using asphalt, concrete, or pavers that meet at least one of the following.

(1) Paving materials with a Solar Reflectance Index (SRI) of at least 29.

(2) Semi-Pervious pavement, including permeable asphalt, concrete, or pavers. (3) Material with a minimum recycled content of fifteen (15) percent.

Paved parking shall be located at least 50' from any residential ("R") or AG District lot that is adjacent. Parking areas that exceed the minimum number of required spaces indicated above may be included, but for paved portions, may not be more than double the minimum required number of spaces. Parking may defer required paving for up to six months after opening the associated facility, if weather interferes with the completion of paving.

Additional parking (exceeding minimum requirements) may include gravel or other acceptable non-paved surface, if approved via a conditional use permit. Such non-paved parking shall not exceed one-half acre in size, shall be located at least 75' from any property line, and

shall not be visible from any public street. Such non-paved parking areas shall require perimeter landscaping, and may be exempted from interior lot landscaping.

E. Lighting

Lighting shall comply with Title 14, Chapter 10, Lighting Design Guidelines, unless a more restrictive standard is required herein, or per a Plan of Operation approved by the Board of Appeals. Where the site abuts lots that are zoned agricultural or residential, or that have a rural or residential character, BOA may require that lighting be restricted or developed to correspond to standards that pertain to adjacent residential development and low activity development.

F. Noise

Outdoor music and/or small live performances may be permitted via a conditional use permit that allows for specific events of limited duration. Such a permit must provide specific information and proposed limits for the types of music, and how noise would be controlled as to location, frequency of occurrence, and noise level, for evaluation by the Board of Appeals (BOA). Musical or other performers and equipment shall be limited to a single central area on the site located within 75 feet of a building, and not shall not set up on a side of a building that is within 75' of a property line, when the performance occurs outdoors. Noise shall not be plainly audible at any property line. Noise must comply with the City of Lakeland ordinance pertaining to offenses against the peace and quiet.

G. Activity Summary

The uses and activities below may be permitted by CUP when they are associated with an operating winery, and when they comply with this section. No other use is permitted, unless otherwise allowed in the AG District (See Table 1).

An incidental use shall occur only inside of buildings, unless one of the following is met, allowing it to occur outdoors:

1. The definition of the incidental use in subsection H below permits the activity outdoors.
2. The Plan of Operation approved by the Board of Appeals provides for additional outdoor activities within one of the incidental uses indicated as allowed in this section.

H. Definitions

Plan of operation – A detailed plan for incidental uses, which provides specific descriptions, controls, and designs, as to how events and activities will be defined, limited, managed, secured, and designed, for each incidental use. Such a plan shall attend to compliance

III. Zoning Regulations

Section 15 - Supplementary District Regulations and Special Provisions; Accessory (Incidental) Uses with Wineries

with each requirement of this section and other ordinances. It shall identify for each incidental use typical personnel needed, typical clientele, and shipping and receiving aspects. If necessary, mitigation for the impact of the proposed activities shall be included. Potential growth of the operation should be identified.

Small live performance - Live entertainment at an event on a single day which has a duration of no more than several hours, and which includes, but is not limited to, acts and shows such as comedy, poetry readings, and music. Small performances would not reach an attendance level which requires the use of overflow parking areas.

Small Conference – An event that includes meetings which may occur in one or more buildings at the winery site, including such rooms as meeting rooms, exhibition space, and with no overnight accommodations. Typical events would include, but not be limited to, conferences or retreats for the public, management or professional organizations, or service organizations. A small conference would occur over a period not to exceed five consecutive days, and would not occupy more than 10,000 square feet of gross floor area. Catered meals are permitted.

Small Club or Similar Event – Includes a club, meet-up group, art show, or similar small event which is indoors or within the immediate grounds adjacent to buildings, which is on a single day, and which has a duration of no more than several hours. Small club events would not reach an attendance level which requires the use of overflow parking areas. Catered meals are permitted.

Wedding – Includes a wedding rehearsal, catered rehearsal dinner, wedding reception, wedding ceremony, or other typically related functions. Activities are to occur

inside of buildings, with the exception of ceremonies, which may occur outdoors.

Winery tour – An educational activity that is permitted by right, and not regulated by this section. This may occur in buildings, on the grounds, or in vineyards.

Winery festival – A festival that is defined and regulated in the Tennessee Grape & Wine Law, which is not regulated by this section.

Winery - any place or premises wherein wine crops are cultivated and produced, wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded, which also includes a winery for the manufacture of wine, and which may include a small tasting room open to the public and incidental sales of wine accessories. A winery is considered an agricultural use.

Wine - the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called wine unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

	Conditional Use Permit at Board of Appeals Required
Small live Performance	X
Small conferences or retreats	X
Weddings	X
Small club or similar event	X
Non-paved overflow parking area for events	X
All other non-agricultural uses	Not permitted

Table 1: Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved