

THE ZONING ORDINANCE
OF
KINGSTON SPRINGS,
TENNESSEE

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OF
KINGSTON SPRINGS, TENNESSEE**

**Prepared for the Members of the
Kingston Springs Municipal Planning Commission**

**Prepared by
Don E. Martin, Principal Planner**

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
LOCAL PLANNING ASSISTANCE OFFICE
MIDDLE TENNESSEE REGION
446 METROPLEX DRIVE
SUITE 128
NASHVILLE, TENNESSEE 37211-3139
TELEPHONE: (615) 741-1534
FAX: (615) 532-1896**

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AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENT</u>
February 15, 2001	01-001	Article III, General Provisions, Section 3.090, Access Control, amended Subpart B, in its entirety and replaced.
February 21, 2002	02-001	Article IV, Amended, Section 4.120, Minimum residential front yard requirements on turn-arounds of cul-de-sac streets.
February 20, 2003	02-006	Article V, Subsection 5.052.2, C-2, Highway Service District, B, Uses Permitted, 1, amended Subpart (d).
July 17, 2003	03-004	(EXHIBIT A, Section 5.1, Floodplain Regulations, Which is Inserted in Article IV; (Changed Numbering to Match Numbering in Ordinance), Sections 4.100 (Floodway Fringe Area) and 4.110 (Flood Damage Prevention Requirements) Deleted and New Text Inserted. - (Amended Section 4.100 thru Subsection 4.130.7, and Renumbering Sections Following)
July 17, 2003	03-004	Article V, Subsection 5.054.1 (F-1, Floodway District) Deleted in its Entirety.
May 25, 2005	05-002	Article IV, Deleted Section 4.070, and Subsections in their entirety.
May 25, 2005	05-002	Article V, Planned Unit Development Regulations for Special Overlay Districts, Added Sections, 5.060, Special Overlay District Description and Purpose, 5.070, General Provisions; 5.080, Administrative Procedure; 5.090, RPUD, Residential Planned Unit Development Overlay Districts; and 5.100, CPUD, Commercial Planned Unit Development Overlay Districts.
June 16, 2005	05-009	Article III, General Provisions, Section 3.090, Access Control, amended Subpart B, in its entirety and replaced.

(Amendments – Continued)

DATE	ORDINANCE NO.	AMENDMENT
December 21, 2006	06-015	Article VI, Overlay Districts, Added. Present Articles VI and VII, renumbered to Articles VII and VIII.
December 21, 2006	06-016	Article VI, Overlay Districts, Amended by Adding new Section 6.300, Conservation Design Overlay District
December 21, 2006	06-017	Article III, General Provisions, Amended Section 3.140, Performance Standards, renamed 3.140, Environmental and Operational Performance Standards.
June 18, 2015	015-003	Article VII, Exceptions and Modifications Section 7.010 Scope to 7.090.9. Parking and Access Requirements
June 18, 2015	015-005	Article V, Section 5.052-2, C-2 Highway Service District and Article V, Section 5.053.1(B) 13
August 20, 2015	015-006	Article IV, Off-Street Parking Requirements, add new subsection “G” to 4.015

ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

1.010. Authority. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code, to provide for the establishment of districts within the corporate limits of the City of Kingston Springs, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020. Title. This ordinance shall be known as The Zoning Ordinance of Kingston Springs, Tennessee, dated March 21, 1985. The zoning map shall be referred to as the Official Zoning Map of Kingston Springs, Tennessee and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030. Enactment. WHEREAS, Section 13-7-201 through 13-7-401, of the Tennessee Code, empowers the City to enact a zoning ordinance and to provide for its administration enforcement, and amendment, and

WHEREAS; The City Commission deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the City to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-401, of the Tennessee Code, with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the City Commission have been met;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION THAT THE ZONING ORDINANCE OF KINGSTON SPRINGS, TENNESSEE BE ENACTED INTO LAW.

1.040. Purpose. The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- a. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing the overcrowding of land;
- c. conserving the value of land and buildings;
- d. minimizing traffic hazards and congestion;
- e. preventing undue concentration of population;
- f. providing for adequate light, air, privacy, and sanitation;
- g. reducing hazards from fire, flood, and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public sector, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land; and
- j. enhancing the natural, man-made and historical amenities of Kingston Springs, Tennessee.

ARTICLE II

DEFINITIONS

SECTION

2.010 Scope

2.020 Definitions

2.010. Scope. For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- C. The word "shall" is mandatory. D.
The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".

2.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definitions or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith as defined within this ordinance. Accessory buildings are typically detached structures.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith as defined within this ordinance. Accessory buildings are typically detached structures.

ACTIVITY: The performance of a function or operation which constitutes the use of land.

ADULT ARCADE: Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE OR ADULT VIDEO STORE: Means an establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any kind of video tape or any other form of electronic media, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" .

ADULT ENTERTAINMENT: Means any exhibition of any adult-oriented motion picture, live performance, or display or dance of any type, which has a significant or substantial portion of such performance, whether actual or simulated of "specified sexual activities", including the removal of articles of clothing or appearing unclothed.

ADULT MOTION PICTURE THEATER: Means an enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein.

ADULT-ORIENTED ESTABLISHMENT: Includes, but is not limited to, adult bookstores or adult video stores, adult motion picture theaters, adult arcades, adult theaters or cabarets, and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

ADULT THEATER OR ADULT CABARET: Means a theater, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

1. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas," or the removal of articles of clothing, or appearing partially or totally nude, or
2. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas".

Specified Anatomical Areas means:

1. Less than completely and opaquely covered:

- a. Human genitals;
 - b. Pubic region;
 - c. Buttocks;
 - d. Female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely opaquely covered;

Specified Sexual Activities means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Kingston Springs, Tennessee are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than minor repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA. BUILDING: The total area taken on a horizontal plan at the main grade level, of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: An enclosure having continuing walls, roof and floor.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevations or when subdivided and used for commercial activities.

BED AND BREAKFAST HOME RESIDENCE: A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one-family dwelling subject to the provisions prescribed in the zone district where in the use is located.

BOARD: The Kingston Springs, Tennessee Board of Zoning Appeals.

BOARDING HOUSE: See dwelling definitions.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING COMMISSIONER OR INSPECTOR: The building inspector for the City or Town of Kingston Springs, Tennessee.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the existing street right-of-way, or if an official future street right-of-way has been

established as shown on an adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

BUSINESS AND COMMUNICATION SERVICES: The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets and small reports.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See Medical Facility.

COMMISSION: The City Commission of Kingston Springs, Tennessee.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses, only when specific provisions for such uses are made in this Ordinance. For the purposes of administration of this Ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code. See special exception.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats, but excludes other apparel cleaning and repair services.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities, golf, riding, club house with lodging for members and guests, pool, dining facilities, lounge, ancillary short term lodging for members and their guests in detached structures depicted on a Site Plan approved by the Planning Commission.

DAY CARE CENTER: A facility other than an occupied residence which receives children for day care, or any place including nursery schools, which provide definite, specified educational programs, and receives more than 12 children for related day care services.

DEVELOPMENT: Any man-made change to improve or unimproved real estate, including- but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DISTRICT: Any section or sections of the area lying within Kingston Springs, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.
- c. Apartment dwellings means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters. This includes triplexes and quadraplexes.
- d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.
- e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
- f. Town house means a residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.
- g. Condominium means an apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership for each family living accommodation.
- h. Multi-family means a townhouse or apartment dwelling.
- i. Triplex dwelling means three units designed for use by three families located on the same tract (zone lot).
- j. Quadraplex dwellings means four units designed for use by four families located on the same tract (zone lot).
- k. Prefabricated or manufactured dwelling means any single detached dwelling installed

on a permanently enclosed concrete or masonry foundation as approved by the Tennessee Department of Commerce, with sewer and water connections designed for permanent connection to municipal or on-site systems. Moreover such single detached dwelling must have the general appearance of a "stick built" home (have a pitched roof). Such structures are distinguished from mobile homes when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports.

- l. Mobile home or trailer means a vehicular portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation other than wheels, jacks, or skirting, and which is capable of being moved, towed, or transported by another vehicle.
- m. Zero lot line dwelling means a building or structure containing two units (duplex), each unit being located on its own zone lot in separate ownership.

FAMILY: One or more persons related by blood, marriage, or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need to be related to each other or to any of the mentally or physically challenged persons residing in the house. (See Chapter 24 of Title 13, Tennessee Code).

FAMILY DAY CARE HOME: An occupied residence in which a person provides day care for five or more children or close relatives. Such care in a family day care home is limited to that care given to no more than 12 children, including children living in the home and children of close relatives cared for in the home.

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provisions of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desire activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of these regulations.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD, 100-YEAR: A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "one (1) percent chance flood".

FLOODPLAIN: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area of surface waters from any source. For the purposes of this ordinance the floodplain includes all land subject to inundation by the 100-year flood.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the pre-development conditions.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits of faces of a building or structure.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Cheatham County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See Medical Facilities.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LANDHOLDER: The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

LAND SUBJECT TO FLOOD: In applying the provisions of this ordinance, land subject to flood shall be defined as follows:

Along Harpeth River and Turnbull Creek. sinkholes and other low places identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation (F.I.H.M.). The lands identified as subject to inundation by the 100-year flood and all lands lying below the 100-year flood elevations as demonstrated by the maps and charts in the Flood Insurance Study for the City of Kingston Springs, Tennessee as prepared by the Federal Emergency Management Agency, Office of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of this ordinance.

Along Small Streams and Watercourses. The lands lying within one hundred (100) feet of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger of inundation by the 100-year flood or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the 100-year flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a registered professional engineer as the Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land, which contains improvements including buildings or other structures having a total assessed valuation of five thousand (5,000) or less.

LIGHT INDUSTRY: Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of industrial wastes, psychological effects and generation of motor vehicle traffic.

LOADING SPACE: An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance provided for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots or record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT COVERAGE: That portion of a zone lot which when viewed directly from above, could be covered by a building or structure or any part of such building or structure (this includes all allowed accessory uses).

LOT, DEPTH: The average distance from the street right-of-way line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT, LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance. Regarding noncomplying lots of record see Section 6.060.

LOT, WIDTH: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirements shall not apply.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

Convalescent Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for the sick or injured, and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the facilities or equipment thereof.

MOTOR VEHICLE: Every vehicle which is self-propelled including every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

NONCOMPLYING:

- (a) Any lot of record that does not contain sufficient lot area to conform to the area

requirements for the zoning district in which the lot is located.

- (b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (1) Location along district boundary; or
 - (2) Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment thereto.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material or substance in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

ONE HUNDRED YEAR FLOOD: A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "one (1) percent chance flood".

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

OVERALL DENSITY: The residential density, stated in dwelling units per acre of any total lot, or development area.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and/or a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces, with adequate provisions for drives and aisles for maneuvering and obtaining accessory to such spaces, as well as to all necessary entrances and exits.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two buildings; such walls shall extend from the foundation to the underside of the roof sheathing, without openings which otherwise would permit the spread of fire from one building to another, and shall fully comply with fire and all other provisions and standards established for such walls in the Southern Standard Building Code.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or

other representative.

PLANNING COMMISSION: The Kingston Springs Municipal Planning Commission.

PLANNED DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park and/ or the common dedication of servicing cross-easements, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation and aid of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments consist of relatively large interrelated developments located on a single tract of land. Cluster developments and mixed-use developments of all types are planned unit developments. Many shopping centers of various types fall under this definition of planned development.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the appropriate county health office.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES: Public parks, schools, and administrative, cultural, and services buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SEWERAGE SYSTEM: A municipal, community, or utility district sewerage treatment and/or disposal system of a type approved by the State Department of Conservation and Environment, and the Public Service Commission.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Conservation and Environment and the Public Service Commission.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

REGULATORY FLOOD: Is the "100-year" flood as indicated in the publication Floodway Flood Boundary and Floodway Map. City of Kingston Springs, Tennessee published by the Federal Emergency Management Agency, November 19, 1980, or where no data exists the computed 100-year flood.

REQUIRED YARD: That portion of a zone lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RIGHT-OF-WAY: The minimum right-of-way of all local streets shall be fifty (50) feet, which measures twenty-five (25) feet from either side of the street center line. On each side of all collector streets, the right-of-way shall be thirty (30) feet from the center line. On arterial streets, the right-of-way shall be

forty (40) feet on each side of the street centerline. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Kingston Springs, Tennessee.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and/or curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Conservation and Environment.

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

SHOPPING CENTER: A group of compatible commercial establishments planned, developed, and managed, as a unit, with an automobile storage area provided on the property, the center must also be related in location, size, and type of the shop to its trade area.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" and "posterboard" as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

Billboard: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground, or attached to or supported by a building or structure.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign: A sign supported by a pole, uprights, or braces on the ground.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illumination Sign: Any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.

Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

Pole Sign or Banjo Sign: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole, most commonly associated with gasoline service stations.

Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such a canopy or covered structure extends beyond the building, building line, or property line.

Roof Sign: A detached sign supported upon the roof or wall of a building.

Temporary Sign: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction, or purpose of sign is intended to be a display for a short period of time only.

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom, and/or projects more than twelve (12) inches beyond the face of such wall.

Site Plan (Plot Plan): A scaled graphic schematic of a development site indicating the location of buildings, walkways, parking, drainage facilities, topography and landscaping as they are to appear upon the completion of development. Site plans are required to contain such other information as may be deemed necessary by the Planning Commission to insure proper development of the site.

Special Exception (Conditional Uses): A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions set forth herein. (See Section 7.060.).

Special Institutional Care Facilities: Means all types of institutional care facilities that involve forced residency, full-time supervision, and/or walk-in care for: (1) individuals legally confined due to violations of law; (2) individuals who are addicted to drugs and/or alcohol; and (3) individuals who are mentally ill, including the criminally dangerous. Under the terms of this Ordinance, the following uses are considered to be special institutional care facilities: detention and/or correctional institutions, drug and alcohol rehabilitation facilities, halfway houses serving convicted felons or recovering substance abusers, institutional care facilities including all types of asylums for the psychotic or insane, and substance control centers serving recovering substance abusers.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided, it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level, from which the "height of a building" is measured, or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot, and which has been legally dedicated and accepted for public use.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, and including among other things, signs, billboards, and fences.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvements or (2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure or not. The term does not, however, include either (1) 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 ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may, be occupied or maintained.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above is ten (10) acres or more in extent, provided that it shall, upon the rule or order of the Planning Commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building, between the front yard and the rear yard on both sides of the principal building.

ZONE LOT: For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

ZONING MAP: a map or series of maps and special overlays (the official copy being maintained by the City Recorder) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

ZONING PERMIT: A written permit issued by the Zoning Administrator, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot.

ARTICLE III GENERAL

PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Rear Yard Abutting a Public Street
- 3.050 Corner Lots
- 3.060 Future Street Lines
- 3.070 Reduction in Lot Area Prohibited
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Plot Plan Requirements
- 3.130 Solar Orientation
- 3.140 Environmental and Operational Performance Standards
- 3.150 Landscape Treatment Regulations
- 3.160 Standards for Telephone, Telegraph and Communications
Transmitter Stations and Towers

3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the City as a whole.

3.020. Only One (1) Principal Building on Any Residential Lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot.

3.030. Lot Must Abut a Public Street or Dedicated Easement. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) feet, or unless it abuts for at least thirty (30) feet on a street that has been shown on a final subdivision plat as approved by the Kingston Springs Planning Commission, or unless said lots abuts for at least fifty (50) feet on a permanently dedicated easement according to the following standards:

- (1) such easement shall be at least fifty (50) in width, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.
- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.

- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Kingston Springs, Tennessee.

The above standards shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

3.040. Rear Yard Abutting a Public Street. When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050. Corner Lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

3.060. Future Street Lines. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the rights-of-way as shown on the most current official Kingston Springs Major Thoroughfare Plan.

3.070. Reduction in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that its' yard, lot area per family, lot width, and building area requirements, or any other related or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3.080. Obstruction to Vision at Street Intersections and Railroad Intersections Prohibited. On a corner lot in any district except the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and/ or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/ or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential uses. Such points of access shall not exceed thirty-five (35) feet for all retail and commercial services land uses. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width. A minimum of an eighteen (18) inch culvert shall be provided in the ditch line.

- B. There shall be no more than one (1) point of access to any one (1) public street for lots with less than four hundred (400) feet of lot frontage. There shall be a maximum of two (2) points of access to any one (1) public street for lots with four hundred (400) or more feet of lot frontage. (Amended by Ordinance 05-009, June 16, 2005)
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterials this minimum shall be forty (40) feet.
- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the City Manager, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking spaces shall be permitted where the arrangement would require that vehicles back directly onto a public street.

3.100. Accessory Use Regulations. The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory uses in residential areas shall be limited in their size. An accessory use on any lot shall be limited to no more than one-half the size of its principal use on such lot.
- F. No accessory building or structure shall be located closer than ten (10) feet from any adjoining property line. See Sections 3.040 and 3.050, for other related setback requirements.

3.110. Buffer Strips. Where a use is established in areas zoned nonresidential (C-1, G2, C-3, I-1 and I-2) which abuts at any point upon property zoned residential (R-1, R-2, and R-3), or whenever a planned unit development is established in any zoning district, the developer of said use shall provide a buffer strip as defined herein at the point of abutment to the adjacent residential use. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a four (4) foot metal, mesh fence, or wall or appropriate type designed to confine any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Zoning Appeals.

3.120. Plot Plan Requirements.

- A. Five (5) copies of proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings), shall be submitted to City Hall no later than thirty (30) days prior to the upcoming Planning Commission meeting at a scale no smaller than 1"=100', showing contours at five (5) foot intervals; required automobile storage areas; servicing utilities with reference to location, availability, compatibility, and related easements; a graphic cross-section of any on-site paving that is required; fire hydrants; loading and unloading spaces; maneuvering areas; openings for ingress and egress to public streets; a graphic cross-section of any on-site paving as required; the location of the centerline, right(s)-of-way, and edge of pavement of existing public streets, as well as the location of existing curbing when applicable; a proposed drainage plan as per the city's Stormwater Management Ordinance; the density of development or the required open space; landscape treatment (the location of all on-site landscaping as well as a tabular listing of the type and number of landscaping in relation to the total paved on-site square footage); the number of dwelling units per acre if applicable; and all required building setbacks and other yard requirements.
- B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.080.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Kingston Springs Municipal Planning Commission.
- D. All plot plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.
- E. Performance bonds for plot plans shall be provided according to the following provisions:
 - 1. All plot plans presented for review and approval to the Kingston Springs Municipal Planning Commission shall present the planning commission a performance bond for improvements shown on the site in the amount of one hundred and twenty (120) percent of cost of said improvements.
 - 2. Said improvements shown on the plot plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainageways including catch basins, or any other improvements required by the planning commission before the plot plan is approved.
 - 3. The performance bond must be payable to the Kingston Springs Mayor and Board of Commissioners.
 - 4. The performance bond must be retained for a period of one year from the approval date of the plot plan. If improvements have been made within the one year period, the Mayor and Board of Commissioners may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative. If improvements have not been installed in a

satisfactory manner, the Mayor and Board of Commissioners of the Town of Kingston Springs shall retain and cash the performance bond to facilities the completion of such improvements.

5. Be it further ordained that this Ordinance shall take effect immediately after its passage and publication as provided by the Kingston Springs Municipal Code, the public welfare requiring it.

3.130. Solar Orientation. Solar orientation devices shall be subject to the setback affecting dwellings, buildings, and other major improvements. The use of solar/ energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/ west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no solar device between the front yard setback line and the principal structure.

3.140. Environmental and Operational Performance Standards. **(Deleted and Replaced by Ordinance 06-017, December 21, 2006)**

3.140.1. Environmental performance standards.

3.140.1.A Purpose and Intent. The purpose of this section is to establish standards for development in environmentally sensitive areas, in a manner that provides for reasonable use of the land while retaining to the maximum extent possible the environmentally sensitive portions in a predeveloped state. This is predicated on the concept that land use policy decisions and zoning decisions must be made in the context of the land's characteristics. The choice of residential land uses should be based on site-specific characteristics that coincide with the many available varieties of housing. Commercial land use decision-making, conversely, is likely driven more by market forces, such as location or access, than by site characteristics. It is the intent of this section to offer incentives to minimize environmental disturbance. The requirements and standards of this section are intended to promote low-impact development in the sensitive hillsides and areas of special flood hazard of the community through incentives to preserve these lands in an undeveloped state, to insure protection of special vegetative assets and to promote well-conceived development which recognizes the problem soils of the community.

3.140.1.B. Applicability.

1. Hillside Development Standards. The hillside development standards apply to new construction on land in an undeveloped state where natural slopes are of twenty (20) percent or greater.
2. Special Flood Hazard Development Standards. The floodplain development standards apply to new construction where there are special flood hazard areas, as depicted on the Flood hazard Boundary Maps of Kingston Springs. Nothing contained in the official maps of special flood hazard shall prohibit the application of these regulations

to lands which can be demonstrated by competent engineering survey to lie within any one hundred-year floodplain; conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to these regulations.

3. Problem Soils Requirements. The problem soil development standards apply to predevelopment conditions for new development located within the listed soil types as identified in the Cheatham County Soil Survey (USDA, Soil Conservation Service).

4. Exemptions. The provisions of this article shall not apply to:

- a. Any construction, development or use initiated pursuant to any valid building permit or approved final site plan issued or approved prior to the adoption of the amendment that established these provisions as part of the zoning ordinance;
- b. Any essential public utility facility, system or road initiated to provide utility services or access to a property;
- c. Repairs or replacement to an existing structure or building that does not increase impervious surface area of the site more than twenty-five (25) percent of the existing area or multiple increases of not more than fifty (50) percent in any five-year period;
- d. The construction of a single-family or two-family dwelling unit on a platted lot existing at the time of the enactment of the amendment that established these provisions as part of the zoning ordinance; a lot depicted on a preliminary plat of subdivision having a valid approval by the planning commission on the effective date of the amendment that established these provisions as part of the zoning ordinance; and subsequently recorded in compliance with that preliminary approval shall also be exempt.

3.140.1.C. Hillside Development Standards. It is the intent of these regulations to generally limit the use of property with natural slopes of twenty (20) percent or greater due to inherent problems associated with stability, drainage and erosion control. The provisions of ARTICLE 6, (CONSERVATION SUBDIVISIONS) of the Subdivision Regulations are specifically designed to permit reduced lot sizes so as to avoid the necessity of maximizing the site development to achieve the density permitted within the various zoning districts established by this ordinance. It is, however, recognized that steep residential building sites located along bluffs and ridge-lines are often attractive due to the views and isolation. To that end, these regulations are intended to permit use of these steep sites as building locations subject to stringent environmental and engineering controls aimed at protection of property owners and the general public.

1. Single- and Two-Family Dwellings a.

Designation as Critical Lot

Any lot two (2) acres or less in size that is created for use as a building site for a single or two family dwelling shall be considered a “critical lot”.

b. Critical Lot Plan Required

Prior to application for a building permit on a lot designated as critical, a plan shall be submitted to the Enforcing Officer for approval. Such plan shall demonstrate, through the use of special design and construction techniques, that a residential structure will be constructed on the lot in a manner that effectively minimizes disturbance of the hillside and optimizes the preservation of mature trees and will not adversely impact the storm water runoff on down slope or adjacent properties. As a minimum such plan prepared by a licensed civil engineer shall contain a preliminary grading study and a description of the measures to be taken:

- To minimize changes in grade, cleared area, and volume of cut or fill, and to control adverse impacts on the critical lots during and following the period of site disturbance.
- To align streets to minimize disturbance of slopes.
- To identify easements along property lines to meet future drainage needs.

The Enforcing Officer may direct a critical lot plan to the Planning Commission for decision.

c. Grade Changes and Site Stability

Changes to grade, cleared area, and volume of cut and fill on the site shall be minimized. The provisions of Subparts 4-102.9 (Grade Changing) and 4-102.10 (Grade Changing Devices) of Section 4-102, (GENERAL LOT REQUIREMENTS) of the Subdivision Regulations shall apply to all portions of such developments.

d. Restrictions to Be Noted on Subdivision Plats

All specially noted design, construction and drainage standards shall be incorporated into the preliminary and final subdivision plat approvals, and recorded in the form of a covenant running with the land.

e. Clearing of Trees

The clearing of trees exceeding eight inches in diameter from those natural slopes equal to or greater than twenty-five percent shall be minimized.

f. Minimum Lot Size

Within areas of steep slopes the following minimum lot size provisions shall apply. Where these provisions require lots greater in size than that otherwise required for the zone district, these provisions shall apply.

NATURAL SLOPE	MINIMUM LOT SIZE
<15%	Requirements of Zone District
15%<20%	1 acre
>20%	2 acres

2. All Other Development in Residential Districts

For any multifamily or nonresidential form of development occurring within a residential district manipulation of the natural slopes by grading shall result in reduced lot coverage as shown in Table 3-140 for those portions disturbed.

- a. That portion of a multifamily development site containing large contiguous areas of natural slopes of twenty-five percent or greater should be permanently maintained in a natural state. The clearing of trees exceeding eight inches in diameter from those natural slopes shall be minimized by sensitive construction techniques.
- b. The use of retaining walls, rip- rap or hydraulically applied concrete to stabilize slopes within multifamily developments shall be screened.

TABLE 3-140 A

LOT COVERAGE ADJUSTMENTS (RESIDENTIAL DISTRICTS)

(Slope Adjustment Factor) X Maximum Lot Coverage = Adjusted Lot Coverage Permitted

NATURAL SLOPE	ADJUSTMENT FACTOR	X	Maximum Lot Coverage for District (as % of lot area)	=	Adjusted Lot Coverage Permitted
<15%	1.0				
15 <20%	.66				
20 <25%	.33				
25%+	0.0				

* For the purposes of calculation, slopes may be averaged for the entire lot area employing slope contour intervals of two feet.

3. Nonresidential Sites a.

General

In all nonresidential zoning districts except _____, manipulation of the natural slopes by grading shall result in reductions of permitted lot coverage for those portions disturbed as shown in Table 3-140 B.

TABLE 3-140 B

LOT COVERAGE ADJUSTMENTS (NONRESIDENTIAL DISTRICTS)

(Slope Adjustment Factor) X Maximum Lot Coverage = Adjusted Lot Coverage Permitted

NATURAL SLOPE	ADJUSTMENT FACTOR	X	Maximum Lot Coverage for District (as % of lot area)	=	Adjusted Lot Coverage Permitted
<15%	1.0				
15 <20%	.66				
20 <25%	.33				
25%+	0.0				

* For the purposes of calculation, slopes may be averaged for the entire lot area

b. Grading Standards for Hillside Sites in Nonresidential Zone Districts

For lots or parcels containing natural slopes of twenty percent or greater, approval of a final site plan shall be based upon a demonstration that the development plan minimizes unnecessary disturbance to those slopes in the placement and orientation of building and parking areas. Architectural and engineering features which reduce unnecessary encroachment on steep slopes may include, but are not limited to, the use of retaining walls and structural foundations to return to natural grade. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes on nonresidential sites shall be screened

3.140.1.D. Development Standards for Flood Hazard Areas.

1. Single- and Two-Family Dwellings a.

Applicability

Any lot or parcel less than five (5) acres in size that is created for use as a building site for a single- or two-family dwelling

shall be considered a "critical lot" and no land area located within an area of Special Flood Hazard prior to manipulation shall be used to satisfy minimum lot size requirements of the district after manipulation.

b. Site Development Plan Required

Approval of a site development plan containing the information required by ARTICLE 7, Section 7.030, shall be based upon a demonstration that the proposal complies in all respects with the provisions of Section 4-100 (FLOODPLAIN DISTRICT REGULATIONS).

c. Cluster Lot Option

Residential lots may be clustered on portions of a site outside the unmanipulated area of Special Flood Hazard. Within such developments, the provisions of ARTICLE V, Section 6.300, entitled, the "Conservation Design Overlay District" (CDOD), shall apply. Portions of the development site that are located within an area of Special Flood Hazard shall be retained as open space.

d. Use of Floodway and Floodplain Areas

Protected floodway and floodplain areas may be manipulated for the purpose of installing public greenways, public parks, private parks, golf courses, and state certified wetlands. All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the federal flood insurance program.

2. All Other Development in Residential Districts.

For any multifamily or nonresidential form of development occurring within a residential district manipulation of areas of Special Flood Hazard shall result in the following reductions in density permitted for those portions disturbed: (Table 3-140 C)

3. Nonresidential Sites

a. Reductions in Allowable Floor Area Ratio (FAR)

In all nonresidential districts, manipulation of Special Flood Hazard areas shall result in the following reductions in allowable Floor Area Ratio (FAR) for those portions disturbed. (Table 3-140 D)

TABLE 3-140 C

DENSITY ADJUSTMENTS (RESIDENTIAL DISTRICTS)

(Standard Density) x (Adjustment Factor) =Effective Density

Floodplain Relationship	Standard Density for Zoning District		Adjustment Factor		Effective Density
Above Flood		X	1.0	=	Effective
Predevelopment Floodplain, Undisturbed		X	1.0	=	Effective
Predevelopment Floodplain, Disturbed		X	.5	=	Effective
Predevelopment Floodway, Undisturbed		X	1.0	=	Effective
Predevelopment Floodway, Disturbed		X	0.0	=	Effective

TABLE 3-140 D

FLOOR AREA RATIO ADJUSTMENTS (NONRESIDENTIAL DISTRICTS)

(Floodplain Adjustment Factor) X Maximum Lot Coverage =Adjusted Lot Coverage Permitted

Floodplain Relationship	Floodplain Adjustment Factor	X	Maximum Lot Coverage for District (as % of lot area)	=	Adjusted Lot Coverage Permitted
Above Flood	1.0				
Floodplain, Undisturbed	1.0				
Floodplain, Disturbed	0.5				
Floodway, Undisturbed	1.0				
Floodway, Disturbed	0.0				

3.140.1.E. Development Standards for Areas of Problem Soil.

1. Wetlands and Unstable Soils

Lots or parcels where the following soils are indicated by the Cheatham Cheatham Soil Survey (U.S.D.A, Soil Conservation Service), shall be considered a "critical lot". Any application for approval of a Master Development Plan, a Final Site Development Plan or a plat of subdivision shall be accompanied by a geotechnical report. Both the development plan and the geotechnical report shall be certified by a Geotechnical Engineer licensed by the State of Tennessee. The Geotechnical Engineer shall certify that the construction techniques adequately mitigate any potential soil hazards identified in the report.

3.150. Landscape Treatment Regulations.

A. Purpose and Intent. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. More specifically, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, the glare of motor vehicle lights, the level of carbon dioxide in the atmosphere, and soil erosion, while providing shade, and enhancing the blighted appearance of parking lots.

B. Applicability. The provisions of this section shall apply to all developments within the Town of Kingston Springs as follows:

1. New Sites

No new site development, building or structure shall hereafter be constructed or vehicular use area created or utilized unless landscaping as required by the provisions of this section is provided.

2. Change of Use

No use shall be changed to another use for which the zoning ordinance requires additional parking over and above that required for the previous use, unless vehicular use area landscaping as required by this section is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the expanded parking requirements for the new uses.

*Vehicular use area as used in this ordinance shall mean any ground surface area except public rights-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery stores, etc.

- C. Definitions. All plant materials utilized under the provisions of this section shall be living plants (artificial plants are prohibited) and shall fall under the scope of the following definitions:

QUALITY - Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with exception of shrubs and hedges, vines and ground covers shall be prohibited.

DECIDUOUS TREES- (Trees which normally shed their leaves in the fall)- Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above the ground for trees up to four (4) inches caliper) of at least one and three fourths (1 3/4) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

EVERGREEN TREES- Evergreen trees shall be a minimum of six (6) feet high.

SHRUBS AND HEDGES - Shrubs and hedges shall be at least two (2) feet in average height with three (3) canes when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Privet, ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirement of this section. The height of the planting shall be measured from the level of the vehicular use area at the edge closest to the screening.

VINES - Vines shall be at least twelve (12) inches high at planting, and are to be generally used in conjunction with walls or fences.

GRASS OR GROUND COVER - Grass of the fescus (Festuca) or Bluegrass (Poaceae) family shall be planted in species normally grown in Kingston Springs as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar materials, if approved by the planning commission, or the board of zoning appeals wherever additional parking is required by any application for a special exception.

D. Existing Landscaping Material

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for vehicular use property or for interior landscaping by using the following criteria: a six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size.

E. Minimum and Maximum Area Standards

The following general and specific area standards shall be met:

1. General Standard

Sites should not be completely covered with impermeable surfaces which prevent percolation back into the soil, and can cause erosion, street flooding, and or overloading of storm sewer systems, a minimum of fifteen (15) percent of the site, or zone lot shall be devoted to permeable surfaces, with ten (10) percent of the sites vehicular use area being devoted to landscaping.

2. Specific Standards a.

Area

The minimum individual landscaped area permitted shall be sixty-four (64) square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees

A minimum of one (1) tree shall be required for each two hundred-fifty (250) square feet or fraction thereof of required landscaped area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

c. Shrubs

A minimum of four (4) shrubs shall be required for each required tree as mandated in b, above.

F. Landscape Treatment Plan

Four (4) copies of a landscape treatment plan as required by this section shall be prepared at a scale no smaller than 1"-100' showing the location of all landscaped areas, the specific nature of the existing and proposed landscaping, parking aisles, individual parking areas, ingress and egress points, existing and proposed utilities as well as their easements, dimensions of the lot, the topography of the lot, storm water drainage characteristics, the location of fire hydrants, any applicable buildings, and building setback lines. The landscape treatment plan shall be a portion of the plot plan whenever it is required by this article.

The landscape treatment plan shall be submitted to City Hall no later than fifteen (15) days prior to the planning commission meeting, or Board of Zoning Appeals meeting in the case of all special exceptions.

G. Enforcement

The provisions of this subsection shall be jointly and severally used to assure performance of this section.

1. Agreement and Surety

An agreement in the form of a legally binding contract between the developer and the Town of Kingston Springs specifying the manner and the date by which the landscaping, as shown on approved plans, is to be installed shall be developed for each project. The agreement shall be secured by a letter of credit made payable to the town in an amount equal to the estimated cost of the landscaping plus fifteen (15) percent. In the event of the failure of the developer to perform the work specified in the plan, the town shall call the Letter of Credit and arrange to have the work accomplished.

2. Building Permit and Certificate of Occupancy

Where landscaping is required under the provisions of this section, no building permit shall be issued until the required landscape plan has been submitted and approved by the planning commission, whenever changes of use or plot plans are involved, or by the board of zoning appeals when landscaping pertains to special exceptions. In no case shall any certificate of occupancy be issued until the landscaping is certified as having been installed, or either a letter of credit is received to guarantee such installation.

H. Maintenance

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in

charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section.

3.160. Minimum Design Standards for Transmission and Communications Towers and Stations.

It is the intent of this Section to avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring STRUCTURES are soundly and carefully designed, constructed, modified, and maintained, while ensuring such Towers are compatible with surrounding land uses. The purpose of this Section is also to promote and encourage shared use/ collocation of such Towers and Antenna Support Structures as a primary option, rather than construction of additional single-use Towers.

3.160.A Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment located within Kingston Springs shall adhere to the following standards:

1. All towers with a height of one hundred fifty (150) feet (from the base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1996 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Kingston Springs, Tennessee.
2. All towers shall be set back from all property lines and leasehold lines by a distance that is equal to:
 - (a) for a guyed tower, twenty percent (20%) of the height, and
 - (b) for a self-supporting tower, fifty percent (50%) of the height.
3. No building or equipment in connection with transmitter stations and towers shall be located nearer than fifty (50) feet to any leasehold line and property.
4. All such towers adjacent to any residential zoning district shall be screened (buffered). Such screening shall be OPAQUE in a two year period, and shall be no less than required in the definition of a buffer strip, herein. A chain link fence that is no less than six (6) feet in HEIGHT shall be installed adjacent to this planted buffer strip.
5. All telecommunications towers must be completely surrounded by at least a six (6) foot chain link fence.

3.160.B. Application Requirements. An application to develop a transmission and communications tower shall include as a minimum the following:

1. All information cited in Section 3.120, of this ordinance, which is deemed as being applicable by the Planning Commission.

2. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
3. Documentation that any applicable leasehold is no less than fifty (50) years in duration.
4. The names, addresses, and telephone numbers of all owners of other Communications/Transmission Towers or useable antenna support structures within a one half (1/2) mile radius of the proposed new Tower site, including city-owned property.
5. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's Telecommunication's FACILITIES on city-owned Towers or useable Antenna Support Structures located within a one-half (1/2) mile radius of the proposed Tower site.
6. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's Telecommunications Facilities on Towers of useable Antenna Support Structures owned by other persons located within a one-half (1/2) mile radius of the proposed Tower site.
7. Written technical evidence from an engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another person's Tower or useable Antenna Support Structures owned by other persons located within one-half (1/2) mile radius of the proposed Tower site.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-street parking requirements
- 4.020 Off-street loading and unloading requirements
- 4.030 Temporary use regulations
- 4.040 Customary incidental home occupations
- 4.050 Fall-out shelter restrictions
- 4.060 Gasoline service station restrictions
- 4.070 **Deleted in its entirety by Ordinance 05-002, May 25, 2005**
- 4.080 Development standards for mobile home parks
- 4.090 Development standards for automobile wrecking,
junk and salvage yards
- 4.100 Floodplain district regulations
- 4.110 Supplementary definitions

- 4.120 Administration and enforcement
- 4.130 Provisions for flood hazard reduction
- 4.140 Minimum residential front yard requirements on
turn-arounds of cul-de-sac streets
- 4.150 Development standards as apply to
multi-family dwellings
- 4.160 Development standards applying to duplex residential
dwellings, as well as zero-lot line two-family dwellings
- 4.170 Special provisions for mini-warehouse facilities
(self-service storage facilities)

4.010. Off-street parking requirements. In all districts, accessory off-street shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified until of measurement.

In the case of uses where the planning commission may be required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional uses provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant

property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. This shall generally mean that each parking space serving a particular dwelling unit shall be no more than one hundred (100) feet away from the front door of said dwelling unit. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

4.010.1. Number of parking spaces required. The number of off-street parking spaces shall be provided for the specified unit of measure (or fraction on one-half (1/2) or more thereof) for the following specified uses within the activity types indicated.

4.010.1.A. Residential Activities

(1) Permanent

(a) Single-Family Dwelling, Two-Family and Duplex Dwelling.

Two (2) spaces per dwelling unit.

(b) Triplex, Quadruplex and Multi-Family Dwelling (Three (3) or more): Two

(2) spaces per dwelling unit.

(c) Mobile Homes:

Two (2) spaces per mobile home.

(d) Where Occupancy is to be Primarily Elderly Persons over the Age of Sixty (60):

The number of developed spaces may be reduced to one (1) space per unit. There must be room on the lot to provide one and one-half (1 1/2) spaces in the future.

(2) Semi-Transient

(a) Boarding and Rooming House:

One and one half (1 1/2) spaces for each dwelling or rooming unit.

4.010.2.A. Community Facility Activities

ACTIVITY TYPE

UNIT OF MEASUREMENT

Administrative and
Government

One (1) space for each hundred (300) square feet of gross floor area, plus one (1) for each three (3) employees.

Community Assembly

One (1) space for each two (2) seats or one-half (1/2) of capacity in persons whichever is greater.

Educational Facilities

Kindergarten and Nursery: One (1) space for each employee, plus one (1) space for each six (6) students.

Elementary and Middle Schools. Grades 1-7: One (1) space per teacher and per staff member, plus one (1) space per two (2) classrooms.

High School. Grades 8-12: One (1) space per teacher and per staff member on the largest work shift, plus one (1) space per three (3) students.

Vocational or Trade Schools: One (1) space for each one thousand (1,000) square feet of gross floor area, plus one (1) space for each two (2) seats in any associated auditorium.

Cultural and Recreation
Services and Facilities

Art Galleries Libraries. Museums. Zoological and Botanical Gardens. Planetariums and Aquariums: One (1) space for each eight hundred (800) square feet of gross floor area.

Swimming Pools: Thirty (30) percent of capacity of the pool in terms of the maximum number of persons it is licensed to safely handle.

Parks. Playgrounds and Playfields: Ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator seats.

Recreation Centers and Gymnasiums: Fifty (50) percent of the capacity, plus one (1) space for each two (2) employees.

Extensive Impact
Type Facilities and
Land Uses

Airports Air Cargo Terminals. Heliports. Aeronautical or Devices: One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area.

Correctional or Detention Institutions: One (1) space for each employee, plus one (1) space for each patrol car. Plus one (1) for each five (5) inmates.

Railroad. Bus. and Transit Terminals: One (1) space for each one hundred (100) square feet of waiting room.

Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards: One (1) space for each employee.

Stadiums. Sports Arenas. Auditoriums. and Band-Stands: One (1) space for each four (4) seats.

Water and Sewage Treatment Plants: One (1) space for each employee.

Health Care Facilities

Centers for Observation or Rehabilitation. Convalescent Homes: One (1) space for each four (4) beds, plus one (1) space for each one thousand (1,000) square feet of gross floor area. Plus one (1) per employee.

Hospitals: One and one-half (1 1/2) spaces for each bed.

Medical or Dental Clinics: Five (5) spaces for each staff member or doctor or dentist or two (2) spaces for each treatment or examination room, which-ever is greater.

Intermediate Impact
Type Facilities
and Land Uses

Colleges, Junior Colleges and University:
One (1) space for each one thousand (1,000) square feet of gross floor area suited for academic purposes, plus one (1) space for each six (6) seats in an auditorium, arena, or stadium on the same lot.

Special Personal and
Group Care Type
Facilities and Land Uses

Associations for Physically or Mentally Handicapped: One (1) space for each employee.

Family Day Care Homes: Two (2) spaces per each employee including those living within the home.

Day Care Center: One (1) space per each five (5) pupils, plus one (1) space for each employee.

Nursing Homes: One (1) space for each employee, plus one (1) space for each two (2) patients. Plus one (1) per employee.

Religious Facilities

All Other Activity Types: One (1) space for each three (3) seats.

4.010.3.A. Commercial Activities

4.010.3.A.(1) Uses Located on Freestanding Sites

The provisions of this subsection shall apply to uses which are located on individual lots of record where no parking is shared with any other use or activity.

<u>ACTIVITY TYPE</u>	<u>GROSS FLOOR AREA</u> <u>(Square Feet)</u>
1. Animal Care & Veterinarian Services	300
2. Retail Trade- Apparel and Accessories	150

3.	Retail Trade- Automotive, Marine Craft and Aircraft Sales, Rental, and Delivery	25% of the gross lot area shall be allocated to parking.
4.	Automotive Service and Repair	250
5.	Building Materials & Farm Equipment Sales	1,000
6.	Contract Construction	500
7.	Contract Construction Services	300
8.	Convenience Retail Sales and Services	100
9.	Equipment Repair Services	500
10.	Entertainment and Amusement Services:	
	(a) Art Galleries (Commercial)	400
	(b) Motion Picture Theaters	One (1) space per four (4) permanent seats.
	(c) Theaters (Legitimate)	One (1) seat for each permanent seats plus one (1) for every twenty-five (25) square feet of area where temporary seats are used.
	(d) Bowling Alleys and Billiard Parlors	Five (5) spaces per each alley, or every two (2) pool tables whichever is applicable.
	(e) Coin Operated Amusement or Arcade	One (1) space per two hundred-fifty (250).

- (f) Commercial Sporting Facilities One (1) space per employee plus other spaces as determined by the planning commission.
 - (g) Dance Halls, Studios and Schools, and Skating Rinks 100
 - (h) Exhibition Halls and Commercial Auditoriums 40% of maximum capacity in persons.
 - (i) Gardens (Botanical and Zoological) One (1) space per employee plus other spaces as determined by the planning commission.
 - (j) Marinas, Boat Docks and Boat Rental One (1) space per employee plus other spaces as determined by the planning commission.
 - (k) Recording and Motion Picture Productions Studios One (1) space per each three (3) seats.
 - (l) Theatrical Producers, Band, Orchestras and Entertainers One (1) space per each three (3) seats.
 - (m) Riding Stables Minimum of five (5) spaces plus one (1) per each employee.
 - (n) Resorts and Group Camps One (1) space per each employee at peak season plus other spaces as required by the planning commission.
11. Financial and Real Estates Services 200 plus one (1) space per every employee.

12.	Consulting and Administrative Services	400
13.	Food and Beverage Service General (Inside Service Only)	100
14.	Food and Beverage Service General (Containing drive-through facilities)	100
15.	Food and Alcoholic Beverage Services	100
16.	General Business and Communications Services	400 plus one (1) space per each employee.
17.	Communications Services	300
18.	General Personal Services	
	(a) Funeral and Crematory Services	One (1) space per one hundred (100) square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) seats, plus one (1) space for every twenty-five (25) square feet of floor area where temporary seats are used whichever require the greater number of spaces.
	(b) All Other Personal Services	200
19.	General Retail Trade	250
	(a) Department Store	
	(b) Variety Store	
	(c) Misc. General	

(d) Merchandise Store

- | | | |
|-----|--|--|
| 20. | Group Assembly | One (1) space per four (4) permanent seats plus one (1) space for every twenty-five (25) square feet of area where temporary seats are used. |
| 21. | Professional Services - Medical | 300 |
| 22. | Professional Services - Non-Medical | 400 |
| 23. | Transient Habitation (Motels and Hotels) | One (1) space for each unit in a building serving transient guests. |

4.010.3.A.(2) Uses Located Within Commercial Complexes

Where two (2) or more commercial activities are grouped together on a single site or in any other configuration which involves the use of shared or common parking facilities, the parking requirements for such uses shall be calculated as provided herein.

SHOPPING CENTERS

**Size of Complex
(gross square footage)**

Number of Spaces Required

- | | |
|--|--|
| 0 - 400,000 sq. ft. | Five (5) spaces per one thousand (1,000) square feet, gross leasable area |
| 400,000 - 600,000 sq. ft. | Five and one half (5 1/2) spaces per one thousand (1,000) square feet, gross leasable area |
| 600,000 - 1,000,000 sq. ft.
and above | Six (6) spaces per one thousand (1,000) square feet, gross leasable area |

ALL OFFICE COMPLEXES

Four and one-half (4 1/2) spaces per one thousand (1,000) square feet of gross leasable area

4.010.4.A. Manufacturing and Industrial Activities

One (1) space for each one thousand (1,000) square feet of gross floor area or one (1) space for each employee during the largest shift, whichever is greater.

4.010.4.A(1) Warehousing. Foods or Freight Transport, Storage

One (1) space for each three thousand (3,000) square feet of gross floor area plus one (1) space for each seven thousand (7,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

4.010.4.A.(2) Manufacturing: Automobile Wrecking Yards. Scrap Metal Processing. Junkyards

One (1) space per each one thousand (1,000) square feet of gross floor area or one (1) space for each eight thousand (8,000) square feet of gross lot area, whichever is greater.

4.010.5.A. Agricultural. Resource Production. or Extractive Activities

Agricultural Services

One (1) space for each employee and for veterinary services, one (1) space for each three hundred (300) square feet of gross floor area.

Commercial Feed Lots and Stockyards

As determined by the planning commission.

Mining, Drilling, and Quarrying

One and one-half (1 1/2) spaces for each employee.

Plant and Forest Nurseries

Five (5) spaces, plus one (1) space for each employee and one (1) space for each five (5) acres.

4.010.6.A. Other Land Uses

For buildings and land uses not referred to in the pre-cited activity classifications and specifically listed in the corresponding use classification listing cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section to be are met.

4.012. Combination of required parking spaces. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013. Remote parking spaces. If the off-street parking spaces required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. Extension of parking area into a residential district. Required parking space may be extended one hundred (100) feet into a residential district, provided that:

- A. The parking area adjoins a commercial or industrial district.
- B. The parking spaces in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- C. The parking area is separated from abutting properties in the residential districts by a buffer strip.

4.015. Requirements for design of parking lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- B. Each parking space shall be no less than two hundred (200) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this ordinance.

- D. There shall be a parking aisle at least twenty-two (22) feet wide serving all 90 degree and 60 degree angled parking spaces. For all 30 and 45 degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width. Each parking space shall contain its own exclusive parking aisle.
- E. All off-street parking areas shall be surfaced with asphalt or concrete or other type of impervious surface capable of withholding the traffic load as deemed acceptable by the planning commission, and so constructed to provide for adequate drainage for all on and off-site affected properties such that stagnant pools of water are eliminated, as well as to prevent the release of siltation off the site. All parking spaces shall be clearly marked.
- F. No parking spaces serving any residential development shall be located further than seventy-five (75) feet from seventy-five (75) percent of such dwelling units served and none shall be located more than one hundred (100) feet therefrom.
- G. Exceptions to the minimum number of parking spaces. (Amended by Ordinance 015-006, June 18, 2015) The minimum number of required parking spaces through the exceptions of this provision may not be reduced by more than fifty (50%) percent or below four (4) parking spaces, whichever is greater. The fifty (50%) percent limit applies cumulatively to all exceptions in this provision.
 - 1. Retail Trade spaces of 5,000 s.f. or less may reduce the number of spaces required if the retail space includes designated storage areas. For every 150 s.f. of storage area, one (1) space may be eliminated up to four (4) spaces total.
 - 2. Bicycle parking may substitute for up to four (4) spaces of required parking. For every three (3) bicycle parking spaces, the motor vehicle parking requirement is reduced by one (1) space. Bicycle racks should not interfere with vehicular or pedestrian circulation. Existing parking may be converted to take advantage of this provision.
 - 3. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one (1) parking space for each tree twelve (12") inches in diameter and larger that is preserved. A maximum of two (2) parking spaces or ten (10%) percent of the total required may be reduced, whichever is greater.
 - 4. Motorcycle parking may substitute for up to five (5) spaces or five (5%) percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least four (4') feet wide and eight (8') feet deep. Existing parking may be converted to take advantage of this provision.

4.020. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See ARTICLE II, for Definition)</u>
0 to 4,999 sq. ft.	One (1) space
5,000 to 20,000 sq. ft.	Two (2) spaces
Over 20,000 sq. ft.	One (1) space for each additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual--or special conditions are due consideration.

4.030. Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses, non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations of any district in which such use is located:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-2, I-1, or I-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.

- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, a Temporary Use Permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit In Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Second South Cheatham Utilities System and the Cheatham County Health Department, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
- F. Fireworks Sales: In any C-2, I-1, or I-2 District, a Temporary Use Permit may be issued to sell fireworks. The maximum length of permit for the display and sales shall be twenty-five (25) days. The parcel upon which the temporary use is located shall be no less than five hundred (500) from other similar uses as measured from structure to structure, and no residential structure shall be within three hundred (300) feet from the temporary use site. All applicable provisions as cited within other portions of the city code must be satisfied. Such activity shall only permitted on lots where adequate off-street parking can be provided.
- G. Produce or Farm Stand: In any NON-RESIDENTIAL zoning district, a Temporary Use Permit may be issued for the temporary establishment of roadside farm stands. Such produce stands shall be open for no more than six (6) months per year. These stands shall neither block nor be located in any street right-of-way, and shall be a minimum of ten (10) feet from the paved surface of the street. All sight distance requirements as cited within this ordinance shall apply when said use or activity is situated within seventy-five (75) feet of any street intersection, and all temporary signage therewith shall be affixed to the stand and when added together shall not exceed thirty-five (35) feet in area. All advertising shall pertain to produce sold at the stand. Such use shall only be allowed on lots where adequate off-street parking can be provided.

4.040. Customary incidental home occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration shall be made to any building which is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine in which zone said home occupation shall be located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050. Fall-out shelter restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, SECTION 4.080, shall be met.

4.070. Planned development regulations. (Deleted by Ordinance 05-002, May 25, 2005)

4.080. Development standards for mobile home parks. The following land development standards shall apply for all mobile home parks:

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

C. Dimensional Requirements for Parks:

1. Each mobile home park shall have a front yard setback of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

D. Dimensional Requirements for Mobile Home Spaces: Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers. For double-wide mobile homes each space shall be at least sixty (60) feet wide.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile home parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad which shall extend well beyond the exterior dimensions of the mobile home it serves, which at a minimum shall be twelve (12) feet by fifty (50) feet, and shall be constructed of four (4) inches of compacted gravel.

6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

No mobile home park shall be permitted unless such park is served by a public water supply.

E. General Requirements:

1. Roads within the mobile home park shall be paved to a width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in the Kingston Springs Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut the access road as described in Subsection E.1, of this section.
3. Each mobile home space shall be provided with a connection to city's sanitary sewer line, or be served by another acceptable sanitary sewerage system.
4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tiedowns of mobile homes.

F. Plans and Schedules Required: The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location, and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. A comprehensive drainage plan.
10. The location of all existing and proposed utilities (water and sewer lines) serving the mobile home park. If the park is to be served by private sewerage systems, adequate information describing the type and location of such private system(s). If septic tanks are to be used, a soils map or percolation map must be submitted showing the approved drainfield location on each individual mobile home lot (space area).
11. Such other architectural, engineering, and topographical data as may be required to permit the local health department, the Kingston Springs Building Inspector, the staff planner, and the Board of Zoning Appeals to determine if the provisions cited in ARTICLE VII, SECTION 7.050, of these regulations, are being complied with shall be submitted with the site plan.
12. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
13. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of SECTION 6.010, of this ordinance.

G. Application for Mobile Home Park Building Permit: An application for a permit to develop and construct a mobile home park shall be filed in accordance with the requirements of ARTICLE VII, SECTIONS 7.020 and 7.050, of this ordinance, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules, herein required, shall be submitted to the Kingston Springs Building Inspector and staff planner. The Building Inspector and staff planner shall dully review with other affected agencies and departments.
2. The Kingston Springs Building Inspector and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.090. Development standards for automobile wrecking, junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlines above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they shall not catch and hold water in which mosquitoes may breed and so that they shall not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to lower property values and/or to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within and enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in ARTICLE IV, SECTION 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
 - 3. Other applicable requirements of Section 3.090 shall be met.
- G. Application for Automobile Wrecking, Junk, or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Kingston Springs until he has secured a permit from the Kingston Springs Board of Zoning Appeals. An application for said permit shall be filed in accordance with the requirements of ARTICLE VII, SECTION 7.050, of this ordinance, and shall be accompanied by a detailed site plan, a schedule for construction, and any other information as herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule set forth in SECTION 7.050.

4.100. Floodplain district regulations. (Amended Section 4.100 thru Subsection 4.130.7, and Renumbering Sections Following by Ordinance 03-004, July 17, 2003)

4.100.1. Findings of fact. The flood hazard areas of Kingston Springs, Tennessee, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected" from flood damages.

4.100.2. Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

4.100.3. Objectives. The objectives of this section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

7. To insure that potential home buyers are notified that property is in a flood area, and
8. To maintain eligibility for participation in the National Flood Insurance Program.

4.100.4. Land subject to flood. In applying the provisions of this article, land subject to flood shall be defined as follows:

1. Along the Harpeth River, Turnbull Creek, and Other Waterways Having Special Flood Hazards by the Federal Insurance Administrator (FIA)

The areas of special flood hazard identified on the **Town of Kingston Springs, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Number 470289- Effective Date: December 6, 1999**, and all subsequent revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Kingston Springs, Tennessee, Official Zoning Map.

2. Along Other Small Streams and Watercourses

The lands lying within one hundred (100) feet, of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger of flooding, or that adequate measures have been taken to allow the watercourse to safely accommodate floodwaters. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data as the Planning Commission may reasonably require to make its determination of the flood susceptibility of the property.

3. Along Sinkholes and Other Low Places

All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation would be safe from the danger of inundation by the 100-year flood.

4.100.5. Application of the district. To enable the district to operate in harmony with the plan for land use and population density embodied in this ordinance, the Floodplain District (FP) is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the zoning map. Except where in conflict with the specific requirements of the Floodplain District (FP), permitted uses, accessory uses, minimum lot requirements, minimum yard requirements, maximum height, and requirements for off-street parking and loading shall be determined by the requirements of the basic district regulations contained elsewhere in this ordinance.

4.100.6. Requirement for development permit. A development permit shall be required in conformity with this article prior to the commencement of any development activity with the following exception: No development permit shall be required for any accessory structure, as defined by this article of a value less than five thousand dollars (\$5,000).

4.100.7. Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this article conflicts or overlaps with another provision of this ordinance or any other ordinance, whichever imposes the more stringent restrictions shall prevail.

4.100.8. 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 consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Kingston Springs, 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, thereunder.

4.100.9 Floodplain alterations. All floodplain alterations that result in the reduction of floodplain storage volume are prohibited.

No alterations that are required for acceptable open space uses can be made to floodplain land and drainage channels without the written approval of the Planning Commission. All applicable requirements of these regulations and, in addition, the following specific conditions must be met before such approval may be granted:

1. The proposed excavation, filling, or change of alignment of any existing channel under the jurisdiction of the U.S. Corps of Engineers and/ or the State of Tennessee shall be approved by same.
2. The plan shall be approved by the Kingston Springs Planning Commission. Any duly approved revision of the floodplain will be so noted on the official zoning map as a matter of information. This notation will be made upon certification by the Director of the Kingston Springs Department of Public Works (KSDPW) to the Planning Commission that such alteration has been completed in accordance with the approved plan.

4.110. Supplementary definitions. The following definitions are to be used for interpreting the provisions of this article only. These definitions are not intended to permit uses that may be prohibited by the base zoning district.

ACCESSORY STRUCTURE: Shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (1) Accessory structures shall not be used for human habitation.
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

ACT: Means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

ADDITION (TO AN EXISTING BUILDING): Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

AREA OF SHALLOW FLOODING: Means a designated A0 Zone, on the Flood Insurance Rate Map (FIRM), with one (1) or greater annual chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may not 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: Is the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Equivalent to the 100-year floodplain.

BASE FLOOD: Means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASEMENT: means that portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING: For purposes of this section, means any structure built for sport, shelter, or enclosure for any occupancy or storage. (See STRUCTURE.)

CRITICAL AREA: A site subject to erosion or sedimentation as a result of cutting, filling, grading or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure or other conditions.

CUT: Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

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

ELEVATED BUILDING: Means a nonbasement building: (1) built to have the bottom lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers); (2) and 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. In the case of Zones A1-30, AE, A, A99, AH, B, C, X, or D, "elevated building" also includes a building elevated

by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EROSION: Means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

EXISTING STRUCTURES: (See EXISTING CONSTRUCTION.)

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING: Means water from a river, stream, watercourse, lake or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

FLOOD ELEVATION DETERMINATION: Means a determination by the Administration of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater-chance of occurrence in any given year.

FLOOD ELEVATION STUDY: Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD--BOUNDARY MAP (FHBM): Means 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, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM): Means 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: Is 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: Means any land area susceptible to being inundated by water from any source (see definition of FLOODING).

FLOODPLAIN MANAGEMENT: Means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOOD PROTECTION SYSTEM: Means those physical structure works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

FLOOD-RELATED EROSION: Means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or 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: Means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

FLOODWAY: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

FUNCTIONALLY DEPENDENT FACILITY: Means a facility which cannot be used for its intended purpose, unless it is located or carried out in close proximity to water. The term includes only docking facilities, or port facility 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 or related manufacturing facilities, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

HIGHEST ADJACENT GRADE: Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE: Means any structure that is:

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

- (2) Certified or preliminary determined by the Secretary of the Interior, as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or b.
 Directly by the Secretary of the Interior in states without approved programs.

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

LEVEE SYSTEM: Means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including 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 nonelevation design requirements of this ordinance.

MANUFACTURED HOME: Means a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be unproved property.

MANUFACTURED HOME PARK OR SUBDIVISION: Means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP: Means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

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

NATIONAL GEODETIC VERTICAL DATUM (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION: Means 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: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

100-YEAR FLOOD: See BASE FLOOD.

PERSON: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

RECREATIONAL VEHICLE: Means a vehicle which is: (1)

Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection; (3)

Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

RIVERINE: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL HAZARD AREA: Means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM, as Zone A, AO, A1-30, AE, A99, or AH.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, 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 building. 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) means 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: For purposes of this section, means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground.

SUBSTANTIAL DAMAGE: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. 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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent, of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

WATER SURFACE ELEVATION: Means the height, in relation to the Nation Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

4.120. Administration and enforcement.

4.120.1. Permit and review process

1. Development Permit Required

Within the floodplain districts:

- a. No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate development permit for each such building or structure.
- b. No man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained for each such change.
- c. No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home.

2. Permit Procedures

a. Application Stage

Application for a Development Permit shall be made to the Zoning Administrator on forms furnished by him or her prior to any development activities, and shall include, but not be limited to, the information required by this Ordinance and The Stormwater Management Ordinance (Ordinance 93-007) and all information 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, and the location of the foregoing.

b. Permit Review

Before a development permit is issued, the Zoning Administrator shall confirm that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including Section 404, of the Federal Water Pollution Control Act Amendments, of 1972.

4.120.2. Construction and use to be as provided in application. plans and permits.

Development permits or conditional use permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and enjoined or punishable as provided by this Ordinance.

4.120.3. Base flood and floodway data. All applications for proposed projects within areas of special flood hazard shall provide base flood elevations and floodway data to establish floodplain easements. Areas of special flood hazard along with base flood elevation and floodway data for many streams in the county are available from the Flood Insurance Rate Map (FIRM), KSDPW Map revision files, and any work to develop master plans for selected watersheds. All proposed developments near streams included in these studies must be designed in accordance with the provisions of these regulations.

If a project is located in an unnumbered A Zone, the applicant shall provide base flood elevation and floodway data as documented in a Floodplain Report when the project is greater than the lesser of fifty (50) lots or five(5) acres. In addition, a Floodplain Report shall be required for areas outside unnumbered A Zones, when the stream has a drainage area of one square mile or greater. Approximate methods for flood level determination may be used if prior approval is granted.

The Floodplain Report shall consist of plan and profile data and water surface elevation calculations. The plan view shall show the floodplain water surface limits, floodplain easement lines, base line, cross section stations, and adjacent boundaries. The profile should show stream invert, cross section stations, and computed water surface elevations. The report should also show the drainage divides on the plan and the ultimate zoning categories used.

Base flood elevation and floodway data submitted by the applicant for areas previously without such data or for areas not studied by FEMA, shall be reviewed by KSDPW and if acceptable, shall be processed for adoption as part of the official floodplain management data for these regulations. When the base flood elevation and floodway data submitted by the applicant results in a deviation from the data developed by FEMA, such deviations shall become official following review and approval by both the Town and FEMA. All costs for FEMA review and engineering studies shall be borne by the applicant.

4.130. Provisions for flood hazard reduction.

4.130.1. General Standards. In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements above existing surface elevations are prohibited.
2. New and replacement water supply systems shall be designed to maintain or eliminate infiltration of floodwaters into the system.
3. New and replacement sanitary sewage systems shall be designed to maintain or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
4. Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
5. Any alteration, reconstruction, or improvements to a structure that is located within, the one hundred year floodplain is prohibited. Repairs to an existing structure may be allowed if all other requirements of these regulations are satisfied.
6. Roadways, parks, golf courses and other uses not requiring permanent structures designed for human occupancy may be constructed in the floodplain.

4.130.2. Standards for areas of special flood hazard with established base flood elevation and floodways designated. In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE, AO, AH, and A99 Zones, and where a regulatory floodway has been provided, as set forth in Subsection 4.130, (Land Subject to Flood) the following provisions are required.

1. Residential Construction

New building construction or substantial improvement of any residential structure or other building designed for human occupancy is prohibited.

2. Nonresidential Construction

New building construction or substantial improvement of any commercial, industrial or other non-residential structure is prohibited.

4.130.3. Floodways and floodplains. Areas designated as floodways or floodplains are located within areas of special flood hazard. The floodway is an extremely hazardous area because of the velocity of floodwaters, which can carry debris and potential projectiles and have erosion potential.

The following provisions shall apply to floodways:

1. Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited within the floodway unless certification (with supporting technical data) by a registered engineer is provided demonstrating that the floodway as shown is in error. The applicant shall be responsible, at no expense to the Town of Kingston Springs, for obtaining a revision to the FEMA Floodway Map reflecting the revised floodplain and floodway prior to commencement of any development on the land in question.
2. If Item 1, above, is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of these regulations.

The following provisions shall apply to floodplains:

1. Encroachments, including fill, of non-structural uses such as roadways, golf courses, parks and utilities may be allowed upon approval of the Board of Zoning Appeals. Encroachments shall result in no net loss of flood storage within the floodplain. (Fill must be compensated by cut).
2. If certification (with supporting technical data) by a registered engineer is provided demonstrating that the floodplain as shown is in error, floodplain restrictions are removed. The applicant shall be responsible, at no expense to the Town of Kingston Springs, for obtaining a revision to the FEMA Floodway Map reflecting the revised floodplain prior to commencement of any development on the land in question.
3. If Item 1, above, is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of these regulations.

The open space uses listed below shall be permitted within the floodway and/or floodplain to the extent that they are not prohibited in a particular area by any base zoning district and all applicable flood hazard reduction provisions of these regulations are met. Any grading associated with the uses listed below shall result in no net loss of floodwater storage volume. A permit for work in the Floodplain will be required.

1. Agricultural uses such as general farming, pasture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation; some examples are parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game and skeet ranges, and hunting, fishing, and hiking areas. Temporary structures placed on a site for less than one hundred-eighty (180) consecutive days that are not intended to be improved property.
3. Utility facilities such as flowage areas, transmission lines, pipelines, water monitoring devices, roadways, and bridges.
4. Parking Lots. Parking lots within the floodplain and subject to inundation shall have flood warning signs posted and visible from all parking areas subject to inundation.

4.130.4. Standards for streams without established base flood elevations. It is intended that all construction whether within or adjacent to delineated floodplains, shall be subject to the provisions of these regulations. Exceptions to this standard may be granted on appeal to the Board of Zoning Appeals based on a demonstration that the regulatory elevation is so conservative as to place an unreasonable burden upon developers or property owners.

For proposed developments located near small streams where no base flood data or floodways have been provided or required under the Federal Flood Insurance Program or by Section 4.120.3, of these regulations, the following provisions apply:

1. No encroachments, including fill material and structures, shall be located within a minimum distance of twenty-five (25) feet from the top of the stream bank on each side or thirty (30) feet from the centerline of a stream channel, whichever is greater. Work within the floodplain will be subject to the same provisions of this ordinance that apply to streams with established Base Flood Elevations.
2. The base flood elevation and 100-year floodplain may be determined by an appropriate approximate method. The property owner shall determine the extent of the 100-year floodplain by certification (with supporting technical data) by a registered engineer demonstrating the 100-year flood elevation and the extent of the floodplain.

4.130.5. Standards for areas of shallow flooding (AO Zones). Designated shallow flooding areas are located within the areas of special flood hazard. 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. Thus, the following provisions apply:

1. All new construction and substantial improvements of residential structures are prohibited.
2. All new construction and substantial improvements of nonresidential structures are prohibited.

4.130.6. Standards for small streams, watercourses and sinkholes. Located within the Town of Kingston Springs are streams and sinkholes where areas of special flood hazard are neither indicated nor base flood data or floodways provided. Within these areas the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within a:ti area at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer or licensed surveyor 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.
2. Within any identified sinkhole, the following shall apply:
 - a. All new residential buildings shall be elevated at least one (1) foot above the lowest point within the rim of the sinkhole and all nonresidential buildings shall be elevated or floodproofed to or above that elevation, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation, assuming conditions of the base flood discharge and only normal ground absorption within the sinkhole, to the rim of the sinkhole.
 - b. In no event, however, shall any residential building be located lower than or any nonresidential building be located or floodproofed to any elevation lower than one (1) foot above the elevation of the 100-year flood.

4.130.7. Standards for subdivision proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres.

4.140. Minimum residential front yard requirements on turn-arounds of cul-de-sac streets. On all lots directly fronting turn-arounds in residential zoning district the minimum required lot widths at the front building setback lines as stipulated in Article V, for each respective zoning district therein may be reduced by thirty (30) percent of said residential district requirement. This supplemental exemption is designed to foster improved siting of principal structures on such turn- arounds. **(Amended by Ordinance 02-001, February 21, 2002)- (Renumbered by Ordinance 03-004, July 17, 2003)**

4.150. Development standards as apply to multi-family dwellings. **(Renumbered by Ordinance 03-004, July 17, 2003)**

A. Purpose

The provisions set forth herein are intended to provide a limited number of basic design standards for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically these provisions are intended to supplement the plot (site) plan provisions located in Article III, Section 3.120, in an effort to establish safe, attractive, and efficient design patterns thereof.

B. Development Standards

1. No multi-family structure shall contain more than twelve (12) dwelling units per floor in a single building or structure.
2. No two adjoining multi-family structures shall be located at a uniform setback from any front, side or rear property line of the zone lot being developed, unless such zone lot contains severe natural constraints such as very steep topographic slopes, large water bodies, a very narrow, or odd-shaped configuration, etc., as determined by the, planning commission. Every effort shall be made to stagger the setback of adjoining structures by no less than ten (10) feet from exterior property lines.
3. At a minimum, there shall be a dimension of no less than thirty (30) feet between any two structures, as well as between any structure or building and any exterior property line.

4.160. Development standards applying to duplex residential dwellings, as well as zero-lot line two-family dwellings. **(Renumbered by Ordinance 03-004, July 17, 2003)**

A. Purpose

The provisions set forth herein are intended to apply to all two-family detached dwellings (duplex and zero-lot line two-family dwellings) as defined by this ordinance regardless of the district in which such uses may be located. It is the express purpose of these regulations to establish design criteria and to provide for the implementing of these provisions by the board of zoning appeals in the review of applications for special exceptions, as required in Section 7.060, within Article VII, which are required for all zero-lot line, two-family dwelling develop1ments. Moreover, these provisions provide for the implementation of these standards by the planning staff through the review of applications for building permits, or by the planning commission through the review of subdivision plats in the case of duplex dwellings. Provided, however, that in any instance where such uses are located within planned unit developments, this requirement may be fulfilled by submission of the plans required as cited in Article V, Section 5.080.

B. Design Criteria

1. All two-family detached units constructed on individual zone lots shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door servicing the front of the structure.
2. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.
3. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise, when required by the board of appeals, planning staff, or planning commission, as applicable.
4. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant materials shall be added for privacy, beauty of buildings and grounds, and to screen objectionable features.
5. Appropriate notations verifying these standards shall be placed on the application form for a building permit when a subdivision of land is not involved in the review and approval of a duplex, or on the applicable subdivision plat whenever duplex dwellings are involved. Such notations shall be placed on the plans to be reviewed by the board of zoning appeals as special exceptions whenever zero lot-line dwellings are involved. Architectural drawings and perspective illustrations may be required to substantiate compliance with the design criteria within this section if required by the appropriate approving person, board, or commission in question.

C. Lots

The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective district.

D. Parking

1. These requirements shall supplement the parking provisions contained in Section 4.010, of Article IV.
2. No off-street parking areas shall be located in the front of the structure. Every effort shall be made to locate some of the required off-street parking in the rear yard, as well as in the side yard.

4.170 Special provisions for mini-warehouse facilities (self-service storage facilities). **(Renumbered by Ordinance 03-004, July 17, 2003)** In any zoning district where authorized, the following supplementary regulations shall apply mini-warehouse and self-service storage facilities.

- A. No self-storage facility shall be approved upon a lot less than two (2) acres in size.
- B. All storage shall be kept within an enclosed building, except propane or a gasoline engine or storage tanks or any boat or vehicle incorporating such components, which shall be stored in designated screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
- C. A barrier shall be provided around the perimeter of the facility. Said barrier shall be located at the front setback line as well as along the sides and the rear of the project, and shall consist of either the solid facades of the storage buildings or a fence. If the barrier is to be provided by a fence, said fence shall be a minimum of six (6) feet in height and shall be constructed of opaque or semi-opaque materials that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood, or similar materials, but expressly prohibiting woven wire.
- D. No business activity other than the rental of storage units and pick-up or deposit of dead storage shall be conducted on the premises. All contracts for rental of self-storage facilities shall include clauses prohibiting the storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals, and the use of the property for any purpose other than dead storage. Examples of prohibited activities include, but are not limited to the following:
 - 1. Auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
 - 2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment
 - 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
 - 4. The establishment of a transfer or commercial warehouse business.
- E. One (1) parking space for every two hundred (200) square feet of storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.
- F. Driveway aisles shall be a minimum of twenty-four (24) feet in width. A driveway aisle where access to storage units is only on one side of the aisle may be twenty (20) feet in width.
- G. The maximum size of a storage unit shall be six hundred (600) square feet, and no more than four thousand (4,000) square feet shall be leased to a single tenant.
- H. All outdoor lighting shall be shielded so as to direct light and glare only onto the premises of the self-service storage facility and away from all adjoining property. Such lighting shall be sufficient to discourage vandalism and theft
- I. All mini-warehouse facilities shall be adequately landscaped.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of districts
- 5.020 Zoning map
- 5.030 Zoning district boundaries
- 5.040 Zoning of annexed territory
- 5.050 Specific district regulations
- 5.060 Special overlay district description and purpose
- 5.070 General provisions
- 5.080 Administrative procedure
- 5.090 RPUD, Residential planned unit development overlay districts
- 5.100 CPUD, Commercial planned unit development overlay districts

5.010. Classification of districts. For the purpose of this ordinance, the following zoning districts are hereby established in the City of Kingston Springs, Tennessee:

Zoning District	District Abbreviation
Low-Density Residential-Agricultural	R-1A
Low-Density Residential	R-1
Medium-Density Residential	R-2
High-Density Residential	R-3
Central Business	C-1
Highway Service	C-2
Neighborhood Service Business	C-3
Light Industrial	I-1
Heavy Industrial	I-2
Floodway	F-1

5.020. Zoning Map. The location and boundaries of the zoning districts established by this ordinance are founded and defined as shown on the map designated as the Official Zoning Map of Kingston Springs, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the adopted Official Zoning Map and amendments thereto shall be maintained in the office of the City Manager and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030. Zoning district boundaries. Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad, and the center of streams when applicable. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such distance boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Kingston Springs Board of Zoning Appeals.

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

5.040. Zoning of annexed territory. All territory which may hereafter be annexed to the City of Kingston Springs shall be zoned "Low-Density Residential, R-1." Such annexed territory shall retain such zoning classification until such time as the necessary studies are made by the planning commission and the Official Zoning Map is amended in the manner provided in ARTICLE VII, SECTION 7.090.

5.050. Specific district regulations. The following regulations shall apply in the ten (10) zoning districts established in SECTION 5.010, of this ordinance.

5.051. Residential Districts. The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet - the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites and building types;
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open

areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and non-monotonous building forms, by providing freedom of architectural and site design;

5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenue.

5.051.1. R-1A. Low-Density Residential-Agricultural District. A.

District Description:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance, as well as accommodate existing agricultural endeavors. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses, as well as planned developed uses, and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics, if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-1A, Low-Density Residential-Agricultural District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwellings (excluding mobile homes).

3. Customary accessory buildings, including private garages and noncommercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE N, SECTION 4.030.
5. Agriculture.

C. Uses Permitted as Special Exceptions:

In the R-1A, Low-Density Residential-Agricultural District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Family day care homes.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Country Clubs.

D. Uses Prohibited:

Mobile homes; mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-1A, Low-Density Residential-Agricultural District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Minimum Area per Single Detached Dwelling with public water without public water	1 acre 3 acres
Lot Width at Building Setback Line	
for 1 acre	125ft.
for 3 acres	150ft.

2. Minimum Yard Requirements:

Front Setback	
for 1 acre for 3 acres	45ft. 50 ft.
Side	20ft.
Rear	30ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed twenty-five (25) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.020.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051.2. R-1. Low-Density Residential District. A.

District Description:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except

that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwellings (excluding mobile homes).
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.030.
5. Agriculture.

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Family day care homes.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Bed and Breakfast Home Residences.

D. Uses Prohibited:

Mobile homes; mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-1, Low-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area	30,000 sq. ft.
Area Per Family	30,000 sq. ft.
Lot Width At Building Setback Line	120ft.

2. Minimum Yard Requirements:

Front Setback	40ft.
Side	15ft.
Rear	25ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051.3. R-2. Medium-Density Residential District. A.

District Description:

This district is designed to provide suitable areas for medium density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally this district will be characterized by single- and two-family (duplex) detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the district, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an

integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-2, Medium-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwellings (excluding mobile homes).
3. Duplex dwelling.
4. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
5. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.030.
6. Agriculture.

C. Uses Permitted as Special Exceptions:

In the R-2, Medium-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering equal education courses.
3. Family day care homes.
4. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
5. Utility facilities (without storage yards) necessary for the provision of public services.

6. Government buildings and community centers.
7. Cemeteries.
8. Zero lot line dwellings (duplexes), subject to requirements of ARTICLE VI, SECTION 6.090
9. Bed and Breakfast Home Residences. D.

Uses Prohibited:

Mobile home parks; Mobile homes; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-2, Medium-Density Residential shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Single Detached	15,000 sq. ft.
Dwelling	15,000 sq. ft.
Duplex	15,000 sq. ft.
Area Per Family- Single Detached	
Dwelling	15,000 sq. ft.
Duplex	7,500 sq. ft.
Lot Width at Building Setback Line	100ft.

2. Minimum Yard Requirements:

Front Setback	40ft.
Side	15ft.
Rear	20ft.

3. Maximum Lot Coverage: On any lot or parcel of land the area occupied by all buildings including accessory building may not exceed thirty (30) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051.4. R-3. High-Density Residential District. A.

District Description:

This district is designed to provide suitable areas for high density residential development where sufficient urban facilities are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single- and two-family (duplex) detached dwellings, and mobile home parks. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-3, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Duplex dwelling.
4. Multi-family dwellings.
5. Boarding and rooming houses.
6. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
7. Customary incidental home occupations as regulated in ARTICLE IVSECTION 4.030.

C. Uses Permitted as Special Exceptions:

In the R-3, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Family day care homes.
4. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Mobile home parks as regulated in ARTICLE IV, SECTION 4.080.
9. Zero lot line dwellings (duplexes), subject to the requirements of ARTICLE VI, SECTION 6.090.
10. Bed and Breakfast Home Residences. D.

Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-3, High-Density Residential District shall comply with the following requirement except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area Single Detached Dwelling	12,000 sq. ft.
Duplex Dwelling Multi-Family Dwelling Area	12,000 sq. ft.
Per Family - Single Detached	15,000 sq. ft.
	12,000 sq. ft.

Duplex	6,000 sq. ft.
Multi-Family	3,000 sq. ft.
Lot Width at Building Setback Line -	
Single Detached	75ft.
Duplex	75ft.
Multi-Family	100ft.

2. Minimum Yard Requirements:

Front Setback	35ft.
Side - Single Detached Dwelling	10 ft.
Duplex	12 ft.
Multi-Family Dwelling	15 ft.
Rear	20ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

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

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.

4. To provide sufficient space in appropriate locations for commercial districts to satisfy specific functional needs of Kingston Springs, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of Kingston Springs, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Kingston Springs' tax revenues.

5.052.1. C-1, Central Business District

A. District Description

This district is designed to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relative high density and high intensity of use is permitted in this district.

B. Uses Permitted

In the C-1, Central Business District, the following uses and their accessory uses are permitted:

1. Retail establishments.
2. Professional, finance, insurance, real estate, personal, business and repair services.

3. Manufacturing, provided it is incidental to the retail business or service which sells the made products on the premises and that such manufacturing activity occupied less than forty (40) percent of the floor area and employs not more than five (5) operators.
4. Hotels, motels and boarding houses.
5. Commercial amusement establishments.
6. Churches and other places of assembly.
7. Mortuaries.
8. Newspaper and printing plants.
9. Governmental buildings and community centers.
10. Utility facilities (without storage) necessary for the provision of public services.
11. Communication services.
12. Educational services.
13. Signs and billboards as regulated in City Sign Ordinance.
14. Medical offices, clinics, etc.
15. Nursing homes.
16. Florist shops.
17. Medical and dental laboratories.
18. Offices providing advice, design, or consultation of a professional nature, i.e., lawyers, accountants, engineers, architects, etc.'
19. Day care centers.

C. Uses Permitted as Special Exceptions:

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Automotive parking lot.
2. Adult oriented business establishments such as adult arcades, adult bookstores, adult video stores, adult entertainment establishments, adult motion picture theaters, and adult cabarets.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses, except those which are located within and incidental to permitted uses; automobile wrecking, junk, and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-1, Central Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-1, District.
2. Minimum Yard Requirements: Front yard- 25 feet. If a building or buildings on an adjacent lot or lots provide front yards less than 20 feet in depth, a front yard equal to the average of adjacent yards shall be provided. Rear yard - 20 feet. Side yard - none is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
3. Maximum Lot Coverage: There is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
4. Height Requirement: The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in ARTICLE VI, SECTION 6.030.
 - a. The maximum building height at the street line shall be four stories or fifty (50) feet.
 - b. For each foot the building is set back from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty-five (65) feet.
 - c. All buildings taller than three (3) stories or thirty-five (35) feet in height shall make on-site provisions for the installation of adequate fire protection facilities via a sprinkler system

and/or water storage tank(s), as are necessary. The Board of Zoning Appeals shall determine the adequacy of such system(s).

5. Parking Space Requirements: As regulated in ARTICLE N, SECTION 4.010.

5.052.2. C-2. Highway Service District.

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries.

B. Uses Permitted:

In the C-2, Highway Service District, the following uses and their accessory uses are permitted:

1. Retail Trade:

- (a) Building materials, hardware, and farm equipment,
- (b) General merchandise;
- (c) Food;
- (d) Appropriately licensed dealerships for automotive, marine craft, aircraft and accessories; (Amended by Ordinance 02-006, February 20, 2003)
- (e) Apparel and accessories;
- (f) Furniture, home furnishings, and equipment;
- (g) Eating and drinking;
- (h) Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.

2. Hotels, motels, and tourist courts.
3. Churches and mortuaries.
4. Professional services.
5. Gasoline service stations subject to the provisions of ARTICLE IV, SECTION 4.060.
6. Commercial recreation uses.
7. Signs and billboards as regulated in City Sign Ordinance.
8. Finance, insurance and real estate services.
9. Personal services.
10. Business services.
11. Repair services.
12. Governmental services.
13. Educational services.
14. Transportation, communication and utility services.
15. Medical offices, clinics, etc.
16. Nursing homes.
17. Florist shops.
18. Medical and dental laboratories.
19. Offices providing advice, design, or consultation of a professional nature, i.e., lawyers, accountants, engineers, architects, etc.
20. Credit bureau offices.
21. Banks and savings and loan associations.
22. Real estate, insurance, and other related business offices.
23. Day care centers.
24. ~~Mini-storage warehouse facilities.~~
(Deleted by Ordinance 015-005, June 18, 2015)

C. Uses Permitted as Special Exceptions:

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Travel trailer parks and overnight campgrounds. D.

Uses Prohibited:

Industrial uses; warehousing and storage uses, except those which are located within an incidental to permitted use; truck terminals, junkyards, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a specific exception.

E. Dimensional Regulations:

1. Minimum Lot Size: No minimum lot size shall be required in the C-2 District.

2. Minimum Yard Requirements:

Front Setback -
Side-

Thirty-five (35) feet

None is required. However, if an open area extending along a side lot line is provided, it shall be at least fifteen (15) feet wide, and it shall be unobstructed.

Rear-

Twenty (20) feet

3. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-2 District.
4. Height Requirements: No building or structure shall exceed forty (40) feet in height, with the exception of ground signs and billboards situated within two hundred (200) feet of Interstate Highway 40 to which a sixty (60) foot maximum height requirement shall apply. Those specific types of structures as specified in ARTICLE VI, SECTION 6.050 are also exempted from this maximum height limitation of forty (40) feet. All buildings taller than three (3) stories or thirty-five (35) feet in height shall make on-site provisions for the installation of adequate fire protection facilities via a sprinkler system and/or water storage tank(s), as are necessary. The Board of Zoning Appeals shall determine the adequacy of such system(s).
5. Parking Space Requirement: As regulated in ARTICLE IV, SECTION 4.010.

5.052.3. C-3, Neighborhood Service Business District: A.

District Description:

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted:

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
2. Personal service establishment which performs services on the premises such as repair shops (radio, television, shoe and etc.), beauty parlors or barbershops and self-service laundries.
3. Day care centers.
4. Signs regulated in City Sign Ordinance. C.

Uses Permitted as Special Exceptions:

No uses shall be permitted as special exceptions in the C-3 District. D.

Uses Prohibited:

In the C-3, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor and package stores.

E. Dimensional Regulations:

All uses permitted in the C-3, Neighborhood Service Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: The minimum lot size in the C-3 District shall be 10,000 square feet.
2. Minimum Yard Requirements:

Front Setback	25 feet
Side	20 feet
Rear	20 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total lot area of such lot or parcel.
4. Height Requirement: No building shall exceed thirty-five (35) feet in height except as provided in Article VI, Section 6.030.

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

1. To provide sufficient space, in appropriate locations, to meet the needs of Kingston Springs' expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate

matter, and other hazards, or which create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.

5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land as well as the most suitable location of such building development, to promote stability of industrial and related development, to strengthen the economic base of the Kingston Springs area, to protect the character of these districts and their peculiar suitability for particular uses, and to conserve the value of land and buildings, therein while protecting and maximizing Kingston Springs' tax revenues.

5.053.1. I-1, Light Industrial District. A.

District Description:

This district is designed to accommodate a wide range of industrial and related uses which conform to high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to the allowable industrial uses are also permitted.

B. Uses Permitted:

In the I-1, Light Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.

5. Printing, publishing and allied industries.
6. Stone, clay, and glass products manufacturing.
7. Fabricated metal products manufacturing except ordinance and accessories.
8. Professional, scientific, and controlling instruments, photographic and optical goods, watches and clocks manufacturing.
9. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.
10. All types of wholesale trade.
11. Office functions only where they are directly related to the industrial establishment in which they are located.
12. Signs and billboards as regulated in City Sign Ordinance.
13. Warehouse and storage facilities including mini-storage warehouse facilities (Amended by Ordinance 015-005, June 18, 2015)
14. Agricultural equipment sales and repair.
15. All public utilities including buildings, necessary structures, storage yards and other related uses.
16. Animal health facilities including veterinary clinics.
17. Building materials storage and sales.
18. Airports.
19. Mini-storage warehouse facilities. C.

Uses Permitted as Special Exceptions:

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Retail and convenience.
2. Special institutional care facilities.

D. Uses Prohibited:

All uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size is required in the I-1 District.
2. Minimum Yard Requirements:

Front Setback	30 feet
Side	30 feet
Rear	30 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel
4. Height Requirements: No building shall exceed fifty (50) feet in height, except as provided in ARTICLE VI, SECTION 6.030. All buildings taller than three (3) stories or thirty-five (35) feet in height shall make on-site provisions for the installation of adequate fire protection facilities via a sprinkler system and/or water storage tank(s), as are necessary. The Board of Zoning Appeals shall determine the adequacy of such system(s).
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.053.2. I-2, Heavy Industrial District. A.

District Description:

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Kingston Springs area. No new residential developments are permitted, thereby insuring protection of such developments from an undesirable environment while at the same time insuring adequate areas for industrial activities.

B. Uses Permitted:

In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted:

1. Uses that are permitted in the I-1, Light Industrial District.
2. Lumber and wood products manufacturing.
3. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap or salvage materials.
4. Meat products manufacturing.
5. Dyeing and finishing of textiles.
6. Paper and allied products manufacturing.
7. Chemical and allied products manufacturing.
8. Petroleum refining and related industries.
9. Rubber and miscellaneous plastic products manufacturing.
10. Primary metal industries.
11. Ordinance and accessories manufacturing.
12. Mining activities and related services.
13. Automobile and related manufacturing.
14. Truck terminals.

C. Uses Permitted as Special Exceptions:

In the I-2, Heavy Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Automobile wrecking, salvage, and junk yards, subject to provisions of ARTICLE IV, SECTION 4.090.

2. Solid waste disposal, subject to the approval of the Cheatham County Health Department, the Tennessee Department of Environment and Conservation and the Kingston Springs Board of Mayor and Councilmen.
3. Special institutional care facilities. D.

Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-2, Heavy Industrial District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size is required in the I-2 District.
2. Minimum Yard Requirements:

Front Setback	40ft.
Side	40ft.
Rear	40ft.
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.
4. Height Requirements: No building shall exceed eighty (80) feet in height, except as provided in ARTICLE VI, SECTION 6.030. All buildings taller than three (3) stories or thirty-five (35) feet in height shall make on-site provisions for the installation of adequate fire protection facilities via a sprinkler system and/or water storage tank(s), as are necessary. The Board of Zoning Appeals shall determine the adequacy of such system(s).
5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

5.054. Floodway District. The Floodway District established by this ordinance is designed to promote the public health, safety, and general welfare and to minimize or eliminate loss of life and property, health and safety hazards, disruption of commerce and governmental services, unusual public expenditures for flood protection and relief, and impairment of the tax base, by provisions designed to prohibit or restrict developments which are dangerous to health, safety, or property in times of flood or which cause undue increases in flood heights or velocities; to require that developments vulnerable to floods,

including public facilities which serve such developments, shall be protected against flood damage at the time of initial construction; and to protect individuals from purchasing lands which are unsuitable for development purposes because of flood hazard problems.

5.054.1 (Deleted in its entirety by Ordinance 03-004, July 17, 2003)

5.060. Special Overlay District Description and Purpose. **(Added Section 5.060, by Ordinance 05-002, May 25, 2005)** These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

Planned Unit Development Overlay Districts may overlay any of the following residential and commercial districts:

R-1A (served by public water)	C-1
R-1	C-2
R-2	
R-3	

When a Planned Unit Development Overlay District is proposed, permitted uses and density calculations are taken from the underlying base district. However, minimum lot sizes, yards and other dimensional requirements shall be designated by the regulations of the given planned unit development.

5.070 General Provisions **(Added Section 5.070, by Ordinance 05-002, May 25, 2005)**

- A. Master Plan Required. No application for PUD zoning shall be considered unless a preliminary master plan meeting the requirements set forth in this ordinance has been presented to the planning commission.
- B. Ownership and Division of Land. No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered land owners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.
- C. Relationship to Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the Planning Commission.

- D. Development Period, Staging Schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction of buildings or infrastructure shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the review of the PUD and shall proceed to cancel or extend such final master plan depending on the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

- E. Cancellation or Abandonment of a Master Plan. Any approval of a master plan that results in a rezoning is contingent upon the strict compliance of the other provisions of this section. Upon cancellation or abandonment of any master plan, any rezoned property shall revert to its zoning classification it had prior to the approval of the preliminary master plan.

- F. Common Open Space, and Facilities. Any common open space or public facilities shall be subject to the following provisions:

1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
2. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
3. The Planning Commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by scale or otherwise (except to an organization conceived and established to own and maintain the common

open space), without first offering to dedicate the same to an appropriate public agency and said dedication approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.

4. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the Building Inspector may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.
6. If the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - a. The Homeowners' Association must be set up before the lots are sold.
 - b. Membership must be mandatory for each home buyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their pro-rata share of the cost and the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changing needs.
 - g. The Municipal-Regional Planning Commission and the Board may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

5.080. Administrative Procedure. The provisions of this section govern the procedure for approval for all PUDs as provided herein. **(Added Section 5.080, by Ordinance 05-002, May 25, 2005)**

- A. Preliminary Approval. Application for preliminary approval shall be made by the landowner of the affected property or his /her authorized agent in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be filed with the building inspector accompanied by:
1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:
 - a. The location and size of the area involved;
 - b. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas;
 - c. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units;
 - d. Estimated population and density and extent of activities to be allocated to parts of the project;
 - e. Reservation for public uses including schools, parks, and other open spaces;
 - f. Other major landscaping features; and
 - g. The general means of the disposition of sanitary wastes and storm water.
 2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
 3. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
 4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
 5. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
 6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

- B. Zoning Amendment. After review of the preliminary master plan, the Planning Commission shall make recommendations on the amendment to the Board reclassifying the proposed PUD to the appropriate planned unit development overlay district. The request for the zoning amendment submitted to the Board will include the recommended preliminary master plan. A zoning amendment to increase density for residential districts will coincide with the zoning request for a planned unit development overlay district. For example, R-1 property may be rezoned to an R-3, PUD Overlay District in a single action. If the Board approves the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project.
- C. Application for Final Approval. Upon approval of the preliminary master plan and accompanying zone change, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.
- D. Final Approval of Stages. The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development, in compliance with Section 5.070, D, above.
- E. Final Master Development Plan of a Planned Unit Development. The final master plan of a PUD for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:
- The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.
- F. Amendments to the Planned Unit Development. The terms, conditions, and the final master development plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:
- The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master development plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and height of the buildings may be authorized by the Planning Commission if required by engineering

or other circumstances of the location not foreseen at the time of final approval. Major changes, as determined by the planning commission, such as changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other major change must be forwarded to the board after the planning commission has made its recommendations.

- G. Subdivision Plat Required. A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master development plan, a final plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Register.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

- H. Building Reconstruction. In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master development plan. No change in any dimension or location shall be permitted without an official amendment approved by the Planning Commission.
- I. Zoning Considerations. When an area is submitted for PUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load or where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the PUD with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

5.090. RPUD. Residential Planned Unit Development Districts (Added Section 5.090, by Ordinance 05-002, May 25, 2005)

- A. Permitted Uses. Within an approved RPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.
- B. Commercial Activities. In RPUDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD and no individual establishment shall exceed two thousand (2,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

1. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan;
2. The building design shall be compatible with the remainder of the RPUD;
3. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
4. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained at a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards at least ten (10) feet side shall also be maintained.
5. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either nonilluminated or any lighting must be indirect. Portable signs of any kind are prohibited.
6. Any loading service area shall be in the rear of the building.
7. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

C. Dimensional Requirement. All RPUDs shall comply with the following areas regulations: -

1. Minimum Size

Five (5) acres.

2. Front Yard

- a. There shall be a front yard setback for all buildings of thirty (30) feet. b.

Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line than the minimum setback established by the existing buildings.

3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.

4. Other Yard Requirements. Within the boundary of the RPUD, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the RPUD.

5. Lot Area and Frontage. In the case of detached dwellings, no lot shall be approved with an area of less than eight thousand (8,000) square feet and a street frontage of less than seventy-five (75) feet at the building setback line.
 6. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.030.
- D. Density of Development. The maximum overall density shall be specified in terms of the number of the dwelling units per gross acres of the acreage of the entire development.. The maximum density are taken from the underlying base district and shall be as follows:

**MAXIMUM DENSITY
(DWELLING UNITS PER GROSS ACRE)**

	RPUD Containing Only Single Family Detached Dwellings	RPUD Containing Duplex Dwellings	RPUD Containing Multi-Family Dwellings
R-1A	1.0	NA	NA
R-1	1.45	NA	NA
R-2	2.90	5.81	NA
R-3	3.63	5.81	14.52

- E. Required Improvements. All RPUDs shall comply with the schedule of improvements required in this section.
1. Internal Streets. Within any RPUD, streets may be public or private. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Associations. Specifications and procedures of the subdivision regulations for a paved street shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Residential PUD:
 - a. Curb and gutters are required on all streets.
 - b. Minimum pavement widths shall be as follows:
(from edge of gutter to edge of gutter)

Collector Street	22ft.
Minor Street	20ft.
One-Way Street or Alley	12ft.
 - c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.
 - d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.

2. Off-Street Parking. All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be defined in Article IV, Section 4.010, of this ordinance.
3. Sidewalks. Sidewalks are required on at least one side of all streets within RPUDs except for alleys. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
4. Street Lighting. Street lighting will be considered upon a case by case basis. When required, street lighting shall be decorative.
5. Utilities. The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.
6. Waste Disposal. If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.
7. Recreation and Open Space. Recreation uses provided as part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. Where a RPUD contains only single family detached dwellings, only open space is required. In both instances, the amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

5.100. CPUD. Commercial Planned Unit Development Districts (Added Section 5.100, by Ordinance 05-002, May 25, 2005)

- A. Permitted Uses. Within an approved CPUD, Overlay District, the following uses and their accessory structures shall be taken from the underlying base district.
- B. Dimensional Requirement. All CPUDs shall comply with the following area regulations:
 1. Minimum Size
Two (2) acres.
 2. Front Yard. The front setback for buildings shall be forty (40) feet with a permanently landscaped front yard of ten (10) feet exclusively of driveways.

3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the CPUD of not less than forty (40) feet. A minimum side and rear yard of ten (10) feet shall be maintained in a permanently landscaped manner.
 4. Other Yard Requirements. Within the boundary of the CPUD, other than the required yard above, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the CPUD.
 5. Maximum Height of Buildings. Refer to height requirements for underlying base districts in Article V, of the Kingston Springs Zoning Ordinance.
 6. Maximum Lot Coverage. The area occupied by all structures shall not exceed forty (40) percent of the total area of the CPUD.
- C. Required Improvements. All CPUDs shall comply with the schedule of improvements regulated in this section.
1. Internal Streets. Within any CPUD, streets may be public or private. Streets may be privately constructed and maintained by the landowner/ developer. Specifications and procedures of the subdivision regulations shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Commercial PUD:
 - a. Curb and gutters are required on all streets.
 - b. Minimum pavement widths shall be as follows:
(from edge of gutter to edge of gutter)

Collector Street	24ft.
Minor Street	20ft.
One-Way Street	12ft.
 - c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.
 - d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.
 2. Off-Street Parking and Loading. The off-street parking and loading requirements contained in Article IV, Sections 4.010 and 4.020, shall apply. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this.

3. Sidewalks. Sidewalks are required on at least one side of all streets within CPUDs, except for alleys. In commercial areas with small setbacks, it may be appropriate for sidewalks to be adjacent to street curbs. Depending on the type and size of development, the space between sidewalk and street curb will be addressed on a case by case basis. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
4. Utilities. The development shall be serviced with a public sanitary system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.
5. Waste Disposal. If any central disposal containers are provided, they shall be completely enclosed and screened from view.
6. Signs. Signs in CPUDs shall comply with the provisions of the Kingston Springs Sign Ordinance contained in the Municipal Code, Title 20, Chapter 1.
7. Landscaping. At least fifteen (15) percent of the total area of the CPUD shall be landscaped to enhance site appearance. Included in the fifteen (15) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Article III, Section 3.110. The nature of the buffering shall be specified by the Planning Commission as part of the approval of the final master development plan, based on the type of buildings and the nature of the CPUD.

**ADDED ARTICLE VI, RENUMBERED ARTICLE VI TO VII AND VII
TO VIII, BY ORDINANCE 06-015, DECEMBER 21, 2006**

**ARTICLE VI
OVERLAY DISTRICTS**

SECTIONS

- 6.100 Operation and Intent of Overlay Districts
- 6.101 Purpose and Intent
- 6.102 Applicability
- 6.200 Planned Unit Development Districts
- 6.201 General Provisions
- 6.202 Definitions
- 6.203 Administrative Procedure Governing Planned Unit Developments
- 6.204 Common Open Space
- 6.205 Minimum Performance Standards
- 6.206 General Development Standards
- 6.207 Residential Development Standards
- 6.208 Nonresidential Development Standards
- 6.300 Conservation Design Overlay District

6.100. Operation and Intent of Overlay Districts

6.101. Purpose and Intent. Overlay districts are hereby established as a means of addressing specific aspects of land use control or development that transcend conventional zoning district provisions. Included are overlay district provisions that regulate Planned Unit Developments and an overlay to protect areas subject to flooding.

6.102. Applicability. An overlay district shall represent a mapped geographic area depicted upon the Official Zoning Map. Overlay districts may be applied to the districts so indicated by this ordinance and may encompass one or more of those districts. Unless expressly stated to the contrary in this article, all lands encumbered by an overlay district shall conform to all applicable provisions for such overlay district.

6.200. Planned Unit Development Districts

6.201. General Provisions

6.201.1. Intent and Purpose. The planned unit development district regulations are an alternative zoning process intended to manage the process of combining various uses within a well-planned and coordinated manner. This procedure is intended to provide for more efficient and functional utilization of land than would otherwise be the case under the conventional

provisions of this ordinance. The planned unit development provisions facilitate a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries. In return, the PUD Districts require a high standard for the protection and preservation of environmentally sensitive lands, and the integration of living, working and shopping environments into cohesive mixed use environments.

6.201.2. Consistency with the General Plan and Area Development Plans.

No planned unit development shall be approved unless all plans for development are found to be consistent with the then current issue of the General Plan and any adopted special development plan for the area in which the development is proposed. The Planning Commission shall make a formal, written finding regarding the consistency of any proposed planned unit development, said report to include findings that the development:

- a. Will be consistent with the currently effective General Plan as well as any special development plan for the area.
- b. Is likely to be compatible with development permitted under the general development provisions of the zoning ordinance.
- c. Will not significantly interfere with the use and enjoyment of other land in the vicinity.

6.201.3. Application of the District

6.201.301. General. A planned unit development overlay district may be applied over any base zoning district established in this ordinance.

6.201.302. Provisions May Be Made Mandatory. In the event that the adopted development plan for an area in which any development is proposed so recommends, the Board of Commissioners shall require that all petitions for reclassifications of land within the area be formulated and administered in accordance with such provisions, including any amendments thereto. As appropriate for their respective areas, adopted development plans shall also contain recommendations which may differ from or supplement the provisions of this article respecting new or modified planned unit development districts; design standards for signage, setbacks, parking, and other matters, to be made applicable either area-wide or within particular planned unit development districts, or both. The Board of Commissioners shall not entertain proposals for the reclassification of land within such areas until it has formally acted upon these recommendations.

6.201.4. Relation of Planned Unit Development Regulations to General Zoning, Subdivision, or Other Regulations; Variations on Equal Satisfaction of Public Purposes. The planned unit development regulations that follow shall apply generally to the initiation and regulation of all planned unit development districts. Where there are conflicts between the special

planned unit development regulations herein and general zoning, subdivision, or other regulations or requirements, these regulations shall apply in planned unit development districts.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable planned unit development or general regulations, but the Board of Commissioners makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Board may make specific modification of the regulations in the particular case, provided that where floor area and similar ratios (other than off-street parking) have been established by these regulations, the Board shall not act in a particular case to modify such ratios.

Except as indicated above, notwithstanding procedures and requirements generally in effect, procedures and requirements set forth herein and in guides and standards officially adopted as part of regulations for particular classes of planned unit development districts shall apply in planned unit development districts, to any amendments creating such districts, and to issuance of all required permits therein.

6.201.5. Jurisdiction of Planning Commission and Board of Zoning Appeals. Those activities which require conditional use permits under various provisions of this ordinance may be permitted within planned unit developments provided that such activities are approved initially as part of the Master Development Plan by the Planning Commission and the Board of Commissioners. Thereafter, the Board of Zoning Appeals may approve such uses.

6.201.6. Ownership and Division of Land. No tract of land may receive approval as a planned unit development, unless such tract is under the unified control of a landholder as defined by this ordinance. Unless, otherwise, provided as a condition of approval of a planned unit development, the landholder of an approved planned unit development may divide and transfer parts of such development. The transferee shall complete each such unit, and shall use and maintain it in strict conformance with the adopted Master Development Plan.

A report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area shall be submitted along with any application for approval of a Master Development Plan. The report shall state agreement of all present property owners and/ or their successors in title:

- a. To proceed with the proposed development according to these regulations and the detailed development plan that is submitted with the map amendment creating the planned unit development including such modifications as are set by the Board of Commissioners in the course of the review and approval process.
- b. To provide such bonds, dedications, guarantees, agreements, contracts, and deed restrictions as may be required by the Board of Commissioners and various administrative bodies in the course of implementing the proposed plan.

- c. To bind further successors in title to any commitments under a, and b, above.

6.201.7. Staging of Development. The Planning Commission may elect to permit the staging of development, in which case, the following provisions shall apply.

- a. Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent stages will not have an adverse impact on the planned unit development, its surroundings or the community as a whole.
- b. Each stage of the development shall, at the time of approval of any final site development plan for any portion of that stage, be assured adequate public services to serve all development proposed for that stage.

6.201.8. Status of Previously Approved Planned Unit Development Districts. Any Planned Unit Development District which was approved prior to December 21, 2006, (date of adoption of amendment) and is not completely developed at the time of approval of this ordinance may continue under the development plan and regulations as originally approved. In any instance, however, where a change in the approved development plan is proposed following adoption of these provisions such change shall conform to the provisions of the ordinance then in effect.

6.202. Definitions.

6.202.1. Application. In the construction of this article, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

6.202.2. Terms Defined.

ACTUAL CONSTRUCTION - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

COMMON OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

ENVIRONMENTAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for the protection of the natural landscape or certain specified resources.

LANDHOLDER- The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder, for the purpose of this ordinance.

PRIVATE USE OPEN SPACE - Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property.

RECREATIONAL OPEN SPACE- A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development.

RESTRICTED USE OPEN SPACE - Open areas located within a planned unit development that are held in some form of common ownership and restricted to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes or other environmentally sensitive lands.

SHARED USE OPEN SPACE - Shared use open space may exist within a planned unit development both as limited use or general use shared open space. Limited use shared open spaces are those limited to use by only a portion of the individuals who reside within the planned unit development. Shared general use open space is intended to be available for use by any resident of the development but may be limited to use only by residents and their guests.

6.203. Administrative Procedure Governing Planned Unit Developments

6.203.1. Purpose and Intent. The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all planned unit developments provided for by this section.

6.203.2. Preapplication Conference. Prior to filing an application for approval of a planned unit development the applicant shall confer with the Zoning Administrator concerning policy, approval procedure and administrative processes relative to the application. The Zoning Administrator shall arrange a meeting at which the applicant or his representative will have the opportunity to discuss these regulations and the proposed plan with staff persons who will be involved in reviewing and recommending action on the proposed plan.

6.203.3. Preliminary Approval of the Proposed Planned Unit Development.

6.203.301. Application for Preliminary Approval. Application for preliminary approval shall be made by the land holder of the affected property or his authorized agent to the Zoning

Administrator in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided such provision are not inconsistent with the requirements set forth below.

6.203.302. Preliminary Master Development Plan of a Planned Unit Development. The preliminary master development plan for the propose planned unit development shall be a general concept plan that shall be sufficient in detail to indicate to indicate the general design of the development, the uses and activities proposed and the ability of the proposal to comply with detailed requirements of this ordinance.

NOTE: It is recognized that these provisions may be applied to developments that vary greatly in size, scope and complexity and that adjustments in the degree of detail contained within a Preliminary Development Plan may subsequently be required based upon the scope and extent of a particular development. The following list shall be taken as general requirements for a complete application. However, the Zoning Administrator may require more or less detail based upon the size, scope and degree of complexity involved within any particular proposal.

In general, a preliminary master development plan shall contain the following:

- a. Sufficient information to disclose:
 - The location and size of the area involved.
 - Location of transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off street parking and loading areas.
 - Location and approximate dimensions of structures, other than one and two family detached dwellings, including approximate height, bulk and the utilization of structures including activities and the number of living units.
 - Estimated population and density and extent of activities to be allocated to parts of the project.
 - Reservations for public uses including schools, parks, and other open spaces.
 - Major landscaping features,
 - The general means of the disposition of sanitary wastes and storm water.

- The type and proposed use for any common open space included within the proposed development. (Such information shall be sufficient to meet the requirements of Subpart 4, of Subsection 6.204.1, "Quality, Use and Improvement of Common Open Space".)
- The ownership of all property proposed for incorporation within the PUD District. (A copy of all deeds along with written documents signed by all property owners indicating willingness to abide by the approved development plan.)
- The base zone district(s) proposed for inclusion within the planned unit development.
- A listing of land uses proposed for the development.

(NOTE: In an effort to increase the marketability of nonresidential sites located within PUD Districts, the applicant may submit a list of alternative land uses, other than the uses shown on the plan, for such sites. Any such listing may contain only land uses permitted within the base zoning district(s) which the planned development district overlays and may be further limited as provided in Subsection 6.208.1.

- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- c. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property. (See Subsection 6.201.6, (Ownership and Division of Land.)
- d. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, drainage ways and common open space.
- e. When it is proposed that the final master development plan will be submitted in stages, a schedule of proposed submissions thereof.

If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten (10) days after the original submittal, for further information. In such case the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

6.203.303. Review by Other Departments of City Government. Other departments of the city as appropriate, shall review the plan for the proposed planned unit development.

6.203.304. Planning Commission Action on Preliminary Application for Planned Unit Development. Within forty-five (45) days after initial formal submission the Planning Commission shall take action on the preliminary application by any one of the following:

- a. Unconditional preliminary approval.
- b. Conditional preliminary approval, in which the Planning Commission expressly denotes modifications which must be a part of the preliminary approval.
- c. Disapproval.

6.203.305. Conditional Preliminary Approval- Landholder's Response. When the Planning Commission's action is conditional preliminary approval, the commission shall specifically note in its' minutes the conditions or modifications which must be complied with in order that the proposed planned unit development receive preliminary approval. Within sixty (60) days following the meeting in which conditional approval is granted, the landholder may make a written response concurring with the required modifications, in which case the planned unit development is deemed to have preliminary Planning Commission approval, on the date of receipt of said written concurrence. When the landholder makes a negative reply or does not reply within sixty (60) days of the date of conditional preliminary approval the planned unit development shall be deemed as a recommendation for disapproval, unless such time limit is extended by a specific action of the Planning Commission upon a written request of the landholder. In the event of a recommendation for disapproval, the applicant may at his option proceed to the Board of Commissioners With his request.

6.203.306. Action by Board of Commissioners. Upon completion of preliminary development/lan review, the Planning Commission shall forward its report and recommendations to the Board of Commissioners for action. Upon receipt of the Planning Commission's report the Board shall consider such report and recommendations, the preliminary development plan and such other information as it may require to arrive at a decision concerning the plan. The Board of Commissioners shall hold such required hearings and otherwise proceed in the manner set forth in Article VII, Section 7.090, for consideration of an amendment to the zoning ordinance.

In any instance where the Board of Commissioners may act either to approve a proposed development that the Planning Commission had recommended for disapproval or to conditionally approve a development plan, the Board shall provide specific guidance as to:

- a. Overall design of the plan,
- b. Any modifications required, and
- c. Any additional information required by the Planning Commission to determine substantial compliance between the preliminary and final development plan.

6.203.307. Planned Unit Development and the Official Zoning Map. Upon approval by the Board of Commissioners, the Zoning Administrator shall place the extent of the planned unit development on the official zoning map identified by the ordinance number providing approval. Similarly in the instance of action by the Planning Commission abolishing or canceling a planned unit development district, the Zoning Administrator shall remove the PUD District from the official zoning map.

6.203.308. Recording of PUD District. Within sixty (60) days following enactment of an adopting ordinance by the Board of Commissioners, all owners shall record with the Register of Deeds a boundary plat or suitably comparable document identifying that the affected properties are subject to the provisions of a Planned Unit Development Overlay District. Suitable instruments indicating the nature and extent of all off-site improvements and special conditions to which the development is subject shall be recorded with such plat.

6.203.309. Addition of Land Uses not Included Within an Approved Preliminary Master Development Plan or Listing of Alternative Uses Allowable Within the Base Zoning District. The proposed addition of any use not authorized within an approved preliminary development plan and accompanying listing of alternative nonresidential land uses may be added to the plan only when approved as provided, herein. The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a public hearing. Said hearing is held for the purpose of making a recommendation to the Board of Commissioners as to disposition of the requested change. The commission's action on the request for change shall be in the form of a submission of a resolution to the Board of Commissioners for amendment to the approved preliminary plan. A report detailing the action recommended by the Planning Commission shall accompany the submission of Board of Commissioners.

6.203.4. Final Approval of a Proposed Planned Unit Development. The approval by the Board of Commissioners of the preliminary development plan shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval by the Planning Commission of the planned unit development shall be subject to the procedures and requirements of this section.

6.203.401. Application for Final Approval. Following approval of a preliminary planned unit development plan by the Board of Commissioners, the landholder may make application to the Planning Commission for approval of final development plans for all or a portion, provided the portion is consistent with the staging schedule approved with the preliminary development plan, of the proposed planned unit development. No action shall be taken on any final development plan for any portion of a planned unit development until the landholder demonstrates that all land included within the portion of the development for which final approval is requested is owned by the landholder and that any options have been closed.

The application for final plan approval shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission resolution of preliminary approval. Copies of legal documents required by the Commission for dedication or reservation of common open space and/or for the creation of a nonprofit association to own and manage the commonly held property shall also be submitted.

6.203.402. Final Approval of Stages. The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development, in compliance with the staging plan approved as part of the preliminary development plan.

6.203.403. Final Master Development Plan of a Planned Unit Development. The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, the following:

- a. Final development plan drawings at a scale no smaller than one (1) inch to one hundred (100) feet indicating:
 - The anticipated finished topography of the area involved (contours at vertical intervals no greater than two (2) feet where topography does not exceed ten (10) percent and five (5) feet) elsewhere.
 - A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned unit development and to and from existing thoroughfares. This shall specifically include:
Width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern.

- An off-street parking and loading plan indicating ground coverage of parking areas.
- Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other public or semi-public open space uses including any improvements which are to be deeded as part of any common use area.
(Such information shall include detailed site designs indicating all intended uses, equipment and facilities along with building or construction plans for the same.)
- Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed planned unit development.
- Within nonresidential developments, a plan for each building site showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures. Within residential developments building envelopes shall be shown.
- A plan for proposed utilities including sewers, both sanitary and storm, gas lines, water lines, fire hydrants and electric lines showing proposed connections to existing utility systems.

(NOTE: Within any Planned Unit Development District, all utilities including electric service, telephone and cable television service shall be underground.)

- b. A detailed land use map and a listing of land uses approved for the development.

(NOTE: The listing of approved land uses shall include the list of alternative land uses, other than the uses shown on the plan, which were approved within the preliminary planned unit development plan for nonresidential sites located within the development.)

- c. A tabulation of proposed densities to be allocated to various parts of the area to be developed.
- d. Final drafts of all proposed covenants and grants of easement which are proposed for filing with final plats. Such documents shall be in a form approved by legal counsel.
- e. Final drafts of all proposed documents creating a Homeowner's Association or similar organization created for the purpose of owning and maintaining any common open space of facilities associated therewith.

- f. A detailed listing of all conditions of approval to which the particular development, or individual sites located therein, are subject.

If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten (10) days after the original submittal, for further information. In such case, the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

6.203.404. Action on Final Master Development Plan. In reviewing a final plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance with the previously approved preliminary development plan. Second, all new information must be reviewed to determine its compliance with all substantive requirements of this ordinance, the Subdivision Regulations and all other applicable codes and ordinances.

a. Review Procedure

- Application for final approval shall be made to the Planning Commission.
- The completed final plan must be submitted to the Zoning Administrator ten (10) days prior to the meeting of the commission where the plan is to be presented. Ten (10) copies of the plan and related documents will be required.
- Within forty-five (45) days following formal presentation of the final plan to the Planning Commission it shall be the duty of the Zoning Administrator to present data and findings of the various departments and agencies of the government concerning the proposed plan to the Planning Commission.
- The Planning Commission may approve the final plan if it finds:
 - (i) That the final plan meets the provisions for substantial compliance set forth in Subsection 6.203.5, (Determination of Substantial Compliance); and
 - (ii) That the plan complies with all other standards for review not considered when the preliminary plan was approved.

6.203.405. Approval with Modification. Should the Planning Commission require any modification in the final development plan, or any portion thereof, such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the final development plan.

6.203.406. Filing of an Approved Final Development Plan. Upon formal action by the Planning Commission approving a final development plan, or in the instance of conditional final approval, upon acceptance of the modifications, as set forth in Subsection 6.203.405, said plan and all maps, covenants, and other portions thereof, shall be filed with the following:

- a. The Zoning Administrator
- b. The City Recorder

6.203.407. Disapproval. If the Planning Commission finds that the final plan does not meet the test for substantial compliance set forth in Subsection 6.203.5, or does not comply with other standards of review it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards of review.

6.203.5 . Determination of Substantial Compliance. The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant (not as a result of requirements of any reviewing agency) do not involve changes which in aggregate:

- Violate any provisions of this article;
- Vary the lot area requirement as submitted in the preliminary plan by more than ten (10) percent;
- Involve a reduction of more than five (5) percent of the area shown on the preliminary development plan as reserved for common open space.
- Increase the floor area proposed in the preliminary development plan for nonresidential use by more than two (2) percent; and
- Increase the total ground area covered by buildings by more than two (2) percent.
- Involve any land use not specified on the approved preliminary development plan or the alternative list of uses for nonresidential sites.

In any instance where a final development plan, including minor changes authorized under the provision of Subsection 6.203.10 ("Minor Site Modifications to an Adopted Final Planned Unit Development Plan"), is found to not meet the test of substantial compliance as set forth herein such plan may be approved only upon adoption of appropriate amendments to the adopted plan.

6.203.6. Failure to Begin Planned Unit Development. If no "actual construction" has begun in the planned unit development within three (3) years from the date of approval of the final development plan, or section thereof, said approval shall lapse and be of no further effect. No further developmental activity may take place until the existing development plan is reinstated to an active status or a new or revised development plan is approved.

6.203.7. Maintaining a Current Development Plan. Building permits may be issued only within such portion(s) of a planned unit development for which a current final development plan is in effect. In any instance where the approval of such plans may have lapsed due to non-commencement of actual construction (See Subsection 6.203.6) the following actions may be taken.

1. Reinstatement of Previously Approved Development Plan

In the event that actual construction may not have begun and/or the approval of the final development plan shall have lapsed, such plan may be reinstated by action of the Planning Commission and development may proceed, provided that no change is proposed that would require amendment of the plan.

2. Amending a Lapsed Development Plan

In the event that actual construction may not have begun, approval of the development plan shall have lapsed and revisions and/or alterations are proposed that exceed the minor site modifications authorized by Subsection 6.203.10, and, thus, would require amendment of the plan, such action may be accomplished only with the approval of a new preliminary development plan.

6.203.8. Enforcement of the Development Schedule. The construction and provision of all common open spaces and recreational facilities shown on the approved preliminary development plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

1. Cease to approve any additional final plats;
2. Instruct the Zoning Administrator to discontinue Issuance of building permits.

In any instance where the above actions are taken the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provision of common open spaces and public and recreational facilities is brought into adequate balance prior to continuance of development activity.

6.203.9. Building Permits and Use and Occupancy Permits. Building permits and use and occupancy permits shall be issued for uses, buildings and other structures in planned unit developments in accordance with this section; otherwise, permits and certificates shall be issued in accordance with the other provisions of this ordinance as applicable.

6.203.901. Site Plans. Site plans shall be provided in accordance with the provisions of Article VII, Subsection 7.030.

6.203.902. Building Permits. Building permits may be issued for structures, buildings, activities, or uses only in strict compliance with the adopted final development plan of the planned unit development, including the conditions of approval. No building permit shall be issued for the area included in a preliminary planned unit development until the final development plan for the area wherein such use is located has been approved.

6.203.903. Use and Occupancy Permits. A use and occupancy permit may be issued only when the Zoning Administrator determines that the structure, building, activity, or use conforms to the adopted final development plan, including the conditions of its approval.

6.203.10. Minor Site Modifications to an Adopted Final Planned Unit Development Plan. Minor modifications in the terms and conditions of the adopted final development plan may be made from time to time as provided in the following paragraphs. Any proposed modification not permitted under these provisions may be approved only as an amendment to the adopted final development plan.

6.203.1001. Minor Modifications During Construction. The Zoning Administrator may approve minor modifications in the location, siting, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development plan was approved so long as no modification violates the basic policy and concept or bulk and open space regulations of the planned unit development plan. The total of such modifications approved by the Zoning Administrator shall never in aggregate result in:

- Any increase in the number of residential units;
- An increase of more than three (3) percent in the floor area proposed for nonresidential use of a commercial or industrial nature;
- An increase of more than three (3) percent in the total ground area covered by buildings; or
- A reduction of more than two (2) percent in the area set aside for common open space.

Minor modifications in the location of streets and underground utilities may be approved under this section.

6.203.1002. Subjects not Included for Modification. The proposed addition of any use not approved in the final development plan as well as any increases in the number of dwelling units permitted, building height, decreases in the parking requirements, and vision clearance area are not subjects for adjustments by the Zoning Administrator. Any proposed modifications of any of the above may be made only as amendments to the adopted final development plan.

6.203.1003. Minimum Adjustments Only. Any modification must be held to the minimum necessary. Each of the following conditions must be found to apply to the particular circumstances prior to the granting of the adjustment.

- Practical Difficulties or Unnecessary Hardship: That strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardships.
- Extraordinary Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances or conditions do not apply generally to other land, buildings or uses in the same district.
- Not Detrimental: That granting the application will not be detrimental, to the public welfare or injurious to property or improvements in the neighborhood of the premises.
- Health or Safety not Adversely Affected: That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.
- Maintains Intent of Ordinance and the Development Plan: That such adjustment is within the intent and purpose of the zoning ordinance and will not adversely affect the objectives of the comprehensive plan.

6.203.11. Amendments in an Approved Final Development Plan During the Period of Initial Construction. During the period of actual development or construction of any planned unit development, (or when developed in stages of any portion of the total development) the provisions of this section shall apply to all proposed modifications which exceed the minor adjustments permitted by Subsection 6.203.10. Once a planned unit development, or portion thereof, has been completed, any further changes or alterations shall be governed by the provisions of Subsection 6.203.12.

All proposed additions of uses not approved in the final master development plan as well as any decreases in the number of parking spaces or vision clearance area shall be subject to these provisions. In addition all minor modifications exceeding the cumulative changes in the ground coverage ratio, etc., permitted under Subsection 6.203.10, shall be governed by the provisions of this section.

6.203.1101. Addition of Uses not Authorized in the Approved Development Plan, but Allowable Within the Base Zoning District. The proposed addition of any use not authorized within an approved preliminary development plan and listing of alternative nonresidential land uses but allowable within the base zoning district wherein such use is proposed, may be added to the plan only when approved as provided, herein. The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a public hearing. Said hearing is held for the purpose of making a recommendation to the Board of Commissioners as to disposition of the requested change. The Commission's action on the request for change shall be in the form of a submission of a resolution to the Board of Commissioners for amendment to the approved preliminary plan. A report detailing the action recommended by the Planning Commission shall accompany such submission. All additions of uses not approved in the preliminary development plan must be made by the Board of Commissioners, under the procedures authorized by this ordinance for amendment of the zoning map.

6.203.1102. Addition of Residential Density, Floor Area of Nonresidential Uses and All Other Changes, Other Than Changes in Use, not Authorized in the Approved Development Plan, but Allowable Within the Base Zoning District. All proposed additions other than the additions of uses governed by Subpart 6.203.1101, of this section, including the addition of residential density or nonresidential use area exceeding the minor changes permitted under Subsection 6.203.10, shall be considered as provided herein.

All amendments to an approved development plan proposed under this section shall first be presented to the Planning Commission for a recommendation. In the course of its consideration of any amendment proposed hereunder the Planning Commission may hold a public hearing for all residents and parties who in the judgment of the Planning Commission have an interest in the amendment.

The Planning Commission shall hear the proposed amendment and shall forward its recommendation to the Board of Commissioners for action. The Board of Commissioners shall hold a public hearing for all residents and other interested parties prior to any final action on any amendment proposed hereunder. Should the Board of Commissioners concur in the proposed amendment to the development plan, the Planning Commission may adopt said amendment only with an amended preliminary plan as a basis for such action.

6.203.12. Control of Planned Unit Development Following Completion.

6.203.1201. Issuance of Certificate of Completion. Upon completion of a planned unit development, or when developed in stages, of any portion of said development, the Zoning Administrator shall note the completion on the final development plan.

6.203.1202. Changes in the Use of Land or Bulk of Structures Within a Planned Development After Completion. After completion of a planned unit development; or portion thereof, has been certified, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final development plan, to the extent that such provisions are applicable rather than by any other provisions of this ordinance. In any instance where a change in the completed development is proposed the Planning Commission shall review the final development plan and shall provide an evaluation of the proposed change to the agency to whom application for the change has been made. Such evaluation shall as a minimum indicate the Commission's findings concerning consistency of the proposed change with the approved development plan and impact upon the continued successful operation of such development relative to its original purpose and intent. In the course of its consideration of any change proposed hereunder the Planning Commission shall hold a public hearing for all residents and parties who in the judgment of the Planning Commission have an interest in the proposed amendment. Changes may be made in the approved final development plan, only upon application to the appropriate agency under the procedure below:

- a. Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Commission, if the extensions, alterations or modifications are determined to be consistent with the purposes and intent of the recorded final development plan. No change authorized by this section may increase the cube of any building or structure by more than ten (10) percent.
- b. Any uses not authorized by the approved final development plan, but allowable as a permitted use, a use permitted with supplemental provisions or a conditional use in the base

zoning district within which the applicable portion of the planned development is located, may be added to the recorded final development plan under the procedures provided by this ordinance for the approval of conditional uses. (See Subsection 6.201.5, "Jurisdiction of Planning Commission and Board of Zoning Appeals".)

- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan, unless an amendment to the final development plan is approved, as set forth below.
- d. Changes in the use of common open space may be authorized by an amendment to the final development plan provided that no amendment approved hereunder may act to abrogate or annul any covenant which provides for the use, operation, or continuance of the common open space.
- e. All other changes in the final development plan must be made by the Board of Commissioners, under the procedures authorized by this ordinance for amendment of the zoning map.
- f. No changes in the final development plan approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned development and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

6.203.1203. Resubdivision of a Planned Unit Development after Completion. A planned unit development may be subdivided and resubdivided for purpose of sale or lease after the certificate of completion has been issued under the procedures set forth below:

- a. If the subdivision or resubdivision of planned development will create a new plot line, the applicant shall make application to the Planning Commission for the approval of a subdivision or resubdivision. The Planning Commission may approve the subdivision or resubdivision of each section of the subdivided or resubdivided planned development if it meets the provisions of this article governing density, common open space, and dimensional requirements.
- b. All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan rather than by the provisions of the zoning ordinance that otherwise would be applicable.
- c. The owners or lessees of a subdivided or resubdivided planned development may jointly make application for a conditional use or for an amendment to the adopted final development plan.

6.204. Common Open Space. Any common open space established by an adopted Final Master Development Plan for a planned unit development shall be subject to the following:

6.204.1. Quality, Use and Improvement of Common Open Space.

1. Common open space must be for environmental protection, recreation, or site amenity. The uses authorized for common open space must be appropriate to the scale and character of the planned unit development considering its size, density, expected population composition, topography and other factors.
2. No common open space may be put to any use not specified in the approved Master Development Plan, unless such plan has been amended by action of the Board of Commissioners to specifically allow the change of use. No open space may be converted to any other use unless other property is concurrently converted to open space such that the net amount of open space is not reduced. No matter how authorized, no change may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use so permitted are expressly reserved.
3. Common open space may, subject to approval by the Planning Commission and Board of Commissioners, consist of improved or unimproved land. All such land shall be designated as to its intended use upon the Master Development Plan, all Site Development Plans and all plats.

6.204.2. Conveyance of Common Open Space. All land shown on the final development plans as common open space shall be conveyed under one of the following options:

1. It may be conveyed to a public agency that will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
2. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization meeting the requirements of Subsection 6.204.3, below. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the Master Development Plan, and which provide for maintenance of the common open space in a manner that assures its continuing use for its intended purposes.

6.204.3. Requirement for Maintenance Organization. In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission and Board of Commissioners shall require that the landholder provide for and establish an

organization for the ownership and maintenance of any common open space, and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise except to a successor organization conceived and established to own and maintain the common open space.

6.204.4. Mandatory Provisions Governing Organization and Operation of Maintenance Association. In any instance where common open space is to be deeded to a maintenance organization, the landholder shall file a declaration of covenants, conditions and restrictions that will govern the association. This document is to be submitted with the application for approval of the final subdivision plat or, when the property in question is not being subdivided, the final site development plan. The provisions shall include but not be limited to, the following:

1. The maintenance organization shall be established, funded and operational before any property is sold.
2. Membership shall be mandatory for each owner and must run with the land so that any successive purchaser will automatically become a member.
3. The restrictions covering the use, etc., of the open space shall be permanent, not just for a period of years.
4. The association(s) shall be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
5. Property owners shall pay a pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the owner's property for failure to pay.
6. The association shall be able to adjust the assessment of fees to meet changing needs.

6.204.5. Failure of Maintenance Organization. In the event that the organization established to own and maintain common open space, or any successor organization shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted Master Development Plan, the Zoning Administrator may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Zoning Administrator shall call upon any/public or private agency to maintain the common open space for a period of one (1) year. When the Zoning Administrator determines that the original organization is not prepared for the maintenance of common open space, the agency appointed under the provisions of this section may continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a special assessment to the property tax or a lien on said properties.

6.204.6. Assurance Involving the Provision of Common Open Space. The Planning Commission shall require adequate assurance, in a form and manner it approves, that the common open space shown on the final development plan will be provided and developed. The following methods of assurance are illustrative of the types of assurances required. These may be used singly, in combination or in conjunction with other similar methods:

1. The City may accept a Letter of Credit, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.
2. The title to the land shown as common open space may be put in escrow. The escrow agreement to provide that the land is to be held in escrow until the Planning Commission has certified to the escrow agent that the planned development has been completed, at which time the common open space is to be conveyed as provided in this section. The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instance the Planning Commission is to certify the completion of each stage of the planned unit development to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space conveyed is to be of the same proportions to the total open space provided on the final development plan as the dwelling units that have been built are to the total number of dwelling units allowable by the Master Development Plan.
3. In general, the construction and provision of all common open spaces and public and recreational facilities shown on the Master Development Plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development with the development schedule. If the Commission finds that the rate of construction of dwelling units or commercial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may either cease to approve additional final plats and/or instruct the Zoning Administrator to discontinue issuance of building permits.

6.205. Minimum Performance Standards. In addition to satisfying all other applicable provisions of this ordinance, approval of a Master Development Plan shall be based upon a demonstration that the following design and development objectives have been satisfied.

6.205.1. Protection of Environmentally Sensitive Areas. Approval of a Master Development Plan, for any PUD District, shall be based upon a demonstration that the proposed development plan will result in greater protection and preservation of environmentally sensitive areas than would otherwise result under provisions of the base zoning district. Areas to be

protected shall include undisturbed hillsides in excess of twenty (20) percent, designated wetlands, all floodplain areas and buffers along streams, major drains and sink holes.

6.205.2. Adequate Streets, Utilities and Drainage. Approval of a Master Development Plan, for any PUD District, shall be based upon a demonstration that streets, utilities and drainage features will be of adequate capacity to serve the proposed development. As a part of a Master Development Plan proposal, a property owner may offer to improve or otherwise provide adequate facilities to support the proposed intensity of development. Public facilities already included in an adopted Capital Improvements Budget may be considered a demonstration of adequate capacity if the proposed funding of such facilities is timed with anticipated construction of the development.

6.205.3. Coordinated Vehicular Access. Approval of a Master Development Plan, for any PUD District, shall be based upon a demonstration that the traffic circulation system will be adequate to support the operational needs of the development in a manner that maintains the integrity and operational capacity of the community's major street network to standards equal to or greater than current levels of operation.

6.205.4. Preservation of Historic and/or Archaeological Sites. Actions shall be taken to incorporate features of historic or archeological significance into the design of any PUD District in a manner that contributes to the protection and preservation of such features.

6.206. General Development Standards. The following provisions shall be applicable as indicated to all planned unit developments.

6.206.1. Relationship to Other Requirements. Unless, otherwise, specified in this article, all requirements and standards established by other provisions of this ordinance shall apply to the development and use of properties located within any PUD District. In a case of conflict between the provisions of this article and any other provision of this ordinance, the provisions of this article shall apply within PUD Districts.

6.206.2. Landscaping and Buffering. Within any planned unit development, landscaping and buffering shall be provided which meets or exceeds the purposes and intents for such established in Article III. It is intended, however, that within planned unit development districts, alternative means may be employed to achieve an equal level of protection to that resulting from strict application of the provisions of Article III. This provision is intended to permit and encourage use of flexible techniques to achieve a transitional character through site design that minimizes the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

6.206.3. Parking, Loading and Access. All planned unit developments shall be subject to the provisions of Article IV, Section 4.010 (Off-street parking requirements) provided that the Planning Commission may permit a variance from off-street parking and loading requirements in approving a final development plan.

6.206.4. Neighborhood Relationship. A planned unit development shall be harmonious and not conflict with surrounding residential neighborhoods. Developments /permitted under this procedure shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding residential area and provide a satisfactory relationship of land use with the surrounding residential area. Use of landscaping, screening, open space and placement of buildings shall be utilized in a manner that will minimize impact upon abutting and near- by properties.

6.206.5. Architectural Compatibility. Architectural features deemed essential to ensure compatibility with surrounding properties shall be incorporated. Architectural compatibility should be limited to those portions of the development which abut adjacent properties or can be seen directly from off-site street frontage. Examples of architectural features which may be important for ensuring compatibility include building bulk, height, roof slopes, building orientation, overhangs, location of porches and decks, window placement and exterior materials.

6.206.6. Permitted Land Uses. Land uses permitted within any PUD District shall be established by the underlying zoning district(s). Any land use classified as a "Permitted Use" to the underlying district may be permitted within a corresponding PUD District. Any land use classified as a "Special Exception" within the underlying district may be permitted within a PUD District, if approved initially as a part of a Master Development Plan, or, upon completion of the development, by the Board of Zoning Appeals (See Subsection 6.201.5 "Jurisdiction of Planning Commission and Board of Zoning Appeals"), based upon a favorable recommendation by the Planning Commission.

6.206.7. Transfer of Development Rights. The PUD District may be used to transfer development rights between properties located within it. All donor and recipient properties shall be cross-referenced respectively on recorded plats and associated deeds along with the ordinance number creating the PUD District. Properties from which development rights have been transferred shall be noted on the boundary plats and deeds as nonbuildable sites.

As provided in Tennessee Code, 13-7-201, (2), (A), property designated to receive transferred development rights shall be of equal or greater size than the property donating the development rights. To qualify for a Transfer of Development Rights, the donor and recipient properties shall be of the same general zoning classification.

6.206.8. Preservation of Natural Features. Mature trees, vegetative cover, watercourses, stone walls, existing relief and other natural site features shall be preserved to the greatest extent_ possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:

- Enhancing the quality of new development;
- Protecting the natural environment;

- Providing buffering between new development and surrounding properties; and
- Protecting existing neighborhood character.

6.206.9. Mixing of Uses within Planned Unit Development Districts. A primary objective for creating Planned Unit Development districts is to encourage and facilitate the process of combining various uses within a well-planned and coordinated manner. By carefully managing the type and nature of the various uses and activities included within such developments it is possible to facilitate greater mixing of land uses than is possible with the application of conventional zoning districts. The ultimate purpose of this process is integration of living, working and shopping environments into cohesive mixed-use neighborhoods that afford increased function, amenity and economic stability.

6.206.10. Utility Requirements.

6.206.1001. Water Service. Public water service sufficient to provide fire protection shall be available within all RPUD districts.

6.206.1002. Underground Utilities Required. All electrical telephone and cable television service shall be underground.

6.206.1003. Sewer Service. Other than tracts of land containing, planned developments specifically limited to single family and/or duplex dwelling units, no tract of land shall be approved as a planned development unless such tract is directly served by the public sewerage system of the community. Under no circumstance shall a Final Development Plan of any planned development be approved when such development is not served by public sewer.

6.207. Residential Development Standards. Residential Planned Unit Developments (RPUD) shall be subject to the following provisions.

6.207.1. Minimum Size of Residential Planned Unit Development Districts. No residential planned unit development may contain less than the minimum area as stipulated herein unless the Planning Commission and/or Board of Commissioners find that a tract containing less than this minimum is suitable as a planned unit development by virtue of its historical character, unique scenic qualities, ecological or topographic features. Whenever a residential planned unit development is proposed to be located within two (2) or more zoning districts with different required minimum areas, the largest required minimum area shall control.

MINIMUM GROSS AREA FOR CREATION OF RESIDENTIAL
PLANNED UNIT DEVELOPMENT DISTRICT

Base Zoning District	Minimum Gross Area
R-1A	3 acres
R-1	3 acres
R-2	2 acres
R-3	2 acres

6.207.2. Density Permitted. The density permitted within a planned unit development is to be derived from that permitted within the base zoning district(s) the residential PUD District is to overlay. The maximum number of dwelling units permitted shall be calculated as follows:

6.207.201. Basic Density Calculations. The overall residential density of a Master Development Plan shall be established by the application of the following table to the respective land area within each underlying district classification. A maximum density shall be assigned to each residential component of the Master Development Plan and recorded by plat or equivalent instrument with the first phase of final development.

Base Zoning- District	Dwelling: Units Per Acre		
	SFU	DUP	MFU
R-1A	1	N/A	N/A
R-1	1.45	N/A	N/A
R-2	2.90	3.87	N/A
R-3	3.63	3.63	14.52
SFU = Single Family Unit DUP = Duplex Unit MFU = Multi-family Unit Any fractions of .5 or greater shall be rounded to the next whole number. NOTE: In a residential planned unit development which is especially designed for the use and occupancy of persons of fifty-five) years of age or older or families with one (1) spouse of that age, maximum permitted densities may be increased up to thirty (30) percent over that shown in the districts indicated.			

6.207.202. Assignment of Density. Within an RPUD District, the total density permitted according to the calculation presented in Subpart 1, above, shall be assigned within the PUD as follows:

- a. The applicant may select a single zoning district or a series of districts from the table presented in Subpart 1, above, to which density is to be assigned.
- b. The maximum density permitted within any portion of the PUD shall not exceed that permitted for the district(s) assigned.
- c. The district classification assigned to each phase shall be noted on the Master Development Plan, each Site Development Plan and all associated subdivision plats.

6.207.3. Minimum Lot Sizes. The minimum size of lots created for single and two-family dwellings may be less than the standard lot sizes required for the underlying base zoning districts, subject to the following restrictions:

1. Lots fronting a street along the boundary of an RPUD District shall contain at least seventy-five (75) percent of the minimum lot area and ninety (90) percent of the lot width required by the adjoining zoning district(s) along all points where such district(s) abut the PUD District.
2. Residential lots located within the interior portion of an RPUD District may select any standard zoning district classification to establish minimum lot sizes for that phase of the development. The equivalent base district classification assigned to each phase shall be noted on the Master Development Plan, each Final Site Development Plan and all associated subdivision plats.
3. Where lots are located within Conservation Subdivisions lot sizes shall be controlled by the provisions of Section _____, of the Subdivision Regulations.

6.207.4. Bulk and Yard Provisions Applicable to All Uses Other Than Residential. For all uses and activities other than residential activities located within any RPUD, the bulk and yard provisions established for the base zoning district wherein such use is to be located shall apply.

6.207.5. Open Space Requirements.

6.207.501. General. Within any development subject to the provisions of this section, open space shall be provided which is adequate to:

- Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses;
- Assure adequate space, light and air along with visual and acoustical privacy;

- Assure protection of steep slopes, floodable and other hazardous and/ or undesirable building areas, and
- Provide space for recreation and enjoyment of the residents.

6.207.502. Use of Common Open Space. All open space shown on a development plan of any residential planned unit development shall be indicated as to its intended use. In this regard, common open space may consist of the following:

- a. Cultural and environmental open space. b.

Improved recreational open space

6.207.503. Cultural and Environmental Open Space. Except for those portions of a residential planned unit development required for the installation of streets and utilities, the following areas shall be designated as environmental open space and no development shall take place thereon.

- Natural slopes of twenty (20) percent or greater;
- Areas classified as Floodplain Districts by this ordinance, and located as determined from field run surveys;
- Streams, creeks and major drainage ways (specifically, including all "blue line" streams) and associated stream buffers;
- Areas classified as wetlands;
- Sites of paleontological, prehistoric, historic and/or archeological significance, specifically including all sites of historic or prehistoric human activity such as, but not restricted to, buildings, stone walls, mounds, forts, earthworks, burial grounds, structures, villages, mines, caves and all locations which are or may be sources of paleontological remains;
- All areas which present geological hazards specifically including those within unstable geological and karst formations, (including sink holes); and
- Areas presenting environmentally or ecologically unique resources, including the habitat of any and all threatened or endangered species of plants or animals,

6.207.504. Improved Recreational Open Space. In addition to the environmental open space required by Subsection 6.207.503, (above) open space designed to meet the active and passive recreational needs of the resident population of any residential planned unit development shall be provided. These areas shall meet the requirements set forth herein:

a. Plan to Reflect Anticipated Needs of Resident Population

A recreation plan shall be developed and presented with the Master Development Plan for the proposed residential planned unit development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve. A minimum of fifteen (15) percent of the gross area of every residential PUD shall be devoted to improved recreational open space. These facilities may be devoted to either: (1) Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of the intended resident clientele; or (2) shared general use recreation facilities which are available to all residents of the proposed development.

b. Recreational Equipment

All recreational equipment provided within any shared general use recreation space shall be durable commercial grade equipment manufactured by Gametime, Inc., Iron Mountain Forge or equivalent manufacturer. All equipment shall meet all Consumer Product Safety Commission Safety Guidelines, as well as the AS1M F1487-93, Public Use Playground Standard.

c. Recreation Facilities

The following land areas and facilities shall, subject to compliance with the stipulated conditions, qualify as shared general use recreation space. Construction details of all improvements shall be shown on all final development plans and will be bonded prior to filing of final subdivision plats.

i. Mini-Parks and Tot Lots

Mini-parks and tot lots are specialized facilities that serve a concentrated or limited population or specific age group such as very young children or senior citizens within areas that are in immediate walking distance (i.e. 1/4 mile) of their residences. The minimum total area of a mini-parks is one-half (1/2) acre with a minimum dimension of one hundred (100) feet. The individual pieces of playground equipment shall be specified on the site plan. All recreational equipment provided shall meet or exceed the requirements of Subpart b, "Recreational Equipment" (above).

ii. Neighborhood Parks

Neighborhood parks are intended as areas of intense active recreational activities for school age and older children and adults. The minimum area included within a neighborhood park shall be (5) acres, provided that such space is linked to all dwelling units within the planned unit development by a continuous pedestrian circulation system of sidewalks or trails. The park shall serve the population within a one-half (1/2) mile radius. The recreation facilities will include areas for field games, crafts and playground apparatus along with areas for skating, picnicking and similar activities.

iii. Recreational Buildings

Recreational open space may be comprised of the area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities, excluding a golf course.

iv. Pedestrian Open Space System

The total area contained in a continuous open space pedestrian system, consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility or commercial use may be included as recreational open space. This system is intended to provide intradevelopment linkage of all elements of the improved recreational open space through a network that is divorced from roads and streets. The minimum width of all portions of this system is fifteen (15) feet with a paved surface of five (5) feet.

v. Specialized Facilities

A golf course may be used to satisfy a maximum of fifty (50) percent of the shared general use recreation space requirement, provided the access meets the standards for "shared general use recreational space". Swimming pools, tennis courts and similar facilities principally intended to serve an adult population may be substituted for other recreational facilities within developments marketed to a totally adult population.

6.208. Nonresidential Development Standards.

6.208.1. Uses Permitted.

6.208.101. General. In general, the uses and activities permitted within the underlying C-1 or C-2 base commercial zoning district may be permitted within Nonresidential Planned Unit

Developments, (NRPUD) that overlay those districts. Provided, however, that such uses may be further restricted as provided in Subpart 6.208.102, below.

6.208.102. Findings of Appropriateness. Due to the unique ability of the planned unit development process to tailor individual developments so as to achieve balanced and reasonable use of the land while maintaining an assured measure of protection for surrounding owners, it is necessary that limited discretion be afforded the Planning Commission and Board of Commissioners in the process of selecting uses for location within particular developments. In this regard, it is necessary that the uses permitted within a particular development establish and maintain a high degree of compatibility with the immediately surrounding area. To this end, the selection of uses permitted within each individual commercial planned unit development will be guided by:

- The use provisions established for the base district which the commercial planned unit development overlays.
- The appropriateness of each use given the intended function of each type commercial planned unit development.
- The unique nature of the property surrounding each development.
- Consistency with any adopted area development plan which may be applicable to the proposed site.

This process may result in limitations, restrictions or the prohibition of particular uses permitted within a base zoning district from a commercial planned unit development which overlays that district.

6.208.2. Location and Required Area of Nonresidential Planned Unit Developments.

6.208.201. Review of Adopted Long-Range General Plan Required. In no event shall the location, composition, and extent of a proposed commercial planned unit development be approved unless such proposed development is consistent with the actions and policies regarding land development adopted by the Planning Commission.

6.208.202. Market Analysis for Nonresidential Planned Unit Development. The Planning Commission may require a market analysis for any proposed nonresidential planned unit development. The market analysis will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the area, to determine the timing of any proposed development, to limit the extent of convenience districts, serving a particular residential area; to ascertain

the effects of a proposed development upon lands used or zoned for commercial purposes; to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided by the landholder and the landholder shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or Board of Commissioners.

6.208.3. Bulk Height and Building Spacing Requirements.

6.208.301. Building Coverage Ratio. Individual buildings located within a nonresidential planned unit development district may exceed the maximum lot coverage ratio established for the base zoning district wherein the nonresidential planned unit development is located. However, in no instance shall the aggregate site coverage of all buildings located within the Nonresidential Planned Unit Development District exceed the coverage provisions established for the base zoning district in which such site is located. Building coverage ratios shall be calculated on a pro-rata basis when more than one underlying base zoning district is included within a nonresidential planned unit development. If land uses are proposed to be redistributed across the boundaries of underlying zoning districts, maximum floor areas shall be assigned to each component of the Master Development Plan and recorded by plat or equivalent instrument with the first phase of the Final Master Development Plan.

6.208.302. Maximum Building Height. The building height provisions established for the base zoning wherein the nonresidential planned unit development is located shall apply to all buildings.

6.208.303. Building Spacing and Yards.

a. Provisions Applicable Along Residential District Boundaries

Along all portions of a district boundary where a nonresidential planned unit development adjoins residentially zoned land not included within the PUD District, all buildings, measured from the site boundary to the nearest building line, shall be set back a minimum of sixty (60) feet.

b. Provisions Applicable Along all Other District Boundaries

Unless, otherwise, specified in the approved Master Development Plan for the nonresidential planned unit development all development located along district boundaries shall provide minimum yards and building separations specified for the base zoning district. Within the nonresidential planned unit development

district, such yards shall be landscaped and maintained in a manner appropriate to a residential neighborhood for a distance of fifteen (15) feet from the lot line adjacent to any street. No such required landscaped area shall be used for off-street parking, loading or storage of any kind. No landscaping adjacent to a street shall impair visibility of or from approaching traffic, or create potential hazards for pedestrians. Where the site plan indicates potential adverse effects of parking or other characteristics of a commercial activity, a wall, fence, or appropriate vegetative screening shall be required to be erected and maintained in such manner as to eliminate such effects or reduce them to an acceptable level. If there is to be parking on the premises after dark, such buffering shall at a minimum prevent lights from automobiles parked or maneuvering incidental to parking from shining across adjacent residential property below a height of five (5) feet.

c. Provisions applicable to Internal Portions of a Commercial Planned Unit Development District

Except as provided in Subparts a, and b, of this section, the minimum yard requirements of the base district shall be waived within nonresidential planned unit development districts. Minimum building separation shall be as provided herein. Along all sides of buildings where vehicular access is from a public street, buildings shall be set back a minimum of sixty (60) feet. In cases where a building wall is not located directly adjacent to an interior side or rear lot line that is not adjacent to an alley, a yard with a minimum width or depth from the lot line of fifteen (15) feet or the distance required by applicable building and fire codes shall be provided. Permitted obstructions within such yards shall be limited to those permitted within the base district.

6.208.304. Outdoor Storage or Activities. Unless, otherwise, specified in the approved Master Development Plan all outdoor storage facilities and outdoor sales activities are prohibited in any nonresidential planned unit development district. This provision shall not be construed to exclude seasonal displays, short-term charitable events, of no more than ninety, (90) days duration, the outdoor display of new or used automotive vehicles or trailers for sale or rent, or the incidental display of goods or chattels for sale or rent in a nonresidential planned unit development district by an establishment having activities that occur principally within a building.

6.208.305. Lighting Provisions. No direct source of illumination located in a nonresidential planned unit development shall be visible beyond the boundary of such development. No illumination of any kind shall exceed one (1) foot-candle power at or beyond the boundary of such development and shall not flash or blink or appear to flash or blink, or shall be animated or appear to be animated.

6.208.306. Landscaping Provisions. The provisions of Subsection 6.206.2, (Landscaping and Buffering) shall apply fully within all nonresidential planned unit development districts. In particular, off-street parking areas, service areas for loading and unloading other than passenger vehicles and areas for storage and collection of refuse and garbage shall be screened.

6.300. Conservation Design Overlay District. **(Added by Ordinance 06-016, December 21, 2006)**

6.301. District Purpose. The purpose of the Conservation Design Overlay District is to promote conservation of open space and preservation of natural resources. These standards are intended to support implementation of ARTICLE 6, (CONSERVATION SUBDIVISIONS) found in the Town of Kingston Springs Subdivision Regulations.

6.302. Applicability. This section shall apply to all "major subdivisions" (See Definition) of one and two-family houses located within the A, Agricultural, RA, Rural Residential, RB, Suburban Residential and RC, Urban Fringe Districts as delineated on the Kingston Springs Zoning Map. All other provisions of this Zoning Ordinance, which apply to the underlying zoning district, shall remain in effect.

Conservation development, as set forth herein, shall be a permitted use, allowed as of right, according to the design standards contained herein and within the Subdivision Regulations. Conventional development, not consistent with the standards of the Conservation Design Overlay District, shall be classified as a special permit use. To obtain a special permit, the applicant must make a compelling case at a public hearing, detailing exactly how and why his proposed layout better fulfills the policies and goals of the Kingston Springs Town Development Plan, compared with a conservation design, particularly with respect to the protection of productive farmland, upland habitat (including meadows and woodlands), scenic viewsheds, rural character, etc. Such applications for conventional development as special permit uses shall not be approved unless the applicant is able to clearly demonstrate the advantages of a conventional layout alternative with respect to the goals and policies in the Town's officially adopted Development Plan.

6.303. Uses Allowed. The uses allowed in a Conservation Design Overlay District shall be the same as those permitted in the underlying base district.

6.304. Dimensional Standards. The following dimensional standards shall apply to single family dwellings located on all applicable properties in the Conservation Design Overlay District.

TABLE 6.300 A

DIMENSIONAL STANDARDS FOR
THE CONSERVATION DESIGN OVERLAY DISTRICT

	Base Zoning District			
	A	R-A	R-B	R-C
Density Factor* (in ac. or sq.ft.)	4 ac.	40,000	30,000	20,000
Min. Required Conservation Land**+	50	50	50	50
Average Max. Lot Area (in ac. or sq. ft.)	2 ac.	20,000	15,000	10,000
Average Min. Lot Area (in ac. or sq. ft.)	1 ac.	10,000	7,500	6,000
Min. Lot Width at Bldg. (ft.)	100	80	60	50
Min. Street Frontage (ft.)	40	40	30	30
*Area Per dwelling unit based on density determination formula.				
**Large "conservancy lots" of 10 acres or more may comprise up to 80% of conservation land.				

6.305. Density Determination. Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

6.305.1. Option One - Adjusted Tract Acreage Approach. Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical "density factor" for that category of constrained land.

- (a) The areas of constrained land indicated in the accompanying Table shall be **deducted** from the total (gross) tract area:
- (b) If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
- (c) Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract acreage.
- (d) The net acreage resulting from the calculations above shall be divided by the minimum lot area requirement for the base zoning district to determine the number of lots allowed.

ITEM		Reduction Factor		Area to be Deducted
Public Street Rights of way	x	1.00	=	
Private Streets (Actual roadway)	x	1.00	=	
Designated Wetland	x	0.95	=	
Floodway	x	1.00	=	
Floodplains (Excluding Floodway)	x	0.50	=	
Slopes 15% <25%	x	0.60	=	
Slopes 25% +	x	0.80	=	
Rock Outcroppings (1,000 +sq. ft.)	x	0.90	=	
Streams and Stream Buffers	x	1.00	=	
Total Area to be Deducted				

6.305.2. Option Two - Yield Plan Approach. Determination of density, or maximum number of permitted dwelling units, shall be based on an actual Yield Plan. Yield Plans shall meet the following requirements:

- (a) Yield Plans must be prepared as Conceptual Plans in accordance with the standards of the Subdivision Regulations containing proposed lots, streets, rights-of-way, and other pertinent features. Drawn to scale, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if not served by central sewage disposal, the suitability of soils for subsurface sewage disposal.
- (b) The Yield Plan shall reflect the dimensional standards in the underlying zoning district. It must identify the site's primary and secondary resources, as identified in the Existing Resources/Site Analysis Plan, and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance, by allocating this area to the proposed house lots.
- (c) On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual septic systems on conventional lots. The applicant is required to provide evidence that all lots meet the standards for individual septic systems.
- (d) Yield Plan Dimensional Standards: The dimensional standards to be used in the development of Yield Plans shall be the same as those pertaining in the underlying base zoning district. All lots shall be shown to meet the minimum lot area requirement established for the base zoning district where such lot is located. Each lot shall be exclusive of wetlands, floodplains, slopes greater than twenty-five (25) percent, utility or street easements, and land under high-tension electrical transmission lines (69kV or greater).

6.306. Design Standards. The design of subdivisions subject to this section shall be subject to the standards, procedures and data requirements set forth in Section 6-105, (PLANNING AND DESIGN STANDARDS FOR CONSERVATION SUBDIVISIONS) of the Subdivision Regulations.

6.307. Conservation Lands Protection and Maintenance. Permanent protection of conservation lands and management and maintenance of conservation lands and common facilities shall be subject to the relevant provisions of the Kingston Springs Subdivision Regulations.

6.308. Discretionary Density Bonuses. Additional density may be allowed when one of the following public benefits is proposed:

- A. Public Usage of Conservation Land: To encourage the dedication of land for public use (including active and passive recreation areas, spray irrigation areas, municipal buildings, etc.), a density bonus for greater public usage of Conservation Land in new subdivision may be granted on the basis of a maximum of one dwelling unit per five (5) acres of conservation land or per twenty-five hundred (2500) feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate conservation land to public usage within a proposed subdivision shall be at the discretion of the Planning Commission, which shall be guided by the relevant recommendations contained in the Comprehensive Plan or Open Space Plan.
- B. Additional Conservation Land: For each additional five (5) acres of conservation land provided above the required percentage, one additional building lot may be created.
- C. Provision of Affordable Housing: A density increase may be permitted where the subdivision proposal provides housing opportunities for low- or moderate-income families. The amount of density increase shall be based on the following standard: For each affordable housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to a maximum fifteen (15) percent increase in dwelling units. Affordable housing is herein defined as units sold or rented to families earning eighty (80) to one hundred-twenty (120) percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.
- D. Implementation: The above density bonuses may be implemented by reducing the amount of required conservation land by up to ten (10) percent, reducing the minimum lot area requirements by up to ten (10) percent, or by a combination of these approaches, at the discretion of the Planning Commission. The cumulative reductions may total up to thirty (30) percent, if the Commission is satisfied that the public purposes are being served.

6.309. Definitions. Definitions shall be amended by addition of the following:

Adjusted Tract Acreage: The net buildable land in a subdivision, after certain percentages of constrained lands have been deducted, for density calculation purposes.

Conservation Subdivision: A subdivision which is specifically designed to conserve significant features of the natural and cultural landscape, achieving this result through flexibility in lot dimensions.

Conservancy Lot: A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to conservation land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for conservation land. Public access to conservancy lots is not required.

Conservation Land: That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Conservation land may be accessible to the residents of the development and/or the town, or it may contain areas of conservancy lots not accessible to the public.

AMENDED BY RENUMBERING ARTICLE VI TO ARTICLE
VII, BY ORDINANCE 06-015, DECEMBER 21,2006
ARTICLE VII

EXCEPTIONS AND MODIFICATIONS

SECTION

- 7.010 Scope
- 7.020 Nonconforming Uses
- 7.030 Nonconforming Buildings in Floodplain Districts
- 7.040 Bulk and Lot Size Noncompliance
- 7.050 Exceptions to Height Limitations
- 7.060 Lots of Record
- 7.070 Exceptions to Setback Requirements
- 7.080 Absolute Minimum Lot Size
- 7.090 Zero Lot Line Duplex Requirements

7.010. Scope. ARTICLE VII of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE IV and ARTICLE V.

7.020. Nonconforming uses. This districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Kingston Springs, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

7.021. Provisions Governing Nonconforming Uses. Applicability. The provisions of this article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodplain are considered within the regulations of nonconforming uses.

7.022. Construction or Use Permit Approved Prior to Ordinance Adoption. Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

7.023. Repairs and Alterations Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

7.024. Zone Lot Containing Nonconforming Use. A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 7.023.

7.025. Continuation of Nonconforming Use. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (See Section 7.026) is undertaken.

7.026. Change of Nonconforming Use.

7.026.1. General Provisions. For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

7.026.2. Land with Incidental Improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

7.026.3. Nonconforming to Conforming Use. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

7.027. Expansion of Nonconforming Uses

7.027.1. General Provisions. Pursuant to T.C.A. §§13-7-208, and amendments thereto, any nonconforming *industrial, commercial, or business* use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming *industrial, commercial or business* use provided that any such expansion shall not violate the provisions as set out below *and shall not violate any other applicable building code or regulatory requirements.*

7.027.2. Land with Incidental Improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

7.027.3. Adequate Space for Expansion. No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance.

7.027.4. Expansion Limited. Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

7.027.5. Expansion Upon Land Subject to Flood. No expansion of any nonconforming use shall violate the provisions of Section 7.030.

7.028. Damage or Destruction

7.028.1. General Provisions. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

7.028.2. Change in Use Prohibited. No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section 7.026, above) to other than a permitted use.

7.028.3. Land With Incidental Improvements. In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of *fifty (50)* percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

7.028.4. Infringement Upon Open Space Restricted. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

7.028.5. Reconstruction of Flood Damaged Property. The provisions of Section 7.030, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway district.

7.029. Discontinuance. Pursuant to T.C.A. §13-7-208, when a nonconforming *industrial, commercial or other business* use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of *thirty (30) continuous months*, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

7.030. Special Provisions Governing Nonconforming Buildings Within Floodway District.

7.030.1. General Provisions. In all districts or portions thereof which extend into the floodway districts as established by Section 5.054, any building or other structure or use which is not permitted by the floodway district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

7.030.2. Enlargement of Buildings Within the Floodway. A building or other structure which is nonconforming by reason of location within the floodway shall not be enlarged or expanded but may be altered, or repaired as set forth in Section 7.023, or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood proofing measures provided that such alteration Will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

7.030.3. Repealed. See FEMA Flood Ordinance.

7.040. Bulk and Lot Size Noncompliance.

7.040.1. General Provisions. The provisions of this article shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

7.040.2. Continuation of Use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.

7.040.3. Repairs and Alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 7.040.4 through 7.040.6.

7.040.4. Enlargements or Conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

7.040.5. Buildings Noncomplying as to Lot Area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet).

7.040.6. Damage or Destruction of Noncomplying Uses. A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

7.050. Exceptions to Height Limitations. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials.

7.060. Lots of Record. The following provisions shall apply to all existing lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

7.070. Exceptions to Setback Requirements. The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

7.080. Absolute Minimum Lot Size. In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet.

7.090. Zero Lot Line Duplex Requirements. Zero lot line duplex dwellings shall be subject to the following requirements:

7.090.1. Density Requirements. The density of the development permitted shall be determined by dividing the gross site, less streets, by the lot area require in an R-2 or R-3 District, for a duplex or two-family structure or building type.

7.090.2. Parcel (Fee-Simple Lot) Requirements Area and Width Requirements. The Lot area and lot width of any parcel (fee-simple lot) may be variable provided that no parcel shall be created which contains less than one half ($\frac{1}{2}$) of the required lot area per structure of building type as stipulated in 7.090.1, above. In no case shall an individual parcel be created which contains less than an absolute minimum of 6,000 square feet, or a lot width at the building setback line of less than 75 feet.

A. Coverage Requirements

On any individual parcel of land, the area occupied by all buildings or structures thereon including accessory structures if any, shall not exceed thirty-five (35) percent of said parcel. All accessory structures shall be governed by the provisions of Section 3.100 and Section 5.051.2, B, 4, or 5.051.3, B, 6, of the zoning ordinance.

B. Front, Rear, and Side Yard Requirements

The front and rear yard setback requirements shall be as specified in the R-2 and R-3 Zoning Districts of the zoning ordinance. Where required, side yard setbacks per each building type shall also follow the R-2 and R-3 Zoning District Regulations. Such side yard setbacks are required at the end of each individual building or structure located within the development.

C. Height Requirements

All developments utilizing zero side roads shall follow the height requirements cited in Sections 5.051.2 (E)(4) or 5.051.3 (E)(4).

7.090.3. Other Development Requirements.

1. The exterior material of zero lot line dwellings shall be of such type and quality that they do not create an adverse effect on adjacent dwellings.
2. The side yard setbacks may be zero on any parcel provided that the parcel adjacent to that side yard is held under the same ownership at the time of initial construction.
3. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Board of Zoning Appeals for a zero side yard development.
4. No portion of a dwelling or architectural features of a structure shall project over any property line.
5. Where the same interior property line is utilized for the zero side yard construction of any dividing structures or walls, such dividing structures shall consist of double walls separated by a minimum air space of two (2) inches.
6. Where the same interior property line is utilized for the construction of any zero side yard structures or walls, all the provisions of the Southern Standard Building Code shall be met, and all such fire walls shall have a rating as required by the Kingston Springs Fire Department.
7. All residential structures or building types must contain a fire wall between the various dwelling units, from the footing to the peak of the roof of not less than two hours fire rating. The fire wall must be bisected by a line dividing each dwelling unit so that one-half of the fire wall is on each parcel.

7.090.4. Parking and Access Requirements.

1. There shall be two (2) parking spaces per individual parcel (fee simple lot) subdivided, and special attention shall be directed to providing the required spaces in a manner which will minimize points of access onto the public road serving the development.
2. Every dwelling unit shall be located on a parcel fronting or adjacent to a public street. All structures shall be so located on the various parcels so as to provide safe, convenient access for the provision of adequate fire protection to such parcels.

7.090.5. Utilities Requirements. All zero side yard residential developments shall be served by public water. Sanitary (public) sewer services shall be utilized whenever possible. If a zero lot line development is to be served by means of private, subsurface disposal systems approved by the Cheatham County Health Department, each parcel (fee simple lot) must contain its own individual septic tank and drainfield. Each parcel shall be served by separate utilities, and when served by or private, subsurface sewerage disposal system, each parcel (fee simple lot) shall contain a minimum of 20,000 square feet.

7.090.6. Location Requirements. In authorizing any development anticipated herein, as well as fully considering the criteria cited in Section 7.060, of the zoning ordinance, the Board of Zoning Appeals shall consider.

1. The nature, type, density, etc., of development adjoining and within the immediate vicinity of the proposed activity.
2. The location of the development with regard to major streets, and especially in regards to Kingston Springs' Major Thoroughfare plan.
3. The nearness or reasonable availability of all public utilities (specifically including public sewer)
4. The adequacy of fire protection facilities.
5. The adequacy of deed covenants designed to assure protection of potential purchasers, surrounding owners, and the community at large.

7.090.7. Contents of Deed Covenants. At the time of presentation of any final plat involving use of the procedure contained within this section, deed covenants shall also be prepared, presented and recorded which at a minimum provide:

1. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
2. Adequate language to assure proper maintenance, etc., of any portion of the structure where maintenance must be shared (ex. common roof).

If the correction of a maintenance problem incurred in the dwelling unit on one parcel necessitates construction work or access on the dwelling unit of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

3. Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel be viewed as a separate independent parcel for zoning purposes.
4. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
5. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owner thereafter makes use of the wall, he shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

7.090.8. Subdivision Regulations. All the requirements of the Kingston Springs Subdivision Regulations shall be met as well as the granting of a special exception by the Board of Zoning Appeals

allowing said zero side yard developments, before the development may qualify as being legally approved.

Preliminary subdivision plats shall designate no more than twenty (20) percent of their lots as zero lot line dwellings. Moreover, both preliminary and final subdivision plats shall designate specific lots as being "zero lot-line developments lots", and the planning commission shall approve these locations.

7.090.9. Requirements for Review and Approval. No development anticipated by the language contained herein shall be undertaken without an express grant of approval by the Board of Zoning Appeals acting under authority granted to the Board for the approval of special exceptions. Moreover, as stated above, the final subdivision plat of the project shall be submitted to and approved by the planning commission, as well as the required review of the entire project as a special exception by the Board of Zoning Appeals under Section 7.060, of the zoning ordinance.

AMENDED BY RENUMBERING ARTICLE VII TO
ARTICLE VIII, BY ORDINANCE 06-015, DECEMBER 21, 2006

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 8.010 Administration of the ordinance
- 8.020 The enforcement officer
- 8.030 Building permits
- 8.040 Temporary use permits
- 8.050 Certificate of occupancy
- 8.060 Procedure for authorizing special exceptions
- 8.070 Board of Zoning Appeals
- 8.080 Variances
- 8.090 Amendments to the ordinance
- 8.100 Penalties
- 8.110 Remedies
- 8.120 Separability
- 8.130 Interpretation
- 8.140 Effective date

8.010. Administration of the ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other public ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020. The enforcement officer. The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.

- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of said buildings or premises as are necessary to carry out his authorized duties.

8.030. Building permits. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure, or to change the use of a building or structure, or to commence the filling of land without a permit thereof, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit, the building permit fee shall be double or twice the original cost of the permit if legal compliance has been obtained as is required.

No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided for by this ordinance.

The approval of any plot plan (site plan) granted under the provisions of Section 3.120, or any plan approved as a special exception (conditional use) under the provisions of Section 8.060 of this ordinance shall become expired in any situation wherein a building permit has not been officially obtained, under the provisions of this section within one (1) year of the official approval of said plot plan (the date wherein the planning commission approved said plot plan) or special exception (the date wherein the board of zoning appeals approved said plan). Any application for a building permit for any land use depicted on an approved plot plan or plan approved as a special exception which is made beyond a year after the approval of such plans shall be denied and no such permit shall be granted until new plans are prepared and approved under all the terms established within Sections 3.120 and 8.060, of this ordinance. Any such resubmittals shall be stamped by the preparing professionals utilizing the current date.

A. Application:

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of buildings or other structures already on the lot and the elevation of the building site.

3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Fee:

The Kingston Springs City Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the office of the Building Inspector and City Hall. Only the City Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any of the provisions of this ordinance.

D. Construction Progress:

Any Building Permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance, or if the work authorized by the permit is suspended or discontinued for a period of six (6) months.

8.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in ARTICLE IV, SECTION 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Kingston Springs City Commission. Such schedule shall be posted in the office of the Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

8.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. Fee:

A fee of twenty-five (25) dollars payable to the City of Kingston Springs shall be charged to cover partial review and processing of each application for a special exception, except that the fee shall be waived for a governmental agency.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering, landscaping treatment, with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

8. General compatibility with adjacent properties and other property in the district.
9. Other special conditions as cited within this section of the ordinance. D.

Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Conditions for Review Pertaining to Bed and Breakfast Home Residences

In addition to the requirements of the applicable district and the general requirements set forth in Section 8.060, C, the following special conditions shall be met prior to issuing a conditional use permit:

1. Bed and breakfast residences shall be established only within preexisting single family residences.
2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
8. One (1) off-street parking space shall be provided for each room rented in addition to the required two (2) spaces required for the single family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
9. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher ten pounds in size or larger shall be installed and made easily accessible on each floor or story.
11. An evacuation plan must be approved by the town's fire chief prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
12. Minimal outward modification of the structure or grounds may be made only if such changes are comparable with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
13. Prior to the issuance of a use and occupancy permit for the establishment of any bed and breakfast residence not connected to the town's public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

H Special Conditions for Review Pertaining to Adult-oriented Business Establishments.

In addition to the requirements of the applicable district and the general requirements set forth in Section 8.060, C, the following special conditions shall be met prior to issuing a conditional use permit:

1. No adult-oriented establishment shall be operated or maintained in the Town within two thousand (2,000) feet, as measured in a straight line from the closest point from building to building, of a school, church, public recreation facility, day care facility, playground, or park
2. No adult-oriented establishment shall be operated or maintained in the Town within one thousand (1,000) feet, as measured in a straight line from the closest point from intended building to property line, of a boundary of any residential zone (R1-A, R-1, R-2, and/or R-3), or any lot devoted to residential use.

3. No adult-oriented business establishment shall be operated or maintained in the Town within one thousand (1,000) feet, as measured in a straight line from the closest point from building to building, of another adult-oriented business establishment.

I. Special Conditions for Special Institutional Care Facilities

In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the special institutional care activity type.

1. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along designated arterial or collector streets as shown on the official major thoroughfare plan without traversing local minor streets.
3. The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s).
4. The facility providing residence facilities shall have resident twenty-four (24) hour staff and appropriate professional services shall be supplied.
5. The off-street parking requirements shall be determined by the Board of Appeals.
6. The minimum side and rear yards shall be one hundred (100) feet for a one (1) and two (2) story building, increased by ten (10) feet for each additional story.
7. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
8. No facility permitted under the provisions of this section shall be located within one thousand (1,000) feet of any church, day care center, nursery school or public park. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the main entrance of the church, day care center, nursery school or public park, where the centerline intersects with the margin of the public road.

8.070. Board of Zoning Appeals. In accordance with 13-7-205 Tennessee Code, a Kingston Springs Board of Zoning Appeals, consisting of three members, is hereby established. All members of such Board shall be appointed by the City Commission.

A. Term of Office of Board Members, Removal and Vacancies

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The board first appointed shall serve respectively for three following terms: two for (1) year, two for (2) years, and one for (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the City Commission and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

C. Appeals to the Board:

An appeal to the Kingston Springs Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Stay of Proceedings

An appeal stay all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

E. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

F. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

8.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application:

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Fee:

A fee of twenty-five (\$25.00) dollars payable to the City of Kingston Springs shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.

8.090. Amendment to the Ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the City Commission of Kingston Springs. Any member of the City Commission may introduce such legislation, or any official, board, or any other person may present a petition to the City Commission requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Kingston Springs Municipal Planning Commission for review and recommendation. Such proposal shall be submitted to City Hall at least fifteen (15) days prior to the next Planning Commission meeting if it is to be entertained by the Planning Commission. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall

require the favorable vote of a majority of the City Commission to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership or the City Commission.

Before enacting amendment to this ordinance, the City Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of Kingston Springs.

A. Fee:

A fee of twenty-five (25) dollars due and payable at the time of filing of petition shall be posted with requests to amend the zoning ordinance. The fee is to be used by the City of Kingston Springs to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Mayor and Board of Commissioners, or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

8.100. Penalties. Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

8.110. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

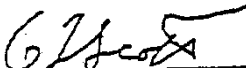
8.120. Separability. Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.

8.130. Interpretation. Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.

8.140. Effective date. This ordinance (84-005) which repeals ordinance (82-005) shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Kingston Springs Municipal Planning Commission.


March 14, 1985
Date



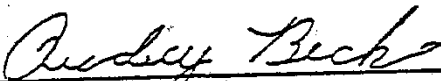
Chairman, Planning Commission

Approved and adopted by the City Commission of the City of Kingston Springs Tennessee.

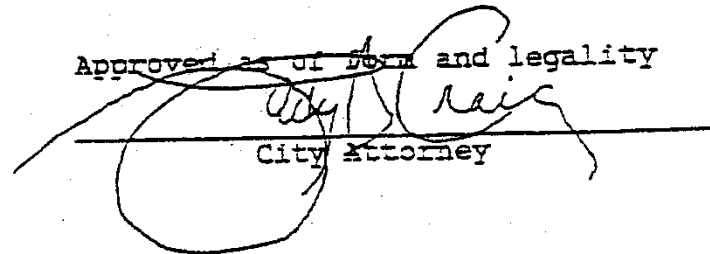
March 21, 1985

 Mayor, Kingston Springs

ATTEST:



City Recorder

Approved as of form and legality


City Attorney

Passed 1st Reading: 10-18-84
Passed 2nd Reading: 1-17-85
Passed 3rd Reading: 3-21-85