

**ZONING
ORDINANCE**

**LEWISBURG,
TENNESSEE**

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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 Annotated, to provide for the establishment of districts within the corporate limits of the City of Lewisburg, 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 Lewisburg, Tennessee, dated, November 13, 1990. The zoning map shall be referred to as the Official Zoning Map of Lewisburg, 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 Annotated, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council 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 Annotated, with regard to the preparation of the zoning plan by the planning commission and subsequent action of the City Council have been met;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL THAT THE ZONING ORDINANCE OF LEWISBURG, 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 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, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- (i) encouraging the most appropriate uses of land;
- (j) enhancing the natural, man-made and historical amenities of Lewisburg, 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 definition 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, or structure, the use of which is incidental to that of a principal building and located in the rear or side yard on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located within the rear yard upon the same lot therewith.

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

ADULT ORIENTED BUSINESS: Any business as defined by Sections 7-51-1101 thru 7-51-1121 and 7-51-1401 thru 7-51-1406 of the Tennessee Code Annotated, including any amendments.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device or design 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, roof board, 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, BILLBOARD, OR OTHER ADVERTISING DEVICE*

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 Lewisburg, 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, poultry, fish or minnow hatcheries, 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 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 areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

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 two 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 of the principal structure 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 elevation 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.

BIOFUEL: Any fuel derived from biomass (recently living organisms or their metabolic by-products), especially crops, trees, or animal waste.

BOARD: The Lewisburg, Tennessee Board of Zoning Appeals.

BOARDING HOUSE: See *DWELLING* definitions.

BOTTLE CLUB: An establishment where no alcoholic beverages are sold, but where members, guests, or customers provide THEIR own alcoholic beverages, paying a fee or other consideration for admission, membership, or setups.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of shade 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. Additionally, the shade trees at the time of planting shall be at least 1 1/4" to 1 1/2" in diameter.

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 ELEVATED: A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

BUILDING INSPECTOR: The building inspector for the City of Lewisburg.

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 street right-of-way, or if an official future street right-of-way has been established, as shown on the current, 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. No structure shall be placed in front of this building setback line.

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. Within this area no structure shall be placed.

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 blue-printing 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 motor homes, camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See *MEDICAL FACILITIES*.

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 use 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 Annotated. 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 typically needed frequently 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.

COUNCIL: The City Council of Lewisburg, Tennessee.

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, pool, dining facilities, lounge.

DAY CARE CENTER (CHILDREN): Includes day care for more than eight (8) preteenage children in any kind of building.

DAY CARE HOME (CHILDREN): Includes day care in an occupied residence of not more than eight (8) children including children living in the home.

DEVELOPMENT: Any man-made change to improved and 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 Lewisburg, 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 dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by multiple families each of which has separate living quarters.
- (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. (See semi-transient habitation definition).

- (e) Boarding houses 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. (See semi-transient habitation definition).
- (f) Townhouse 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, in which individual living accommodations are provided for each family.
- (h) Multi-family means a building containing two (2) or more dwelling units. The term includes apartments, townhouses condominiums and duplexes.
- (i) Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when the dwelling has the same general appearance as required for site-built homes with no horizontal exterior dimensions of less than eighteen (18) feet not including porches or carports. When such a structure meets the above stated requirements as well as having attached to the structure a green tag signifying compliance with all the requirements of the Southern Standard Building Code, it shall qualify as a single detached dwelling.
- (j) Mobile home or trailer means a vehicular, portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, to include a red HUD (Housing and Urban Development) tag attached to the rear of the chassis, built on a chassis, designed for year-round occupancy, and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.
- (k) Zero lot line dwelling means a building or structure containing at least two units (duplex), each unit being located on its own 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 nonprofit housekeeping unit as distinguished from a group occupying a boarding or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family. The term family as used herein shall be construed to include groups of eight

(8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as housekeepers or guardian residing within the house (See Chapter 24 of Title 13, T.C.A.).

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provision 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 desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattel for the purpose of sale unless otherwise permitted by other provisions of this regulation.

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 1 percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-chance flood". For regulatory purposes, this area is depicted in the T.V.A. Flood Report for Lewisburg published in June 1985.

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 subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural or non-structural additions, changes, or adjustments which reduce or eliminate flood damages 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.

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 horizontal areas of several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

- (a) Open exterior balconies or other covered open spaces.
- (b) Uncovered terraces, patios, porches, atriums or steps.
- (c) Garages, carports, or other areas, enclosed or unclosed, used for the parking or circulation of motor vehicles.

- (d) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
- (e) Areas of common special purpose used by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

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.

GENERAL 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 hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of an undue amount of motor vehicle traffic.

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 Marshall 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*.

IMMOBILE: A vehicle incapable of moving under its own power.

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. Any lot containing Two (2) or more immobile or unlicensed cars shall be deemed a junk yard. (See immobile).

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 WITH INCIDENTAL IMPROVEMENTS: A tract of land which contains improvements including buildings or other structures having a total assessed valuation of one thousand dollars (\$1,000) or less.

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 of record, occupied or to be occupied by one or more principal buildings, 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, DEPTH: The average distance from the street 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.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

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 sick or injured and including related facilities such as 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: See classification (j) under the definition of a *DWELLING*.

MOBILE HOME PARK: Any parcel of land containing at a minimum of two (2) acres of land and at least ten (10) mobile home spaces available at the time of first occupancy. Any parcel not meeting the above standard shall not be utilized as a mobile home park.

NEW CONSTRUCTION: Means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

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.

NONCOMPLYING:

- (a) Any lot of record which 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.

NOXIOUS MATTER: Material 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.

OPEN-SIDED SHED – A structure that is constructed with at least one permanently open side for the purpose of storage or display of materials in the dry. These structures are generally constructed on poles, therefore requiring very little land disturbance, rather than on

a foundation. While these structures must meet all zoning and building permit requirements for the intended use, they can be approved at the staff level rather than by the full planning commission.

OPEN SPACE: The area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot (EDITOR'S NOTE: Covered open space is usable open space closed to the sky, but having two (2) clear unobstructed open or partially open sides. Partially open is to be construed as 50 percent open or more).

OPEN SPACE, COMMON: Open space held in private ownership, recorded in the Office of the County Register, and regularly available for use by the occupants of more than one dwelling.

OPEN SPACE RATIO (OSR): The total square feet of open space for each square foot of floor area on the lot.

OPEN SPACE, UNCOVERED: Exterior space open to the sky including usable roof area.

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

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and 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 access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than one hundred sixty-two (162) square feet (9 x 18) exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PARTY WALL: (Zero lot line) A wall on an interior lot line, used or adapted 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.

PLANNED UNIT DEVELOPMENT: A single planned area of land which is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation 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 certain types are planned unit developments.

PLANNING COMMISSION: The Lewisburg Municipal Planning Commission.

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

PREFABRICATED DWELLING: See classification K under the definition of a *DWELLING*.

PRINCIPAL STRUCTURE: A structure which constitutes the principal activity or use located on a lot on which it is located.

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 collection and treatment and/or disposal of wastewater, as approved by the appropriate Marshall County Health Department official.

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 service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

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

QUARRYING: The excavation or extraction from the earth on a parcel of property of rock or stone or other mineral for the sole purpose of resale.

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.

RECYCLE CENTERS: A facility designed to be a collection point where only recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are sorted and/or temporarily stored (not to exceed 120 days) prior to delivery to a site where they shall be remanufactured into new products.

REQUIRED YARD: That portion of a 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 the street centerline. On all collector streets, the minimum right-of-way shall be thirty (30) feet from the street centerline. On arterial streets the right-of-way shall extend forty (40) feet from each side of the street centerline. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Lewisburg.

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

ROOMING UNIT: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of time living units under the same ownership, control, or management on the same lot being occupied on less than a monthly basis.

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 Health and Environment.

SEMI-TRANSIENT HABITATION: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of the living units under the same ownership, control or management on the same lot being occupied on more than a bi-weekly basis but on less than a monthly basis. (See *TRANSIENT HABITATION* definition).

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 establishment, 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 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 "poster board" 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. All signs fall under the definition of a structure as cited in this ordinance. Moreover all billboards and poster boards fall under the definition of a principal structure as cited in this ordinance.

SOLID WASTE TRANSFER STATION: A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal. Solid waste can be temporarily stored at facility seven (7) days.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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, solar devices, antennas, and satellite or T.V. dishes.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair 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, that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the 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.

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 displayed for a short period of time only.

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

TRANSIENT HABITATION: Separate lodging or living accommodations for rent or lease of a commercial nature. Such uses as hotels, motels, tourist homes and courts, as well as commercial camp grounds (sporting and recreational vehicle camps) falls under this classification. Multi-family dwelling complexes of all types in which more than thirty (30) percent of their units are occupied on a bi-weekly basis or less shall be considered as being transient habitation.

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

TRAVEL TRAILER (MOTOR HOME) 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 or structure, 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 or structures, including porches, and the front lot line.

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

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

ZERO LOT LINE DWELLING: See definition of *DWELLING* types.

ZONING MAP: A map, or series of maps and special overlays (the official copy being maintained at the Lewisburg City Hall) 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 Building Inspector before establishing, extending, or changing any activity or use on any lot.

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Residential Buildings on Residential Lots
- 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 intersections and railroad intersections prohibited
- 3.090 Access control
- 3.100 Accessory use regulations
- 3.110 Buffer strips
- 3.120 Site Plan and Design Review
- 3.130 Solar orientation
- 3.140 Antennas and satellite (T.V.) dishes

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. Residential buildings on residential lots. On a lot to be used for a single family dwelling or a two (2) family dwelling only one (1) principal building and its customary accessory building shall be permitted. This provision does not prohibit planned development complexes as permitted under ARTICLE V, SECTION 5.050, of this ordinance, or multi-family dwellings.

3.030. Lot must abut a public street. 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 abuts for at least fifty (50) feet on a street that has been shown on a final subdivision plat as approved by the Lewisburg Municipal Planning Commission.

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 front 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. The side setback on a corner lot will be determined by the City's Codes Enforcement Officer.

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 right-of-way as shown on the most current official Lewisburg, Tennessee Major Thoroughfare Plan Map.

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 yards, lot area per family, lot width, building area, 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 line of intersecting streets or intercepting streets and/or railroads and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) 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, retail and commercial services land uses. All points of access shall be so constructed as to provide for proper drainage of property and public streets. A minimum of a fifteen (15) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.
- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than fifty (50) feet in width shall have no more than one point of access to any one public street.
- 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 rights-of-way shall be cut or altered without approval of the Lewisburg Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between any two 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 space 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 principal 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. An accessory use or structure on any residential lot shall not exceed forty (40) percent of the total square footage of the principal structure on such lot, not to exceed seven hundred twenty (720) square feet in size. If freestanding, it shall be located in the rear or side yard in relation to the principal structure on any lot.

3.110. Buffer strips. Where a use is established in areas zoned nonresidential (C-1, C-2, C-3, C-4, I-1, I-2 (and I-3) which abuts at any point upon property zoned residential (R-1, R-2, and R-3), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. Furthermore, there shall be installed around the solid waste disposal area of all commercial eating and drinking places, an eight (8) foot metal, wooden or, mesh fence designed to keep any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Appeals or Planning Commission.

A letter of credit or performance bond is acceptable where and until seasonal conditions are proper for the planting of vegetation. The City Manager or his designatee shall maintain and/or release these documents upon conformance with those provisions.

3.120. Site Plan and Design Review

- A. Prior to issuance of a building permit (with the exception of a single family and duplex dwelling), a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission no later than ten (10) working days prior to the next regularly scheduled planning commission meeting. The Site Plan shall conform to the following requirements based on the following Minor and Major Site Plan Qualifications:
 - (i) Qualifications for a Minor Site Plan

Minor Site Plan must satisfy the following criteria:

- Does not change the internal or external traffic patterns of the site
 - Alterations or additions do not increase the building size by more than 5,000 square feet or 25% of the gross building area, whichever is less
 - Site is occupied by only one primary building containing less than 30,000 square feet
 - Land disturbing activity is under 12,000 square feet
1. Show gross square feet of each structure
 2. Show the relation of the proposed development to the street system, the surrounding use district and surrounding properties
 3. All plans shall be drawn to scale as required by Zoning Officer, 1"=100' or greater
 4. Show all existing and proposed roads and drainage ways
 5. Show Curb cuts, drives, and parking areas as required by SECTION 4.010
 6. Show Set back lines to be shown on the plat/plan
 7. Show the existing zoning
 8. Show proposed use of the land and buildings
 9. Show acreage of the site
 10. Include a vicinity map indicating site or distance to nearest intersection
 11. Show square feet of land to be disturbed, where applicable
 12. Where applicable, show limits of established flood hazard Zones "A" or "AE" and Floodway
 13. Where applicable, show buffering plan and/or solid waste disposal area plan per definitions and SECTION 3.110
 14. Utilities locations serving site
 15. All commercial and industrial sites shall either be landscaped or returned to a natural state. An irrevocable letter of credit or other surety instrument shall be posted with City of Lewisburg prior to occupancy to ensure such conditions.

(ii) Qualifications for a Major Site Plan

All site plans that exceed the qualifications for a Minor Site Plan must include all the requirements of a Minor Site Plan in addition to the following:

1. All plans shall be drawn to scale as required by Zoning Officer, 1"=100' or greater
2. Show all landscaping and planting screen

3. Show building design for review by Marshall County Building Codes Inspector
4. Provide Storm water management plan as required by Lewisburg Stormwater Management Ordinance.
5. Show all sides of the building elevations
6. Structures larger than 5,000 square feet shall bear a certificate by a licensed engineer certifying that the plan as shown is true and correct
7. Show existing and proposed grades indicated per Grading Plan
8. Grading plan attached to site plan * contingent
9. Provide a form for certification by the owner and trustee of mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan

- B. The Planning Commission shall review the Site Plan and make a recommendation within thirty (30) days. In making its recommendation, except in the development of tracts zoned for single-family detached homes and duplex dwellings, the Planning Commission shall consider and determine whether the proposed structure(s) included in the Site Plan will conform to proper design standards and the general character of the area taking into account the above mentioned conditions as well as any other pertinent factors related to the use and operation of such facility. The proposed development shall have a reasonable relationship to the area and shall be conducive to proper development of the City and its existing environment in an effort to prevent the harmful effects of improper appearances of buildings erected in the City and thus to promote the health, safety, comfort, general welfare and prosperity of the community.

The proposed development is in compliance with all applicable ordinances, codes, and statutes governing the location and appearance of buildings and structures. Where conditions have been required of the applicant, such changes, as required by the planning commission, shall have been made.

- C. The certification required of the owner and trustee of the mortgage in 3.120(A)(ii)(9) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site Plan shall be recorded by the owner with the Marshall County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the

provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

D. The Building Inspector with the written concurrence of the Chairman of the Planning Commission shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in their opinion, the revisions do not substantially alter the nature of the approved Site Plan. Such minor revisions include, but are not limited to, the following:

1. A less than one (1) percent increase, or any decrease, in the floor area or number of units, provided that the maximum floor area ratio or gross dwelling-unit density per acre, as regulated in ARTICLE V, SECTION 5.050, for the zoning district in which the subject property for which a site plan has been submitted, is not exceeded.
2. A less than two (2) percent decrease in parking spaces, open space or livability space.
3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 - (a) less than five (5) feet for site plans of eight (8) or less acres;
 - (b) less than ten (10) feet for site plans of eight (8) acres but less than twenty (20) acres; and
 - (c) less than fifteen (15) feet for site plans of twenty (20) acres or more.
4. The correction of drafting errors on the approved site plan.

Substantial Deviations: If a proposed amendment to a site plan deviates substantially from the approved site plan, such approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

1. A one (1) percent or greater increase in floor area or number of units.
2. A two (2) percent or greater decrease in parking spaces, open space or livability space.
3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 - (a) five (5) feet or more for site plans of eight (8) or less acres;

- (b) ten (10) feet or more for site plans of eight (8) acres but less than twenty (20) acres; and
 - (c) fifteen (15) feet or more for site plans of twenty (20) acres or more.
 - 4. Any deviation that impacts the runoff reduction best management practices that were proposed for the development.
- E. Grading shall respect the natural contour of the existing terrain wherever possible. The following standards shall apply to all development within the City of Lewisburg.

1. Standards

- A. Grading shall be limited to building pads, access drives, parking lots, etc. unless approved by the board of zoning appeals.
- B. Where grading is necessary, the principles of contour grading should be employed:
 - 1. Cut slopes shall not exceed two (2) horizontal to (1) vertical (2:1). Flatter slopes may be required if indicated by soils and geologic investigations to be necessary. Solid rock cut slopes shall not exceed 0.5 horizontal to 1 vertical.
 - 2. Graded Earthen slopes should be rounded and shaped to simulate the natural terrain.
 - 3. Grading should follow the natural contours as much as possible.
 - 4. Graded Earthen slopes should blend with naturally occurring slopes at a radius compatible with the existing natural terrain.
 - 5. Graded Earthen slopes shall be re-vegetated with a mixture of grass seed or shrubs as recommended by the Planning Commission to prevent erosion. Planting may be waived by the Planning Commission for slopes that, due to the rock character of the material, will not support plant growth.

2. Grading Plan Requirements

A grading plan containing the following information indicated herein is required for sites involving one (1) acre or more or for structures involving 5,000 sq. ft. or more. Single-family residences and individual duplex dwellings are excluded from these provisions.

This section expressly exempts excavation or fill for the purpose of constructing a swimming pool, basement, garage, or similar use that is

deemed to be an accessory structure to a principal residential building. This section also exempts excavation for the installation of utility lines, including sanitary sewer, storm sewer, water, gas, electric and phone lines. However, the placement of fill material obtained from excavation for the purpose of extending utility services is nonexempt.

The grading plan shall include:

1. The actual shape, location, and dimension of the lot.
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.
3. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of occupancy units (i.e., apartments, condos, commercial, etc.) the building is intended to accommodate.
4. Topographic features, both existing and proposed final grade, with contours of two to five foot intervals as required by the Director of Public Works, City Manager, or Codes Enforcement Officer based on the character of site topography.
5. Location of all driveways and entrances.
6. A re-vegetation plan that satisfies the conditions of Section 3.120.E.1.C.5 listed above.
7. Proposed means of surface drainage and siltation control that comply with the Lewisburg Stormwater Management Ordinance. If erosion and sedimentation controls are to be shown on the grading plan, rather than a separate erosion and sedimentation control plan, then all requirements for erosion and sedimentation control plans listed in the Stormwater Management Ordinance shall apply.
8. Proposed means of air pollution and/or dust control per State Air Pollution Control standards Contact 931-840-4160.

3.120.1. Additional Design Standards for Multi-Family Dwellings

1. Open Space Requirements

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements which are permitted in the common open space must be appropriated to the uses which are authorized for the common open space, having regard for its topography and unimproved condition. Common open space that is to remain unimproved as a means of complying with the runoff reduction requirements of the Stormwater Management Ordinance must employ a mechanism to ensure that the area remains unimproved in perpetuity.

2. Access

Every structure shall be on a lot adjacent to a public street, or with access to an approved private street.

Access and circulation shall provide adequately for firefighting equipment, service deliveries, furniture, moving vans, and refuse collection.

Pedestrian access shall be provided at rear of each dwelling.

3. Grouped Parking Facilities

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit which the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

4. Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

5. Walks

Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

6. Recreation Areas

Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

7. Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

3.120.2. Additional Design Standards for Commercial Activities

1. Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses which by their nature exist outside a building.

2. Exterior Storage

Exterior storage may be permitted in the side and rear yards of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further, provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

3.120.3. Additional Design Standards for Industrial Activities

1. Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior and other accessory uses which by their nature must exist outside a building.

2. Exterior Storage

Exterior storage may be permitted in the side and rear yards of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further, provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

3. Surfacing of Storage Areas

All storage areas shall be surfaced to provide a durable and dust free surface. All areas shall be graded and drained so as to dispose of all surface water in the area.

4. Landscaping

- (1) Each site shall be developed with at least ten (10) percent of its area landscaped with green treatment.
- (2) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.
- (3) Landscape treatment shall not interfere with the sight line requirements of traffic circulation nor obstruct views of buildings or their means of identification.
- (4) All landscaping shall be designed for maximum maintenance; in an area or spot extremely difficult to maintain, paving or terracing may be used as a part of the landscape treatment.
- (5) Landscaping may be in the form of grass lawns and ground covers, shade trees in parking areas, street trees and planting in areas used as dividers and in other suitable areas. It may also include the use of walks, screenings, terraces, fountains, etc.

5. Building Design

- (1) All architectural designs, including those for alterations, additions and remodeling, are to be subject to the review and approval of the planning commission.
- (2) The outside walls of all buildings shall be of metal or masonry construction, its equivalent, or better.

3.120.4. Design Standards for Mobile Home Parks and Planned Unit Developments

Proposals for mobile home parks and planned unit developments generally shall follow separate provisions outlined in ARTICLE V, SECTION 5.051.4 (Mobile Home Park District Regulations) and ARTICLE V, SECTION 5.055 (Planned Unit Development District Regulations) in this ordinance.

3.120.5. Additional Information

The site plan and design review procedures provided for by this ordinance may be supported by any other information or data as might be deemed necessary by the Lewisburg Municipal Planning Commission.

3.130. Solar orientation. Solar orientation devices shall be subject to the required yard setbacks and other requirements affecting accessory uses and/or structures. 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. There shall be no solar device within any portion of the required front yard.

3.140. Antennas and satellite (T.V.) dishes. For the purposes of this ordinance all radio and television antennas shall be placed in rear yard and shall thereby be subject to the required yard setbacks, as well as the other requirements cited within SECTION 3.100 of this ordinance.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.000 Design standards for handicapped accessible parking
- 4.010 Off-street parking requirements
- 4.011 Certification of Minimum Parking Requirements
- 4.012 Combination of Required Parking Space
- 4.013 Remote Parking Space
- 4.014 Requirements for Design of Parking Lots
- 4.020 Off-street loading and unloading requirements
- 4.030 Temporary use regulations
- 4.040 Customary incidental home occupations
- 4.050 Special Conditions for Apartments in Single-Family Owner-Occupied Homes
- 4.060 Gasoline service station restrictions
- 4.070 Performance standards regulations
- 4.080 Special provisions for zero lot line developments
- 4.090 Development standards for automobile wrecking, junk and salvage yards
- 4.100 Requirements for Development within the Floodway Fringe Areas

4.000 Design standards for handicapped accessible parking.

- A. All shall be detailed sufficiently to show compliance with the North Carolina Handicapped Code, current edition.
- B. Handicapped-accessible parking shall be located as near as possible to the main public entrances of a single building or centrally located in parking lots that serve more than one building.
- C. All off-street handicapped-accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than two hundred-fifty (250) feet from such entrance.
- D. No stairs or curbs are permitted between an accessible parking space and the entrance which it is intended to serve and the slope along the accessible route shall not exceed 1:12.
- E. All off-street handicapped-accessible parking spaces shall be designated by a sign or other means accepted by State requirements. Van-accessible spaces shall be designated by a sign indicating "Van-Accessible" in addition to any other means used.
- F. A minimum width of ninety-six (96) inches shall be required for all accessible spaces. Van-accessible spaces shall further require a minimum vertical clearance of ninety-eight (98) inches.

- G. An access aisle of sixty (60) inches shall be provided for all standard spaces and an aisle of ninety-six (96) inches shall be provided for all van-accessible spaces (one, ninety-six (96) inch aisle may serve both types of spaces). No ramps may project into this access aisle.

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

A parking space is required for a portion of a unit of measure one-half or more of the amount set forth herein.

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 unit of measurement.

In the case of uses where the planning commission is 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 use 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 one hundred sixty-two (162) square feet in size (9 feet x 18 feet) and such space shall be provided with vehicular access to a street or alley. A limited number of smaller spaces for compact vehicles will be considered, especially where necessary to reduce the impervious area to meet the runoff reduction requirements of the Stormwater Management Ordinance. The required number of parking spaces shall be provided on property owned by the relevant property owner. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces.

The Planning Commission understands that compliance with the runoff reduction requirements of the Stormwater Management Ordinance depends on a reduction of impervious area across a site to the extent possible. Therefore, reductions to the required number of parking spaces shown below will be considered where the applicant can demonstrate that it is a necessary component of compliance with the Runoff Reduction Requirements and that the proposed number of spaces will adequately serve the proposed structure, either alone or in conjunction with other available parking. A reduction of parking spaces, however, shall not be used simply to avoid the use of other best management practices that could be utilized such as pervious pavements within the parking stalls.

Unless otherwise approved under the conditions described above, the number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. RESIDENTIAL ACTIVITIES

1. Permanent

- (a) Single family detached, townhouses, condominiums, two-family dwellings, detached, attached, and semi-detached:

Two spaces per each dwelling unit

- (b) Multi-family dwelling (3 or more):

Two spaces per each dwelling unit.

- (c) Mobile Homes:

Two spaces per mobile home.

- (d) Where occupancy is to be primarily elderly persons over the age of 60, the number of developed spaces may be reduced to 1.5 spaces per unit.

2. Semi-Permanent

- (a) Boarding or rooming house:

1.5 spaces for each dwelling or rooming unit.

B. COMMUNITY ACTIVITIES

1. Community Assembly

Accessory off-street parking shall be provided for the specified number of square feet of gross floor area or seating capacity or other specified unit of measurement (or fraction of one-half or more thereof) for the following specified uses within the activity types indicated:

- (a) Art Galleries, Museums, Libraries:

One (1) space for each 800 square feet of gross floor area.

- (b) Swimming Pools:

30% of the capacity in persons.

- (c) Parks, Playgrounds, Athletic Fields:

Ten (10) spaces for every acre of land devoted to field, plus one space for every four (4) spectator seats.

- (d) Recreation Centers and Gymnasiums (Public/Non-Profit):

50% of the capacity in persons, plus one space for each two employees.

- (e) Civic, Social, Fraternal, Philanthropic Clubs (non-profit) Clubs, Lodges, Meeting Halls, (other than) Labor Union, Recreation Centers, Temporary Non-Profit Festivals:

50% of the capacity in persons.

2. Government and Essential Services

- (a) Electric and Gas Substations:

Two (2) spaces.

- (b) City, County, State and Federal Government Offices:

One (1) space for each 300 sq. ft. of gross floor area, plus one for every three (3) employees.

- (c) Airports, Heliports, or other Aeronautical Devices:

One (1) space for each employee, plus one (1) space for every 100 sq. ft. of gross floor area.

- (d) Detention or Correctional Institutions:

One (1) space for each employee, plus one (1) space per each patrol car on largest shift.

- (e) Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities:

Minimum of Two (2) spaces. The planning commission may require more.

- (f) Water and Sewage Treatment Plants:

One (1) space for each employee.

3. Education Facilities; Public and Private Schools

- (a) Kindergarten and Nursery:

One and a half (1.5) spaces for each employee.

- (b) Elementary and Middle Schools, grade 1-9:

One (1) space per each employee or one (1) space for each five (5) seats in the auditorium, whichever is greater.

(c) High School, Grades:

One (1) space per each employee plus one (1) space per each four (4) students in grades 7 through 10. One (1) space per each employee plus one (1) space per each two (2) students in grades 11 and 12.

(d) Vocational or Trade Schools:

One (1) space per each student plus one (1) space per each employee.

4. General Business Services

(a) Railroad, Bus, and Transit Terminals for Passengers:

One (1) space for each 100 sq. ft. of waiting room.

(b) Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards:

One (1) space for each employee.

5. Health Care, Special Personal and Group Care Facilities

(a) Hospitals:

1.5 spaces for each bed.

(b) Medical or Dental Clinics:

Three (3) spaces for each staff member or doctor or dentist.

(c) Day Care Centers:

Two (2) spaces for each employee.

(d) Family and Group Care Facilities:

Two (2) spaces for every employee.

(e) Nursing Homes, Rehabilitation Centers, Associations for Physically and Mentally Handicapped:

One (1) space for each staff or employee, plus one (1) for each two patients.

(f) Retirement or Rest Homes, Convalescent Homes:

One (1) space for each staff member or employee plus, one (1) space for each two (2) residents.

6. Religious Facilities:

All uses:

One (1) space for each three (3) seats.

C. COMMERCIAL ACTIVITIES:

USES LOCATED ON FREESTANDING SITES

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250 in the column labeled GROSS FLOOR AREA, that means, one parking space is required for every 250 square feet of gross floor area in the building, or rooms to be used for each activity.

	ACTIVITY TYPE	GROSS FLOOR AREA (SQUARE FEET)
1.	<u>Retail Trade - Apparel and Accessories</u>	150
2.	<u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	25% of the gross lot area shall be allocated to individual parking spaces
3.	<u>Retail - Building Materials, Farm Equipment and Hardware</u>	1,000 plus one space for each employee
4.	<u>Retail Trade – Eating and Drinking Establishments</u>	100
5.	<u>Retail Trade – Food Stores</u>	
	(a) Limited line convenience	150
	(b) All other uses	150
6.	<u>Retail Trade – General Merchandise</u>	
	(a) Department store	250
	(b) Variety store	250
	(c) Misc. General Merchandise store	250
7.	<u>Retail Trade – Home Furniture, Furnishings and Equipment</u>	250
8.	<u>Convenience Commercial</u>	150
9.	<u>Wholesale Sales</u>	

	All Uses	1,000
10.	<u>Used Car Lots</u>	25% of the gross lot shall be devoted to individual parking spaces

SERVICE ACTIVITIES

1.	<u>Animal Care and Veterinarian Services; Veterinary Hospital</u>	300
2.	<u>Automotive Services and Repair</u>	One (1) space for each employee, plus two (2) spaces for each service bay
3.	<u>Business Services</u> All Uses	400 Plus one (1) for each employee
4.	<u>Communication Services</u>	300
5.	<u>Contract Construction Services</u>	300
6.	<u>Equipment Repair Services</u>	300
7.	<u>Entertainment and Amusement Services</u>	
	(a) Art Galleries	800
	(b) Bowling Alleys	Five (5) spaces for each alley
	(c) Billiard Parlor	250
	(d) Coin Operated Arcades	250
	(e) Commercial Recreation:	
	1) Dance Halls and Skating Rinks	100
	2) Golf Range, Driving Range, Putt-Putt Course	As determined by Planning Commission
	3) Exhibition Halls, Auditoriums, Amphitheaters	40% of capacity in persons
	4) Riding Stables	Minimum of five (5) spaces plus one (1) for each employee
	5) Boat Docks, Boat Rental Marinas, Botanical or Zoological gardens	One (1) space for each employee plus other spaces as determined by Planning Commission
	(f) Motion Picture Theater	One (1) space for each three (3) seats
	(g) Motion Picture Theater – Drive-In	Reservoir of 10% above all spaces plus one (1) space for each employee
	(h) Legitimate Theater	One (1) space for each three (3)

	(i) Recording, Television, and Radio Studios	seats Two (2) spaces for each employee
	(j) Resorts and Group Camps	One (1) space for each employee at peak season plus other spaces as required by Planning Commission
	(k) Fairgrounds, Amusement Parks, Carnivals, Circuses	Parking plan must be presented to and approved by the Planning Commission
8.	<u>Financial, Insurance, and Services</u> All Uses	200 plus one (1) space per each employee
9.	<u>Gasoline Service Stations</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee
10.	<u>General Personal Services</u> (a) Funeral and Under-Taking Services	One (1) space for each 100 square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) perma-seats plus one for every 25 square feet of parlor area where temporary seats are to be used
	(b) All Other Services	150
11.	<u>Professional Services</u> (a) Medical	Three (3) spaces per each employee
	(b) All Others	200
12.	<u>Transient Habitation</u> (a) Hotels, Motels, Tourist Homes or Courts	One (1) space for each room to be rented, plus one (1) space for each employee
	(b) Sporting and Recreational Vehicle Camps	One (1) space for each travel vehicle or pad plus one (1) space per each employee
13.	<u>Uses Within Commercial Complexes</u> Where three or more commercial operations (retail, wholesale, or service activities) are grouped together such that they share a building or a common site, the number of parking	

spaces shall be 5.0 spaces per 1,000 square feet of gross leasable area.

D. INDUSTRIAL ACTIVITIES

One space for each 1,000 square feet of gross floor area, or one space per each employee during a single shift, whichever is greater. A minimum of five (5) spaces shall be provided for any establishment.

1. Warehousing, Foods and Freight Transport, and Storage

One space for each 5,000 square feet of gross floor area plus one space for each 10,000 square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

2. Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards

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

E. AGRICULTURAL, RESOURCE PRODUCTION, AND EXTRACTIVE ACTIVITIES

1. Agricultural Services

One (1) space for each employee and for veterinary services for livestock, one (1) space for each 300 sq. ft. of gross floor area.

2. Plant and Forest Nurseries

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

3. Mining and Quarrying

1.5 spaces for each employee.

F. OTHER

For buildings and land uses not referred to in the pre-cited activity classifications the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011. Certification of minimum parking requirement. 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 space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are met.

4.012. Combination of required parking space. 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 space. If the off-street parking space 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 provisions of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. 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 into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area. Where compact vehicle spaces are allowed, they shall be no less than one hundred twenty (120) square feet in area (8' x 15'). If compact vehicle spaces are allowed, they shall be marked as such in a clearly visible manner and shall comprise of no more than 10% of the total number of parking spaces.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of SECTION 3.090, of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water. The use of pervious pavements or infiltration islands within parking lots shall be encouraged.
- E. There shall be a parking aisle at least 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 16 feet in width.
- F. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
- G. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

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:

Total Usable Floor Area for Principal Building	Spaces Required (See ARTICLE II for Definitions)
0 to 9,999 sq. ft.	One (1) space
10,000 to 14,999 sq. ft.	Two (2) spaces
15,000 to 19,999 sq. ft.	Three (3) spaces
Over 20,000 sq. ft.	Four (4) spaces plus one (1) space for each additional 20,000 sq. ft.
Off-street Loading and Unloading Requirements for Industrial Use:	
5,000 to 40,000 sq. ft.	One (1) space
Over 40,000 sq. ft. to 100,000 sq. ft.	Two (2) spaces
Each additional 100,000 sq. ft. or major fraction thereof	One (1) space

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 nonpermanent 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 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 and time limits which follow and to the regulations of any district in which such use is located.

- A. Christmas Tree Sale: May obtain a forty-five (45) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district, except residential district.
- B. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a 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 expiration of the Temporary Use Permit, whichever occurs sooner.
- C. Religious Tent Meetings: In any district, except the residential districts, A Temporary Use Permit may be issued for a structures to house a religious meeting. Such permit shall be issued for not more than 30-day period. Such activity shall be

permitted only on lots where adequate off-street parking can be provided, and where adequate sewerage facilities are available.

4.040. Customary incidental home occupations. Any home occupation shall meet the following requirements:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, not to exceed 500 square feet;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- D. No home occupation shall be conducted in any accessory building;
- E. There shall be no sales on the premises in connection with such home occupation;
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
- H. The home occupation shall not involve the storage of commercial vehicles nor the use of such vehicles for delivery of goods or materials to and from the premises;
- I. No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure;
- J. No outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted; and
- K. The following are specifically prohibited as home occupations:
 - 1. The repair of motor vehicles.
 - 2. A barber or beauty shop or any similar activity where clientele or patrons are served on the premises.

3. Tea rooms
4. Tourist homes
5. Real estate offices
6. Convalescent homes
7. Mortuaries
8. Animal clinics
9. Retail sales business

All questions regarding specific home occupations shall be determined by the Board of Zoning Appeals.

4.050. Special Conditions for Apartments in Single-Family Owner-Occupied Homes. The following regulations shall apply to all apartments constructed in single-family owner occupied homes:

- A. The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.
- B. Only one apartment will be created within a single-family house.
- C. The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences.
- D. The accessory apartment shall be designed so that, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building.
- E. The design and size of the apartment within the single-family home shall conform to all applicable standards in the health, building, and other codes.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline services 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. Canopies shall not be located closer than fifteen (15) feet from any street right-of-way lines.
- 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 city ordinance, shall be met.

4.070. Performance Standards Regulations. The purpose of this section is to establish regulations and standards for the installation and operation of all types and classes of industrial, commercial, government services and health care facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all applicable districts, as indicated above in any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portions of such use of building or other structure.

The provisions of this article shall apply notwithstanding the issuance after the effective date of this ordinance of any zoning permit or use and occupancy permit.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same lot, on another of several lots being developed at the time, or on the public right-of-way or easement for a community facility activity such as those listed in the zoning chart under Government Services, or Health Care Facilities.

In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

The following performance standards regulations shall apply to any commercial, industrial, government service or health care facility type activity located in any district. If in the opinion of the planning commission there is question as to whether an existing or proposed land use is in violation of the following performance standards, it shall be the responsibility of the property owner and/or person (as defined herein) in question to prove beyond a doubt that such usage is in compliance with the applicable performance standard(s). For proposed land uses, the property owner shall address the means by which he/she intends to comply with the performance standards. The Planning Commission understands that proof of compliance cannot be accomplished until the operation is in place. The acceptance by the Planning Commission of the owner's explanation of how the standards will be met will in no way relieve the owner of the duty to comply if the proposed methods should prove to be ineffective.

4.070.1 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely affect the surrounding area.

4.070.2 Performance Standards Noise

At no point on or beyond the boundary of any lot which abuts a lot in the same district shall the sound pressure level resulting from any use or activity, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:

Octave Band, Frequency in Cycles per Second	Sound Pressure Level in Decibels
0 – 74	79
75 – 149	74
150 – 299	66
300 – 599	59
600 – 1,199	53
1,200 – 2,300	47
2,400 – 4,799	41
4,800 and over	39

Where any commercial, industrial, government service or health care facility adjoins a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

4.070.3 Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the lot line of the lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration which is an earthborn vibration produced by two or more objects (or parts of a machine) striking each other.

4.070.4 Performance Standards Regulating Smoke

No emission shall be permitted at any point from any stack, chimney, or other source of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 1 except as provided below:

Within the Industrial Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the Industrial Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in any one (1) hour period.

4.070.5 Performance Standards Regulating Gases, Dust, and Particulate Matter

No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the lot line on which the source is situated.

4.070.6 Performance Standards Regulating Odors

Odorous matter released from any operation shall not exceed the lowest concentration which will produce an olfactory response in a person beyond the lot line.

4.070.7 Performance Standards Regulating Toxic Matter

A. Definitions

1. Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
2. Toxic Matter: materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

B. Methods of Measurement

The measurement of toxic matter shall be at ground level or habitable elevation at the lot line and shall be average of a 24 hour sample.

C. Emission of Toxic Matter

Within the industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

4.070.8 Performance Standards Regulating Fire and Explosive Hazards

A. Explosive Materials

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, utilized, or manufactured within

completely enclosed buildings having incombustible exterior and protected throughout by an automatic fire extinguishing system.

All activities involving the use and/or storage and/or disposal of all types of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and device standard to the industry involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.

Within the Industrial Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with applicable state and local regulations. The storage of such materials in all other districts is prohibited.

B. Fire Hazard Solids

Within the Industrial Districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all lot lines. The storage or manufacture of such materials in all other districts is prohibited.

C. Fire Hazard Liquids and Gases

In the Industrial Districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all lot lines.

4.070.9 Performance Standards Regulating Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

4.070.10 Performance Standards Regulating Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across lot lines.

4.070.11 Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

4.070.12 Nonconforming Uses by Reason of Performance Standards

Any use existing on the effective date of this ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this chapter or by reference shall be subject to the nonconforming use provisions of ARTICLE VI, of this ordinance.

4.080. Special provisions for zero lot line developments. Within those districts where two family dwellings (duplexes) may be located upon single lots, such duplexes may be subdivided by party wall into two separate lots, provided that a site plan of such development or conversion as required in SECTION 3.120 is approved by the planning commission along with the necessary subdivision plats. Properties being converted shall be inspected by the fire and building inspector and shall be brought up to applicable standards prior to approving any plat of a conversion. A copy of the Homeowner's Association By-Laws of Agreement shall be provided to the building inspector for the purpose of ensuring its compliance with the Horizontal Property Act of the State of Tennessee. In granting approval of the site plan, the planning commission shall be guided by the following criteria:

- A. Other than the zero lot line separating the two dwelling units (lots), all other lot, yard, and density requirements of the zoning district shall be met.
- B. No zero side yard shall be adjacent to any public or private right-of-way.
- C. No portion of a dwelling or architectural features of a structure shall project over any property line.
- D. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
- E. Where the same interior property line is utilized for the construction of any zero side yard structure, all provisions of the Standard Building Code shall be met, and all such fire walls shall have a rating of not less than two (2) hours duration.
- F. At all points of attachment, such buildings shall be separated from each other by firewalls extending from footings to the underside of the roof deck without openings which would permit the spread of fire.
- G. Individual water and sewer services for each lot shall be provided when required by the planning commission.
- H. All other requirements of the Lewisburg Subdivision Regulations shall be met.

Other information that shall be provided relating to deed covenants is as follows:

- A. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
- B. 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.

- C. 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 so 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.
- D. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
- E. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owner thereafter make use of the wall, they 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.

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 outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will 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 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 an 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 Lewisburg until he has secured approval from the Lewisburg Board of Zoning Appeals. An application shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance, and shall be accompanied by a detailed site plan, a schedule for construction, and any other information 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 in SECTION 7.060.
- H. The operation and location of such facility shall not have an adverse effect on the properties in the surrounding area nor produce damaging pollution to surrounding streams or water sources.

4.100. Requirements for development within the floodway fringe areas. Areas lying outside the floodway district but within the land subject to flood as defined in ARTICLE II, SECTION 2.020, shall be subject to these regulations and the most current LEWISBURG MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE.

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
- 5.051 Residential Districts
- 5.052 Commercial Districts
- 5.053 Industrial Districts
- 5.054 Floodway District
- 5.055 Planned Unit Development District Regulations
- 5.056 Business Park District Regulations
- 5.060 Chart 1, Uses Permitted Listing

5.010. Classification of Districts.

A. Regular Districts

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Lewisburg, Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Low-Density Residential	R-1
Medium-Density Residential	R-2
High-Density Residential	R-3
Mobile Home Park	MHP
Central Business	C-1
Intermediate Business	C-2
Neighborhood Service Business	C-3
Medical/Professional	C-4
Light Industrial	I-1
Industrial Park	I-2
Special Industrial	I-3

B. Special Districts

The following are hereby established as special districts subject to further provisions as set forth in this ordinance.

Floodway
Planned Unit Development
Business Park

FW
PUD
BP

5.020. Zoning Map. The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning Map of Lewisburg, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted Official Zoning Map and amendments thereto shall be maintained in the office of the City Codes Officer 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 district 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 Lewisburg 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. Upon the effective date of annexation all territory which may be annexed to the City of Lewisburg shall be zoned "Low-Density Residential, R-1", or as otherwise specified in the annexation and zoning ordinance.

5.050. Specific district regulations. The regulations that follow in Section 5.051 through 5.055 shall apply in the thirteen (13) zoning districts established in Section 5.010 of this ordinance. ARTICLE II, SECTION 2.020 shall be referred to in ordinance to define the various uses permitted in the following district regulations.

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 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-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 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:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited:

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

D. 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	15,000 sq. ft.
Lot Width At Building Setback Line	100 ft.

2. Minimum Yard Requirements:

Front Setback	35 ft.
Side Setback	10 ft.
Rear Setback	20 ft.

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 6.050.

5. Parking Space and Loading Requirements: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

5.051.2 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, including public sewer, 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 family detached dwellings and such other structures as are accessory thereto. This district is intended also to permit multi-family dwellings with the approval of the Planning Commission provided there is sufficient area of lot and open space

relative to the number of dwelling units thereon and community facilities and public utility installations which are necessary to service and do service specifically the residents of the districts, 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:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited:

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

D. Dimensional Regulations:

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

1. Minimum Lot Size:

Area - Single Detached Dwelling	- 10,000 sq. ft.
- Duplex and Multi-Family Dwelling	- 10,000 sq. ft. + 5,000 sq. ft. per additional family

Lot Width at Building Setback Line 75 ft.

2. Minimum Yard Requirements:

Front Setback	35 ft.
Rear Setback	20 ft.
Side Setback	10 ft.
Front yard at cul-de-sac	30 ft.

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 6.050.
5. Parking Space and Loading Requirements: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

5.051.3 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, including public sewer, 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. 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 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 installation 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:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required as listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited:

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

D. 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	- 7,500 sq. ft.
- Duplex and Multi-Family Dwelling	- 7,500 sq. ft. + 3,500 sq. ft. Per additional family

Lot Width at Building Setback Line	
- Single Detached	75 ft.
- Duplex	75 ft.
- Multi-Family	75 ft.

2. Minimum Yard Requirements:

Front Setback	30 ft.
Rear Setback	20 ft.
Side Setback	10 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty (30) 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 6.050.

5. Parking Space and Loading Requirements: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

5.051.4 MHP, Mobile Home Park District. The purpose of this district and the regulations and standards contained herein are to establish a zoning category which will permit mobile homes to be located in mobile home parks and to ensure that mobile home parks develop in locations in accordance with specified design criteria to assure harmonious development both within the mobile home park and with other zoning districts. No mobile home may be located except in a mobile home park approved for mobile homes.

A. Land Development Standards for Mobile Home Parks

1. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
2. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. All mobile home parks shall be located on well-drained sites, properly graded to insure rapid drainage, and to avoid the possibility of stagnant pools of water. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion of the project shall be subject to flooding

or erosion. Neither shall it be used for any purpose which would expose persons or property to hazards.

B. Density

1. 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 used for a mobile home park.
2. From the gross acreage located within the site of the mobile home park the following shall be subtracted to obtain the net acreage:
 - (a) Any portion of the site lying within a (FW) flood district, sink holes and other extremely low lying areas, and any other areas overly subject to being, or being covered by water;
 - (b) Any portion of the site exceeding 15% in slope;
 - (c) 10% of the remainder for street usage.

C. Dimensional Requirement for Parks:

1. Each mobile home park shall have a front yard 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.
 - (a) Minimum front yard abutting a public arterial street shall be fifty (50) feet.
 - (b) Minimum front yard abutting a public collector street shall be thirty-five (35) feet.
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-five (35) 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 Space: 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 five thousand (5,000) square feet and such space shall be clearly defined by permanent markers.
2. The minimum length of each mobile home space shall be one hundred (100) feet.
3. The minimum width of each mobile home space shall be fifty (50) feet.
4. The minimum depth of yards on a mobile home space shall be ten (10) feet.
5. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
6. There shall be at least two (2) off-street parking spaces for each mobile home space, at least one of which shall be on the same site as the dwelling served. Under no circumstances shall any parking space be located more than sixty (60) feet from the mobile home it serves. All such parking spaces shall be at a minimum nine (9) feet by eighteen (18) feet in size.
7. The minimum access aisle in any parking lot shall not be less than twenty-two (22) feet.
8. Mobile Home Stands (Pads): The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of "ANSI A225.1 NFPA 501A Manufactured Home Installations, 1982".

E. Utilities and Other Service Requirements:

1. Water Supply and Distribution System

An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.

2. Sewage Disposal

Each mobile home park shall be served by public sewer with service provided each trailer site.

3. Solid Waste Disposal System

Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and containers deterioration, and to facilitate cleaning around them. Any central waste containers shall be screened from view with access appropriately provided.

4. Service Buildings

Service buildings housing sanitation and laundry facilities shall be permanent structures, comply with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems standards.

5. Fire Protection

Each mobile home park shall be equipped with fire hydrants spaced no more than 500 feet from a mobile home. The water system shall be capable of providing a required fire flow of 500 gallons per minute for a one (1) hour duration.

6. Insect and Rodent Control

Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall also be provided.

8. Buffer and Screening

A suitable landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area to be established from any public street shall be no less than twenty (20) feet in width.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and maintained and such screening shall be a year-round evergreen four (4) feet wide at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped, screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

9. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

10. Other Standards

- (a) Each mobile home space shall be provided with the connection to the sanitary sewer line.
- (b) Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
- (c) Travel trailers, and other similar enclosed structures are prohibited, except on a temporary basis not to exceed 60 days.
- (d) Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park, except that one (1) mobile home in the park may be used to house the rental office.
- (e) Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.

- (f) Each mobile home shall have complete skirting and underpinning.
- (g) No inoperative automobiles, junk, or non-contained trash shall be allowed within the park.

F. Site Plan Required

A zoning permit may only be issued for the construction or extension of a mobile home park upon submission and approval by the planning commission of a site development plan meeting the following minimum requirements:

The following information shall be shown on the required site plan:

1. Be drawn to a scale of 1" = 100'.
2. The location and legal description of the proposed mobile home park.
3. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
4. The proposed use of buildings shown on the site plan.
5. The location and size of all mobile home spaces.
6. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
7. The location of all off-street parking facilities.
8. The location of park and recreation areas.
9. The name and address of the applicant.
10. A comprehensive drainage plan.
11. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the Lewisburg Codes Officer, and the technical staff, to determine if the provisions 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 to proposed services. Said time shall be for a period of not more than one (1) year.

13. The location and size of all servicing water and sewer lines, as well as their required easements when required.
14. Maintenance agreements and covenants.
15. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of ARTICLE VI, of this ordinance.

G. Permit and License

All regulations relating to permits, licensing, fees and application procedures as set forth in Lewisburg Municipal Code shall apply to all mobile home parks.

1. Application for Permits

The construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a zoning permit has been issued by the codes officer. Such permit may be issued for a mobile home park only after the Lewisburg Municipal Planning Commission and City Council has reviewed and approved the zoning amendment and the site plans of the proposal, as required in Subsection F, herein.

Where conditions are attached by the planning commission they shall be included as part of the zoning permit.

H. Inspection Fee

An inspection fee shall be required for approval of a mobile home park, which shall be made upon submission of a site plan for approval, as well as on an annual basis thereafter. After completion of construction, a final inspection shall be made at no additional charge.

1. The inspection fee shall be \$10.00 per year plus \$5.00 per space. The fee is non-refundable.
2. The inspection fee shall be paid annually upon inspection of the mobile home park by the codes officer.

I. Streets

1. General: All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means. All internal streets shall be private.

2. Entrance Streets: Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.

3. Circulation: The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 2,000 feet and their closed end shall be provided with an adequate turn-around. (60 feet diameter cul-de-sac).

4. Pavement Widths: Pavement widths shall be as follows:

Collector street with no parking	20 ft.
with on-street parking	36 ft.
Minor street with no parking	18 ft.
with on-street parking	34 ft.
One-way minor street with no parking	12 ft.
with on-street parking	28 ft.

5. Construction:

All streets within mobile home parks shall be constructed by the developer to meet street specifications that are required by the City of Lewisburg.

6. Dust Control:

All off-street parking shall be surfaced with asphalt, concrete, or other dustless material to prevent the release of dust.

J. Walks

1. General Requirements: All mobile home developments shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and

convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

2. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.
3. Individual Walks: All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

K. Responsibilities of Park Management

1. The permittee shall operate the mobile home park in compliance with this Title and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the codes officer which includes securing its stability to anchor plans and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - (1) The name and address of each mobile home occupant.
 - (2) The name and address of the owner of each mobile home.
 - (3) The date of arrival and of departure of each mobile home.
5. Lot numbers shall be visible from the street for emergencies.
6. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

7. The register record shall not be destroyed for a period of three years following the date of departure of the registrant from the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of SECTION K, of this ARTICLE.

L. Responsibilities of Park Occupants

1. The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

The storage area shall be provided with a base of impervious material (as required in Subsection E, 10, (f)).

Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

The storage area shall be enclosed by skirting.

4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management.

7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.

M. Inspections

The codes officer is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

N. Penalties

1. Any person violating any provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
2. Each day that a violation is permitted to exist shall constitute a separate offense.
3. Any unapproved extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standard herein stated.

O. Revocation of Permits

The City may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this article. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this article.

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:

- A. 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.
- B. 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.

- C. 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.
- D. To provide sufficient space in appropriate locations for commercial districts to satisfy function needs of Lewisburg, and in particular the need for medical services, and the needs of the general public travel along major highways.
- E. To provide sufficient space in appropriate locations for the mixture of compatible residential and commercial developments where standards for development will provide protection for the environmental essentials of either.
- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- G. 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.
- H. 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 districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Lewisburg's 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, and service uses 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 intensity of use is permitted in this district.

B. Uses Permitted:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited:

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

D. 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 - none.
Rear yard - none.
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 are 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: No building shall exceed six (6) stories or seventy-five (75) feet in height, except as provided in ARTICLE VI, SECTION 6.050.
5. Parking Space and Loading Requirements: As determined by the planning commission during site plan and design review.

5.052.2 C-2, Intermediate Business 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 those which are 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 buildings in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered development patterns, and not

patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

B. Uses Permitted:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited:

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

D. Dimensional Regulations:

All uses permitted in the C-2, Intermediate Business District shall comply with the following requirements with the exception of residential uses which shall comply with the dimensional requirements as stated in 5.051.2, D, and with the exception of those requirements provided in ARTICLE VI.

1. Minimum Lot Size: None.

2. Minimum Yard Requirements:

Front Setback	Twenty (20) feet
Side	None; however ten (10) feet when adjoining a residential district.
Rear	Twenty (20) feet

3. Maximum Lot Coverage: On any area or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed six stories or seventy-five (75) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space and Loading Requirement: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

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 characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. They should adjoin collector or arterial streets.

Bulk regulations are established within these districts to provide for maximum compatibility between the commercial activity in these districts 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:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Use Prohibited:

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

D. Dimensional Regulations:

All uses permitted in the C-3, Neighborhood Service Business District shall comply with the following requirements with the exception of residential uses which shall comply with the dimensional requirements as stated in 5.051.2, D, and with the exception of those requirements provided in ARTICLE VI.

1. Maximum Lot Size: The maximum lot size in the C-3 District shall be 45,000 square feet.

2. Minimum Yard Requirements:

Front Setback	25 ft.
Side	10 ft.
Rear	20 ft.

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 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 6.050.

5. Parking Space and Loading Requirement: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

5.052.4 C-4, Medical/Professional Office District.

A. District Description:

This district is designed to provide adequate space in appropriate locations suitable for accommodating medical, dental, or similar personal services, and uses broadly ancillary thereto; and to provide for professional and business offices. Bulk limitations are designed to maximize compatibility with lesser intense use of land or building in proximity residential districts.

B. Uses Permitted:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Use Prohibited:

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

D. Dimensional

All uses permitted in the C-4, Medical-Professional Office District, shall comply with the following requirements with the exception of residential uses which shall comply with the dimensional requirements as stated in 5.051.2, D, and with the exception of those requirements provided in ARTICLE VI.

1. Minimum Lot Size: There shall be no minimum lot size in the C-4 District.

2. Minimum Yard Requirements;

Front Setback	20 ft.
Side	10 ft.
Rear	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed seventy (70) 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 6.050.

5. Parking Space and Loading Requirement: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

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

5.053.1 I-1, Light Industrial District:

A. District Description:

This district is primarily designed to accommodate the existing industrial area within the community that is relatively limited in their amount of developable acreage, due to the pre-existing layout of streets and blocks within such areas. Within this district therefore, the necessary yard requirements are less restrictive than those cited within the I-2, Industrial Park District. The I-1 District is designed for a wide range of industrial and related uses which conform to a 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 nuisances. 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 industrial development are permitted.

B. Uses Permitted.

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited

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

D. 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 Yard	20 ft.
Side Yard	10 ft.
Rear Yard	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed seventy (70) percent of the total lot area of such lot or parcel.

4. Height Restrictions: No building shall exceed seventy-five (75) feet in height.

5. Parking Space and Loading Requirements: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

5.053.2 I-2, Industrial Park District

A. District Description: The I-2, Industrial Park District is intended to accommodate a wide range of industrial uses. However, extensive landscaping or land left in its natural state should be respected in the siting of I-2 uses to minimize detrimental effects on the proximate lower intensity uses and to secure the attractiveness and value of property within and adjacent to these districts and to procure community health and welfare.

B. Uses Permitted:

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060. (Chart 1)

C. Uses Prohibited:

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

D. Dimensional Regulations:

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

1. Minimum Lot Size: Minimum lot size in the I-2 District shall be one (1) acre.

2. Minimum Yard Requirements:

Front Setback	60 ft.
Side	30 ft.
Rear	30 ft.

No yard will be required for that part of the lot which fronts on a railroad siding.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed seventy-five (75) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space and Loading Requirements: As regulated in ARTICLE IV, SECTIONS 4.010 and 4.020.

5.053.3 I-3, Special Impact Industrial District

A. District Description and Purpose

This district is designed to provide suitable areas for those uses, which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts that it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Lewisburg will be affected.

B. Site Location Criteria

1. The proposed site shall be located in areas apart from concentrations of residential developments and community or other facilities where concentrations of people will be present.
2. The proposed use shall not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
3. The proposed site shall not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site shall be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site shall be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use shall not result in the transportation of dangerous products or wastes through areas of population concentrations that would endanger community safety.

7. Access to the site shall be from a road classified as an arterial or collector on the Major Road Plan for Lewisburg.
8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
9. The proposed site shall not be located within an one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-3, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the I-3, Special Impact Industrial District shall be made by the landowner or his/her authorized agent to the Codes Enforcement Officer in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer or a licensed surveyor at a scale of one inch equals one hundred feet (1"= 100').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Lewisburg Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and

the utilization of all structures and land areas within the site.

- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subsection B., above, along with the General Requirements, in Subsection H., and the Requirements for Specific Uses, in Subsection I., below, for the proposed use of the property.

b. Operational Data to Include the Following Information

- (1) Type of operation and detailed description of the operation.
- (2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- (3) Types of Federal and State permits required for operation of the proposed facility.
- (4) Safety measures to be used on site as well as the system for dealing with complaints.
- (5) Ultimate use and ownership of the site after completion of operation (landfills only).

c. Environmental Assessments to Include the Following Information

- (1) Geological data on the site as prepared by a Tennessee licensed geologist.
- (2) Effects of the proposed use on ground water quality in the area.
- (3) Effects of the proposed use on air quality in the area.
- (4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the City Council whether the proposed use should be rezoned to the I-3, Special Impact Industrial District. If the City

Council approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the City Council the landowner may make application to the planning commission for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall Include the Following

- (1) Final site plan prepared by a Tennessee licensed engineer or surveyor for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be at a scale of one inch equals one hundred feet (1"=100').
- (3) Contours at vertical intervals of not more than one (1) foot where the proposed development has an average slope of five (5) percent or less or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- (4) Stages of development of the site and the expected time of completion.
- (5) Copies of all required Federal and State permits the applicant has obtained.
- (6) Final site plan shall be in compliance with Subsection G, H, and I, below for the proposed use of the property.

b. Site and Geological Data

- (1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.

- (2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (3) Ground water movements and aquifer information.
- (4) Existing vegetation cover on the site.
- (5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed ARTICLE V, SECTION 5.060.

E. Accessory Uses and Structures

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in ARTICLE V, SECTION 5.060.

F. Uses Prohibited

In the I-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

G. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fill in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any

public drain, or abrogate the riparian rights of any other party to a stream or drain.

5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

H. Dimensional Requirements

All uses permitted in the I-3, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area 25 Acres
Lot Width at Building
Setback 500 Feet
2. Minimum Yard Requirements

Front Yard Setback 150 Feet
Side Yard Setback 100 Feet

* except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

Rear Yard Setback 100 Feet

* except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 5.030.

5. Accessory Structures

- a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.
- b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

6. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

I. Performance Bond Required

Any application for site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, landscaping, or reclamation costs. Such bond may be in the form of cash, certified check, irrevocable letter of credit, or surety bond. The bond amount will be set by the Planning Commission and shall be based on the costs of estimated site improvements.

A period of one year shall be set forth in the bond or other security, within which required improvements must be completed. The time of completion of improvements may be extended for a period of six months per the approval of the planning commission. The time for completion of improvements shall not exceed three years.

In the event the applicant fails to comply with the approved site plan within the designated time set forth in the performance bond, the City shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the planning commission upon the owner furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the parties designated by the City to enter upon said property to complete these improvements.

Upon completion of the construction of the changes or improvements covered by the performance bond or other security and prior to the termination of the bond or other security period, the applicant shall apply to the Codes Enforcement Officer for final inspection of the work. The Codes Enforcement Officer shall report to the Planning Commission on the condition of the work and recommend that the performance bond or other security shall be modified, released, extended, or declared in default. In cases of dispute the Codes Enforcement Officer can request certification from a licensed engineer or surveyor that the improvements have been completed. The Planning Commission shall act on the release, extension, modification or default of the performance bond or other security.

J. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the

operation shall be located closer than one hundred (100) feet from any site boundary line.

- b. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- c. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- e. All separation or picking of waste materials shall be conducted in an enclosed building only.
- f. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

- a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- c. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Solid Waste Landfills

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.

- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in an enclosed building only.
- d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
- f. Applicants must receive prior approval from the Marshall County Commission and the Lewisburg City Council per the Jackson Law.
- g. No portion of any solid waste landfill may be located within a two-mile radius of any of the following:
 - 1. any public or duly licensed private school facility
 - 2. any duly licensed and currently operating day care center
 - 3. any public park
 - 4. any hospital assisted living facility or nursing home

4. Requirements for Solid Waste Transfer Stations

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in an enclosed building only.
- d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty

conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

- e. Entrance to the site shall be controlled at all time to prevent improper dumping on the site.

5. Requirements for Hazardous and Radioactive Wastes

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- b. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- c. All areas used for filling operations shall maintain the minimum setback as required by this section.
- d. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

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 government 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 the developments vulnerable to floods, including public facilities which serve such development, 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.

5.054.1 FW, Floodway District.

A. Floodways Established:

Floodways are hereby established for the purpose of meeting the needs of the streams to safely carry floodwaters; to protect the stream channels and their floodplains from encroachment so that flood heights and flood damages will not be appreciably increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods. In applying the provisions of this ordinance floodways identified according to ARTICLE 3, SECTION B, in the LEWISBURG MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE shall apply.

B. Uses Permitted:

In the FW, Floodway District, the following open-type uses are permitted in the floodway provided they do not require structures, fill, storage of materials, or equipment, and are subject to the approval of the planning commission and to such conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest.

1. Uses permitted in floodway adjacent to residential districts.
 - (a) Agriculture and forestry, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock, grazing, and other uses of a similar nature.
 - (b) Open-type public and semi-public recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, and playgrounds, and other uses of similar nature provided no principal structure is located within the floodway.
 - (c) Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.
 - (d) Railroads, streets, bridges, and public or private utilities.
 - (e) Marina and boat launching ramps provided that no principal buildings are located in a floodway.
2. Uses permitted in floodway adjacent to commercial and industrial districts.
 - (a) Any of the above permitted uses.
 - (b) Loading and unloading areas, parking lots, and other uses of a similar nature provided no principal structure is located within the floodway.

C. Uses Prohibited:

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal, or plant life. The storage of dumping or wrecked or junked automobiles, machinery, or appliances.

D. Requirements for Development Within Floodways

Requirements for permitting development in the areas of special flood hazard are provided in the LEWISBURG MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE.

5.055. Planned Unit Development District Regulations. These districts 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.

5.055.1 General Provisions

A. Master Plan Required

No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements outlined in Section 5.055.2, B, is submitted therewith. Such application shall include certification that the service of one (1) or more of the following design professionals were utilized in the preparation of the plan, in addition to a licensed civil engineer.

1. An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association.
2. A practicing landscape architect licensed by the State of Tennessee.
3. A practicing architect licensed by the State of Tennessee.

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 landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted 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 of streets, public ways, public utility rights-of-way, curbs, and other standards may 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 planning commission as a part of its review 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 by the planning commission of the master plan.

D. Types of Planned Unit Developments

The planning commission and city council shall consider only one (1) type of planned unit development (residential) within a consolidated master plan.

E. 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 shall have commenced in such development. In the event that construction has not been started, the planning commission shall conduct a hearing on the project and review the zoning and feasibility of the PUD and may act to cancel or extend approval of the master plan depending upon the circumstances of each case.

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

1. Each stage shall 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 planned unit development or its surroundings at any stage of the development.

F. Common Open Space and Facilities

Any common open space or public or private facilities shall be subject to the following provisions:

1. The location, shape, site, and character of the 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 suitable 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 space must be appropriate to the uses which are authorized for the 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 sale 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 be 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 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 codes officer 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 codes officer shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the codes officer determines that the organization is not prepared for the maintenance for 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 Homeowner's Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for final approval. The provisions shall include, but not be limited to the following:

- (a) The Homeowner's Association must be set up before the homes 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 meeting changing needs.

G. Dedication of Public Facilities

The planning commission and city council may require that suitable areas for streets, utilities, public rights-of-way, schools, parks, and public areas be set aside and/or dedicated to the city.

H. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a PUD including those activities which would otherwise require Conditional Use Permits under other articles of this ordinance. The action of the planning commission and city council shall be final.

5.055.2 Administrative Procedure. The provisions of this section govern the procedure for review and approval for all planned unit developments as provided herein. Any landowner or developer, as defined, may apply for PUD zoning in any area subject to these provisions. The city council may, within its legislative power, impose PUD zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

A. Steps of Approval Process

- 1. The applicant may request a pre-application conference with city staff to evaluate the proposal and to determine and clarify any issues that may arise.

2. The applicant shall submit a preliminary master plan and rezoning request to the planning commission for consideration along with the required fees.
3. The planning commission may approve or reject the request. If approved, the planning commission shall recommend the necessary PUD zoning to the city council. If rejected, the applicant may appeal the decision to the city council.
4. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.
5. The applicant shall submit a final master plan to the planning commission. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
6. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

B. Application for Approval of the Preliminary Master Plan and Zoning Request

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent to the planning commission 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 consist of the following:

1. The preliminary master plan for the proposed planned unit development shall be a general concept plan 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) Reservations for public uses including schools, parks and other open spaces,
 - (f) Availability commitments from the appropriate water and sewer provider,
 - (g) Major landscaping features including topography,
 - (h) The general means of the disposition of sanitary wastes and storm water, and
 - (i) North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
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 general 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 development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
 6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
 7. A general summary explaining the character, intent, and financing of the PUD.

If the application is incomplete, the codes officer shall hold in abeyance the formal review by the planning commission until such time as complete information is submitted:

C. Application for Approval of the Final Master Plan

The action of the city council on the zoning request and the preliminary master plan shall authorize and form the basis for the planning commission approval of a final master plan.

1. Application for Final Approval

After zoning to a Planned Unit Development District, the landowner may make application to the planning commission for approval of a final master development plan, 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 bonds as were set forth by the planning commission's 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 non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

2. 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.

3. Final Master Development Plan

The final master plan of a planned unit development, or as submitted in stages if so authorized, shall be substantially consistent with the approved preliminary master plan must in addition show the following:

- (a) Detailed building and landscaping plans including the use of each building,
- (b) Elevations as necessary,
- (c) Location of gas, water, sewerage, and drainage facilities,
- (d) Details and locations of signs,
- (e) Plans for street and parking lot improvements,
- (f) Location and use of all common open space area,
- (g) Grading plans showing existing and proposed topography,
- (h) Additional information as determined by the planning commission to indicate fully the ultimate operation and appearance of the PUD.

D. Amendments to the PUD

The terms, conditions, and the final master 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 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 buildings may be authorized by the codes officer with written concurrence of the Chairman of the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Procedures allowing minor changes in the approved Final Master Development Plan shall follow those of minor revisions of an approved Site Plan in ARTICLE III, SECTION 3.120, D (minor revisions). Substantial changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change may be granted, but only in accordance with the procedures which governed its initial approval.

E. Cancellation of an Adopted Planned Unit Development

In the event that actual construction has not begun within one year from and after the date of the ordinance adopting or amending a planned unit development, (or after any period of extension officially authorized), the planning commission may, after an official meeting with notice to the landowner, act to cancel the approved master plan or at any time upon the petition of the landowner.

F. Zoning Permits and Use and Occupancy Permits

A zoning permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned unit development only in strict compliance with the master development plan of the particular planned unit development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No zoning permit shall be issued for the area included in a preliminary planned unit development until a final master development plan has been approved and adopted.

G. Use and Occupancy Permit

A use and occupancy permit shall be issued only when the codes officer determines that the structure, building, activity, or use conforms to the final master development plan as approved by the planning commission.

5.055.3 Classifications and Types of Planned Unit Developments.

- A. Planned unit developments shall be classified as follows:
1. Low Density Residential: (LDRPUD)
 2. High Density Residential: (HDRPUD)
- B. Planned unit developments shall consist of one (1) type. It shall be as follows:

Single Purpose Planned Unit Development (PUD).

A single purpose PUD is one which shall consist primarily of one (1) principal use.

5.055.4 Permitted Activities and Uses. The following residential and commercial uses listed below may be permitted in the PUD District, however, those commercial activities shall be desirable or convenient for the users of the PUD or immediate neighborhood as it is developed. Such commercial uses shall be planned to assure that they will not materially alter the existing character of the neighborhood and shall be limited by ARTICLE V, SECTION 5.055.5.

<u>Use or Activity</u>	<u>District</u>	
	<u>LDRPUD</u>	<u>HDRPUD</u>
Single detached dwelling	x	x
Duplex		x
Multi-family		x
Convenience Commercial (See Chart 1)	x	x
Restaurants, excluding drive-in	x	x
Common public and private open space	x	x

5.055.5 Limitations on commercial activities in planned unit developments. The commercial activities allowed in a single purpose PUD shall be permitted provided that such activities shall not exceed in the aggregate more than four (4) percent of the total floor area in such development, and provided further that the maximum floor area devoted to such activities by any single establishment shall be ten thousand (10,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) of the residential units are complete.

5.055.6 Minimum size. The minimum size of a PUD shall be two (2) acres.

5.055.7 Overall densities and lot coverage for residential activities in planned unit developments. The maximum over-all densities and lot coverages for residential activities shall be in terms of the number of dwelling units per gross acre and in terms of the required open space of all areas within a development, as provided herein:

- A. Maximum density or lot coverage for a residential PUD shall be as follows:
- LDRPUD: 3.0 single family dwelling units per acre
HDRPUD: 6.0 single family dwelling units per acre
4.0 duplex dwelling units per acre
11.0 multi-family dwelling units per acre
- B. Density increases over and above the permitted zone district maximum density may be granted by the planning commission and shall be governed by the precepts listed below, each of which is to be treated as additive and not compound.
1. For mixed residential types, a maximum increase of ten (10) percent.
 2. For underground utilities, a maximum increase of ten (10) percent.
 3. For improved common open space, a maximum increase of ten (10) percent.
 4. For preservation of natural, historic or archaeological features, a maximum of ten (10) percent.
- C. Reductions in the permitted zone district maximum density may be required by the planning commission only if it is determined that such reduction is warranted by the following conditions:
1. Inconvenient or unsafe access of the planned development.
 2. Traffic congestion for streets adjoining the development.
 3. An excessive burden imposed on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the development.

5.055.8 Minimum Lot Area and Frontage Requirements within a Planned Unit Development. No minimum lot size or yards shall be required within a PUD, except that frontage for the overall development be on a dedicated public road and shall be a minimum of one hundred (100) feet. Peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries delineated in or by water) shall observe yard requirements in accordance with the zoning classification in which the development abuts. Every dwelling unit or other permitted use in the PUD shall have access to a public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

5.055.9 Building spacing.

- A. Minimum Building Spacing: The minimum space between buildings shall be twenty (20) feet.
- B. Perimeter requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the PUD, the planning commission may impose either of the following requirements:
 - 1. Structures located on the perimeter of the PUD must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable.
 - 2. Structures located on the perimeter of the PUD must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing use. (See definition of buffer strip).

5.055.10 Obstructions, Height Regulations, Accessory Structures, Customary Home Occupations, Off-street Parking and Sign Control. All structures and facilities within a PUD shall conform to the requirements governing these items as specified in the zoning ordinance with the exception of the following:

Height Regulations - No building shall exceed thirty-five (35) feet in height.

Sign Control - All commercial signs shall be approved by the planning commission.

5.055.11 Other Regulations and Development Standards.

A. Feasibility Study

The planning commission and/or the city council may require a feasibility study/market analysis for any proposed PUD. The study will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the land use in the city, the timing of any proposed development to ascertain the effects of a proposed development upon lands used or zoned for residential purposes, to form a basis for evaluating the estimated effects on traffic, the financial capability of the developer, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The study, if required, shall be provided by the landowner and the landowner shall provide any other economic data or analysis as may be reasonably requested by the planning commission and/or city council.

B. Quality and Improvement of Common Open Space

No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Maximum buildable acreage

shall consist of seventy-five (75) percent developable with at least twenty-five (25) percent remaining in open space.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. Any buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space having regard to its topography and unimproved condition.

If the master plan provides for buildings, structures, and improvements, in the common open space of value in excess of \$10,000, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The planning commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

C. Street Improvements

Within any PUD, streets may be public or private provided that streets in a LDRPUD shall be public. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowner's Association but shall be built to the specifications and procedures of the subdivision regulations with the exception:

1. Private streets shall not require right-of-way.
2. Pavement widths shall be as follows:
 - (a) Collector Street - 22 ft.
 - (b) Minor Street - 20 ft.
 - (c) One Way Street - 12 ft.

D. Vehicular Access Locations

Vehicular access locations shall be provided so that vehicles entering or departing a PUD site shall do so only at such locations. Elsewhere along the property lines of said PUDs site a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the City Manager and/or City Engineer working in conjunction with the Planning Commission.

No vehicular access location serving a PUD site shall be:

- (a) Within twenty-five (25) feet of the intersection of street right-of-way lines, bounding, in part, the same PUD site, and
- (b) Within one hundred-fifty (150) feet of any interchange ramp. Such distance shall be measured from a point where the centerline of the ramp intersects with the edge of the pavement of the travel way of the intersecting street.

E. Utilities

The development shall be serviced with sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be installed a minimum of one thousand (1,000) feet apart except for areas of detached dwellings where the fire hydrants may be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant.

F. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

5.056. Business Park District Regulations. The Business Park District established by this ordinance is designed to promote and enhance the commercial and architectural character of the Business Park and all of its parcels.

5.056.1 BP, Business Park District

District Description: The BP, Business Park, District is intended to provide suitable areas for large-scale commercial operations that may not otherwise be viable adjacent to traditional commercial enterprises. Secondly, the BP district is created to protect these commercial lands from encroachment from other uses, while preserving and enhancing the values of parcels and improvements within the Business Park through the establishment and enforcement of minimum use, development, architectural, and construction standards. These regulations are intended and designed to create and maintain a safe, attractive, consistent and harmonious business park by addressing improvement placements, setback lines from streets and lot lines, landscaping standards, screening of unattractive uses and improvements from the public and adjacent properties, minimum standards for facades, and fire safety feature.

- A. Uses Permitted: Only industrial and non-retail commercial businesses shall be permitted in the Business Park. The specific uses permitted in this district, the special exceptions that may be allowed in this district, and the uses for which site plan review and approval are required are listed in ARTICLE V, SECTION 5.060 (Chart 1).

- B. Uses Prohibited: Uses not specifically permitted or uses not permitted upon approval as a special exception are specifically prohibited.
- C. Dimensional Regulations:

DEFINITIONS SPECIFIC TO THE BP DISTRICT:

Words, phrases, abbreviations, etc. not herein defined shall have definitions and meanings as stated in Section 2.020 of the City's Zoning Ordinance and Section 6-102 of the Subdivision Regulations.

- a) Architectural Committee means that committee composed of the City Manager, Director of Economic Development and Chairman of the IDB.
- b) Building Inspector means the person appointed to that office by the Marshall County Commission.
- c) Code Enforcement Officer means that person appointed to that office by the City Manager.
- d) Director of Economic Development means that person appointed to that office by the City Manager.
- e) IDB means the Industrial Development Board of the City of Lewisburg, Tennessee.
- f) Building Permit means a written authorization from the Building Inspector to commence work on an improvement in the Business Park.
- g) City means the City of Lewisburg, Tennessee.
- h) Codes means all applicable zoning ordinances, subdivision regulations and building codes adopted by the City.
- i) Building Setback Line has the same meaning as in the City's Zoning Ordinance.
- j) Improvement means the process or result of any preparation and/or construction activities that includes but is not limited to the construction of buildings or structures, whether principal or accessory thereto, sidewalks, driveways, parking lots, loading docks, service or trash collection areas, above and below ground utility installations, signs, retaining walls, screening fences and/or walls, landscaping improvements, and any type of structure installed above ground.

- k) Parcel means any division of land of not less than one (1) acre within the Business Park intended for transfer of ownership or development whether immediate or in the future.
- l) Owner means any person having a legal title to, vested or contingent interest in, or any proprietary interest in any parcel in the Business Park and includes the owner's authorized agent or attorney, a purchaser, a lessee, a mortgagee and fiduciary.
- m) Primary Building means that building or structure in or from which the primary business of the owner is conducted.

GENERAL RESTRICTIONS

- A. No parcel shall be developed or utilized in a manner that constitutes a nuisance to or disruption of business activity for any other owner within the business park by reason of odor, atmospheric emissions, air pollution, light, noise, vibrations, electromagnetic, noxious, toxic or glare.
- B. No improvement shall be commenced nor shall any exterior additions to or changes or alterations therein or thereon be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external in writing as to harmony of external design, color and location in relation to surrounding improvements and topography by the Architectural Committee. The Architectural Committee shall have the authority, in its sole discretion, to permit such variances from the provisions of these restrictive covenants, where, owing to special conditions, a literal enforcement of the provisions of these restrictive covenants would result in unnecessary hardship. The decision of the Architectural Committee shall be final and binding on all parties. In the event the Architectural Committee fails to approve or disapprove the design and location within thirty (30) days after plans and specifications have been submitted, the design and location of the improvement shall be deemed to have been approved.

Approval by the Architectural Committee is required before submitting a site plan to the City's Planning Commission.

- C. After the plans and specifications have been approved by the Architectural Committee, either by approval, action or non-action within thirty (30) days from submission, a site plan may be submitted to the Planning Commission pursuant to the Zoning Ordinance.
- D. Construction plans and specifications and site plan shall be deemed submitted when delivered to the Code Enforcement Officer's office.

- E. In addition to his duties and authorities derived from to Zoning Ordinance, the Code Enforcement Officer shall conduct inspections as necessary to ensure compliance with these restrictive covenants.
- F. The following restrictions and standards shall apply to all parcels within the Lewisburg Business Park unless otherwise provided by more restrictive standards in the City's Zoning Ordinance, Subdivision Regulations and Building Codes.
 - 1. All buildings shall be designed and constructed with architecturally attractive facades as deemed appropriate and acceptable by the Architectural Committee and shall comply with the following:
 - a) The exterior walls of the buildings shall be steel, masonry or a combination.
 - b) No more than 50% of facade on portions of building facing a street shall be of one material unless brick, decorative brick or other masonry type material approved by the IDB.
 - c) Outside colors shall be harmonious and compatible with color of natural surroundings and buildings on adjacent parcels.
 - d) Utilities serving buildings shall be underground.
 - e) All primary buildings shall have an approved and operable automatic fire suppression system.
 - 2. To the greatest extent possible, loading docks and service areas shall be located to not be visible from public streets and shall be located to that side of the improvement opposite and/or furthest from the street. Otherwise, loading docks and service areas shall be effectively screened from view via landscaped earthen berms or a combination of decorative masonry walls and year-round landscaping materials.
 - 3. Private utilities, including but not limited to heating and cooling equipment, cooling Towers, and electric transformers shall be screened from all public streets. Roof mounted equipment shall be screened by parapet walls or comparable architectural features.
 - 4. No parking area shall be closer than twenty-five (25) feet to any dedicated street right-of-way or easement expressly reserved for future street extensions, or closer than fifteen (15) feet to a side or thirty (30) feet to a rear parcel line.
 - 5. Parking areas located between a building and a public street right-of-way shall be designed, constructed and utilized exclusively for

employee, customer and visitor parking. Parking and staging areas for transport and/or service vehicles shall be oriented away from abutting public streets.

6. All vehicular parking, circulation, maneuvering and staging areas shall be paved with asphalt, concrete or comparable all-weather surface and such areas shall be permanently maintained by the owner or lessee. Required parking spaces shall be per the requirements of the Zoning Ordinance. Parking spaces for employees, customers and visitors shall be marked and sufficient handicapped parking spaces shall be appropriately identified.
7. Each owner shall keep its premises, buildings, improvements and appurtenances in a safe, clean, neat, wholesome condition and shall comply in all respects with all government, health and police requirements; each owner will remove at its own expense rubbish of any character which may accumulate on its parcels; and grass, weeds, etc. shall be neatly mowed and trimmed to maintain a height not to exceed 12 inches.
8. No waste, trash, rubbish, production by-products, or materials and/or components intended for or used in the fabrication or assemble of finished goods and products shall be stored either permanently or temporarily in the open. Trash, waste and rubbish shall be kept in sanitary containers. Incinerators are not permitted. Outside storage shall be limited to active finished stock and trade associated with the on-site business activity, and shall be located on the parcel in a manner to not be readily visible from a public street or adjacent property. Outside storage areas shall be effectively screened from the street and adjacent properties by a decorative opaque fence not made of wood, decorative masonry wall, or shrubbery, all no less than six (6) feet in height. Outside storage areas shall be restricted to those portions of the parcel situated behind the primary building facade plane that is oriented towards a public street. No fence, masonry wall or similar screening shall extend beyond building set back lines into the set-back area. Bulk storage of liquids such as gasoline, propane gas, flammable liquids or petroleum products outside buildings or underground shall be permitted only with prior written consent of the Architectural Committee and subject to compliance with all governmental regulations.
9. No screening fence or wall shall be located between the primary building and a public street right-of-way.
10. The owner of any parcel shall protect and preserve the viability and integrity of existing trees as designated by the Architectural Committee and no designated tree shall be cut without the prior written approval of the Architectural Committee. Any tree 6" or

more in diameter shall be replaced with a tree of 2” or more in diameter.

11. The principle use of a parcel for outdoor storage and yards shall be prohibited.

12. Signs:

- a) Freestanding business signs shall be limited to monument style signs. All signs shall be constructed of high quality materials, shall be attractive and architecturally compatible with the primary building located on the parcel, and shall be permanently anchored by a structural foundation to the ground. The maximum height of monument sign shall be six (6) feet as measured from the base of the sign at normal finished grade to the top of the highest component of the sign structure. All business signs shall be set back at least fifteen (15) feet from the street right-of-way.
- b) Signs attached to buildings shall be approved by the Architectural Committee.
- c) Billboards, portable signs, roof signs, banners, wind signs, pennants, ribbons, streamers, balloons or other similar kinetic signs are prohibited.
- d) All signs shall comply with the City’s sign ordinance unless these restrictive covenants are more restrictive.

G. Minimum Building Setback Lines:

Front	100 feet
Rear	100 feet
Side	50 feet

H. Except for a temporary moveable office used during construction, no temporary or moveable building shall be placed, used or constructed on any parcel.

I. Landscaping: Landscaping plans shall be submitted to and approved by the Architectural Committee.

J. Site plans and specifications for an additional improvement(s) shall be submitted to the Architectural Committee for approval pursuant to Section C, above and these restrictive covenants shall apply to all additional improvement(s).

- K. Outside lighting attached to improvements shall be “low glare” and placed in a manner to avoid interference beyond parcel lines and free standing lighting shall be compatible with existing lighting on the public streets.
- L. If a building is unoccupied for ninety (90) days or more, a Phase I Environmental Assessment shall be required before the owner or a successor owner re-occupies the building.
- M. The area between State Highway 373 and the East fork of Globe Creek is designated a passive area.
- N. No parcel shall be subdivided or reduced in size.

OTHER CONDITIONS

1. No conveyance of a parcel shall include or be constructed to be a conveyance of an interest in any street.
2. Construction of the primary building shall commence within 180 days from the date a parcel is conveyed or leased to the owner and construction of the primary building shall be completed within a time determined by the Architectural Committee after consultation with the owner. The completion date shall be the date a Certificate of Occupancy is issued by the Building Inspector. If construction does not commence within the 180 days, the City shall have the right to repurchase the parcel for the same amount paid by the owner or to terminate the lease to the owner. If the City elects to repurchase or terminate the lease, it shall give notice to the owner on the first working day after the expiration of the 180 days. If the City elects to terminate the lease, the owner as lessee, shall forfeit any LEASE PAYMENTS MADE.
3. The IDB shall have the exclusive authority to interpret these restrictions, regulations and conditions. An owner aggrieved by the IDB’s decision may, within 20 days of the date the IDB’s written decision is delivered to the owner, appeal the IDB’s decision to the Chancery Court of Marshall County, Tennessee.
4. The IDB reserves the right to modify these restrictions, regulations and conditions without giving notice to the owner(s); however, such modifications shall not be retroactive. In addition to modification by the City, the City and 80% of the owners of parcels in the Business Park may modify by written agreement and the effective date of such modifications shall be the date specified in the written agreement and such modification shall be effective and applicable to all parcels in Business Park.
5. These restrictions, regulations and conditions shall continue and be binding on the owners, their heirs, successors, assigns and all persons claiming under them for thirty (3)0 years from the date this instrument is recorded in the Register’s Office of Marshall County, Tennessee.

6. Any provision herein contained declared to be invalid by any Court of record shall not affect the validity of the other provisions, which shall remain in full force and effect.
7. Nothing herein provided, shall be construed as a limitation of an owner or the IDB acting for the City petitioning the Chancery Court of Marshall County, Tennessee, for injunctive restraining relief and damages caused by an owner's violation of the terms and provisions hereof.

CHART 1

**The Uses Listed on the Following
Pages Are Classified Under Headings Below:**

<u>USES</u>	<u>PAGE</u>
RESIDENTIAL.....	V-59
GOVERNMENT SERVICES.....	V-59
COMMUNITY ASSEMBLY	V-60
HEALTH CARE FACILITIES.....	V-60
RELIGIOUS FACILITIES	V-61
ANIMAL CARE.....	V-61
AUTOMOTIVE PARKING	V-61
AUTOMOTIVE SERVICE AND REPAIR.....	V-61
CONSUMER REPAIR SERVICES	V-62
ENTERTAINMENT AND AMUSEMENT SERVICES.....	V-63
FARM, GARDEN, LAWN SERVICES	V-63
FINANCIAL, INSURANCE, REAL ESTATE, AND CONSULTING SERVICES.....	V-64
FOOD AND BEVERAGES SERVICES	V-64
CONVENIENCE COMMERCIAL.....	V-65
GENERAL BUSINESS SERVICES	V-65
CONTRACT CONSTRUCTION SERVICES.....	V-67
GENERAL PERSONAL SERVICES	V-67
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GROUP ASSEMBLY	V-70
PROFESSIONAL SERVICES (MEDICAL).....	V-70
PROFESSIONAL SERVICES (NON-MEDICAL)	V-71
TRANSIENT HABITATION.....	V-71
VEHICULAR, MARINE CRAFT, AIRCRAFT, AND RELATED EQUIPMENT SALES, RENTAL AND DELIVERY.....	V-71
WAREHOUSING, GOODS TRANSPORT AND STORAGE	V-72
WHOLESALE SALES.....	V-72
INDUSTRIAL	V-73
AGRICULTURAL SERVICES	V-75
MINING AND QUARRYING	V-75
PLANT AND FOREST NURSERIES.....	V-75

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
RESIDENTIAL												
Bed and Breakfast Home Residence			C									
Boarding Homes			C		X							
Mobile Home											X	
Multi-Family (2 and 3 Families)		C1	C1	C1	X	X	C1					
Multi-Family (4 or more families)		C1	C1	C1	X	X						
Single Family Detached	X	X	X	C1	X	X	X					
GOVERNMENT SERVICES												
Airports					C					X		
City Shop Garage					X			X	C	X		
City, County, State, Federal Offices				X	X		X	C	C	C		
Civil Defense Facilities				X	X			X	C	X		
County Road Dept. Garage					X			X		X		
Court Buildings				X	X							
Electric Substation	C	C	C	C1	X	C	C	X	C	C	C	
Electrical Producing Facilities								X		X		
Fire Department	C	C	C	X	X	X	X	X	C	X		
Gas Producing Facilities					C			X		X		
Jails, Detention or Correction Institutions				C1	C			C		C		
Police Department				X	X	X		X	C	X		
Post Office				X	X	C	C	X	C	X		
Sewage Pump Stations	X	X	X	X	X	X	X	X	X	X	X	C1
State Highway Garage					X			X		X		
Telephone Switching Facilities	C	C	C	X	X	C	C	X	X	X		
Water/Sewer Plants	C	C	C		X			X	C	X		
Water Storage Facilities	C	C	C		X			X	C	X		

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
COMMUNITY ASSEMBLY												
Art Galleries				X	X	C						
Civic, Social, Fraternal, Philanthropic Clubs		C	C	X	X	C						
Football, Baseball, Softball, etc., Fields		C	C		X			X	C	X		
Golf Courses	C	C	C		X			X		X		C1
Libraries				X	X	C						
Meeting Halls		C	C	X	X	C						
Museums				X	X	C						
Passive Parks	C	C	C	X	X	X	X	X	C	X		C1
Private Clubs				X	X							
Recreation Centers/Parks		C	C		X			X		X		C1
Swimming Pools		C	C		X			X		X		
Temporary (Circus, Religious Tent Meetings) Events					X	C		X		X		
HEALTH CARE FACILITIES												
Associations for Physically and Mentally Handicapped		C	C	C1	S							
Cemeteries (Private)		C	C		C							
Cemeteries (Public)		C	C		C							
Columbariums and Mausoleums		C	C		C							
Convalescent Homes			C	C1	X							
Day Care Centers (Children)		C	C	C1	X	C	X					
Day Care Home (Children)		C	C	C1	X	C						
Hospitals				C1	X							
Medical Clinics				X	X		X					
Nursing Homes				C1	X							

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USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
HEALTH CARE FACILITIES (continued)												
Rehabilitation Centers			C	C1	X							
Retirement Homes		C	C	X	X							
RELIGIOUS FACILITIES												
Chapels		C	C	X	X	X	X					
Churches		C	C	X	X	X	X					
Convents and Monasteries		C	C		X		X					
Sanctuaries		C	C	X	X	X	X					
Synagogues		C	C	X	X	X	X					
Temples		C	C	X	X	X	X					
ANIMAL CARE												
Kennels					C							
Veterinary Clinics					C							
AUTOMOTIVE PARKING												
Auto Parking Garages				X	X							
Auto Parking Lots				X	X							C1
AUTOMOTIVE SERVICE AND REPAIR												
Auto Body Shops					X							
Auto Cleaning Services					X							
Auto Dealers (New and Used)				X	X							

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USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
AUTOMOTIVE SERVICE AND REPAIR (continued)												
Auto Glass and Replacement Shops				X	X							
Auto Paint Shops					X							
Auto Radiator and Muffler Shops					X							
Auto Repair Services					X							
Auto Service Stations					X							
Auto Tire Retreading Services					X							
Auto Tire Stores					X							
Auto Towing Services					X					C		
Auto Transmission Services					X							
Auto Wheel Alignment Services					X							
Bus Maintenance and Large Truck Repair Shops					C					X		
Car Washes					X	C						
CONSUMER REPAIR SERVICES												
Appliance Repair Shops				X	X							
Blacksmith Shops					X							
Electrical Electronic Repair Shops				X	X							
Gunsmith Shops				X	X							
Instrument Repair Shops				X	X							
Lawnmower Repair Shops				X	X							
Office Equipment Cleaning and Repair Shops				X	X							
Saddlery Repair Shops				X	X							
T.V. Repair Shops				X	X							
Upholstery and Furniture Repair Shops				X	X							
Watch, Clock and Jewelry Repair Shops				X	X							

X - Use permitted

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(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
CONSUMER REPAIR SERVICES (continued)												
Welding Shops					X			X	C	X		
ENTERTAINMENT AND AMUSEMENT SERVICES												
Adult Oriented Establishment											C1	
Art Galleries (Commercial)				X	X	C						
Billiard/Pool Rooms				X	X							
Bowling Alleys			X	X								
Coin Operated Amusements/Arcades (Game Rooms)				C1	C							
Driving Ranges												
Miniature Golf Courses					X							
Motion Picture Theaters (Drive-In)					X							
Motion Picture Theaters (Walk-In)			X	X								
Riding Stables/Commercial												
Skating Rinks/Commercial					X							
Tennis Courts/Commercial					X							
Theaters				X	X	C						
FARM, GARDEN, AND LAWN SERVICES												
Farm Equipment and Supplies				X								
Feed Milling and Sales				X			X		X			
Lawn and Garden Supply Stores				X	X							
Retail Nurseries					X							

X - Use permitted

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USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
FINANCIAL, INSURANCE, REAL ESTATE AND CONSULTING SERVICES												
<u>Agricultural Credit Insurance</u>			X	X		X						
<u>Banks, Banking Related Functions</u>			X	X	X		C	C	C			
<u>Check Cashing/Title Loan Services</u>					C							
<u>Credit Unions</u>				X	X			C	C	C		
<u>Installment Sales and Finance Companies</u>				X	X							
<u>Insurance Sales and Service</u>				X	X		X					
<u>Money Management and Investment Offices</u>				X	X		X					
<u>Real Estate Brokers, Managers, and Appraisers</u>				X	X		X					
<u>Rediscount and Financing Institutions Other than Banks</u>				C1	X							
<u>Savings and Loan Associations</u>				X	X			C	C	C		
<u>Securities, Commodities Brokers, Dealers, and Exchanges</u>				X	X		X					
<u>Title Offices</u>				X	X							
FOOD AND BEVERAGES SERVICES												
<u>Bottle Club</u>										C		
<u>Cafes</u>				X	X							
<u>Cafeterias</u>				X	X							
<u>Deli</u>				X	X			C				
<u>Drive-In Restaurant</u>				X	X			C				
<u>Fast Food Restaurant</u>				X	X			C				
<u>Restaurants</u>				X	X		C					
<u>Taverns</u>				C1	C							

X - Use permitted

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(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
CONVENIENCE COMMERCIAL												
Bakeries				X	X	X						
Barber Shops				X	X	X						
Beauty Shops				X	X	X						
Convenience Markets with Gas				X	C	C						
Dairy Products				X	X	X						
Drug Stores				X	X	X						
Fruit Stores				X	X	X						
Health Spas				X	X	X						
Laundry and Dry Cleaners				X	X	X						
Liquor Stores				C1	C							
Meat and Fish Markets				X	X	X						
Shoe Repair Shops				X	X	X						
Vegetable Markets				X	X	X						
GENERAL BUSINESS SERVICES												
Adjustment and Collection Agencies				X	X							
Advertising Agencies and Services				X	X							
Automobile Clubs				X	X		C					
Bail Bonding					C							
Better Business Bureaus				X	X		X					
Bus and Passenger Transit Terminals				X	X							
Cable TV/Radio and TV Receiving and Transmitting Station				X	C			X		X		
Chamber of Commerce				X	X		X					
Commercial Cleaning Services				X	X							
Commercial Testing Laboratories				X	X			X	C	X		
Computer and Data Processing Services				X	X							

X - Use permitted

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(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
GENERAL BUSINESS SERVICES (continued)												
Credit Reporting Agencies				X	X							
Detective Agencies				X	X		X					
Drafting Services				X	X		X					
Employment, Personnel and Temporary Help Services				X	X		X					
Exterminating Services				X	X							
Interior Decorating and Consulting Services				X	X		X					
Labor Unions				X	X			C		C		
Mailing Reproduction and Commercial Art Services				X	X							
Management, Consulting and Public Relations Services				X	X		X					
Message Centers				X	X							
News Syndicates				X	X							
Photo-Finishing Services				X	X	C						
Political Organizations				X	X							
Professional Associations				X	X		C					
Protective Services				X	X		X					
Radio and Television Broadcasting Studios				X	X							
Research and Development Labs				X	X			C	C	C		
Taxi Cab Services				X	X							
Telegraph Offices				X	X							
Telephone Companies				X	C							
Telephone Exchanges and Relay Towers				C1	C			X	C	X		
Television and Recording Production Studios				C1	X							
Trading Stamp Services				X	X							
Travel Agencies				X	X		X					
Vehicular and Equipment Rental and Leasing Services					X			C		C		

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C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
GENERAL RETAIL TRADE												
Antique Stores				X	X		C					
Appliance/Furniture/ Electronic Rental Stores				X	X							
Automotive Parts				X	X							
Bathing Suit Stores				X	X							
Bedding and Linen Stores				X	X							
Book and Stationery Stores				X	X							
Camera Stores				X	X							
Children's and Infant's Stores				X	X							
Cookware Stores				X	X							
Custom Tailors				X	X							
Cutlery Stores				X	X							
Department Stores				X	X							
Direct Selling Organizations				C1	X							
Drapery, Curtain and Upholstery Stores				X	X							
Drug Store/Pharmacy				X	X							
Family Clothing Stores				X	X							
Flooring Covering Store				X	X							
Florists				X	X	C						
Furriers and Fur Shops				X	X							
Gift Shops				X	X							
Glassware and China Shops				X	X							
Grocery Stores				X	X							
Hardware Stores				X	X							
Hobby, Toy and Game Stores				X	X							
Household Appliance Stores				X	X							
Jewelry Stores				X	X		C					
Lamp and Shade Shops				X	X							
Luggage Shops				X	X							

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(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
GENERAL RETAIL TRADE (Continued)												
Mail Order Stores				X	X							
Manufactured Home Sales					X							
Men's and Boy's Clothing Stores				X	X							
Miscellaneous Apparel Stores				X	X							
Mobile Home Sales					X							
Music Stores				X	X							
New Furniture Stores				X	X							
News Stands				X	X	X						
Office/Computer Supply Stores				X	X							
Paint and Wallpaper Stores				X	X							
Radio and Television Stores				X	X							
Second Hand Merchandise Stores				X	X							
Sewing and Piece Good Stores				X	X							
Shirt Shops				X	X							
Shoe Stores				X	X							
Sporting Goods Stores				X	X							
Sports Apparel Stores				X	X							
Tobacco Shops				X	X							
Uniform Stores				X	X							
Variety Stores				X	X							
Video Rental Stores				X	X							
Women's Accessory and Specialty Stores				X	X							
Women's Dress Shop				X	X							
Women's Ready-to-Wear Stores				X	X							

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USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
GROUP ASSEMBLY												
Amusement Parks					X			C				
Colleges and Universities	C	C	X	X								
Commercial Resorts	C	C			C							
Commercial Sports Arenas and Playing Fields	C	C			C			C				
Primary and Secondary Schools (Public)	C	C	X	X				C				
Race Tracks (Auto, Motorcycle, Dog and Horse)					C			C				
Schools				X	X			C				
Technical and Trade Schools				X	X							
PROFESSIONAL SERVICES (MEDICAL)												
Chiropractors Offices				X	X		X					
Dental Offices and Laboratories				X	X		X					
Medical Laboratories				X	X		X					
Optometrists				X	X		X					
Physicians' Offices and Clinics (Out-patient)				X	X		X					
Psychologist and Psychotherapists Offices				X	X		X					
Accounting Auditing and Bookkeeping Services				X	X		X					
Attorneys and Law Offices				X	X		X					
Consulting Scientists				X	X		X					
Educational and Scientific Research Services				X	X		X	C	C			
Engineering and Architectural Services				X	X		X					
Urban Planning Services				X	X		X					
Writers and Lecturers				X	X		X					

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
PROFESSIONAL SERVICES (NON-MEDICAL)												
Accounting Auditing and Bookkeeping Services				X	X		X					
Attorneys and Law Offices				X	X		X					
Consulting Scientists				X	X		X					
Educational and Scientific Research Services				X	X		X	C	C			
Engineering and Architectural Services				X	X		X					
Urban Planning Services				X	X		X					
Writers & Lecturers				X	X		X					
TRANSIENT HABITATION												
Hotels, Motels				X	X			C				
Sporting and Recreational Vehicular Camps					X			C				
Tourist Homes or Courts				X	X							
VEHICULAR, MARINE CRAFT, AIRCRAFT AND RELATED EQUIPMENT SALES, RENTAL AND DELIVERY												
Aircraft Dealers				X	X							
Auto and Home Supply Stores				X	X							
Boat Dealers				X	X							
Gasoline Service Stations				X	X			C		C		
Motor Vehicle Dealers (New and Used)				X	X							
Motorcycle Dealers				X	X							
Recreational and Utility Trailers Dealers					X							

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
WAREHOUSING, GOODS TRANSPORT AND STORAGE												
Freight Forwarders					X			C	C	X		
General Warehousing					X			X	X	X		
Household Goods Storage					X			X		X		
Local and Long Distance Trucking Terminals					X			C	C	X		
Mini-Warehouses				C	X			C		X		
Packing and Crating Services					X			X		X		
Refrigerated Warehousing					X			X	C	X		
WHOLESALE SALES												
Apparel Piece Goods and Notions					X			C		C		
Beer, Wine, and Distilled Alcoholic Beverages					X			C		C		
Chemical and Allied Products					X			C		C		
Drugs, Drug Proprietaries and Sundries					X			C		C		
Electrical Goods and Appliances					X			C		C		
Farm Products, and Raw Materials					X			C		C		
Farm Supplies					X			C		C		
Furniture and Home Furnishings					X			C		C		
Groceries and Related Products					X			C		C		
Hardware, Plumbing, Heating Equipment and Supplies					X			C		C		
Lumber and Other Construction Materials					X			C		C		
Machinery, Equipment and Supplies					X			C		C		
Motor Vehicle and Automotive Parts and Supplies					X			C		C		

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
WHOLESALE SALES (continued)												
Paints, Varnishes and Supplies					X			C		C		
Paper and Paper Products					X			C		C		
Photographic and Hobby Goods					X			C		C		
Sporting and Recreation Goods					X			C		C		
Tobacco and Tobacco Products					X			C		C		
Toys and Supplies					X			C		C		
INDUSTRIAL												
Abrasive, Asbestos, and Non-Metallic Mineral Processing										C		
Apparel Accessories (except leather tanning and finishing)								X	X	X		
Asphaltic Cement Plants										C		
Automobile Wrecking Yards										C		
Biofuel Production, Refining, and Related Chemicals and Allied Products								X	C			
Electrical Machinery Equipment and Supplies										X	X	
Fabricated Metal Products (excluding ordinance and accessories)										C	C	
Food and Kindred Products											C	
Furniture and Fixtures								C	X	X		
Hazardous and Radioactive Wastes											X	
Incinerators and Atomic Reactors											X	
Jewelry									C	X		
Junkyards											C	
Landfills											X	

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
INDUSTRIAL (continued)												
<u>Lumber and Wood Products (excluding furniture)</u>										C		
<u>Machinery (excluding electrical)</u>									C	X		
<u>Manufacture or Storage of Explosives, Munitions, or Fireworks</u>										X		
<u>Musical Instruments and Parts</u>								X	X	X		
<u>Paper and Allied Products</u>										C		
<u>Paperboard</u>									X	X		
<u>Pens, Pencils, Office and Artist's Materials</u>								X	X	X		
<u>Petroleum Refining and Related Industries</u>										C		
<u>Photocopying</u>								X		X		
<u>Precision Machining of Dies, Jigs and Fixtures</u>								X	C	X		
<u>Primary Metal Industries</u>										C		
<u>Printing, Publishing and Allied Industries</u>								C	X	X		
<u>Professional, Scientific and Controlling Instruments</u>								X	X	X		
<u>Recycle Transfer Stations</u>					X							
<u>Rubber and Miscellaneous Plastic Products</u>									C	C		
<u>Signs</u>								C		X		
<u>Solid Waste Landfills</u>										X		
<u>Solid Waste Transfer Stations</u>										X		
<u>Stone Clay and Glass Products</u>										C		
<u>Textile Mill Products</u>										C		
<u>Tobacco Products</u>									C	X		
<u>Toys, Amusement, Sporting and Athletic Goods</u>								X	X	X		
<u>Transportation Equipment</u>									C	C		

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

USES PERMITTED	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	I-3	MHP	FW
AGRICULTURAL SERVICES												
Crop and Animal Raising										C		C1
Crop Drying, Storage, Processing Services					C					C		
Crop Planting, Cultivating and Protection Services					X							
Feed Lots										C		
Horticultural Services					X							
Soil Preparation Services					X							
Stockyards										C		
Veterinary Services for Livestock					C			C				
MINING AND QUARRYING												
Chemical Fertilizer and Non-Metallic Mineral Mining										C		
Clay, Ceramic and Refractory Mineral and Mining										C		
Crude Petroleum and Natural Gas Production and Field										C		
Metal Ore and Mineral Mining										C		
Sand and Gravel Quarrying										C		
Stone Quarrying										C		
PLANT AND FOREST NURSERIES												
Forest Nursery					X		C	X				C1
Plant and Tree Nursery					X		C	X				C1

X - Use permitted

C - Use requiring review and approval of the Board of Zoning Appeals

C1 - Use requiring review and approval of the Planning Commission

(Blank) - Not Permitted

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming uses
- 6.021 Provisions Governing Nonconforming Uses
- 6.022 Construction or Use Permit Approved Prior to Ordinance Adoption
- 6.023 Repairs and Alterations
- 6.024 Lot Containing Nonconforming Use
- 6.025 Continuation of Nonconforming Use
- 6.026 Change of Nonconforming Use
- 6.027 Expansion of Nonconforming Uses
- 6.028 Damage or Destruction
- 6.029 Discontinuance
- 6.030 Special Provisions Governing Nonconforming buildings within floodway district
- 6.040 Bulk and lot size noncompliance
- 6.050 Exceptions to height limitations
- 6.060 Lots of record
- 6.070 Exceptions to setback requirements
- 6.080 Absolute minimum lot size

6.010. Scope. ARTICLE VI, 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.

6.020. Nonconforming uses. The districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Lewisburg, 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.

6.021. Provisions Governing Nonconforming Uses

Applicability

The provisions of this section 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.

6.022. 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.

6.023. 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.

6.024. Lot Containing Nonconforming Use

A lot containing a nonconforming use shall not be reduced in area except to comply with Section 6.023.

6.025. 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 6.026) is undertaken.

6.026. Change of Nonconforming Use

6.026.1 General Provisions

For the purpose of this chapter, 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.

6.026.2 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.

6.027. Expansion of Nonconforming Uses

6.027.1 General Provisions

Any nonconforming 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 use provided that any such expansion shall not violate the provisions as set out below.

6.027.2 Adequate Space for Expansion

No expansion of 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. All required yard setback requirements must be adhered to in any such expansion project.

6.027.3 Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the 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.

6.027.4 Expansion Upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 6.030.

6.028 Damage or Destruction

6.028.1 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.

6.028.2 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 6.026 above) to other than a permitted use.

6.028.3 Infringement upon Open Space Restricted Floodway

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.

6.028.4 Reconstruction of Flood Damaged Property

The provisions of Section 6.030 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway district.

6.029 Discontinuance

When a nonconforming 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 one (1) year, 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.

Any discontinued use for a period of thirty (30) days of a nonconforming mobile home shall not be re-established furthermore any nonconforming mobile home shall not be re-established thirty (30) days after its removal.

6.030 Special Provisions Governing Nonconforming Buildings Within Floodway District

6.030.1 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.

6.030.2 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 6.023 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.

6.030.3 Special Provisions Governing Reconstruction of Building or Structure Located Within the Floodway District

Within the floodway district any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

- A. The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
- B. Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is flood proofed (in accordance with the requirements of Section 4.110 to a height of at least one (1) foot above the level of the 100-year flood).
- C. Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least one (1) foot above the level of the 100-year flood.
- D. That no reconstruction or alteration permitted herein under shall result in any increase in the level of the 100-year flood.

6.040 Bulk and Lot Size Noncompliance

6.040.1 General Provisions

The provisions of this section 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.

6.040.2 Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

6.040.3 Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.040.4 through 6.040.6.

6.040.4 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 a building or other structure or parcel of any portion thereof.

6.040.5 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 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).

6.040.6 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.

6.050 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 not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Height exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the planning commission.

6.060 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.

6.070 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 ten (10) feet from the street right-of-way line.

6.080 Absolute Minimum Lot Size. In no case shall the Building Inspector or the Board of Zoning Appeals permit any 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, with the exception of officially approved planned developments.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the ordinance
- 7.020 The enforcement officer
- 7.030 Building permits
- 7.040 Temporary use permits
- 7.050 Certificate of occupancy
- 7.060 Procedure for authorizing special exceptions
- 7.061 Conditional Use Permits
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010. 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 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.

7.020. The enforcement officer. The provisions of the 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 and zoning 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 buildings or premises necessary to carry out his authorized duties.

7.030. Building permits. All necessary federal and state permits must be obtained prior to any building permit being granted.

A. Application

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose.

B. Fee:

The Lewisburg City Council 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. Only the City Council 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 a waiving of any 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 one (1) year.

7.040. 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 Lewisburg City Council. 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.

7.050. 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 use, 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 of such refusal.

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-206, of the Tennessee Code Annotated, 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. General Requirements. A conditional use permit (a special exception) shall be granted provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this ordinance.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 7.060 and 7.061, and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall certify (compliance with the specific rules governing individual special exceptions (Section 7.061)), 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 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.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Board of Zoning Appeals to be of significant natural, scenic, or historic importance.

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 a reasonable time of the date of application.

7.061 Conditional Use Permits.

In addition to the requirements of the applicable district and the general requirements set forth above in Section 7.060, C, a conditional use permit shall be granted for the following

activities specified herein, only when the following standards established are met as part of the condition for issuing the permit in the applicable zone districts.

7.061.1 Special Conditions for Religious Facilities

- A. No such facility shall be permitted on a lot unless it contains twice the lot area requirements of the district.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- C. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this ordinance in ARTICLE IV, SECTION 4.010, shall apply.

7.061.2 Special Conditions for Community Assembly

- A. No such activity shall be permitted on a lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.
- C. The off-street parking and loading requirements of this ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect the properties within the surrounding area.

7.061.3 Special Conditions for Government Services

- A. All bulk regulations of the zone district shall apply.
- B. The off-street parking requirements shall be as follows:

Minimum of one space for each vehicle belonging to any agency or department, as well as one (1) space for each two (2) employees, plus additional spaces for the public, as determined to be necessary. The loading requirements in ARTICLE IV, SECTION 4.020, shall be met.

- C. The location of such facility shall be determined such that the most efficient service to the community is provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect upon surrounding properties. Fencing, screening, and landscaping may be required as appropriate to protect the surrounding residential area.

7.061.4 Special Conditions for Health Care Facilities. For purpose of this ordinance, day care facilities are classified into two types as defined below:

Day Care Center (Children) - includes day care for more than eight (8) preteenage children in any kind of building.

Day Care Home (Children) - includes day care in an occupied residence of not more than eight (8) children including children living in the home.

A. Day Care Center (Children)

1. No such facility shall be permitted on a lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the district whichever is greater.
2. All bulk and setback regulations of the district shall be met.
3. One accessory off-street parking space for each five children accommodated in this child care facility shall be provided.
4. Special passenger loading and unloading facilities shall be provided on the same lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicle to enter or exit the lot.
5. All regulations of the State of Tennessee that pertain to the use shall be met.
6. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
7. Screening and landscaping shall be provided as appropriate to protect the surrounding area. Fenced-outdoor play area shall be provided of at least 200 square feet per child or 2,000 square feet whichever is greater.

B. Day Care Home (Children)

1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
2. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size and sewer is not available. The Fire Department shall approve the facility for safety.
3. All requirements of the State of Tennessee that pertain to the use shall be met.
4. An outdoor play area of at least 200 square feet per child in size shall be available and shall be fenced.
5. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
6. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
7. Site plan shall be submitted in conjunction with the application for a conditional use permit.

C. Special Conditions for Other Uses in this Category. Associations for Physically or Mentally Handicapped Persons, Convalescent Homes, Hospitals, Medical Clinics, Nursing Homes, Rehabilitation Centers, Retirement or Rest Homes.

1. No such facility shall be permitted on a lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district whichever is greater.
2. All bulk and setback regulations of the district shall be met except for hospitals where the minimum side and rear yards shall be 50 feet for a one or two story building, increased by five (5) feet for each story above two (2).
3. The requirements of the accessory off-street parking regulations of this ordinance in ARTICLE IV, SECTION 4.010, shall apply.
4. All regulations of the State of Tennessee shall be met.
5. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewer.

D. Cemeteries and Mausoleums Subject to the Following Additional Standards:

1. Cemeteries shall be located on site of at least ten (10) acres.
2. A mausoleum which is not located in a cemetery shall be located on a site of at least 2 acres.
3. All structures located in a cemetery of six (6) feet in height or over including, but not limited to mausoleums, monuments and buildings, and all mausoleums not located in a cemetery and regardless of height shall be set back at least one hundred (100) feet from each lot line and street right-of-way.
4. All graves or burial lots shall be set back at least thirty (30) feet from each lot line and street right-of-way.
5. Screening located along the lot lines of the site of the cemetery or mausoleum shall be provided to block such cemetery or mausoleum from view from any other property.
6. A cemetery site shall not obstruct the development of any major or collector streets proposed in the Lewisburg Transportation Study portion of the General Plan.

7.061.5 Special Conditions for Group Assembly Activities

- A. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. The off-street parking requirements shall be based upon a recommendation from the planning commission.
- D. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 1. The minimum size site shall be five (5) acres;
 2. The minimum setback of all structures from all public roads shall be one hundred (100) feet;
 3. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;

4. Access to such facility shall be by a paved public road and such road shall be either a arterial or a collector street. Traffic shall not be directed through residential streets;
 5. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land, provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
 6. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
 7. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
 8. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.
- E. When an application for a Group Assembly or Transient Habitation permit includes a private campground, the following standards shall be met:
1. Such campground shall have on-site management;
 2. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller;
 3. Such campground shall meet the following standards:
 - (a) Minimum size - 10 acres
 - (b) Maximum density - 10 campsites per gross acre
 - (c) Sanitary facilities, including flush toilets and showers - within 300 feet walking distance of each campsite
 - (d) Potable water supply - one spigot for each four (4) campsites

- (e) Trash receptacle - one for each two (2) campsites
- (f) Parking - one (1) space per campsite
- (g) Picnic table – one (1) per campsite
- (h) Fireplace or grill – one (1) per campsite
- (i) Administration or safety building - open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

4. Such campground shall meet the following design requirements:

- (a) A vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
- (b) Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas or similar activities.
- (c) Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.
- (d) Each campsite and all other buildings shall have a minimum setback from any public road of fifty (50) feet.
- (e) Each separate campsite shall contain a minimum of 3,200 square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access).
- (f) Each campsite shall be directly accessible by an interior road.
- (g) All interior roads shall be a minimum of ten (10) feet wide for one way traffic and eighteen (18) feet wide for two-way traffic.
- (h) All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degrees turn - 40 feet
Minimum radius for a 60 degrees turn - 50 feet
Minimum radius for a 45 degrees turn - 68 feet

- (i) No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.
- (j) Each campground shall provide a trailer dump station for the disposal of holding tank sewage.

7.061.6 Special Conditions for Feedlots and Stockyards

- A. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - 1. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
 - 2. Location of the area in which the proposed keeping of animals is to be conducted.
 - 3. Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
 - 4. Proposed method of drainage of the animal pens.
 - 5. Proposed fencing of the site.
 - 6. Insect, rodent, and odor control measures shall be provided to the satisfaction of the board of appeals.
- C. The owner shall establish to the satisfaction of the board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- D. In any instance where sales of any type are to be conducted at the site, the board shall assure that adequate parking is available.

7.061.7 Special Conditions for Mining and Quarrying Activity

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
1. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at 2 foot intervals.
 2. Location of the area in which the proposed quarrying activity is to be conducted.
 3. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 4. Proposed method of drainage of the quarry area.
 5. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 6. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 7. Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance (ARTICLE IV, SECTION 4.070).
 8. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. Over-burden shall be retained on a suitable portion of the site of the sand or gravel or other extraction operations and shall be used for backfill. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
 9. A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system.
- C. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same lot or adjoining lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for Mining and quarrying activities; however, in conditions of multiple lots, the outer perimeter of the site shall be considered the lot line. No excavation shall be made within seventy-five (75) feet of the perimeter of

the site of the sand, gravel, or other extraction operation; within one hundred (100) feet of any street right-of-way or within two hundred-fifty (250) feet of any building used for residential purposes.

- D. Before issuing a permit the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- E. Land shall be restored, regraded, and resloped as nearly as practicable to its original condition and grade provided, however, that after such reclamation activities, no slope on such land shall be steeper than three (3) feet horizontal to one (1) foot vertical and no greater quantities of drainage water shall flow onto adjoining properties or shall flow at a faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel, or other extraction or processing activities on the land reclaimed.
- F. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
- G. The application shall be accompanied by a sworn affidavit by the applicant that all permits and approvals required by any local, state, or federal environmental laws or regulations including, but not limited to, water and air pollution laws and regulations, have been secured, and that such use shall be operated in accordance with any such local, state, or federal environmental laws or regulations.

7.061.8 Special Conditions for Commercial Storage of Explosives, Arsenals and Fireworks Manufacture

- A. The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities accessibility or for similar cause.
- B. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- C. All regulations of the State Fire Marshall and the Lewisburg Fire Department relating to the storage of potential and/or octane explosives shall be met.
- D. All regulations of the 1985 Annex A, of the National Fire Protection Association as adopted by the State of Tennessee relating to the storage of explosives shall be conformed with.

- E. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.

7.061.9 Special Conditions for Industrial Activities Categorized for Review by the Board of Zoning Appeals Listed in Chart 1

- A. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- B. The application shall be accompanied by a sworn affidavit by the applicant that all permits and approvals required by any local, state, or federal environmental laws or regulations including, but not limited to, water and air pollution laws and regulations, have been secured, and that such use shall be operated in accordance with any such local, state, or federal environmental laws or regulations.

7.061.10 Special Conditions for Adult-Oriented Establishments

- A. No establishment shall be closer than 500 feet (measured from property line to property line) from another adult-oriented establishment.
- B. No establishment shall be closer than 1,000 feet (measured from property line to property line) to any residential zone, or any use classified in the following categories of CHART 1 of ARTICLE 5.060: COMMUNITY ASSEMBLY, HEALTH CARE FACILITIES, RELIGIOUS FACILITIES, AND GROUP ASSEMBLY.
- C. Comply with all provisions of the Tennessee Code Annotated, Sections 7-51-1101 thru 7-51-1121 and 7-51-1401 thru 7-51-1406, including any amendments.
- D. Sign messages shall be limited to verbal description of material or services available on the premises and may not include any graphic or pictorial depiction of material or services available on the premises.
- E. Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors on windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises, or pictures, films, or live presentation of persons performing or services offered on the premises.

7.061.11 Special Conditions for a Bed and Breakfast Home Residence:

In addition to the requirements of the applicable district and the general requirements set forth in Section 7.060, C, the following special conditions shall be met prior to issuing a building permit:

- A. Bed and breakfast home residences shall be established only within preexisting single family residences.
- B. Bed and breakfast home residences shall continuously maintain current licenses and permits as required by local and state agencies.
- C. Bed and breakfast home residences shall be solely operated by members of the family residing in the residence.
- D. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- E. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- F. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
- G. Bed and breakfast home 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.
- H. 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.
- I. 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.
- J. 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.
- K. An evacuation plan must be approved prior to the issuance of a building permit for a bed and breakfast home residence.
- L. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the

area or neighborhood, and the intent of the zoning district in which it is located.

7.061.12 Special Conditions for Recycle Centers

- a. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- b. All separation or picking of waste materials shall be conducted in an enclosed building only.
- c. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- d. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

7.070. Board of Zoning Appeals. In accordance with 13-7-205, Tennessee Code Annotated, a Lewisburg Board of Zoning Appeals, consisting of five (5) members, is hereby established. Not more than two (2) members may be from the Lewisburg Municipal Planning Commission. All members of such board shall be appointed by the Chief Executive Officer of the City.

A. Term of Office of Board Members, Removal, and Vacancies

The members of the Board of Zoning Appeals, shall serve for a five (5) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one (1), two (2), three (3), four (4), and five (5) years, respectively. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the City Council and may be removed from membership on the Board for 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 Lewisburg 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 appeals 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 stays 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 of 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.

7.080. Variances. The purpose of a 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 variances 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 fifty (50) dollars payable to the City of Lewisburg 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 a 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 a reasonable time of such hearing and in accordance with the standards provided below.

D. Standards for Variances:

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

7.090. Amendments 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 Council of Lewisburg. Any member of the City Council may introduce such legislation, or any official, board, or any other person may present a petition to the City Council requesting an amendment or amendments to this ordinance or maps. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

A fee of fifty (50) dollars payable to the City of Lewisburg shall be charged to cover partial review and processing of each application for an amendment, except that the fee shall be waived for a governmental agency.

An application by an individual for an amendment shall be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land

and existing buildings shall be submitted with application no later than ten (10) working days prior to the next scheduled planning commission meeting.

The planning commission shall review and make recommendations to the mayor and city council on all proposed amendments to this ordinance.

The planning commission in its review and recommendation and the mayor and city council in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not contravened;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Lewisburg Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days following the planning commission meeting wherein such amendment is entertained within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the entire membership of the City Council 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, receive the favorable vote of a majority of the entire membership of the City Council.

Before enacting an amendment to this ordinance, the City Council shall hold a public hearing thereon, after giving adequate public notice.

7.100. 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.

7.110. 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 injunction, mandamus, or other appropriate action or proceeding to prevent such

unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. 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 invalid or unconstitutional.

7.130. 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.

7.140. Effective date. This ordinance shall take effect and be in force fifteen (15) days from and after the date of its adoption, the public welfare demanding it.

Certified by the Lewisburg Municipal Planning Commission

July 10, 1990
Date

John Owen
Chairman
Lewisburg Municipal Planning Commission

Approved and adopted by the City Council of the City of Lewisburg

November 13, 1990
Date

Charles
Mayor, Lewisburg, Tennessee

ATTESTED:

Roger E. Brandon
City Recorder

ARTICLE VIII
BYPASS STANDARDS

BYPASS DESIGN STANDARDS



LEWISBURG, TENNESSEE

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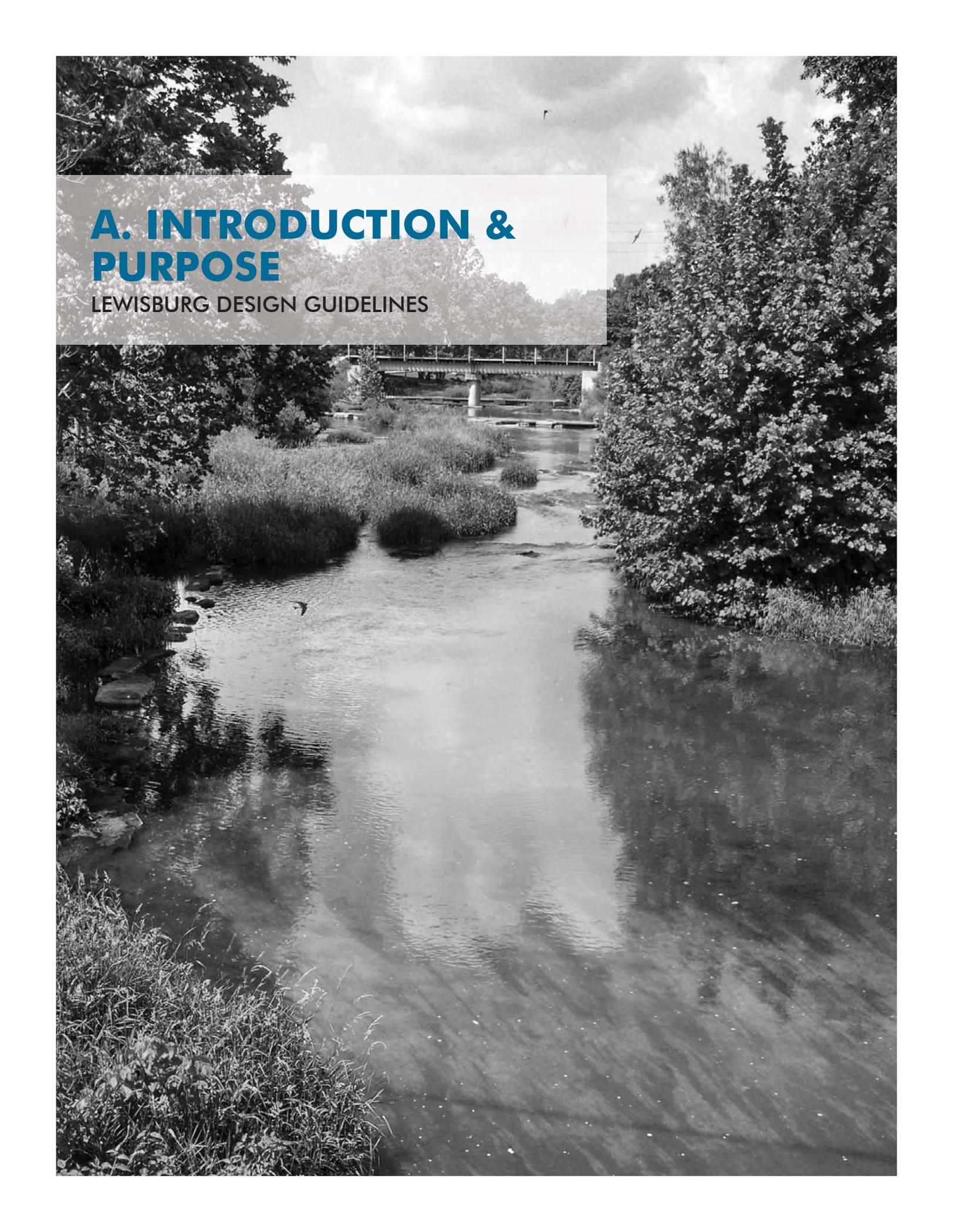
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“Plan for the future because that’s where you are going to spend the rest of your life.”

- Mark Twain



A. INTRODUCTION & PURPOSE

LEWISBURG DESIGN GUIDELINES

A1

PURPOSE & INTRODUCTION

PURPOSE

This Design Standards Manual contains the design and construction criteria that are minimum City of Lewisburg requirements for the design and construction of facilities and infrastructure in the specified sub-areas of the City. The manual is primarily intended for use by Developers, Architects, Landscape Architects, and Engineers as a reference for City requirements.

The developer and the developer's design team shall be responsible for the applicability of the information contained in this manual relative to the particular development. The developer and the developer's design team shall also be responsible for the accuracy of the information furnished in the design of all facilities as it pertains to both the development and other affected properties. Concurrence by the City in the design shall not be construed to relieve the owner or the owner's engineer of any responsibility.

In the event that specific circumstances dictate additional requirements, it shall be the responsibility of the developer's design team to provide the necessary details for construction to be approved by the City's reviewing team.

The following guidelines are meant to supplement the existing City of Lewisburg Zoning Ordinance. Where conflicts or discrepancies may exist, the zoning ordinance shall prevail. Where these guidelines may conflict with other local, state or federal guidelines, those guidelines shall prevail.

The plan submittal process, including zoning appeals process, established by the City of Lewisburg Zoning Ordinance shall be followed for these guidelines.

INTRODUCTION

The Ellington Parkway Corridor is a 3/4 bypass around the central core of the City of Lewisburg. It is primarily a 5-lane highway (2 lanes in each direction plus a middle turn lane) and is zoned Intermediate Business for a majority of the site. It is a primarily vehicular highway, with a majority of the corridor's users and shoppers accessing the corridor by vehicle. Parking requirements will be greater in this corridor than in a typical walkable community. Although one of the design goals is to create a more walkable community in the City of Lewisburg, the design guidelines take into consideration that the primary access to the corridor will be by vehicle.

The guidelines in this document are based on best practices from communities throughout the Middle Tennessee region, as well as other cities in Tennessee and throughout the United States.

These design guidelines were also created using the principles established in the Vision Lewisburg 2035 Plan, in which historical analysis, physical and policy inventory, and stakeholder and public input were reviewed and analyzed by the planning team in order to gather a thorough understanding of Lewisburg's present condition and most pressing needs. From this analysis, the team set forth to create sets of Guiding Principles for this Corridor. These Principles serve as a critical tool for focusing both the planning team and Lewisburg's leaders in charting a proactive, logical and effective path forward, as well as guiding the direction for the design guidelines.

As established in the Vision Plan, vehicular Corridors are the gateways to Lewisburg and play a critical role in defining the character of the City. As one travels from the rural outskirts of Lewisburg into its more urban core, corridors should reflect this transition. The following principles, objectives and goals provide a roadmap for the design guidelines, protecting important visual corridors and transforming those that have eroded and developed inappropriately over time.

Principles from Vision Lewisburg 2035

1. Create functional and attractive corridors.
2. Preserve rural character of corridors by concentrating development at key intersections.
3. Adopt "Complete Street" street model to encourage multi-modal transportation and sustainable design practices.
4. Maximize economic potential of interstate interchanges while preserving rural character between exits and downtown.
5. Plan and implement city wide way finding strategy to better orient visitors

This document defines broad principles that can be applied to the many different types of sub-areas in the city of Lewisburg. The principles in this document can also be applied to a wide variety of development projects, including small-scale infill development that includes only one or two buildings; new developments that are built on large infill sites; and public improvements, such as streetscape projects and civic buildings, that are completed by local jurisdictions.

Principles of Smart Growth

Smart growth development is guided by a set of principles that promote strong communities with a range of opportunities for all residents. These principles ensure a spectrum of housing, employment and transportation choices within walkable and livable neighborhoods.

The following section explains smart growth's ten most basic principles, which shaped Lewisburg's Vision Plan.

1. Mixed Land uses

The availability of stores, offices and residences in close proximity allows residents to work and shop close to home. A mixture of land uses promotes job creation, encourages healthy lifestyles and reduces dependence on the automobile.

2. Compact Development

Building compactly minimizes the amount of land that is needed to accommodate new homes, offices and stores. As a result, more land can be preserved as open space and for recreation. Compact development also increases the viability of public transit by placing a larger number of potential riders near transit lines.

3. Range of Housing Opportunities

Great communities include a diverse range of residents. Communities with a variety of housing types, densities and levels of affordability meet the needs of families, singles, and households of all income levels, as well as residents with unique needs, such as the elderly and people with disabilities.

4. Open Space and Farmland Preservation

Open spaces, ecological resources and agricultural land are necessary parts of a community. Preservation of natural open space helps to maintain water quality and protects animal and plant habitats. Ready access to the natural environment and undeveloped land also enhances people's quality of life, which can lead to increased economic prosperity. As Lewisburg strives to embrace and preserve its rural character, preserving open space and farmland is especially important for preserving the city's identity.

5. Development in Existing Communities

Locating new development within existing communities reduces sprawl and conserves open space and agricultural land. In addition, infill development takes advantage of existing services and infrastructure while strengthening or revitalizing existing neighborhoods.

6. Walkable and Bikeable Neighborhoods

Neighborhoods that are designed for pedestrians and bicyclists allow for less dependence on the automobile. Specifically along this corridor, opportunities for safe bike paths incorporated into the ROW should be pursued. In walkable, bikeable neighborhoods, difficult street crossings and dead-end streets are minimized, and pedestrians and bicyclists can use a network of well connected streets, sidewalks and paths.

7. Distinctive, Attractive Communities

Communities with distinctive neighborhood character are desirable for residents, visitors and workers alike. They are designed with a careful understanding of their topographic and climatic contexts, and new development builds on the character of existing development.

8. Transportation Choices

Communities with a broad range of mobility options allow all residents to enjoy comfortable, independent lifestyles. Bicycle facilities and pedestrian-oriented streets are located throughout the community, and frequent, convenient public transit service provides a desirable alternative to the private automobile. These qualities can lead to improvements in community health and energy conservation, as well as reductions in greenhouse gas emissions.

9. Predictable Development Decisions

The successful implementation of smart growth depends upon investment from the private sector. Local governments can promote high-quality development by providing economic incentives for innovative projects, investing in the infra- structure improvements that are needed to support growth, and establishing efficient land use policies. The Vision Lewisburg 2035 Plan contains a series of feasible goals within its implementation matrix in an effort to have predictable development decisions.

10. Community and Stakeholder Collaboration

Development should respond to the desires of the community. Collaboration between residents, developers and civic leaders promotes development that fits the community's sense of how it wants to grow.

Quantifiable Reasons for Specific Design Guidelines

There are quantifiable reasons for establishing Design Guidelines specific to Lewisburg:

- Stabilize property values
- Give residents greater control over development in their neighborhood
- Promote heritage tourism
- Provide affordable housing
- Preserve natural resources by conserving building materials

There are less quantifiable reasons for establishing Design Guidelines specific to Lewisburg:

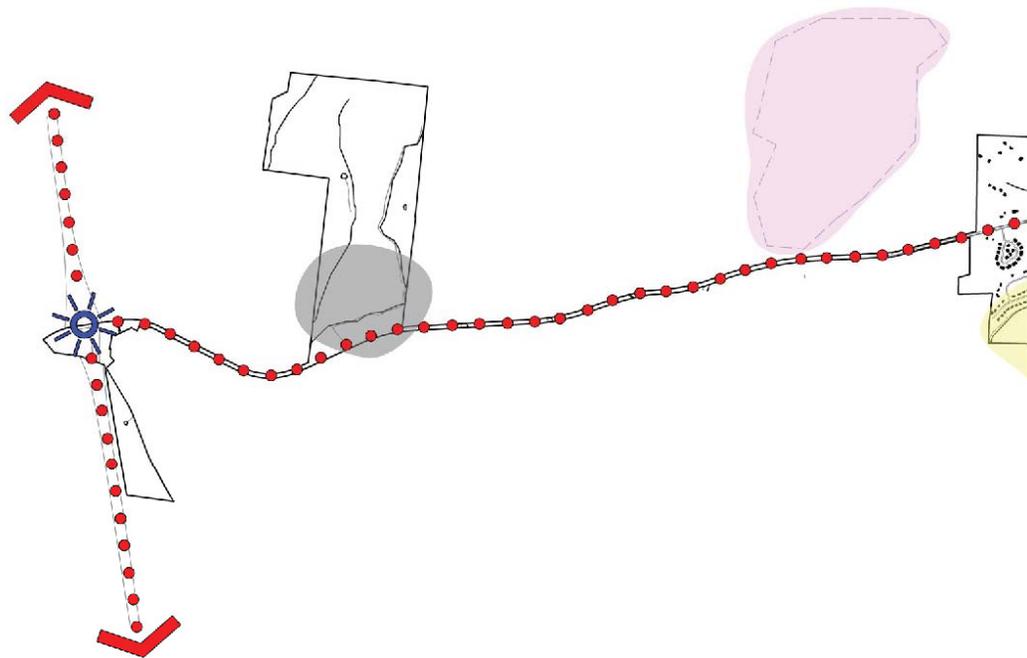
- Protect Lewisburg's past and distinct character for future generations
- Nurture a sense of community
- Provide a sense of place.

A2 CITY CONTEXT MAP

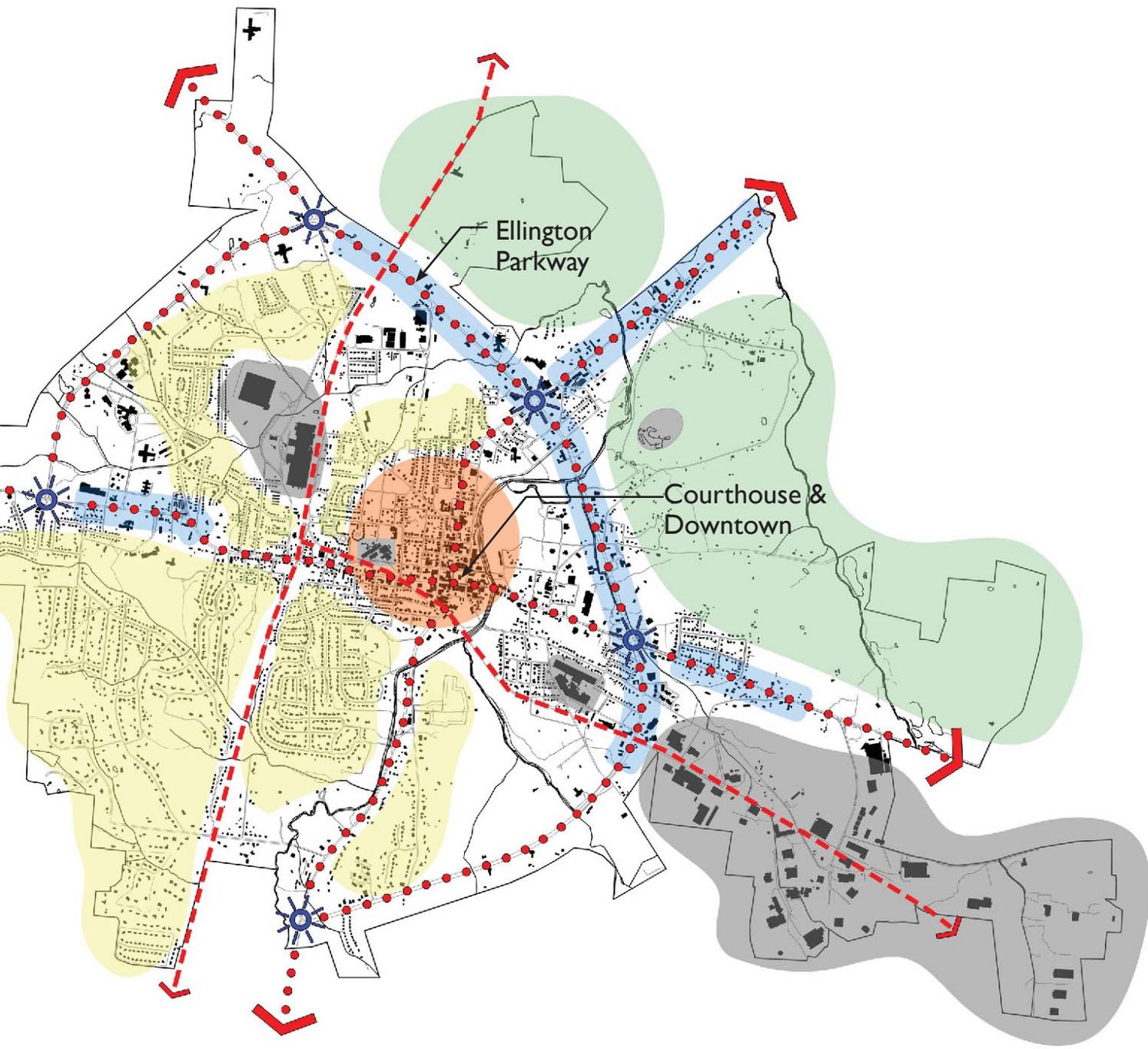
BUILT ENVIRONMENT MAP LEGEND

- rural farmland
- commercial strip
- residential
- industrial
- landfill
- historic downtown

This set of Design Guidelines aims to connect with and build off of the Vision Lewisburg 2035 put together for the City of Lewisburg. The Vision Plan strives to adopt revised zoning ordinances that will preserve open space along corridors and encourage attractive new development at key intersections. Zoning policy is one of Lewisburg's most effective tools in shaping development over time. Without revising the present zoning policy, key commercial corridors will continue to develop without constraint and/or physical design guidelines. Designating key intersections for higher density develop with more rigorous design guidelines, while identifying other corridors for buffering are strategies the city should employ to maximize development impact and minimize visual clutter. These Principles help serve as a backbone for the Design Guidelines.



Not to Scale



A3 SUB-AREAS & EXISTING ZONING MAP

The Guidelines designate three sub-area overlay districts along the corridor: Natural Buffer, Strip Commercial, and Commercial Nodes and are all distinguished by their current land use and well as their future zoning potential based partly on principles and research completed for the Vision Lewisburg 2035 Master Plan. The goal of these designations is to preserve natural buffers along the corridor where possible, encourage and ensure attractive development along the corridor between the commercial nodes, and encourage more dense and compact development (walkable) at the designated commercial nodes.

These subareas are meant to serve as an overlay over the existing base zoning as specified in the City of Lewisburg Zoning Ordinance and will help produce the appropriate growth for the City of Lewisburg as the City grows and expands around the Parkway..

Natural Buffer: The Natural Buffer along the Ellington Parkway Corridor runs from Old Columbia Rd to Hwy 50 at the north end of the site and from Hwy 11 to E Commerce St at the south end of the site.

Strip Commercial: Commercial development which is not located at an intersection of major streets (collectors or arterials), or within a mixed use development. The Strip Commercial Zone along the Ellington Parkway Corridor runs on one side of the Corridor at the North of the site from Old Columbia Rd to Hwy 50, on both sides of the Corridor from Rock Crusher Rd to Hwy 11 at the middle portion of the corridor, and on one side of the Corridor from Hwy 11 to E Commerce St at the south end of the corridor.

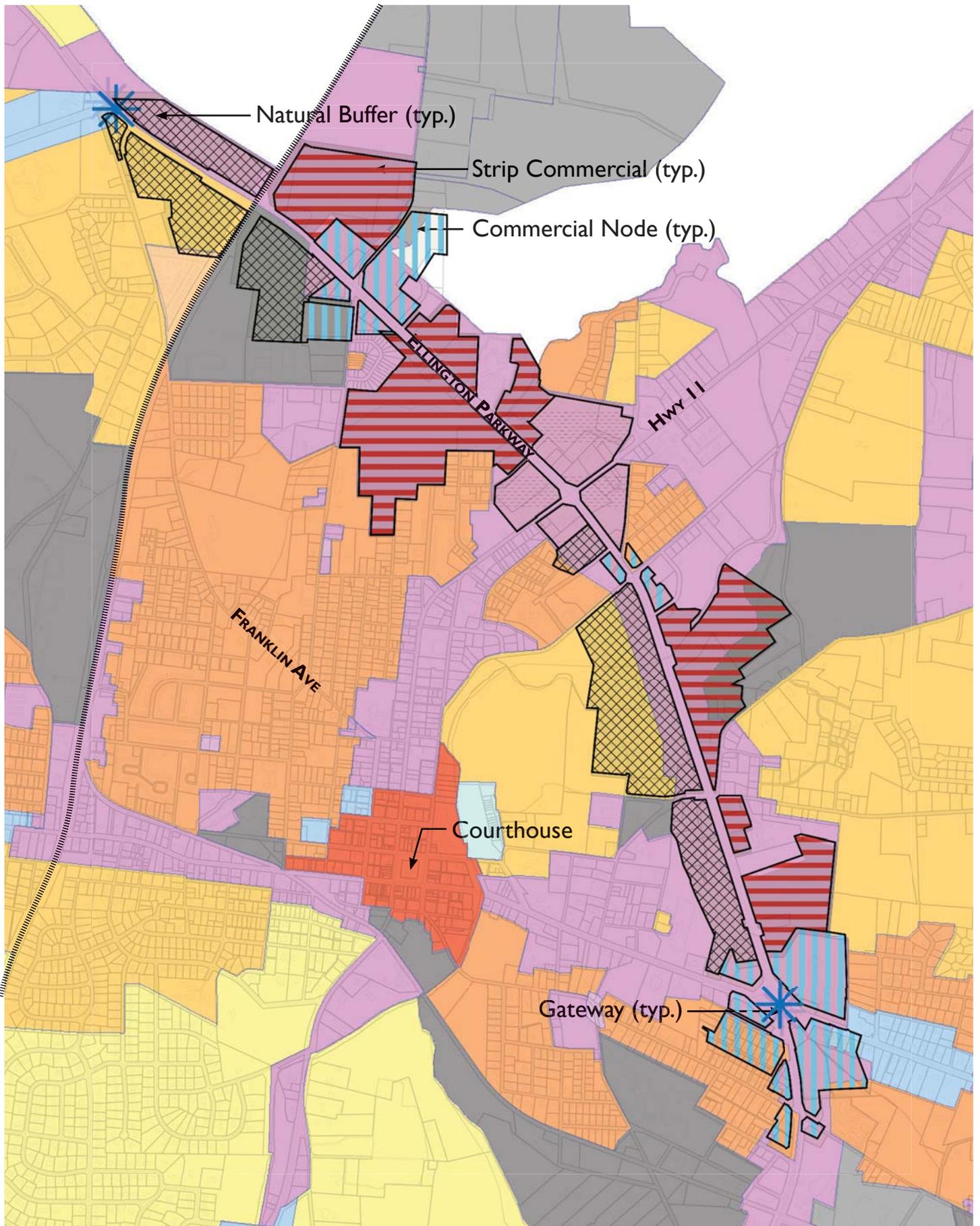
Commercial Nodes: An intersection or corridor where there is a concentration of commercial activities- such as shopping, dining and business services. The Commercial Nodes along the Ellington Parkway Corridor are located where Rock Crusher Rd, Hwy 11, and E Commerce St intersect Ellington Parkway.

SUB-AREAS LEGEND

	Natural Buffer
	Commercial Nodes
	Strip Commercial

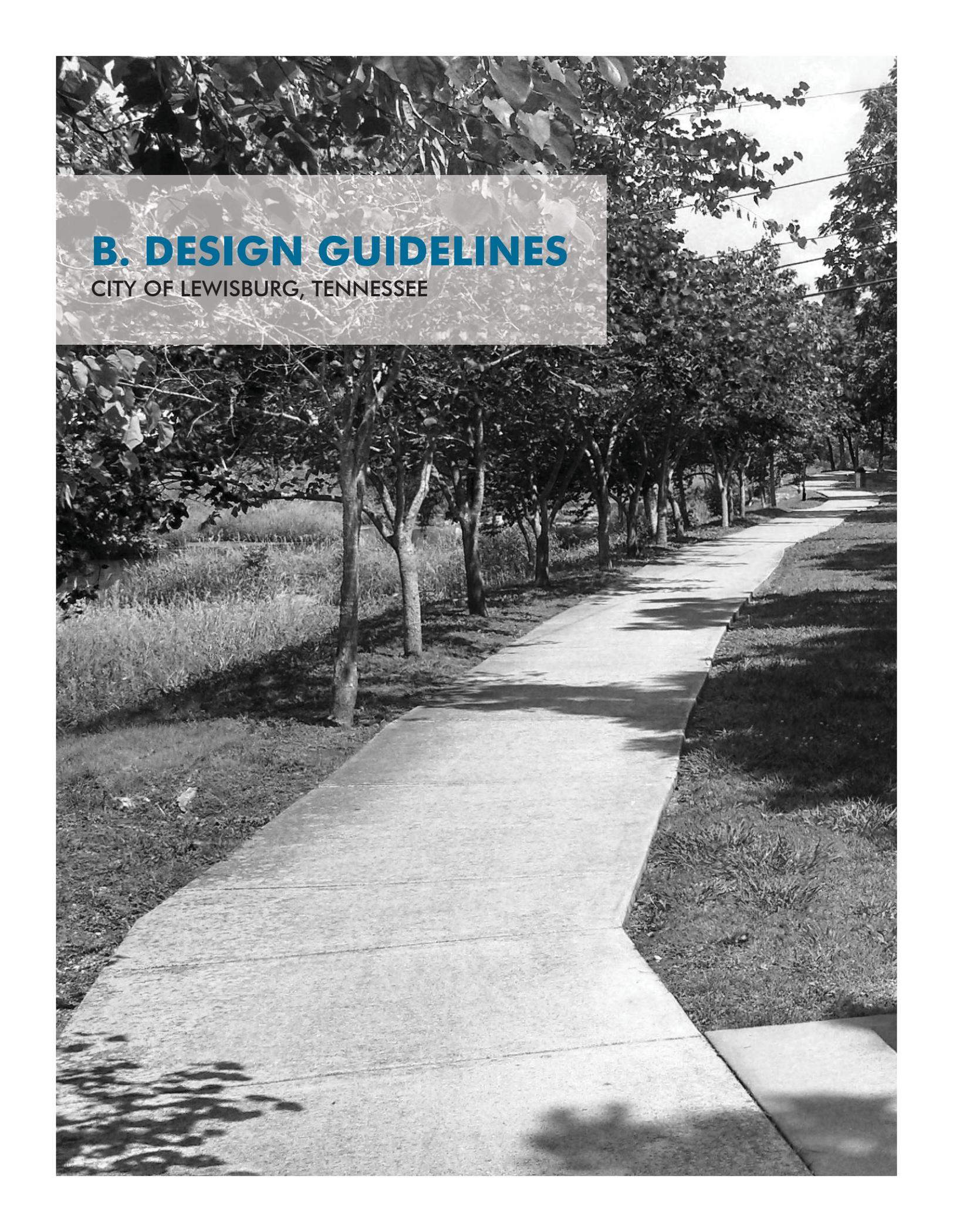
EXISTING ZONING LEGEND

low-density residential		R-1
med-density residential		R-2
high-density residential		R-3
mobile home park		MHP
central business		C-1
intermediate business		C-2
neighborhood service business		C-3
medical / professional		C-4
light industrial		I-1
industrial park		I-2
special industrial		I-3
floodway		FW
planned unit development		PUD
business park		BP



*“We must not build housing, we
must build communities.”*

– Mike Burton



B. DESIGN GUIDELINES

CITY OF LEWISBURG, TENNESSEE

B0 GENERAL BUILDING GUIDELINES

B0.1 BUILDING SETBACKS AND ARRANGEMENT

B0.2 BUILDING MASS & SCALE

B0.3 BUILDING ELEMENTS & MATERIALS

The purpose of the Design Guidelines is to provide direction for the physical characteristics of development along the Ellington Parkway Corridor in a way that implements the principles and objectives of the Lewisburg Vision Plan. A key motivator behind these objectives is to preserve open space and encourage attractive new development at key intersections while maintaining the character of Lewisburg for future generations. These key intersections, or nodes of development, should promote stabilization of the surrounding areas while drawing on the character and personality of Lewisburg. Because people transition daily between where they live, shop, work, and play, these places can and should feel different from each other. This hierarchy or feeling of distinction between areas, can reinforce the balance of places through building mass, placement, and materials.

To address this challenge, the City's Vision Plan lays a comprehensive groundwork for changing the pattern of new development with the goal of achieving a more attractive, functional, and citizen-friendly design. That plan called for the development of design guidelines to put these concepts into action. These Design Guidelines, in addition to the existing zoning ordinances, will ensure unified and compatible developments and provide a consistent level of quality along Ellington Parkway. The guidelines present general design priorities and core design principles that can be adapted to individual circumstances of site and subdivision layout. While specific examples are provided, the enduring strength of guidelines relies on their flexibility. Not every case and circumstance can be anticipated, nor is the goal to prescribe the design of every development in Lewisburg. In fact, given the scale and level of variation, it is anticipated that developers will be able to build on these principles and create unique and viable projects that meet the vision.

The Design Guidelines are therefore a direct result of the public planning process used to develop the Vision Plan. This manual was developed by consultants in close collaboration with city staff. Ample input was provided, through in-depth workshops with a focus group made up of citizens and developers. The Ellington Parkway Corridor Design Guideline is intended to serve a number of purposes.

They are to:

1. Educate property owners, developers, the public, and plan reviewers on what is expected and desired for new development along the Ellington Parkway Corridor;
2. Present clear principles and priorities for achieving this vision;
3. Present clear policy guidelines and criteria for development to implement the design vision; and
4. Illustrate specific techniques to use when planning and designing developments.

In order to maintain the current "feel" of Lewisburg created by mostly one and two-story buildings, certain methods in building design will be required so that new development will not sharply contrast with the existing built environment. The vision for Lewisburg emphasizes denser development at key intersections, or nodes, with density decreasing as it reaches the outlying residential areas. This vision for the key intersections suggest buildings that will be larger, taller, placed closer together, and closer to street fronts in many areas.

B0.1 BUILDING SETBACKS AND ARRANGEMENT

Building setback and arrangement are critical elements for creating the kind of community envisioned for Lewisburg. They create spaces for pedestrians to move and congregate as well as for parking, and they create continuity between

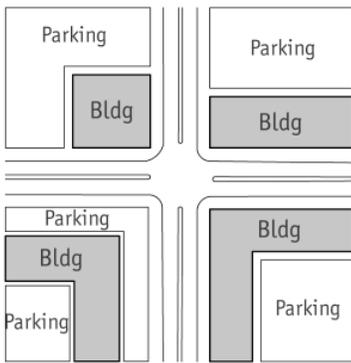
developments. Building arrangement and setbacks help establish an architectural presence at important intersections.

- **Setback** is generally the space between a building and the property line.
- Building **arrangement** refers to the way that buildings are oriented to each other and to the street and how they are sited and arranged on a parcel.

A. Building Orientation

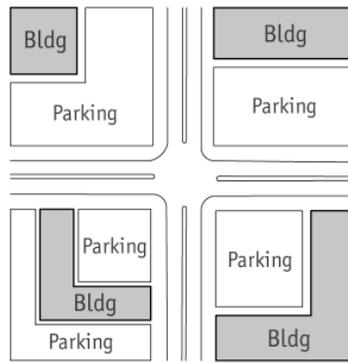
Arrange buildings to orient to and help define the street, to frame corners, to encourage pedestrian activity and define spaces, particularly at key intersections.

- Limit setbacks at major intersections so that the architecture can define the area.
- Use compact building arrangements when a project is close to the core of a Key Intersection to reduce the feeling of expansive parking, encourage pedestrian activity and define space.



Do This:

Place buildings next to the street, especially at corners.



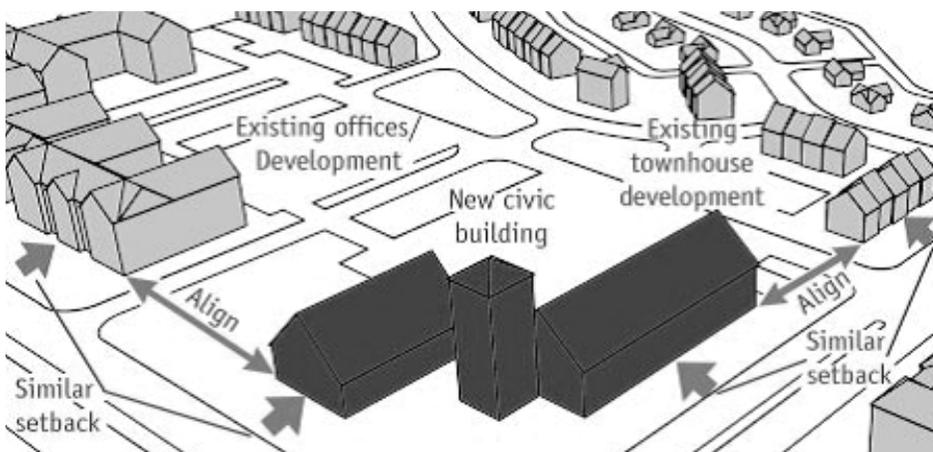
Avoid This:

Avoid deep setbacks behind parking lots or vacant land.

- Strive for contiguous building arrangement along the street-face, and avoid large breaks between buildings.

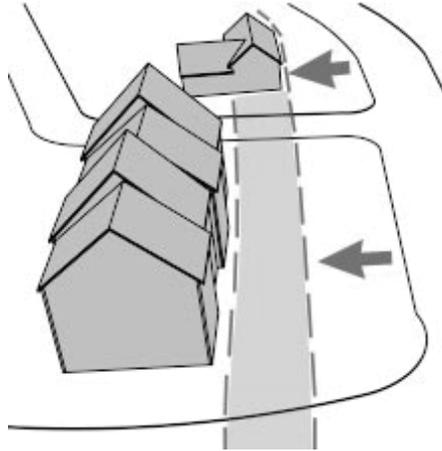
B. Building Location

- If existing buildings front the street, new buildings should have a similar orientation.
- Orient a portion of shopping centers to adjoining neighborhoods and to local streets leading into the adjoining neighborhoods.
- Provide breaks in large developments and building masses to allow pedestrian connections between developments.
- Avoid orienting service areas toward primary elevations of adjoining developments.



C. Building Setbacks

Relate setbacks of new construction to setbacks of existing buildings or developments. Limit setback variation to 20 percent of average setback of existing appropriate development on a street for both residential and non-residential development. Consult Sub-Area Standards where no appropriate context exists.

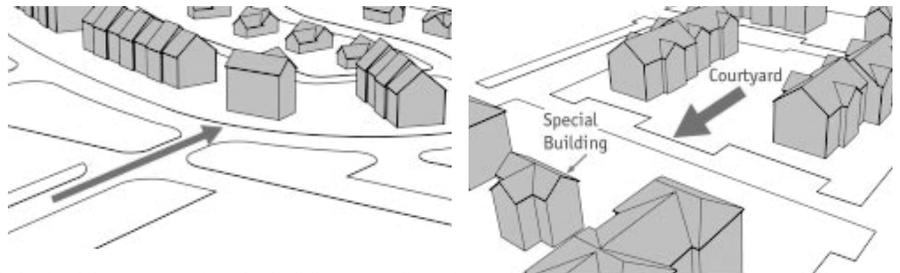


D. Define Edges

Around common open space, use buildings to define edges and provide a comfortable scale.

E. Building Arrangements

Choose building arrangements that offer an attractive termination of vistas.



In both of these examples, the buildings are aligned to present an attractive view at the end of a street or at the end of a common space

F. Entrance Orientation

Entrance orientation refers to the direction of prominent entrances and “front” facades of a building. Generally, the entrance facade will be the most prominent elevation of a building.

- A building can have more than one orientation. For instance, the prominent front elevation can face a major collector or corridor while elevations facing local streets, parking or adjoining developments can have secondary facades and entrances. Design the needed entrances with a hierarchy to properly address the view of the building from various orientations.
- Orient entrance elevations for convenient access from adjacent buildings, sidewalks, parking, bike paths and transit stops. At a minimum, present a compatible view to adjoining sites.
- Orient at least part of public elevations of shopping centers to adjoining neighborhoods.

G. Service & Loading Areas

Building service areas or loading areas should not be visible from public streets or from adjacent residential areas. They should be located away from the street and/or adequately screened.

B0.2 BUILDING MASS AND SCALE

Historically, the buildings in Lewisburg were small one and two story structures that related well to the human scale. Newer developments have been more massive with large big-box stores and expansive parking areas. These developments have begun to corrode the human, intimate scale of Lewisburg.

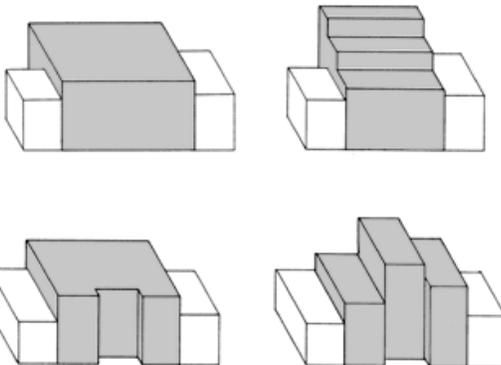
Many techniques suggested in this document provide tools for allowing large development while reducing their perceived massiveness. While the footprint of new commercial development may remain large, massing and organization of building forms can help to retain the more desirable human scale.

There is a difference between massively scaled buildings and monumentally scaled buildings. Monumental buildings still relate to the human scale but are carefully made larger to exhibit a sense of importance. Buildings such as churches and institutional buildings are often built with this kind of scale in mind.

Massive buildings are simply huge buildings that dwarf and are not intended to relate to human scale. Airplane hangers, for instance, relate to the scale of an airplane and are therefore massive. When large retail stores become as massive as an airplane hanger, they lose their relationship to the human user and feel unfriendly.

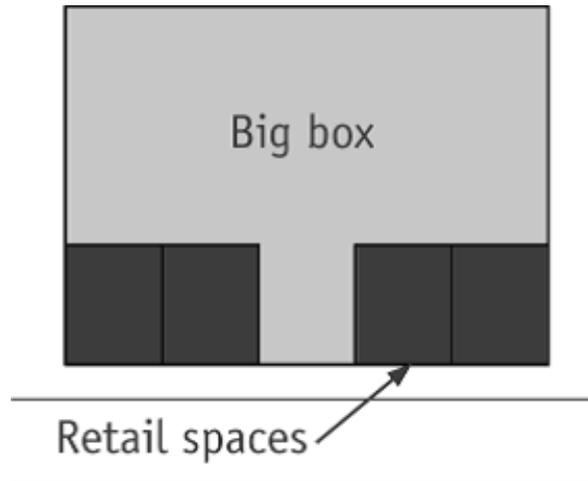
A. Building Forms and Perceived Mass

- Building forms should be tailored to be compatible with surrounding residential buildings with regard to massing, scale, proportion of openings, roof types and degree of detail.
- Use techniques to reduce the perceived mass of large buildings. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings. Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near low density uses. Use step backs, varied wall surfaces, varied heights and varied widths to bring the building down to the human scale and to eliminate large expanses on buildings.



- Use building mass appropriate to the site. Place buildings of the greatest footprint, massing, and height in activity center core areas or at the heart of office developments where the impact on adjacent uses is the least.
- Floor-to-floor heights of a building can have an impact on the mass of a building. For instance, typical ceiling heights in a residence are 8-9 feet.

First floors of office buildings or retail shops can range from 10-15 feet. Upper floors that include residential or office are generally 8-12 feet in height. Big-box retailers may have floor to ceiling heights exceeding 15 feet. When actual or implied floor-to-floor heights exceed these dimensions on the exterior, then a building may begin to read more massive than human scaled. When articulating large buildings, keep these dimensions in mind.



Building Plan

- Reduce massive appearance of “big box” retailers by placing smaller retail spaces along the front elevation of the building.

BO.3 BUILDING ELEMENTS & MATERIALS

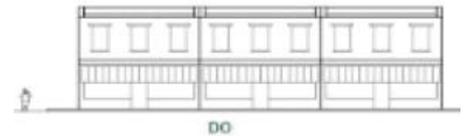
This section addresses the design elements that impact the exterior appearance of a building including:

- roof form and articulation
- pattern of solids and voids
- facade articulation
- architectural details
- materials and textures
- color

These elements contribute to a human scale and provide an interesting and coherent architectural character to the Town. Over-scaled features, haphazard designs, and bland use of materials can undermine the overall character and quality of the community. Use these guidelines to create a cohesive architectural character throughout the entire Lewisburg community.

A. Use designs that contribute to a human scale

- Avoid large expanses of blank walls where pedestrian movement is desired. Blank walls at ground floor street facades should be utilized only in combination with landscape plantings.
- Avoid oversized design elements.
- Include human-scale elements, particularly at street level and on facades with a pedestrian focus.



B. Establish a Design Theme

As appropriate, establish a design theme to give a distinctive character to a specific area.

- Establish design themes at the key intersections, or nodes that: have a palette of materials, forms and features; create a coordinated but inviting mix of buildings and spaces; and establish a unique identity for each node.
- Establish design themes for residential neighborhoods. For instance, a neighborhood of Colonial Revival-styled houses will have different yard, setback, lighting and fence characteristics from a neighborhood of more neo-Victorian styled houses. Establish a palette of house designs and street elements. Variety can be introduced into neighborhoods with a mix of lot and house sizes.
- Establish design themes for office and industrial parks. These types of developments can take on a “campus” appearance where roof forms, building heights, materials, and details such as windows all relate more closely to one another, creating a very unified appearance.

C. Attractive Facade Treatments

Provide attractive facade treatments on any elevation that is visible from streets or from any primary elevations of adjoining developments. Use the same materials for all building elevations. Avoid blank walls on elevations facing arterials and collector streets.

D. Design Element Repetition

Balance repetition of design elements with room for individuality.

- Similar setbacks and spacing can create a similar character while allowing diversity among building designs.
- Use repetitive design elements enough to provide continuity but avoid having more than two to three identical buildings in a row.
- Provide opportunities for different colors or other individual design elements.
- Consider using different styles, but similar scale, quality of construction, and siting.

E. Development Transitions

When making transitions between developments, avoid jarring contrasts in materials or building styles.

F. Designs and Materials

Strive for designs and materials that reflect the architectural traditions of the region such as gable roofs, brick and siding.

G. Roof Forms

Use roof forms that complement the building design and contribute to a human scale.

- An articulated roof adds visual interest and human scale. Avoid a monolithic expanse of roof on large-scale buildings. Break the roof mass with elements such as gables, dormers, or parapets.
- Steeper forms are associated with more traditional design and can be appropriate in and near residential neighborhoods.
- Roofing materials and shape should reflect the character of the area. Pitched roofs are preferred in residential areas and can use metal standing seams or asphalt shingles. Flat roofs should have parapets that screen roof top equipment and mechanical penetrations

H. Solids (Walls) to Voids (Openings)

The relationship of solids (walls) to voids (openings) as well as the number and size of openings in a wall has an effect on the how well a building relates to the user. Aside from allowing natural ventilation and light, windows provide a great deal of design character and warmth to a building. Vertical windows give a more traditional feel, while horizontal windows lend a contemporary look. Generally, retail buildings have a greater area of openings (storefronts and entrances) on the ground floor with solid parapets above. Multistory, mixed-use or office buildings have more glass at ground level and less on upper levels. Residences typically have a greater wall than window area and more vertical openings.

- Use a regular pattern of solids and voids. Maintain an overall pattern so that all of the floors seem part of a whole. Use special windows, window groupings, a mixture of large and small windows to create a hierarchy of importance on a building, particularly around entrances.
- Use a proportion of openings (vertical or horizontal) that generally is consistent throughout a development.

I. Architectural Details

Architectural details are important tools to create human scale and architectural character. Techniques include highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries. These techniques are only a few of the ways to transform a massive building into one of human scale. Consider the facade design of all buildings; even service buildings can have attractive facades. Fences and screens that are attached, or extend from the building, should complement the building facades.

J. Materials and Texture

The combination of building materials and colors used within the bypass will have an impact on the overall character of the street scope. While the use of a variety of materials and colors is permitted, it is important that each building utilizes them in a manner that creates a pleasing composition and is compatible with the materials and colors of adjacent buildings and streetscape elements. The materials and colors proposed for each building are subject to review and approval by the City and should be specified on all plans submitted to the City.

1. All exterior walls, other than the windows and doors, shall be comprised primarily of one material. Complementary second colors are recommended to provide detail and scale. The architectural treatment shall extend to all sides of the building, and to all accessory structures. The primary material shall extend over a minimum of sixty (60) percent of the exterior wall, excluding windows and doors.
2. Building on the same site shall be compatible in material and color selection.
3. Primary colors should be muted, and bright colors used for accent or contrast.
4. Fences and screens that are attached or extended from the building, shall be comprised of permitted materials that match or compliment the building.
5. Preferred wall materials are restricted to brick, natural or cast stone, integral color block or ground face block.

6. Stucco (including synthetic stucco and metal siding) is permitted as a secondary material and shall cover no more than 40% of exterior walls, excluding windows and doors. Where stucco is used, a masonry base shall be provided at a minimum of two (2) feet in height.
7. Metal panels with exposed fasteners shall be prohibited.
8. Concrete block shall be painted to match the primary material and shall be relegated to the rear of the building only when and where it is not visible.
9. Integral color or split-face block is permitted as a primary material and shall cover no more than 65% of exterior walls, excluding windows and doors, only when the secondary materials are constructed of a preferred material or 60% of exterior walls excluding windows and doors, when used with a secondary material constructed of stucco.
10. Sloping roofs shall have durable materials. Metal with standing seems is the preferred material. Shingles are permitted.
11. Flat roofs must have parapets that screen roof top equipment and mechanical penetrations.
12. Awnings are permitted. Materials and colors are to be submitted to the City for approval.
13. Vinyl siding is prohibited.

K. Color

Color is an integral element of the overall design. Brick, concrete, and stone will have an inherent color, created by nature or during the manufacturing process. Other surfaces will get their color from applied materials such as paint. Awnings provide another opportunity for color.

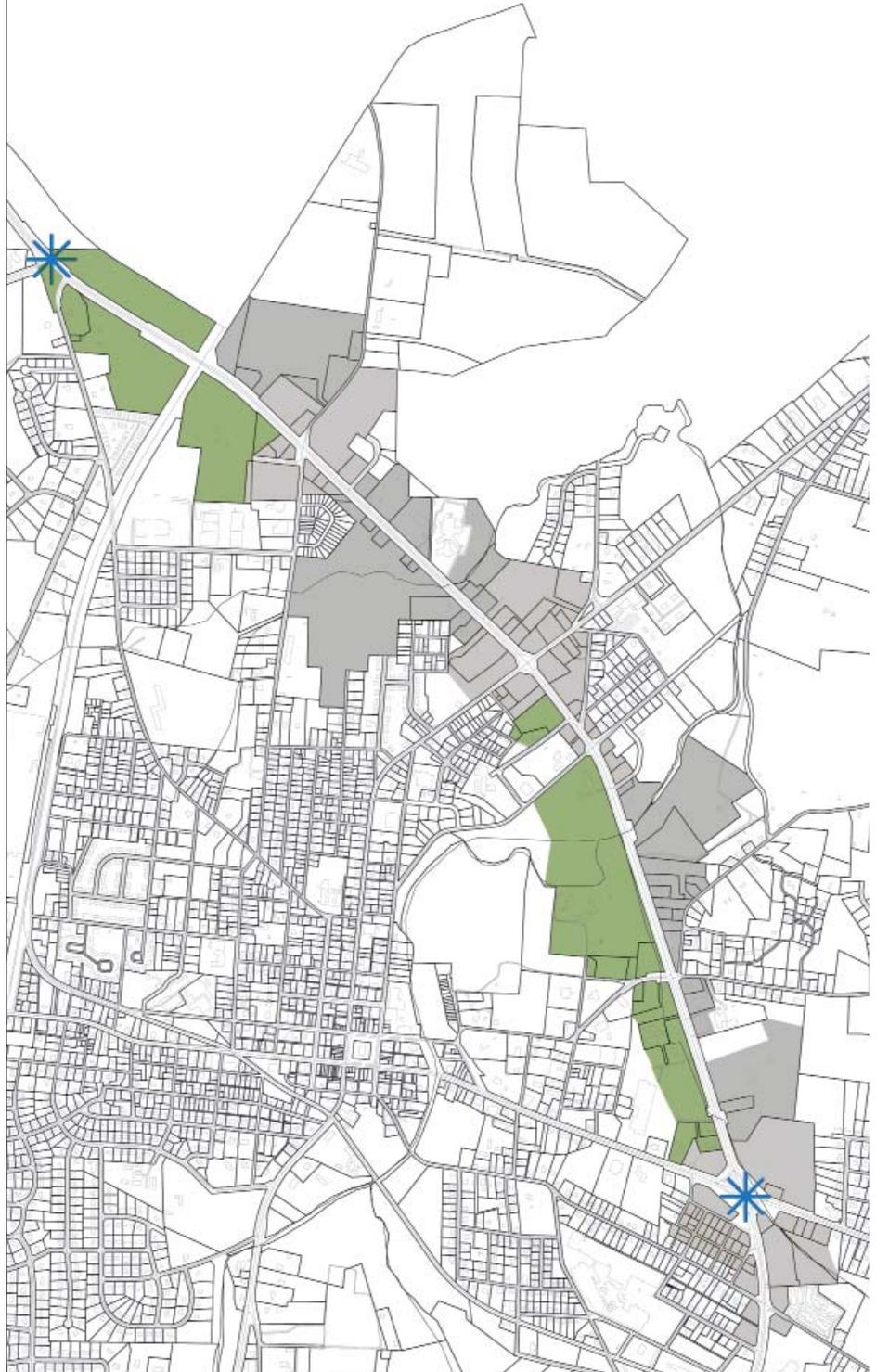
- A coordinated palette of colors should be created for each development. This palette should be compatible with adjacent developments.
- Set the color theme by choosing the color for the material with the most area. If there is more roof than wall area in a development, roof color will be the most important color choice and will set the tone for the rest of the colors.
- Limit the number of color choices. Generally there is a wall color, trim color, accent color, and roof color.
- Use natural tints of materials such as reds, browns, tans, grays, and greens as primary colors. Save bright accent colors for awnings and signs on commercial buildings. Brighter palettes of colors can be employed on residential buildings.
- Use color variation to break up the mass of a building and provide visual interest.

B1 SPECIFIC SUB-AREA BUILDING GUIDELINES

B1.1 NATURAL BUFFER

B1.2 STRIP COMMERCIAL

B1.3 COMMERCIAL NODES



B1.1 NATURAL BUFFER STANDARDS

A variable width area maintained with natural vegetation between a pollutant source and a water body that provides natural filtration and other forms of protection

BUILDING SETBACK & ARRANGEMENT

- | | |
|---|--|
| A. Allowable Frontage Types with Required Build-to Zone | |
| Primary Street | |
| Storefront Frontage | 45' from buffer |
| Secondary Street | |
| Storefront Frontage | 45' from buffer |
| B. Facade Width | |
| Primary Street | 80% of lot frontage min. (less buffer) |
| Secondary Street | 80% of lot frontage min. (less buffer) |
| C. Minimum Building Depth | |
| | 25' from building facade |

BUILDING MASS & SCALE

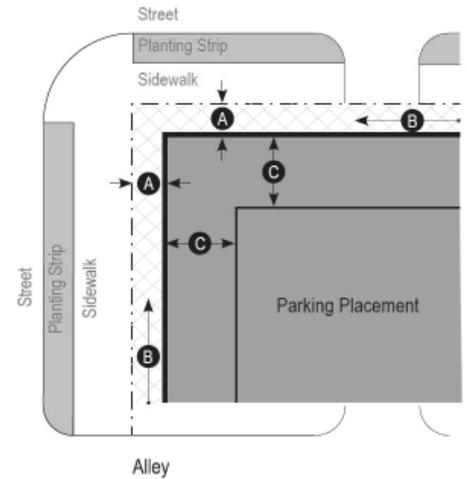
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| D. Minimum Building Height | 20' |
| E. Maximum Building Height | 3 stories or 45' |

BUILDING ELEMENTS & MATERIALS

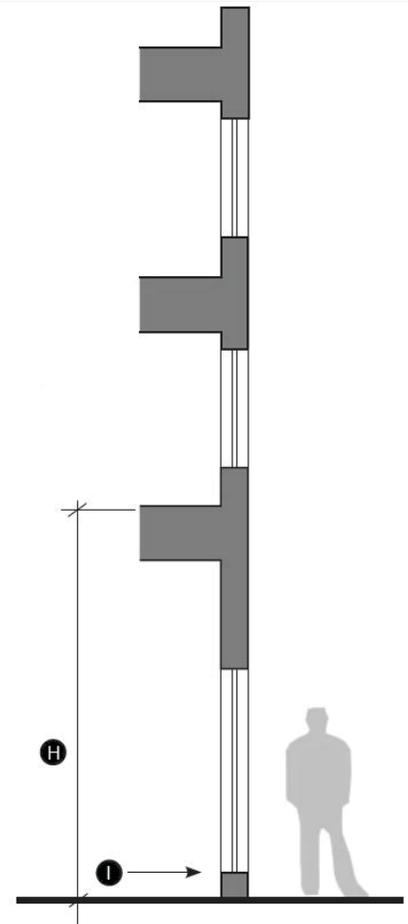
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|---------------------------------|--------------|
| F. Primary Building Divisions | 20'-50' wide |
| G. Secondary Building Divisions | 1'-5' wide |

Secondary building divisions are defined by solid vertical elements that consist of changes in materials or planes within the facade.

- | | |
|-----------------------|---|
| H. First Floor Height | 16' minimum |
| I. Windows | |
| Ground Floor | 60% glazing required from 2' above grade to the finished floor of the second story. |
| Upper Floors | 40% glazing required |
| Window Sill Height | |
| First floor | 0" |
| Upper floors | 24"-48" |



Building Plan



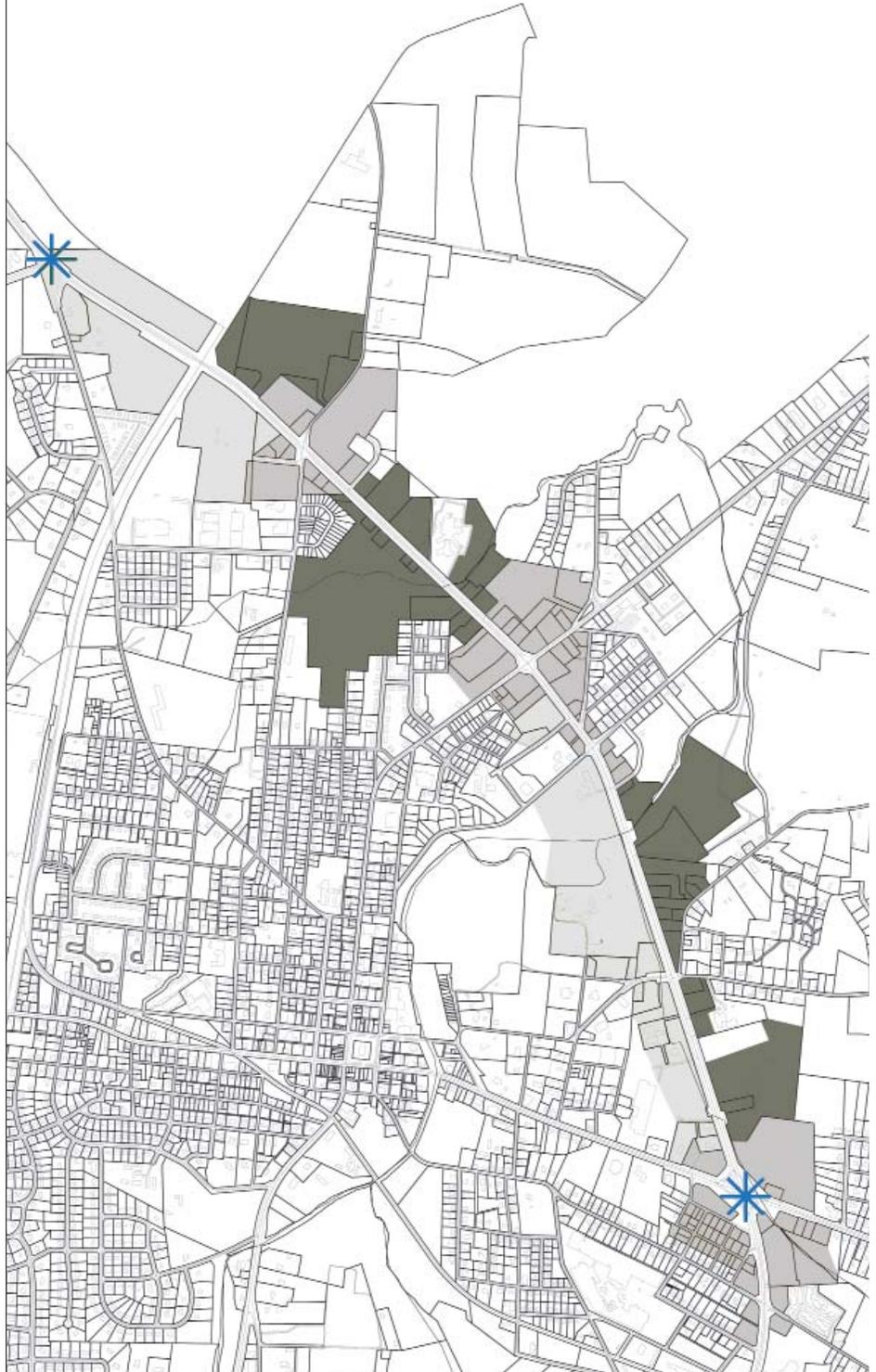
Section

B1 SPECIFIC SUB-AREA BUILDING GUIDELINES

B1.1 NATURAL BUFFER

B1.2 STRIP COMMERCIAL

B1.3 COMMERCIAL NODES



B1.2 STRIP COMMERCIAL STANDARDS

Commercial development which is not located at an intersection of major streets (collectors or arterials), or within a mixed use development

BUILDING SETBACK & ARRANGEMENT

- A. Allowable Frontage Types with Required Build-to Zone
- | | |
|---------------------|---------|
| Primary Street | |
| Storefront Frontage | 25'-65' |
| Secondary Street | |
| Storefront Frontage | 25'-45' |
- B. Facade Width
- | | |
|------------------|--------------------------|
| Primary Street | 60% of lot frontage min. |
| Secondary Street | 40% of lot frontage min. |
- C. Minimum Building Depth
- | | |
|--|--------------------------|
| | 25' from building facade |
|--|--------------------------|

BUILDING MASS & SCALE

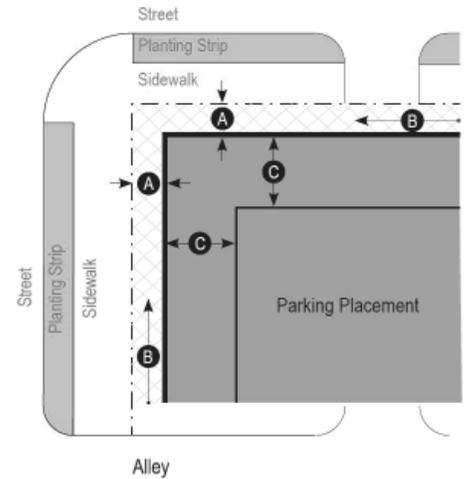
- D. Minimum Building Height
- | | |
|--|-----|
| | 20' |
|--|-----|
- E. Maximum Building Height
- | | |
|--|------------------|
| | 3 stories or 45' |
|--|------------------|

BUILDING ELEMENTS & MATERIALS

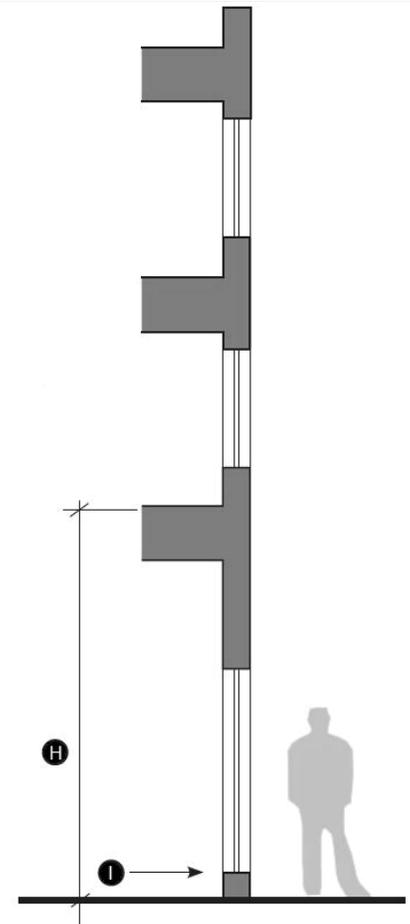
- F. Primary Building Divisions
- | | |
|--|--------------|
| | 20'-50' wide |
|--|--------------|
- G. Secondary Building Divisions
- | | |
|--|------------|
| | 1'-5' wide |
|--|------------|

Secondary building divisions are defined by solid vertical elements that consist of changes in materials or planes within the facade.

- H. First Floor Height
- | | |
|--|-------------|
| | 16' minimum |
|--|-------------|
- I. Windows
- | | |
|--------------|--|
| Ground Floor | 60% glazing required from 2' above grade o the finished floor of the second story. |
| Upper Floors | 40% glazing required |
- Window Sill Height
- | | |
|--------------|---------|
| First floor | 0" |
| Upper floors | 24"-48" |



Building Plan



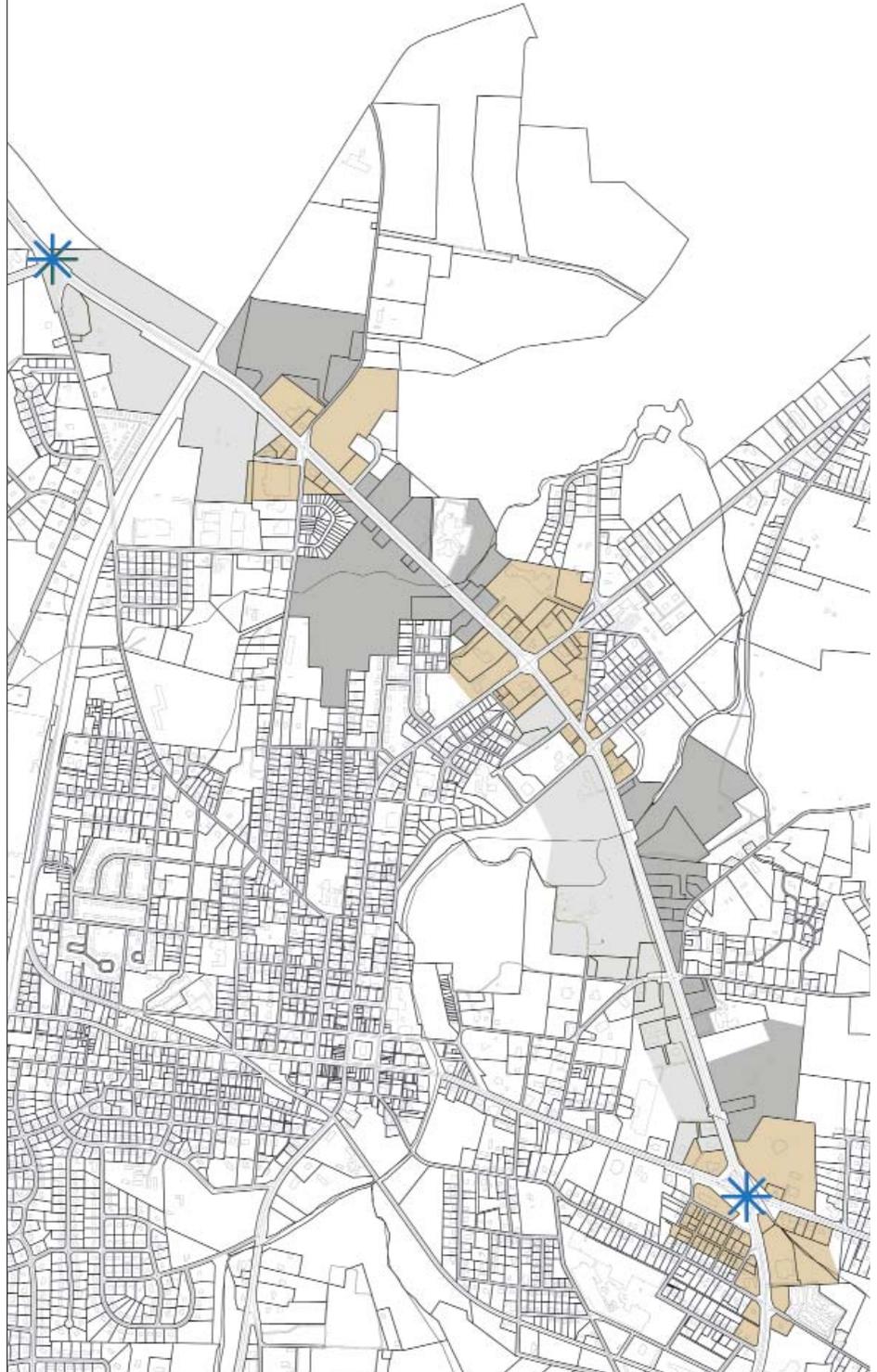
Section

B1 SPECIFIC SUB-AREA BUILDING GUIDELINES

B1.1 NATURAL BUFFER

B1.2 STRIP COMMERCIAL

B1.3 COMMERCIAL NODE



B1.2 COMMERCIAL NODE STANDARDS

An intersection or corridor where there is a concentration of commercial activities such as shopping, dining, and business services.

BUILDING SETBACK & ARRANGEMENT

- A. Allowable Frontage Types with Required Build-to Zone
- | | |
|---------------------|--------|
| Primary Street | |
| Storefront Frontage | 0'-10' |
| Secondary Street | |
| Storefront Frontage | 0'-10' |
- B. Facade Width
- | | |
|------------------|--------------------------|
| Primary Street | 80% of lot frontage min. |
| Secondary Street | 80% of lot frontage min. |
- C. Minimum Building Depth
- | | |
|--|--------------------------|
| | 15' from building facade |
|--|--------------------------|

BUILDING MASS & SCALE

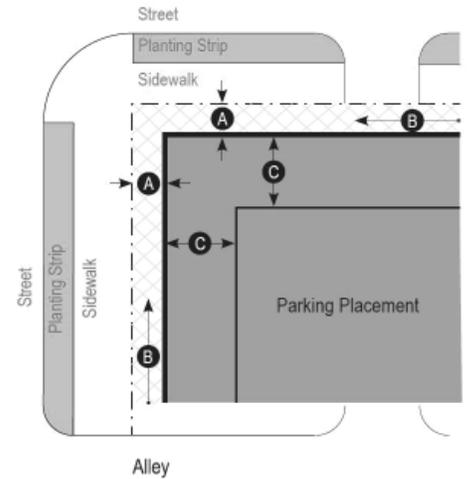
- | | |
|----------------------------|------------------|
| D. Minimum Building Height | 20' |
| E. Maximum Building Height | 3 stories or 45' |

BUILDING ELEMENTS & MATERIALS

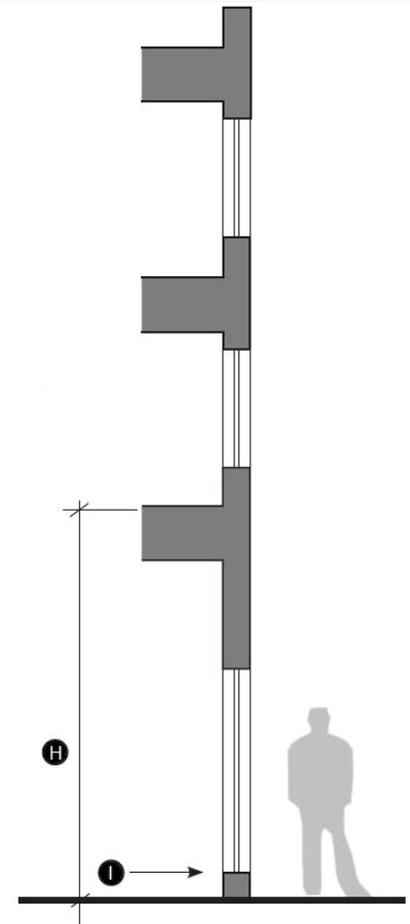
- | | |
|---------------------------------|--------------|
| F. Primary Building Divisions | 20'-50' wide |
| G. Secondary Building Divisions | 1'-5' wide |

Secondary building divisions are defined by solid vertical elements that consist of changes in materials or planes within the facade.

- | | |
|-----------------------|--|
| H. First Floor Height | 16' minimum |
| I. Windows | |
| Ground Floor | 60% glazing required from 2' above grade o the finished floor of the second story. |
| Upper Floors | 40% glazing required |
| Window Sill Height | |
| First floor | 0" |
| Upper floors | 24"-48" |



Building Plan



Section

B2 PARKING GUIDELINES

B2.1 PARKING LOT LAYOUT

B2.2 PARKING DESIGN FEATURES

B2.3 SCREENING AND BUFFER REQUIREMENTS

B2.4 POROUS PAVER AND SUSTAINABLE MATERIALS

A primary goal of smart growth is to enable people to modify their travel behavior by using alternate modes of travel, reducing trip length and combining trips. As a result, communities that reflect the principles of smart growth will have a reduced number of vehicle trips and vehicle miles traveled. However, not all vehicle trips will be replaced by transit, walking or bicycling trips. A well-designed place must accommodate all modes of travel, including the automobile. The challenge is to provide a parking supply that is slightly constrained but does not deter customers, frustrate tenants or create problems for nearby residents. It is also essential to accommodate parking while still creating walkable, pedestrian-oriented streets.

The Ellington Parkway Corridor is a 3/4 bypass around the central core of the City of Lewisburg. It is primarily a 5-lane highway (2 lanes in each direction plus a turn lane) and is zoned Intermediate Business for a majority of the site. It is a primarily vehicular highway, with a majority of the corridor's users and shoppers accessing the corridor by vehicle. Although one of the design goals is to create a more walkable community in the City of Lewisburg, the design guidelines take into consideration that the primary access to the corridor will be by vehicle.

B2.1 PARKING LOT LAYOUT

1. Perpendicular Parking (90 degree)

Recommendations

- Perpendicular parking requires less knowledge of the circulation pattern because two-way aisles are used.
- Wider aisle widths (22' & 24') are necessary to allow for two-way traffic and to allow drivers to pass a waiting vehicle. *See Photo B2.1.1*
- A slightly higher number of stalls can be accommodated in a rectangular lot when compared to angle parking layouts.

2. Angle Parking (most often 60 degrees)

Recommendations

- One-way aisles are used.
- Most drivers find angled-in parking easier to use.
- It is appropriate for short stays with high turnover, i.e. in safety rest areas.
- Angled parking generally takes more space than perpendicular parking.
- Angled parking has been used successfully in oddly dimensioned sites to achieve layout efficiency. *See Photo B2.1.2*
- Planting areas are easier to provide.

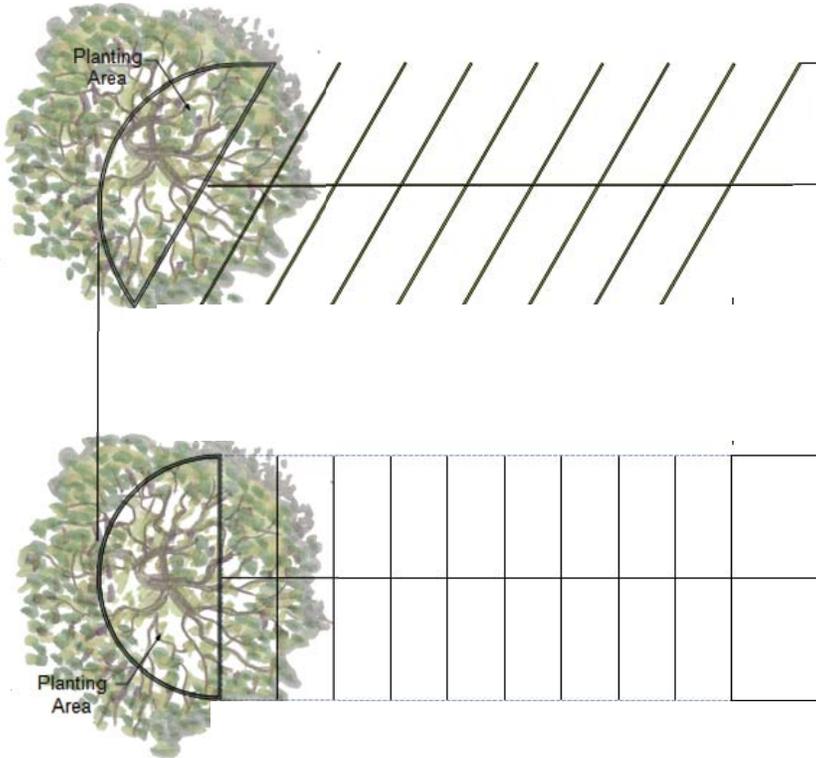
Figure 2.1.1 shows a comparison between angled and perpendicular parking. It demonstrates the wider aisles and necessary turning radius needed when parking and perpendicular stalls and the minimum aisle width. As stall width decreases, aisle width increases. Perpendicular parking is more difficult when aisle widths are not wide enough. Other stall angles are used less commonly. For example, a 45-degree angle can provide stall space in a narrow lot because stall-to-curb dimensions and aisle widths decrease with angle of stall.

3. Surface Parking Lot Placement

Recommendations

- Parking lots should be visually separated from the street, as well as the surrounding residential uses.
- Place parking lots behind buildings wherever possible, so that pedestrians can access buildings more easily and to ensure that buildings have a visual presence on the street. (*See Building Guidelines*)

Figure 2.1.1



- If a parking lot is adjacent to a residential area, provide fences, walls and landscaping to create a buffer around the back and side of the lot. (See Section B2.3: Screening and Buffer Requirements)

B2.2 PARKING DESIGN FEATURES

1. Parking Lot Interiors & Island Requirements

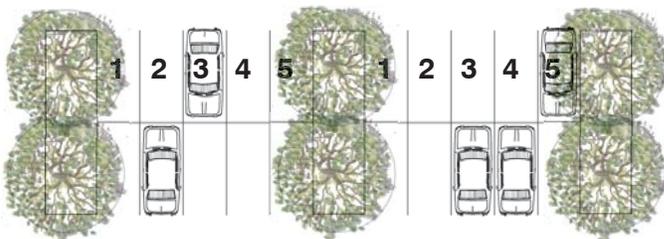
Requirements

The area of the parking lot is considered to be all aisles, parking spaces, and driveways. Any new parking lots must connect to existing lots with an access road where grade permits.

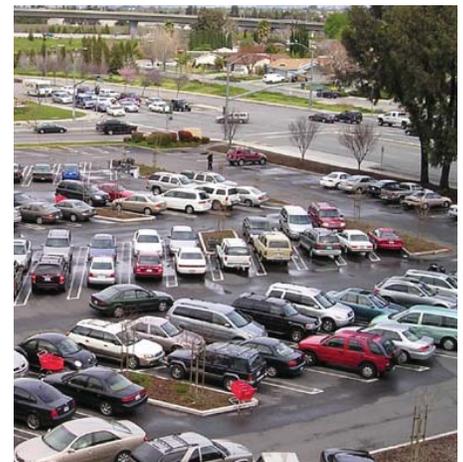
The minimum size of a parking lot island shall be 8.5' x 18' (to match minimum stall dimensions) to insure proper growth and protection of the landscaping materials planted therein. See Figure 2.2.5, See photos B2.2.1 (All)

5 parking spaces is the maximum number of stalls that shall occur before a landscaped island is proposed if the lot has less than 20 spaces. The end of every parking aisle shall have a landscaping island. Islands shall be centrally located throughout the lot. See Figure 2.2.1 Below (All)

Figure 2.2.1



B2.1.1 Perpendicular Parking (90 degree)



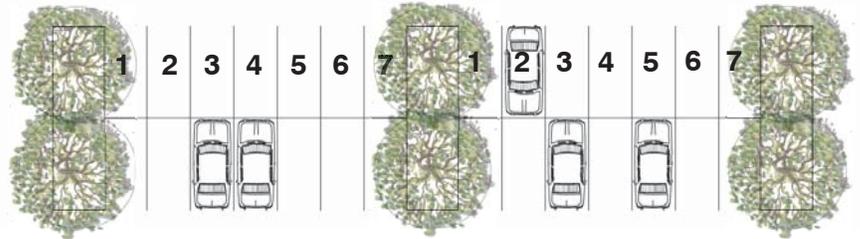
B2.1.2 Angle Parking (60 degree) at start of establishing parking island trees/vegetation



B2.2.1 Parking Lot Islands

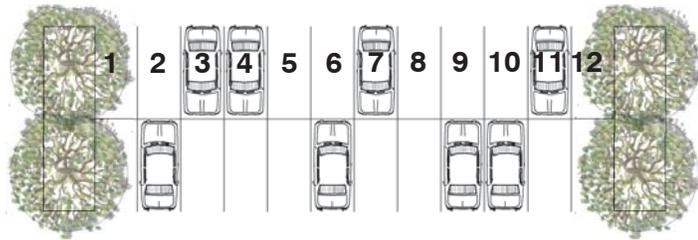
7 parking spaces is the maximum number of stalls that shall occur before a landscaped island is proposed if the lot has 20-40 spaces. The end of every parking aisle shall have a landscaping island. Islands shall be centrally located throughout the lot. See *Figure 2.2.2 Below (All)*

Figure 2.2.2



12 parking spaces is the maximum number of stalls that shall occur before a landscaped island is proposed if the lot has *more than* 40 spaces. The end of every parking aisle shall have a landscaping island. Islands shall be centrally located throughout the lot. See *Figure 2.2.3 Below (All)*

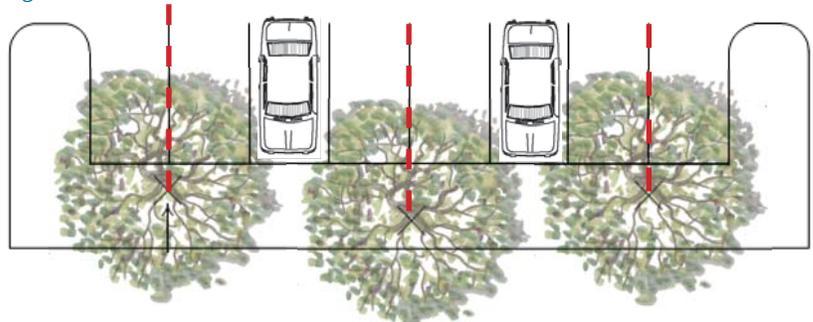
Figure 2.2.3



B2.2.2 Perimeter Parking Lot Trees

Plant trees aligned with parking stall lines to avoid damage from cars. See *Figure 2.2.4 and photo B2.2.2 (All)*

Figure 2.2.4



B2.2.3 Perimeter Parking Lot Trees

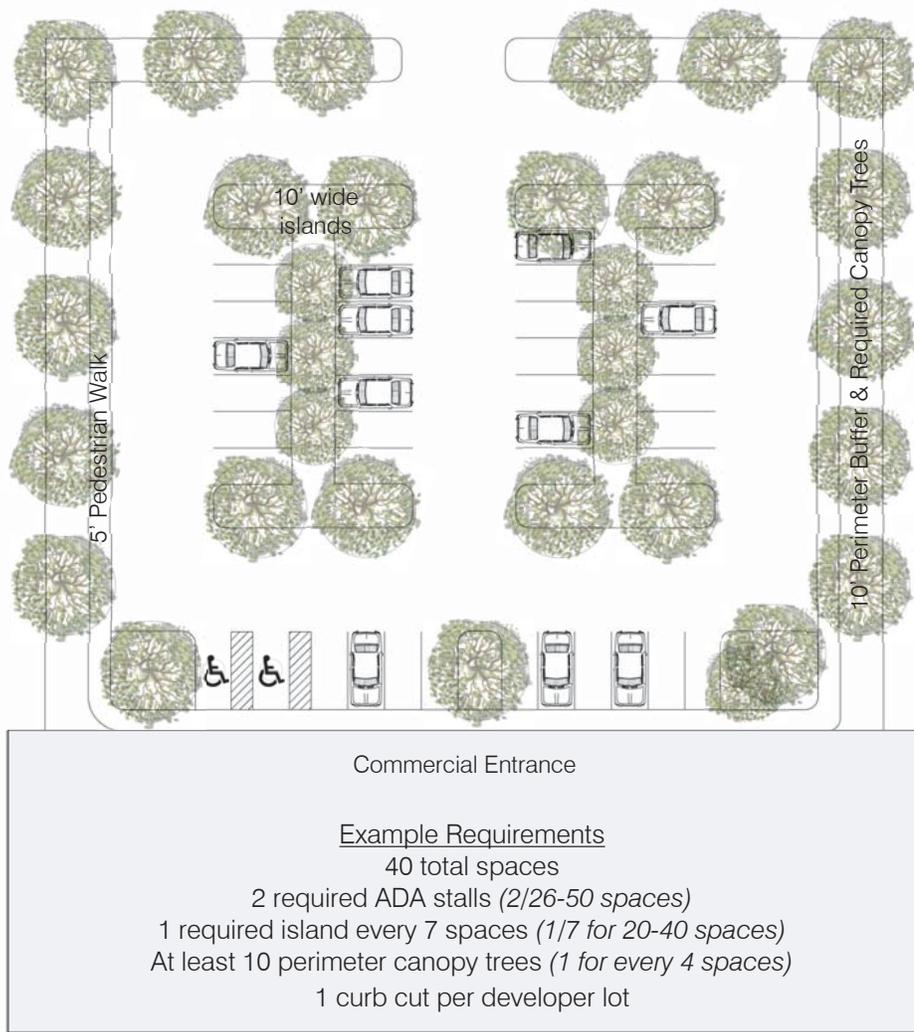
Recommendations

This landscaping may include additional vegetation over and above the minimum required islands. (All)

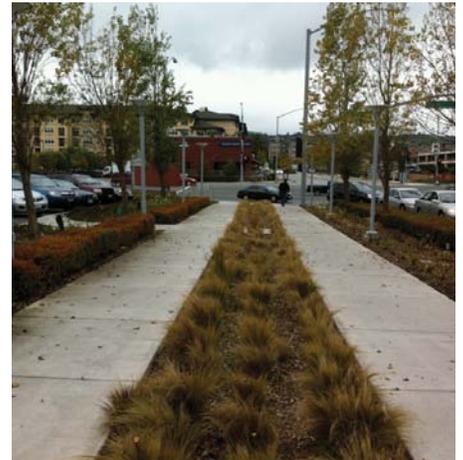
2. Parking Lot Perimeter Requirements

Plant canopy trees throughout the parking lot to provide shade and create visual interest. Studies show that the use of shaded parking in hot weather can reduce noxious emissions by up to a ton a day for a municipality. See *photo B2.2.3.*

Figure 2.2.5 (Refer to Zoning Ordinance for parking lot dimension requirements.)



B2.2.4 Interior Parking Lot Trees



B2.2.5 SafeGrowth: Pedestrian Walkways within Surface Parking Lots for Pedestrian Safety



B2.2.6 SafeGrowth: Pedestrian Walkways within Surface Parking Lots for Pedestrian Safety

Requirements

1 canopy tree shall be planted and spaced evenly in the 10' perimeter surrounding the surface parking lot per every 4 spaces in the lot.

3. Parking Lot Pedestrian Paths

Requirements

All pedestrian paths shall follow the ASTM International Active Standard ASTM F1637: Standard Practice for Safe Walking Surfaces. See photo B2.2.5-B2.2.6 and Figure 2.2.5. (All)

Provide clearly marked pedestrian paths between all parking areas and the buildings they serve.

Pedestrian paths shall be placed on the outer edge of parking lots from the outermost space to the building entrance.

Recommendations

Highlight pedestrian paths with decorative paving, trellises, canopies and similar improvements is recommended. (All)

Use landscaping and pedestrian paths to divide large parking lots into smaller units, and provide lighting along these paths. (All)



B2.2.7 Parking Lot Lighting



B2.2.8 Parking Lot Lighting



B2.2.9 Parking Lot Lighting

4. Parking Lot Lighting

Consider adjacent land uses when designing the illumination plan. Using trees and tall shrubs to screen the parking facility's vehicle activity and lighting from adjoining residential land use can be effective. See photos B2.2.7-B2.2.9.

Recommendations

All parking lot lights should be dark sky compliant, as they help to reduce light pollution. Reducing light pollution can help achieve an increased number of visible stars at night, reduce the effects of unnatural lighting on the environment, and cut down on energy usage. (All)

LED lights should be used as they, in general, have better lighting quality, better energy efficiency, and virtually no maintenance. (All)

Recommended pole height should not exceed 25' tall and maximum wattage should not exceed 400 watt. Illumination attributable to a parking lot lighting system recommended not exceed 0.50 horizontal foot-candles beyond the perimeter of the parking lot. (All)

The illumination uniformity ratio is recommended not to exceed 3:1. The use of unnecessarily high wattage lights can actually lead to a less secure environment by creating dark pockets just outside the range of the lights. (All)

Pay particular attention to the scale of lighting fixtures in pedestrian areas. Standard heights for roadway lighting are not appropriate for pedestrians. Pedestrian lights recommended not to exceed 14' in height. (All)

The placement of light poles should, if possible be within raised curb planter areas. When poles conflict with parking lot trees, which can obscure the lighting, curb placement should try to be avoided. (All)

Use downward-directed lighting and cut-off shields to avoid casting light onto adjacent properties or into the sky. (All)

B2.3 SCREENING AND BUFFER REQUIREMENTS

Parking Lot Screening and Buffers

Requirements

Screening is required along the street frontage of commercial and residential parking lots (Reference existing zoning codes). (Strip Commercial, Commercial Node)

Plants should screen adequately, while still providing a view of the street from within the parking lot. A car exiting a parking lot should have a clear view of the sidewalk and street; landscaping must not obscure this view. (All)

Parking Areas Adjacent to Public Streets: Parking areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area. No single driveway/sidewalk penetration shall exceed thirty-five feet.

Perimeter landscape strips adjacent to public streets with four or more travel lanes shall be a minimum of ten (10) feet in width. (See Figure 2.2.5)

Perimeter landscape strips adjacent to public streets with less than four travel lanes shall be a minimum of five (5) feet in width.

(If berms are used) Berms with slopes flatter than 4:1 may be stabilized with lawn grasses, and berms with slopes in the range of 2:1 to 4:1 shall be stabilized by a continuous perennial plant groundcover which does not require mowing in order to maintain a neat appearance. The wall or combination of berm and perennial groundcover shall be a minimum of two and one-half feet in height. Berms shall not have slopes steeper than 2:1 (horizontal to vertical).

Landscape Materials: In areas where the parking area and the adjacent public street or common property line are within thirty inches average elevation of one another, as measured from the centerline of the nearest travel lane and the edge of the parking area paving, a minimum of one tree shall be preserved or planted for each fifty feet of parking area perimeter.

Trees planted to meet this requirement shall measure a minimum of two inches in caliper, and eight feet in height, as applicable for the type of material specified. The remaining area within the perimeter landscape strip which fronts on a street right-of way shall be planted with one continuous row of evergreen shrubs which shall be expected to mature at a height not greater than two and one-half feet, except as modified for berms or walls.

The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants or grassed lawns. The use of concrete, asphalt or other impervious surfaces shall be prohibited.

Variants of the above conditions for parking areas which are elevated above or depressed below the elevation of the public street are as follows:

In cases where the parking area is elevated above the adjacent public street or private property by a minimum average height of at least thirty inches, the tree spacing requirement shall be reduced to one tree for each one-hundred feet of parking area perimeter, and the requirement for shrub plantings shall be increased to two continuous rows of evergreen shrubs. All other standards remain as stated above. See Figure 2.3.1

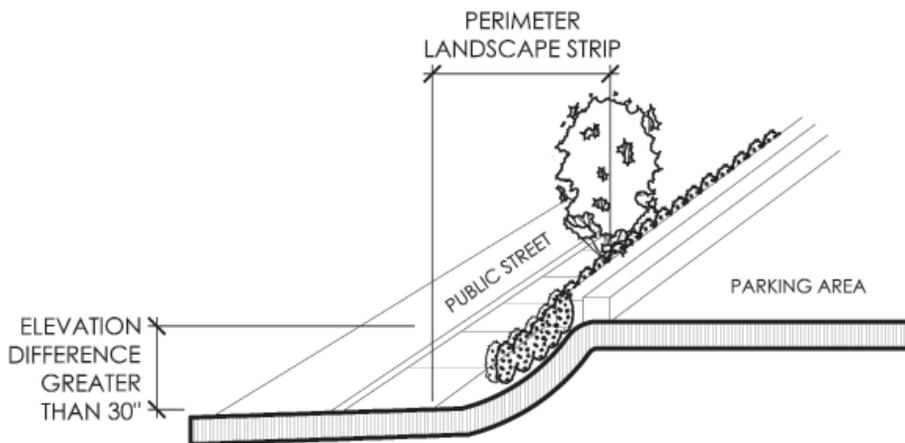


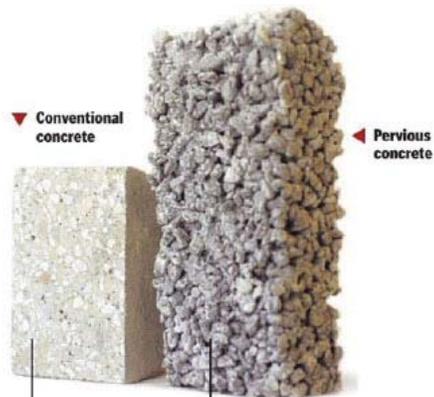
Figure 2.3.1 (Drawing depicts 100' of parking perimeter)



B2.4.1 Porous Pavers



B2.4.2 Permeable Parking Lot Using Pavers



B2.4.3 Pervious Concrete vs Conventional Concrete

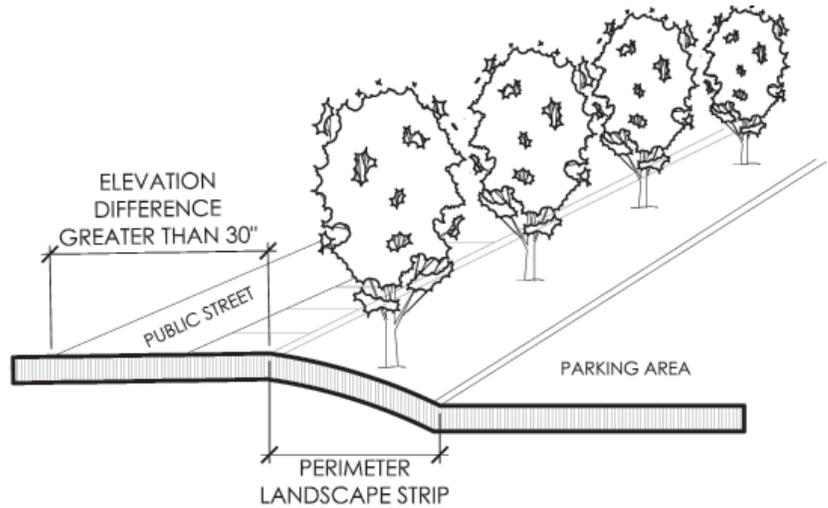


Figure 2.3.2 (Drawing depicts 100' of parking perimeter)

In cases where the parking area is depressed below the adjacent public street or private property by a minimum average distance of at least thirty inches, the tree spacing requirement shall be increased to one tree for each twenty-five feet of parking area perimeter, and the requirement for shrub plantings shall be eliminated. All other standards remain as stated above. (See Figure 2.3.2)

Corner Visibility. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility

Recommendations

Permanent landscape strips which use low walls no greater than 35" in height or earthen berms are desirable for the reliability of the screening effect they provide.

Incorporate high quality and attractive landscape or drainage features (i.e. bioswales) which provide adequate screening or buffering and are well integrated into the development design. (All)

Incorporate significant topographic or natural features. Existing topography, hedgerows or natural features provide significant screening. (All)

Design site in a manner so that adjacent residential properties are not negatively impacted. (All)

B2.4 POROUS PAVER AND SUSTAINABLE MATERIALS

1. Permeable Concrete Pavements & Porous Pavers

No-fines porous concrete pavement is an emerging technology that has been used in the eastern United States and in Europe. Costs are slightly higher (approximately 25% more) than that of conventional Portland cement concrete pavement. However, because porous concrete pavement infiltrates water at 270 to 450 inches per hour per square foot (3-5 gallons per minute per square foot), stormwater detention facilities are usually not needed to mitigate those surfaces, thereby reducing costs for stormwater mitigation. See photos B2.5.1-B2.5.3

If porous pavers are used, they must be open graded, crushed stone (not pea gravel), meaning that the particles are of a limited size range, with no fines, so that small particles do not choke the voids between large particles. Open-graded crushed stone of all sizes has a 38 to 40% void space, allowing for substantial subsurface water storage.

Requirements

Please refer to the *City of Lewisburg Stormwater Ordinance*, which references the updated *Tennessee Green Infrastructure Handbook for Local Governments*. (All)

2. Bioswale and Rain Garden Design

Bioswales convey stormwater from surface parking lots and the surface runoff is filtered and cleaned through native wetland plantings. Bioswales improve water quality by cooling runoff, slowing down runoff and cleaning runoff. Bioswales are encouraged to be designed with approval from the Engineering Department. The vegetation should be a mix of plantings appropriate for the location. (See Bioswale Acceptable Plants List on Page 45)

Flood-tolerant plants should be used which will remain healthy when used in bioswales. Rain gardens are depressed areas that absorb excess water and slow down the water's flow with native vegetation to release stormwater gradually. Rain gardens are encouraged to be designed with approval from the Engineering Department. Rain gardens provide benefits such as: Filtering sediment from storm events at an on-site location close to the source of the run-off, Reducing flow of pollutants from run-off, Improving natural aesthetics of impervious areas, and encourage biodiversity. See *photos B2.5.4-B2.5.6*

Requirements

Please refer to the *City of Lewisburg Stormwater Ordinance*, which references the updated *Tennessee Green Infrastructure Handbook for Local Governments*. (All)



B2.4.4 Parking Lot Bioswale



B2.4.5 Parking Lot Bioswale



B2.4.6 Parking Lot Bioswale

B3

LANDSCAPE GUIDELINES

B3.1 TREE UNIT REQUIREMENTS

B3.2 REQUIRED PLANT OPTIONS

B3.3 IRRIGATION REQUIREMENTS

B3.4 BUFFER REQUIREMENTS

B3.5 STREET TREE REQUIREMENTS

The following Landscape Guidelines have been designed to ensure a base level of landscaping for new or renovated developments along the corridor. Better and attractive landscaping within new developments increases property values, enhances the environment and increases the overall perception of a city and place. Preserving existing trees should be of paramount importance for any new development, as preservation of existing trees is much more effective than new plantings. However, when existing trees can't be saved, the following guidelines will ensure a base standard of landscaping.

Tree Unit Requirements and standardized tracking helps ensure that Lewisburg stays vegetated, stays sustainable, and continues to preserve the farmland and natural features that help retain Lewisburg's rural character.

Future use of these unit requirements could help establish a baseline so that the city of Lewisburg can begin to track gains and losses in its forest. When tracked, it also shows potential areas for tree plantings to help prioritize putting trees where they are most needed. This, in turn, helps with energy use, and stormwater runoff, as well as have a positive impact on the local economy.

B3.1 TREE UNIT REQUIREMENTS

1. Calculation of Required Tree Density Units: General Format

STEP 1. CALCULATE AREA OF LOT IMPACTED BY SITE GRADING IN ACRES MINUS (-) AREA OF BUILDINGS IN ACRES. THIS EQUALS (=) AREA OF REQUIRED COMPLIANCE.

STEP 2. MULTIPLY AREA OF REQUIRED COMPLIANCE (FROM STEP 1) TIMES (x) 14. THIS EQUALS (=) REQUIRED TREE DENSITY UNITS.

STEP 3. CALCULATE EXISTING/PROTECTED TREE DENSITY UNITS PROVIDED (CHART LISTED BELOW).

PROTECTED TREES THAT REMAIN:

<input type="checkbox"/> 6" DBH x 1.2 =	<input type="checkbox"/> 34" DBH x 10.5 =
<input type="checkbox"/> 8" DBH x 1.4 =	<input type="checkbox"/> 36" DBH x 11.7 =
<input type="checkbox"/> 10" DBH x 1.6 =	<input type="checkbox"/> 38" DBH x 12.9 =
<input type="checkbox"/> 12" DBH x 1.8 =	<input type="checkbox"/> 40" DBH x 18.4 =
<input type="checkbox"/> 14" DBH x 2.1 =	<input type="checkbox"/> 42" DBH x 20.2 =
<input type="checkbox"/> 16" DBH x 2.4 =	<input type="checkbox"/> 44" DBH x 22.1 =
<input type="checkbox"/> 18" DBH x 2.8 =	<input type="checkbox"/> 46" DBH x 24.1 =
<input type="checkbox"/> 20" DBH x 4.3 =	<input type="checkbox"/> 48" DBH x 26.1 =
<input type="checkbox"/> 22" DBH x 4.9 =	<input type="checkbox"/> 50" DBH x 28.3 =
<input type="checkbox"/> 24" DBH x 5.7 =	<input type="checkbox"/> 52" DBH x 30.5 =
<input type="checkbox"/> 26" DBH x 6.6 =	<input type="checkbox"/> 54" DBH x 32.8 =
<input type="checkbox"/> 28" DBH x 7.5 =	<input type="checkbox"/> 56" DBH x 35.2 =
<input type="checkbox"/> 30" DBH x 8.4 =	<input type="checkbox"/> 58" DBH x 37.7 =
<input type="checkbox"/> 32" DBH x 9.4 =	<input type="checkbox"/> 60" DBH x 40.3 =

TOTAL DENSITY CREDIT OF PROTECTED TREES CALCULATED FROM CHART ABOVE.

STEP 4. ESTABLISH NEW TREE REQUIREMENT

REQUIRED DENSITY OF NEW TREES EQUALS (=) REQUIRED TREE DENSITY UNITS MINUS (-) TOTAL DENSITY CREDIT OF PROTECTED TREES CALCULATED IN STEP 3.

NEW TREES SHALL BE ADDED TO MEET REQUIRED DENSITY, ACCORDING TO FOLLOWING TABLE:

<input type="checkbox"/> 2" CAL x 0.5 =	<input type="checkbox"/> 8" CAL x 1.3 =
<input type="checkbox"/> 3" CAL x 0.6 =	<input type="checkbox"/> 9" CAL x 1.5 =
<input type="checkbox"/> 4" CAL x 0.7 =	<input type="checkbox"/> 10" CAL x 1.7 =
<input type="checkbox"/> 5" CAL x 0.9 =	<input type="checkbox"/> 11" CAL x 1.9 =
<input type="checkbox"/> 6" CAL x 1.0 =	<input type="checkbox"/> 12" CAL x 2.1 =
<input type="checkbox"/> 7" CAL x 1.2 =	<input type="checkbox"/> 14" CAL x 2.3 =

STEP 5. CALCULATE DENSITY CREDIT OF NEW TREES FROM CHART ABOVE.

STEP 6. TOTAL TREE DENSITY PROVIDED EQUALS (=) TOTAL NEW TREE UNITS PLUS FROM STEP 5 (+) TOTAL PROTECTED TREES THAT REMAIN FROM STEP 3.

NOTE ALL EXISTING TREES OVER 6" CALIPER ON SITE ARE LISTED ABOVE. SEE EXAMPLE ON PAGE 29.

2. Calculation of Required Tree Density Units: Project Example

STEP 1. AREA OF REQUIRED COMPLIANCE

AREA OF LOT IMPACTED BY SITE GRADING (ACRES): 7.74 ACRES
 MINUS (-) AREA OF BUILDINGS (ACRES): 1.27 ACRES
 EQUALS (=) AREA OF REQUIRED COMPLIANCE: 6.47 ACRES (7.74-1.27)

STEP 2. AREA OF REQUIRED COMPLIANCE TIMES x 14 EQUALS (=)
 REQUIRED TREE DENSITY UNITS: 90.58 UNITS (6.47x14)

PROTECTED TREES THAT REMAIN:

0 - 6" DBH x 1.2 = 0	0 - 34" DBH x 10.5 = 0
0 - 8" DBH x 1.4 = 0	0 - 36" DBH x 11.7 = 0
1 - 10" DBH x 1.6 = 1.6 (1x1.6)	0 - 38" DBH x 12.9 = 0
4 - 12" DBH x 1.8 = 7.2 (4x1.8)	0 - 40" DBH x 18.4 = 0
5 - 14" DBH x 2.1 = 10.5 (4x2.1)	0 - 42" DBH x 20.2 = 0
0 - 16" DBH x 2.4 = 0	0 - 44" DBH x 22.1 = 0
3 - 18" DBH x 2.8 = 8.4 (3x2.8)	0 - 46" DBH x 24.1 = 0
1 - 20" DBH x 4.3 = 4.3 (1x4.3)	0 - 48" DBH x 26.1 = 0
0 - 22" DBH x 4.9 = 0	0 - 50" DBH x 28.3 = 0
3 - 24" DBH x 5.7 = 17.1 (3x5.7)	0 - 52" DBH x 30.5 = 0
0 - 26" DBH x 6.6 = 0	0 - 54" DBH x 32.8 = 0
0 - 28" DBH x 7.5 = 0	0 - 56" DBH x 35.2 = 0
0 - 30" DBH x 8.4 = 0	0 - 58" DBH x 37.7 = 0
0 - 32" DBH x 9.4 = 0	0 - 60" DBH x 40.3 = 0

STEP 3. TOTAL DENSITY CREDIT OF PROTECTED TREES = 49.1 UNITS
 (1.6+7.2+10.5+8.4+4.3+17.1)

STEP 4. NEW TREE REQUIREMENT

REQUIRED DENSITY OF NEW TREES EQUALS (=) REQUIRED TREE DENSITY UNITS MINUS (-) TOTAL DENSITY CREDIT OF PROTECTED TREES.

REQUIRED DENSITY OF NEW TREES: 41.48 UNITS (90.58-49.1)

NEW TREES SHALL BE ADDED TO MEET REQUIRED DENSITY, ACCORDING TO FOLLOWING TABLE:

34 - 2" CAL x 0.5 = 17 (34x0.5)	0 - 8" CAL x 1.3 = 0
45 - 3" CAL x 0.6 = 27 (45x0.6)	0 - 9" CAL x 1.5 = 0
0 - 4" CAL x 0.7 = 0	0 - 10" CAL x 1.7 = 0
0 - 5" CAL x 0.9 = 0	0 - 11" CAL x 1.9 = 0
0 - 6" CAL x 1.0 = 0	0 - 12" CAL x 2.1 = 0
0 - 7" CAL x 1.2 = 0	0 - 14" CAL x 2.3 = 0

STEP 5. TOTAL DENSITY CREDIT OF NEW TREES = 44 UNITS (17+27) (VS. MIN QTY OF 41.48)

STEP 6. TOTAL TREE DENSITY PROVIDED: 93.1 UNITS (44+49.1) (VS. MIN QTY OF 90.58)

NOTE ALL EXISTING TREES OVER 6" CALIPER ON SITE ARE LISTED ABOVE



B3.1.1 Tree Protection During Construction



B3.1.2 Tree Protection During Construction



B3.1.3 Tree Protection During Construction

B3.2 REQUIRED PLANT OPTIONS

1. Canopy Trees: Parking Lots & Street Trees

<u>Common Name</u>	<u>Scientific Name</u>	<u>Cultivars</u>
Green Mountain Sugar Maple	Acer saccharum 'Green Mountain'	
Katsuratree	Cercidiphyllum japonicum	
Ginkgo	Ginkgo biloba	'Fastigiata'
Honeylocust	Gleditsia triacanthos	inermis 'Shademaster'
Sawtooth oak	Quercus acutissima	
Swamp White Oak	Quercus bicolor	
Scarlet oak	Quercus coccinea	
Overcup oak	Quercus lyrata	
Swamp chestnut oak	Quercus michauxii	
Nuttall Oak	Quercus nuttallii	
Willow Oak	Quercus phellos	
Hightower Willow Oak	Quercus Phellos Hightower	
Chestnut Oak	Quercus prinus	
English oak	Quercus robur	'Fastigiata'
Northern Red Oak	Quercus rubra	
Princeton Elm	Ulmus americana 'Princeton'	
American Elm	Ulmus americana	
Lace-bark Elm	Ulmus parvifolia	
Allee Elm	Ulmus parvifolia 'Emer II' Allee	
Zelkova	Zelkova serrata	
Green Vase Zelkova	Zelkova serrata 'Green Vase'	

2. Small Flowering Trees

<u>Common Name</u>	<u>Scientific Name</u>
Serviceberry	Amelanchier
Eastern Redbud	Cercis canadensis
Chinese Fringe Tree	Chionanthus retusus
White Fringetree	Chionanthus virginicus
Flowering Dogwood	Cornus florida
Kousa Dogwood	Cornus kousa
Witchhazel	Hamamelis xintermedia
Crapemyrtle	Lagerstroemia indica
Star Magnolia	Magnolia stellata
Saucer Magnolia	Magnolia x soulangiana
Southern Magnolia	Magnolia grandiflora
Sweet Bay Magnolia	Magnolia virginiana
Crabapple tree	Malus species
Yoshino Cherry tree	Prunus x yeodensis
Kwanzan Cherry tree	Prunus serrulata 'Kwanzan'

3. Evergreen Trees (15-40'): Buffer/Perimeter Screening

<u>Common Name</u>	<u>Scientific Name</u>
Japanese Cryptomeria	<i>Cryptomeria japonica</i>
Leyland Cypress	<i>x Cupressocyparis leylandii</i>
American Holly	<i>Ilex opaca</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
White Pine	<i>Pinus strobus</i>
Giant Arborvitae	<i>Thuja plicata</i>
Canadian Hemlock	<i>Tsuga canadensis</i>
Green Giant Arborvitae	<i>Thuja 'Green Giant'</i>

4. Evergreen Shrubs: Buffer/Perimeter Screening

<u>Common Name</u>	<u>Scientific Name</u>
Nellie Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>
Oakleaf Holly	<i>Ilex 'Conaf' Oakleaf</i>
Chinese Holly	<i>Ilex cornuta</i>
Nigra Inkberry	<i>Ilex glabra 'Nigra'</i>
Giant Arborvitae	<i>Thuja plicata</i>
Otto Luyken Laurel	<i>Prunus laurocerasus 'Otto Luyken'</i>
Schip Laurel	<i>Prunus laurocerasus schipkaensis</i>
Prague viburnum	<i>Viburnum 'Pragense'</i>

5. Deciduous Shrubs: Buffer/Perimeter Screening

<u>Common Name</u>	<u>Scientific Name</u>
Glossy Abelia	<i>Abelia x grandiflora</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
Sweet Pepperbush	<i>Clethra alnifolia</i>
Annabelle Hydrangea	<i>Hydrangea arborescens 'Annabelle'</i>
Spicebush	<i>Lindera benzoin</i>
Ninebark	<i>Physocarpus opulifolius</i>
Carolina rose	<i>Rosa carolina</i>
Elderberry	<i>Sambucus canadensis</i>
Anthony Waterer Spirea	<i>Spiraea x bumalda 'Anthony Waterer'</i>
Bigleaf snowbell	<i>Styrax grandifolia</i>
Mapleleaf viburnum	<i>Viburnum acerifolium</i>

6. Rain Garden & Bioswale Trees & Plants

<u>Common Name</u>	<u>Scientific Name</u>
Serviceberry	Amelanchier
Green dragon	Ariseama dricontium
Marsh milkweed	Asclepias incarnata
Purple milkweed	Asclepias purpurescens
Aromatic aster	Aster oblongifolius
Lady Fern	Athyrium filix-femina
Buttonbush	Cephalanthus occidentalis
White Fringetree	Chionanthus virginicus
Yellowwood	Cladrastis kentukea
Flowering Dogwood	Cornus florida
Green ash	Fraxinus pennsylvanica
Wild geranium	Geranium maculatum
Witchhazel	Hamamelis xintermedia
Oakleaf Hydrangea	Hydrangea quercifolia
Winterberry Holly	Ilex verticillata
Virginia Sweetspire	Itea virginica
Spicebush	Lindera benzoin
Sweetbay magnolia	Magnolia virginiana
New England aster	New England aster
Jacob's Ladder	Polemonium reptans
Swamp White Oak	Quercus bicolor

7. Prohibited Trees & Plants

<u>Common Name</u>	<u>Scientific Name</u>
Swingle Tree of Heaven	Ailanthus altissima (Mill.)
Mimosa	Albizia julibrissin Durazz.
Paper Mulberry	Broussonetia papyrifera (L.)L'Her. ex Vent.
Osage Orange	Maclura pomifera (Raf.) Schneid
Chinaberry	Chinaberry
White Poplar	Populus alba L
Bradford Pear	Pyrus calleryana Dcne.
Chinese Tallowtree	Triadica sebifera (L.) Small
Silver Birch	Betula pendula
Box Elder	Acer negundo
Catalpa	Catalpa speciosa
Siberian Elm	Ulmus pumila
Silver Maple	Acer saccharinum
Pin Oak	Quercus palustris

Please contact the City of Lewisburg for other species of trees that may be acceptable under certain conditions.

B3.3 IRRIGATION

1. All Landscaped Areas

All required landscaping, excluding trees planted or preserved on residential property shall be watered by one of the following methods: 1. An underground sprinkler system; 2. An outside hose attachment within one hundred feet of all landscaping.

All irrigation systems should monitor the moisture levels with moisture meters around all plants including, but not limited to trees, lawn, shrubs, perennials,

groundcovers and annuals.

Please refer to the City of Lewisburg Stormwater Ordinance, which references the updated Tennessee Green Infrastructure Handbook for Local Governments. (All)

B3.4 BUFFERS

The purpose of this section is to protect the value and integrity of property from the potential adverse effects of non-compatible land uses. To that end, this article requires that landscape buffer yards be provided at the boundaries within the corridor. The landscape buffer yard standards of this article are also employed by other chapters of this title to accomplish special screening and buffering objectives.

1. Buffer Yard Requirements

In the Buffer Overlay parcels, a landscape buffer yard shall be located at the perimeter of the building site along the Corridor, or otherwise coincident with the edge of a specified facility that is to be screened, and shall not be located in any portion of a public right-of-way.

The purpose of this type of buffer is to maintain the rural character of certain portions of the corridor through natural landscaping. Therefore, no fencing and/or walls shall be used in place of natural landscaping. The buffer requirements only pertain to the front and side yards of parcels within the “buffer” overlay. All buffers are subject to approval by the Planning Commission. The commission reserves the right to request additional plantings to meet the intent of the buffer requirement.

When the gross floor area of a building legally existing on the effective date of the ordinance codified in this section is enlarged by more than twenty-five percent, that perimeter portion of the property in proximity to the area of expansion shall be brought into conformance with the landscaping buffer yards standard of this code to the greatest extent considered reasonable by the zoning administrator.

When incremental expansions occur over time, the total of all expansions shall be used by the zoning administrator in applying the provisions of this section.

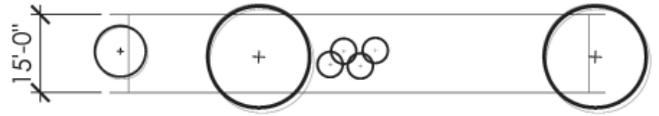
2. Landscape Buffer Yard Requirements

Application of Landscape Buffer Yard Standards. The specifications contained in Figures 3.4.1 through 3.4.5, set out at the end of this section, shall be used to select the desired landscape buffer yard option for the building site. These yard requirements are stated in terms of minimum yard width and the density of required plant material per linear foot of yard. To determine the total number of plants required, the length of each side of property requiring a landscape buffer yard shall be divided by one hundred and multiplied by the number of plants shown in the illustrations. ([Buffer Overlay, Only](#))

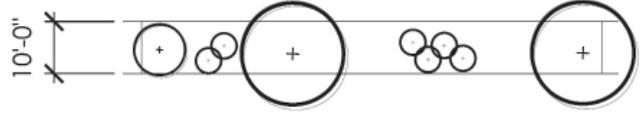
3. Other uses within landscape buffer yards Requirements

Trails. Sidewalks or bike trails may occur within landscape buffer yards provided that the required effect of the yard is not compromised. In no event, however, shall the following uses be permitted in landscape buffer yards: playing fields, stables, swimming pools, golf courses, tennis courts, and other recreational facilities; parking areas and other vehicular use areas; dumpsters, equipment storage and other open storage; buildings or overhangs.

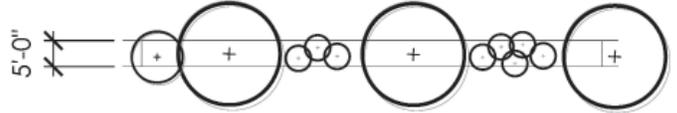
A-1
 1.2 Canopy Trees
 .4 Understory
 4 Shrubs



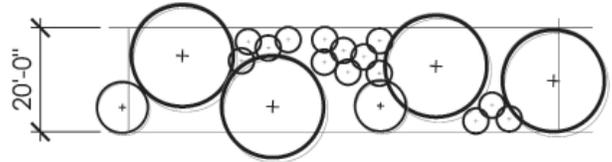
A-2
 1.8 Canopy Trees
 .6 Understory
 6 Shrubs



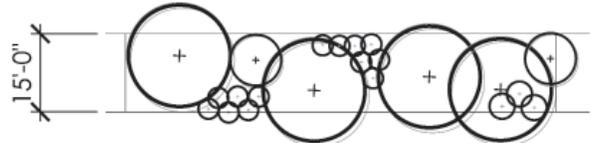
A-3
 2.4 Canopy Trees
 .8 Understory
 8 Shrubs



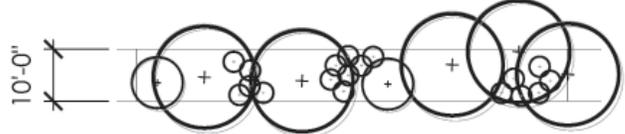
B-1
 3.5 Canopy Trees
 1.4 Understory
 14 Shrubs



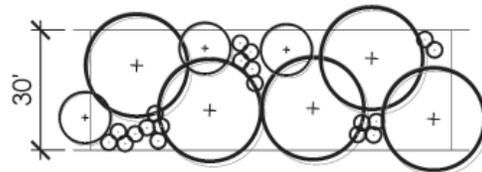
B-2
 4 Canopy Trees
 1.6 Understory
 16 Shrubs



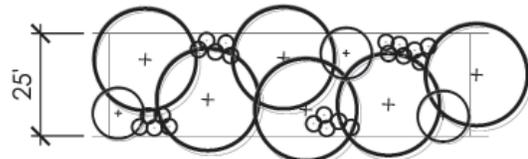
B-3
 4.5 Canopy Trees
 1.8 Understory
 18 Shrubs



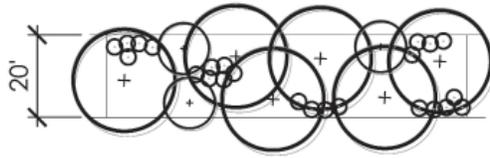
C-1
 4.8 Canopy Trees
 2.4 Understory
 19 Shrubs



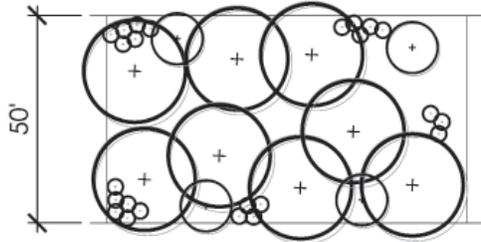
C-2
 5.4 Canopy Trees
 2.7 Understory
 22 Shrubs



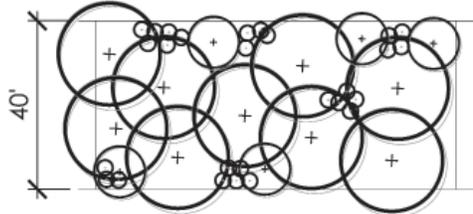
C-3
 6 Canopy Trees
 3 Understory
 24 Shrubs



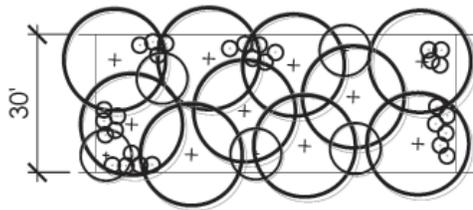
D-1
 8 Canopy Trees
 4 Understory
 24 Shrubs



D-2
 9 Canopy Trees
 4.5 Understory
 27 Shrubs



D-3
 10 Canopy Trees
 5 Understory
 30 Shrubs



Stormwater Retention/Detention Facilities. Surface stormwater retention/detention facilities shall not be permitted to encroach into landscape buffer yards. Subterranean facilities which are designed in a manner so as not to interfere with the proper installation and maintenance of the yard are allowed.

Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible and shall not exceed twenty-five percent of the entire buffer yard, with no single penetration to exceed thirty-five feet.

Recommendations

Planting materials should be chosen which provide visual interest, support the local ecology, require little or no watering or maintenance, and make the pedestrian experience more pleasant. Care should be taken to choose plants whose growth will not create obstructions for the pedestrian nor damage the sidewalk. In particular, within ten feet (10') of driveways, plants should be no more than thirty-two inches (32") high and tree branches should not hang lower than eighty-two inches (82").

Grass is generally the easiest and least expensive to install but may be harder to maintain over time where mowing is difficult, such as on slopes or near walls. Alternatives should be considered, especially when caretakers can be identified who can provide plants and/or who will care for the area until plants are established (i.e. the property owner or a neighborhood group).

B3.5 STREET TREES

1. Spacing & Layout

Street trees are important to our quality of life in the city. They are living elements of our street infrastructure. All overlay areas shall be required to plant new street trees 50' on center at a minimum. Final street tree layout to be approved by Planning Commission and must meet all TDOT standards for State Routes. Street Trees shall be located between the sidewalk and roadway curb, but no closer than 5' from the outside of the roadway curb.

Located in the public right-of-way, they provide cooling shade, cleaner air, and more beautiful urban streetscapes. Trees confer important aesthetic and ecological benefits to City of Lewisburg residents as well. Some of the key factors to maximize long-term plant survival are proper handling, careful planting, and immediate and continued aftercare. See *Photos B3.5.1 -B3.5.3*

Requirements

Coordinate street tree locations with local utility department.
Choose street trees from the approved street tree list.



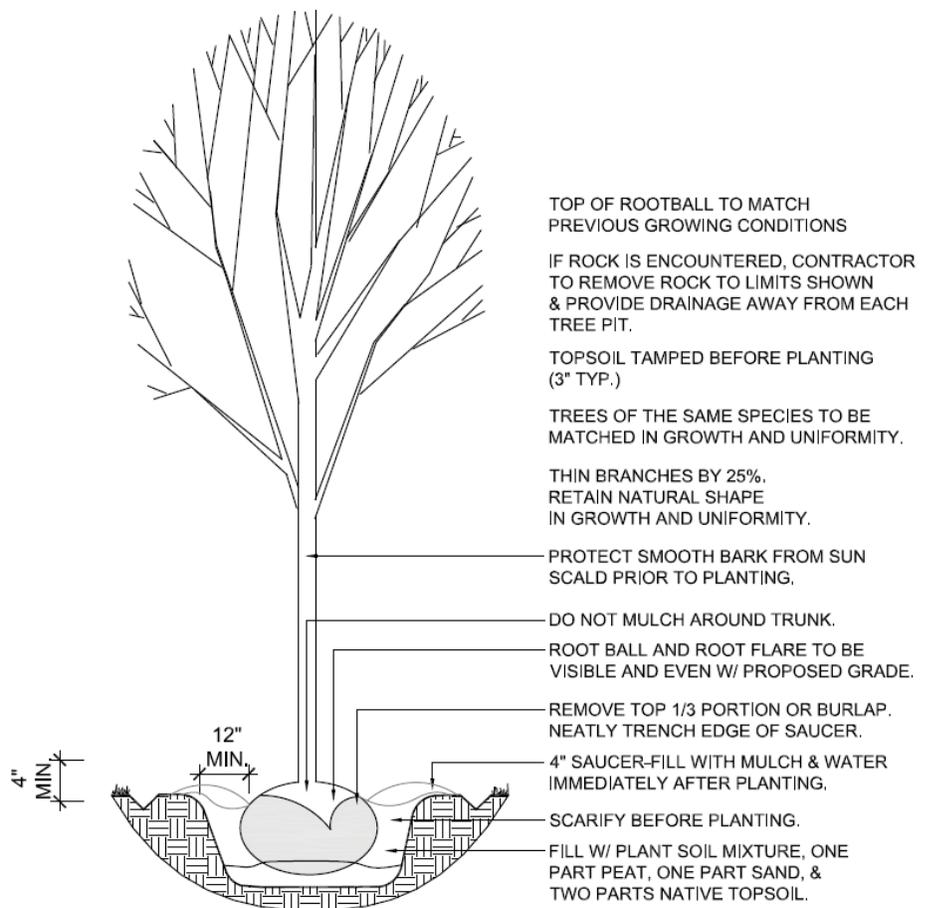
B3.5.1 Street Tree Pit: Continual Growing Strip



B3.5.2 Street Trees



B3.5.3 Street Trees



B4 STREETSCAPE GUIDELINES

B4.1 STREET LIGHT STANDARDS

B4.2 FURNITURE STANDARDS



B4.1.1
Sternberg Lighting
Carson City LED
LED Street Light
Model: 1843 LED Carson City
Finish: BKT Black Textured



B4.1.2
Sternberg Lighting
Hometown
LED Pedestrian Light
Model: XRLED G742 G743 G745
Finish: BKT Black Textured

B4.1 STREET LIGHT STANDARDS

Streetscapes are important elements of any city environment. Properly designed streetscapes help give streets proper scale for pedestrians, deter speeding, and in general make streets more attractive. Implementing streetscape guidelines can, over time, drastically enhance the overall appearance and function of streets. The goal of the streetscape improvement guidelines are to create a consistent, comprehensive, functional, and attractive streetscape along the entire corridor over time. A streetscape master plan for the corridor should be produced for the corridor, but shall adhere to the guidelines set forth in this document when produced.

1. Street Lights

Street lighting is intended to create an environment at nighttime in which people can see comfortably and can quickly and accurately identify objects on traveled roadways. Street lighting can improve, safeguard, facilitate, and encourage vehicular and pedestrian traffic. TNDOT is responsible for ensuring that recommended light levels are achieved and reviews street and pedestrian lighting requests.

Streetscape improvements should be completed by the City of Lewisburg either as stand alone projects or in conjunction and partnership with private development.

Requirements

Street lights shall use the Carson City LED (Model: 1843 LED Carson City) by Sternberg Lighting. See Photo B4.1.1

All street lights shall be dark sky compliant.

All street lights shall be TDOT compliant.

Maximum pole height not to exceed 33' tall and maximum wattage not to exceed 400 watt. All lights will be LED.

Lights will be placed at all street intersections except at major thoroughfares where median lighting is existing.

Lights will be spaced a maximum of 600 between intersections.

Lights will be spaced a maximum of 200 feet at major intersections.

All severe curves or areas with poor sight visibility shall be lighted.

Lights shall be placed so as to gain the maximum use of existing and proposed.

Electric service to the streetlight shall be underground.

Streetlights shall not be constructed in conflict with the sidewalk.

2. Pedestrian Lights

Good outdoor lighting can create and encourage a pedestrian friendly environment, which is especially beneficial to neighborhood business districts. Pedestrian lighting improves walkway illumination for pedestrian traffic and enhances community safety and business exposure. Lighting for

pedestrians is especially important along Main Streets, Mixed Use Streets and Local Connectors, and in other locations where the land use supports large volumes of pedestrians and vehicles.

Requirements

Pedestrian lights shall use the Hometown LED (Model: XRLED G742 G743 G745) by Sternberg Lighting. See Photo B4.1.2

Pedestrian lighting illuminates the pedestrian walkway and shall be mounted 12 -14 feet above the sidewalk. This lighting should be considered when calculating the maintained foot candles and uniformity of roadway lighting. Pedestrian ways not adjacent to the roadway may require lighting as determined by the Traffic Engineer.



B4.2.1
Model/Manufacturer: Victor Stanley
Farmer's Modern Collection Bench
Model # #FMS-324

B4.2 STREETSCAPE FURNITURE STANDARDS

1. Benches and Seating

Public seating creates a comfortable, usable, and active public environment node where people can rest, socialize, read, or people-watch. It is a simple gesture that can go far to create an important sense of place. Seating creates places where people can see and be seen. This ability to entice people to linger is the hallmark of great and successful public spaces. Adding seating to the public realm is an easy street improvement that can be made by individuals, community groups, business districts, and others, often as part of an overall streetscape project.

Benches and seating may be installed by individual property owners, residents, and merchants, or by community groups like neighborhood or merchant's associations, or as part of a larger package of corridor-wide improvements. For all following sections, a furnishings zone refers to the area of the streetscape that provides a buffer between pedestrians and vehicles, which can contain landscaping, public street furniture, transit stops, public signage, and utilities.

When site furniture is installed along the corridor it shall adhere to the guidelines.

Requirements

All streetscape benches provided by the city shall be Victor Stanley Farmer's Modern Collection Bench #FMS-324 Black, or similar. See Photo B4.2.1

Seating shall be located under trees where possible to provide shade and comfort and to integrate multiple elements.

Where seating is oriented parallel to the curb, it shall face toward buildings when located in the furnishings zone, or away from buildings when located in the frontage zone.

Where sidewalk width permits, seating in the furnishing zone shall be perpendicular to the curb.

No seating shall be permitted between the roadway curb and the sidewalk. All furniture placed within ROW shall be approved by the Planning Commission.

Recommendations

Informal seating (low walls, etc.) may also be incorporated into other elements in the site furnishings zone, such as planter edges. Where space allows, benches can be built into planters.



B4.2.2
 Model/Manufacturer: Victor Stanley
 Prairie Sites Collection Tubular Steel Bike Rack
 Model #:BK-4



B4.2.4
 Model/Manufacturer: Victor Stanley
 Ironsites Collection Litter Receptacle
 Model #:S-42

On curb extensions, seating should be organized to create social spaces.

Seating incorporated into building forms, such as seatwalls, may be used as an alternative to free-standing benches.

Seating should be designed to encourage sitting and to discourage lying down.

2. Bike Racks and Bike Parking

Bicycle racks are an important element of the streetscape, both as an aesthetic aspect of the streetscape and as a functional element for those who travel by bike.

When site furniture is installed along the corridor it shall adhere to the guidelines.

Requirements

All bike racks installed along the corridor by the city must be Victor Stanley Prairie Sites Collection Tubular Steel Bike Rack Model #:BK-4 Black, or similar.. See Photo B4.2.2

There must be at least a six-foot clear walkway, to comply with the Americans with Disabilities Act. This does not include frontage occupied by street furniture.

Bicycle racks shall be frequent in active commercial districts and Node overlay parcels. Racks shall be provided near major destinations such as schools, libraries, transit stops, major shopping and service destinations, and other locations with high pedestrian traffic.

Racks shall be located in either the furnishings zone or on curb extensions where possible. Racks shall not be placed at accessible parking (blue curb zones) or passenger loading zones.

At transit stops, bike racks should be placed near the back of the transit stop, further from the shelter (where present), or be placed outside of but adjacent to the transit stop. Bike-sharing pods, where provided, should be placed outside of but adjacent to the transit stop.

Placement and spacing of bicycle racks should consider dimensions when occupied.

Bike racks placed in the furnishings zone should be perpendicular to the curb where sidewalks are wide enough so that bikes parked at them do not project into the through-way or edge zone. Where this space is not available, bike racks should be placed parallel to the curb. Perpendicular bike racks should be placed at either edge of a tree basin, a minimum of 2 feet from the edge to allow a person to easily pull their bike in and out.

A rack should be at least 2 feet from the curb, with 3 feet preferred.

Bicycle racks should not be located directly in front of a store/building entrance or exit or in a driveway.

There should be at least 3 feet of clearance between bicycles parked at racks and any other street furniture, with the exception of other bike racks, which

should be placed a minimum of every 3 feet on center. Bicycles parked at a rack should have a minimum 1 foot clearance from utility vaults.

Recommendations

Where parking meter consolidation programs are implemented, bike racks should be provided to replace meter poles, or meter poles should be retrofitted with rings to allow bike parking.

3. Trash Cans

Sidewalk trash cans and recycle bins are essential to the health and function of the city. Their presence along streets with high pedestrian discourages littering, resulting in a healthier more aesthetically pleasant environment. While trashcans are utilitarian, functional objects, they need not be utilitarian in their design. Attention to the design, materials and placement of trashcans enhances the public realm and adds to a sense of place.

Requirements

All trash receptacles used along the corridor shall be Victor Stanley Farmer's Ironsites Collection Litter Receptacle Model #:S-42 Black, or similar. See Photo B4.2.4

Trash receptacles shall be located near as near to corners as is practicable.

They shall be located near high activity generators such as major civic and commercial and transit destinations.

There shall be a maximum of one trash receptacle every 200 feet along commercial streets within the Node overlay. Additional trash receptacles should be provided only if a private sponsor provides continued maintenance.

A maximum of four trash receptacles shall be provided at an intersection (one per corner).

Recommendations

For private developments along the corridor, the following guidelines shall be followed:

When selecting trash receptacles, they should be considered as a design element, and design should reflect aesthetic as well as functional concerns.

Trash receptacles should be selected from the same or a similar design "family" as other site furnishings (such as benches, bollards, bike racks, etc.) and should be finished or painted to complement other site furnishings.

Trash receptacle construction should use durable, high quality materials, such as galvanized or stainless steel.

Materials should be painted to reflect colors similar to nearby elements. Material and paint selection should be graffiti resistant.

Trash receptacles should include recycling containers and should be able to open from the side to allow easy access for removal of garbage bags.

B5 EXTERIOR ELEMENTS

B5.1 SIGNAGE

B5.2 PUBLIC ART



B5.1.1 Gateway Signage



B5.1.2 Gateway Signage

B5.1 SIGNAGE

1. General Signage

The purpose of streetscape signage, including gateway markers, monumental signage, and directional (wayfinding) signage, is to provide an overall image of Lewisburg's neighborhood or district, mark edges or entry points, and give information about business directions, destinations, or the neighborhood in general. These regulations are also intended to provide a development-wide visual uniformity so that no one sign will dominate over, or reduce the visual value, impact or design properties of, other sign elements.

There are two types of primary signage along the corridor: those developed as a part of private development and those built by the city or county. Please see outline description below:

Public Signage

- Gateway Signage
- Directional Signage (External Wayfinding)
- City Monument Signage *

Private Signage

- Monument Signage
- Directional Signage (Internal Wayfinding)
- Building Signage

* Present City and Government monument signage standards override the following guidelines.

Requirements

All signs shall be designed, proportioned and positioned as an integral component of the design of the private development. All signs and lighting locations shall be included in the site submittal package and coordinated with building and site landscape plans. All signage to be approved by the Planning Commission. All indirect sign lighting fixtures shall be concealed from view by foliage or hardscape.

For private development, the owner of each project/parcel is responsible for all costs associated with the signs within the individual site. This includes the costs of design, review and required permits, manufacture, installation, maintenance, bulb replacement, as well as repair and/or replacement of damaged signs. When a sign is damaged or functioning improperly, it shall be the responsibility of the site Owner to promptly repair and/or replace the sign; bringing the subject sign into full compliance with these guidelines as quickly as possible.

No signs shall be located in such a way as to create a traffic or other hazard, obstruct any other sign or restrict visibility for vehicular or pedestrian circulation or views of the surrounding buildings and environment.

No signs, legends, graphic devices, color relationships, graphic layouts or portions thereof, shall be designed to be confused visually or functionally with any traffic control sign element.

All electrical source conduit, meters, cut-offs, wiring, transformers, rheostats, lamps, etc. must be concealed from view and/or placed underground.

All monument signs shall have a maximum of two (2) faces upon which graphics are a part.

Signs nailed/attached to a tree or other natural features are prohibited.

Pole signs, portable signs and temporary signs, including individual real

estate company signs, banners, campaign signs, and pennants are strictly prohibited.

Sign locating to meet City of Lewisburg Zoning Ordinance.

2. Gateway Signage

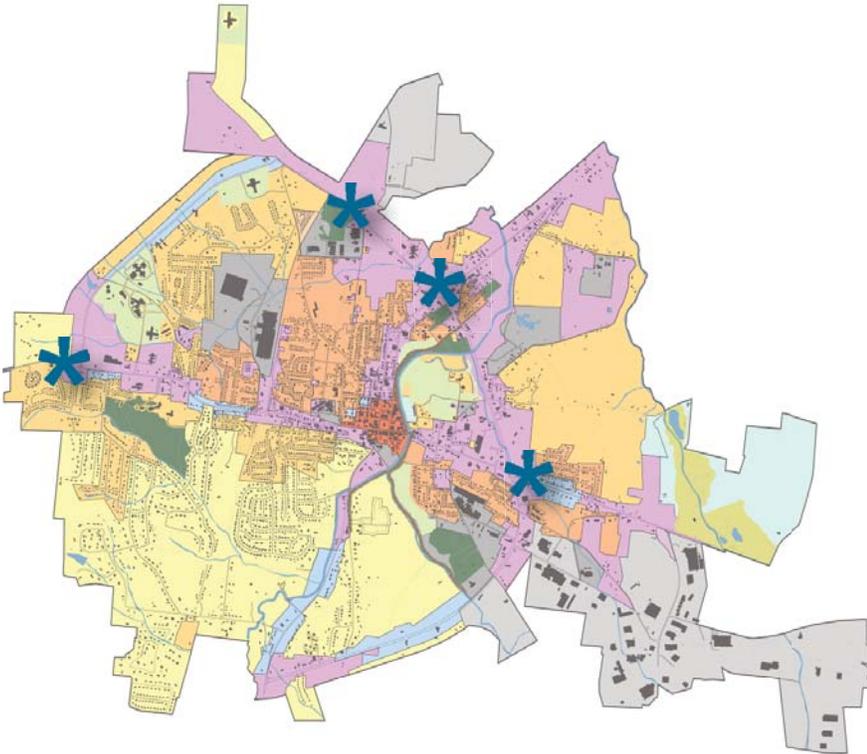
Gateways are markers or monuments located at the entrance to the Ellington Parkway or neighborhood to announce the entry to the particular area, or a transition from one area to the next. Gateways may be a literal gateway, markers on either side of a street, a singular large sculptural or iconic element, or even a unique landscape feature or plaza. They are generally more artistic or sculptural, and less literal or functional than other types of signage.

Recommendations

Be large enough to attract attention and identify the neighborhood entrance.

Incorporate unique artistic, sculptural, or culturally-expressive elements appropriate to the particular neighborhood context.

Be placed on corner and mid-block curb extensions whenever possible.



Requirements

Locate at defined entry points (*see map of Gateway sign locations above) to a district or a neighborhood, or transitions from one neighborhood or district to another. They may also be appropriate at areas where a freeway becomes a surface road, or where there are other significant changes to the roadway, land use, or building form (for example, where a major roadway becomes a quiet residential street).

3. Monument Signage

Monument signs serve the function of identifying corporate site entry or building group entry within a specific development located within the boundary of The Ellington Parkway Corridor.



B5.1.3 Monument Signage

Requirements

Height: 8' Maximum from the ground, including the base.

Overall size: Thirty-eight (38) square feet; sign faces (each face of a double-faced sign) not to exceed twenty-eight (28) square feet for tenant/project ID area plus ten (10) square feet for address/building number identification only.

Materials: Painted, fabricated aluminum sign cabinet, with blind fasteners and visually seamless joints. Letters/logos/logotype/addresses can be fabricated aluminum, 1/4" cut plate letters, or push-thru.

Mounting: Signs are ground mounted on staked masonry pedestals. Masonry components of the sign presentation are attached to concrete and/or CMU internal cores. The internal core structure is connected to a structurally designed and engineered concrete footing. Concrete footing shall be below grade to allow ground cover or other landscape material around base of sign.

Location: Signs are to be positioned perpendicular (2-sided) or parallel (1-sided) to site entry drive, and its location must comply with setback requirements as outlined in the Signage Ordinance of the City of Lewisburg. For primary entrance one (1) sign shall be positioned at the side of the entrance.

Lighting: Push-thru style illumination with 1/2" acrylic, or standard face wash.

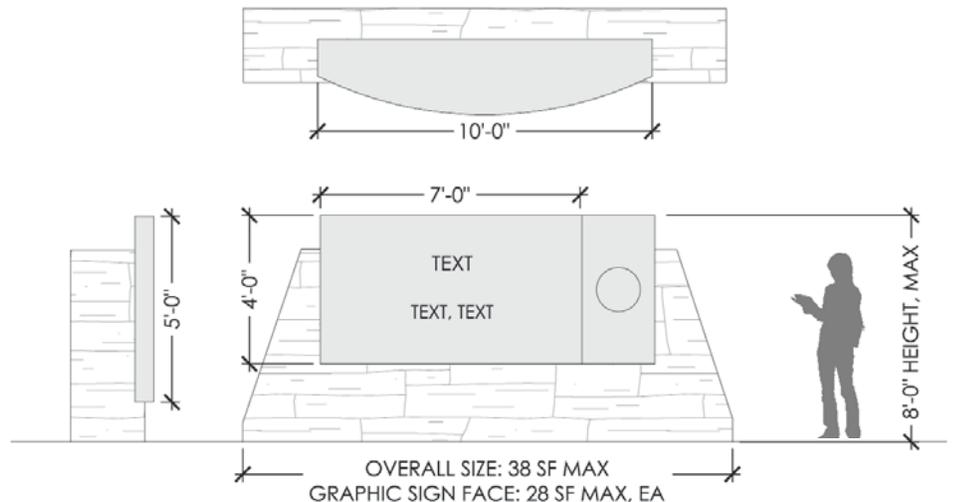
Electronic signs are permitted for the following uses: churches, government buildings, schools, and banks. Signs are limited to one line of text no greater than 24" in height. All bulb colors other than white are prohibited. Sign can not change text more than twice per minute.

Graphic Layout: Logo standard for tenant user not to exceed designated tenant ID area. If the user logo identity does not exist, typography and graphic devices shall be as follows:

Helvetica Bold (Stylistic)
ABCDEFGHIJKLMN OPQRSTUVWXYZ
0123456789

Helvetica Light (Info)
 ABCDEFGHIJKLMN OPQRSTUVWXYZ
 0123456789

Helvetica Regular (Headers)
 ABCDEFGHIJKLMN OPQRSTUVWXYZ
 0123456789



4. Directional Signage

Public Signage

On most streets, the typical street sign is all that is needed to orient pedestrians to major destinations. However, on streets and public spaces with heavy pedestrian volumes, additional directional signage is often helpful. This is especially true on streets that handle greater numbers of visitors (such as downtown, ceremonial, or commercial streets), on major transit routes, or in tourist-oriented areas. As the City of Lewisburg grows, the need for directional signage, particular in the Commercial Nodes, will grow with it. Directional signs are typically much simpler than a neighborhood orientation sign, featuring only place names and wayfinding information. They should have a distinct and coordinated design in keeping with the character of the surrounding neighborhood or district. Well-designed directional signs can help create a distinct identity to a neighborhood.

Private Signage

Within a private development directional signage can be used for internal wayfinding within private property. When such signage is used. The below standards apply:

Requirements

Height: 7' Maximum from the ground, including the base.

Overall Size: Composed as a vertical rectangle, the cabinet shall be no greater than ten (10) square feet for public ROW and six (6) square feet for private areas.

Materials: Inscribed in building material or painted, fabricated aluminum sign cabinet, attached to a single ground mounted stacked stone base or aluminum post. Cabinet may have aluminum face with reflective vinyl display of legends and graphics.

Mounting: Single painted aluminum round or square tubing (all uniform) post, with mechanical connection to concrete footing stacked stone base connected to CMU core into concrete footing.

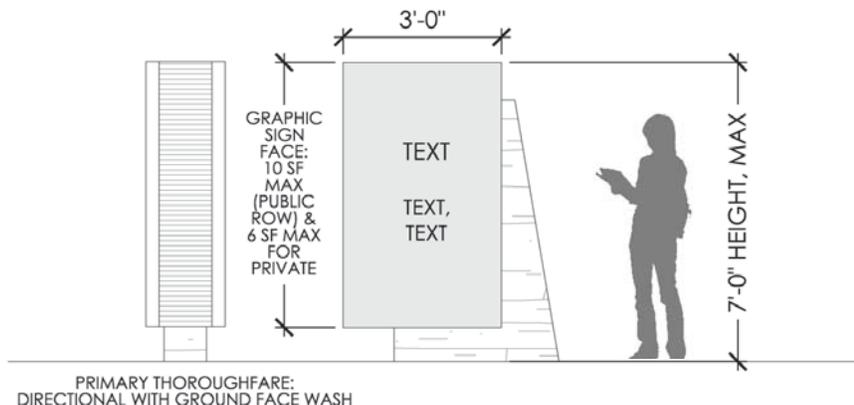
Location: (90 degrees) to centerline of subject roadway, immediately "upstream" of decision point.

Lighting: Reflective, internal illumination, or standard face wash.

Graphic Layout: Directional copy to be minimum 2" CAPS height reflective vinyl set in Helvetica Bold (upper case).

Helvetica Bold (Stylistic)

ABCDEFGHIJKLMNOPQRSTUVWXYZ
0123456789



B5.1.4 Directional Signage



B5.1.5 Directional Signage



B5.2.1 Public Art



B5.2.2 Public Art



B5.2.3 Public Art

Recommendations

Include destination icons, place names, and directional markers (e.g. arrows) for local destinations on blades or integral to the body of the sign. A map clearly showing current location and the best routes to nearby destinations should also be considered.

Share existing poles where possible consistent with the signage design, or be designed as an integral streetscape element. Historic streetlight poles, however, should not be used.

Locate in the furnishings zone and as near to intersection corners as is practicable (but outside of the corner zone).

Be easy to spot from far away, but designed to be read from nearby with a high level of detailing and craftsmanship.

Use external illumination that focuses light on the signs themselves, not on pedestrians. Internally illuminated signs should be avoided as they are typically designed to attract drivers and are too intense for pedestrians. Directional signs should use reflective coating to minimize glare.

Allowable Signage Matrix (See Matrix Below)

Reference Building Standards for Building and facade-related signage guidelines and requirements.

						
	MONUMENT SIGNS	WALL SIGNS	PROJECTING SIGNS	WINDOW SIGNS	CAMPAIGN SIGNS	DIRECTIONAL SIGNS
NATURAL BUFFER	X		X			X
STRIP COMMERCIAL	X	X	X	X		X
COMMERCIAL NODE	X	X	X	X		X

B5.2 PUBLIC ART

1. Public Art

Public art is an important component of many street improvements. On a large scale, public art has the ability to unify a district with a theme or identify a neighborhood gateway. At a pedestrian scale, it can provide visual interest for passersby.

Many street and transportation improvement projects are required to contribute 2% of the project budget to public art, subject to an Arts Commission approval.

Public artwork installations generally involve greater neighborhood outreach and a more complex process than simple projects like street trees or sidewalk landscaping, and are typically carried out by a neighborhood or business organization. Community groups seeking to sponsor a civic art project are encouraged to reach out to neighbors and stakeholders early on and include them in the design process. Many public art projects require a public process that allows community members to participate in the design process. The process will vary from project to project depending on the criteria established in the Call for Artists.

Recommendations

Public art should be located along the corridor near the gateways and at commercial nodes. It may also be located in areas where few people pass to create unique and special places for people to enjoy.

Public art should be located so as to be a pedestrian amenity. A piece can act as a focal point in a park or plaza or present a “surprise” along a pedestrian path that rewards the passerby with visual interest.

Consideration should be given to incorporating art into otherwise standard street elements such as light poles, benches, trash receptacles, and utility boxes.

Art can provide information, such as including maps and signage, or be educational in regards to the history and culture of Lewisburg’s neighborhoods and citizens. All installations do not need an educational mission, however—art can be playful.

Public art should be accessible to persons with disabilities and must not be placed in a way that compromises the clear path of travel. Art pieces may require detectable warning strips around the base of the art piece.

2. Kiosks

Kiosks are public elements that are sources of information, and may include maps, bulletin boards, or other useful information. Kiosks can often be combined with gateway signage and provide an attractive and useful streetscape element.

Recommendations

Kiosks should be located in the furnishings zone, leaving required throughway and edge zone widths. When more than one kiosk is installed on a street, all kiosks should be placed on the same axial line at regular intervals.

Public service kiosks (those primarily providing information) should be separated by at least 150 feet per block face with a maximum of two kiosks per block face. No more than two kiosks should be placed at any intersection.

Kiosks should not be placed within transit stops. Kiosks should be placed such that they do not block scenic views.

Kiosks should communicate information by including bulletin boards for community posting, enclosed cases for display of city information, or permanent lettering. Where a kiosk serves as a gateway element it should include a neighborhood, commercial district, street, or park name or other information.

When more than one kiosk is installed on a street, all kiosks should be of the same, or complementary, design and scale.

Kiosks can be artistic and expressive. They should reflect an area’s special character through their design and can be integrated with public art. Kiosks should include braille and be multi-lingual as necessary and appropriate to the specific location.



B5.2.4 Community Kiosks



B5.2.5 Community Kiosks



B5.2.6 Community Kiosks

CASE STUDY A1.1

Strip Development with Buffer & Parking

NASHVILLE WEST SHOPPING CENTER

Nashville, Tennessee

The Nashville West Shopping Center (at 6716 Charlotte Pike Nashville, TN 37209) was designed to be a pedestrian-friendly commercial strip. The initial design of this shopping center had buildings along the access drive, but redesigned the space with the buildings further back on the land as well putting a few flush with Charlotte Pike, letting the parking lot fall between them.

This particular commercial strip shopping center has 4 key elements that make it successful:

1. Strip Commercial Developments are set back away from the main road (Charlotte Pike).
2. Parking is placed in front of the Strip Commercial and behind the Charlotte-Pike developments flush with the road.

3. Charlotte-Pike developments fronting the main road bring down the scale, draw people in, and help hide the parking that lies between the Strip Commercial and main road-fronted developments.

4. Artistic, monument-style directional signage is placed at the entry points and within the site, itself, to engage visitors and shoppers in a meaningful and practical way.





* Artistic Monument-style directional signage