

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.