

ARTICLE V
ZONING DISTRICTS

SECTION

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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	FW
Planned Unit Development	PUD
Business Park	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 (30) 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.