Title 17

ZONING

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Chapter 17.04

GENERAL PROVISIONS AND DEFINITIONS

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17.04.010 Title and purpose.

A. Title and Citation. The ordinance codified in this title shall be known as "the zoning code for Metropolitan Nashville and Davidson County," and may be cited and referred to herein as "this zoning code."

B. Purpose and Authority. This zoning code is enacted pursuant to Articles 2 and 20 of the Charter of the Metropolitan Government of Nashville and Davidson County and Title 13 of the Tennessee Code Annotated. This title is designed to implement the goals and objectives of Concept 2010: A General Plan for Nashville and Davidson County and its associated subarea and functional plans. Created by this title are a diverse range of zoning districts which establish appropriate land uses and associated standards of development needed to implement the land use policies of the General Plan. In conjunction with this title an official zoning map assigns an appropriate zoning classification to all properties to which this title is applicable. Also established by this title are special overlay districts, including a planned unit development district, which are intended to address specific aspects of land use control or design not easily accomplished by conventional zoning techniques. This title further establishes development standards which are designed to protect the value and integrity of neighboring properties, enhance the general character and appearance of the community, reinforce the central business district, and provide for a reasonable balance between efficient utilization of land, protection of this community's environmental resources and assuring the operational integrity of streets. Also established in this title are those rules and procedures deemed necessary and appropriate to administer and enforce the provisions of this title, so as to protect the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Metropolitan Nashville and Davidson County. (Ord. 96-555 § 1.1, 1997)

17.04.020 Applicability.

A. General. The provisions of this zoning code shall apply to the development of all land within the jurisdiction of the metropolitan government of Nashville and Davidson County, exclusive of incorporated municipalities. No development shall be undertaken without prior authorization pursuant to this zoning code.

B. Minimum Requirements. The requirements of this zoning code shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this zoning code imposes a greater restriction upon property than that imposed by other resolutions, rules, regulations, easements, covenants or agreements, the provisions of this zoning code shall govern.

C. New Development. Upon the effective date of this zoning code or any subsequent amendment, any new building or other structure or any tract of land shall be used, constructed or developed only in accordance with all applicable provisions of this zoning code.

D. Existing Development. Any existing use, lot, building or other structure legally established prior to the effective date of this zoning code that does not comply with any of its provisions shall be subject to the regulations of the nonconforming provisions of this zoning code stipulated in Article XIV of Chapter 17.40. (Ord. 96-555 § 1.2, 1997)

17.04.030 Exceptions.

A. Previously Issued Permits and Exceptions. Any variance, exception or permit authorized before the effective date of this zoning code may be continued, changed, extended, enlarged or structurally altered only as provided in this title.

1. Any permit issued before the effective date of this zoning code or subsequent amendment shall remain in effect provided that construction is begun within six months from the date of issuance of the permit. Construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations have been developed on the site. Clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction.

2. Where no limitation as to duration of the use was imposed at the time of authorization the use may be continued. When the use was granted for a specific period of time, the applicable provisions of this code shall be applied upon the expiration of that time.

3. In no event shall such use be changed except to a conforming use or a nonconforming use as provided for in

Section 17.40.650C. A change of use is a change to another use either under the same use group or any other use group or major class of use. A change in occupancy or ownership shall not by itself constitute a change in use.

B. Temporary Dwelling as a Result of Natural Disaster. The zoning administrator may issue a temporary permit for a mobile home as a single-family dwelling unit on any lot previously occupied by a permanent dwelling that was destroyed by natural causes and is being reconstructed. The zoning administrator may impose conditions upon the issuance of the permit to provide for the least impact on surrounding property. Permits shall be for a period of time not to exceed three months. The zoning administrator may review and grant an extension of time not to exceed one additional three-month period. (Ord. 96-555 § 1.3, 1997)

17.04.040 Severability.

Should any article, section, clause or provision of this zoning code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance codified in this title as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section, clause and provision hereof being declared severable. (Ord. 96-555 § 1.4, 1997)

17.04.050 Rules for construction of language.

A. General. All provisions, terms, phrases and expressions contained in this zoning code shall be construed in order that the true intent and meaning of the metropolitan county council may be fully carried out.

B. Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time-related words shall have the meanings ascribed below.

1. "Day" means a calendar day unless working day is specified.

2. "Week" means seven calendar days.

3. "Month" means a calendar month.

4. "Year" means a calendar year, unless otherwise indicated.

C. Conjunctions. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events shall apply.

2. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

3. "Either or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

D. Delegation of Authority. The head of a department or other officer may authorize subordinates to perform the required acts or duties of this zoning code unless the terms of the provision or section specify otherwise.

E. Jurisdiction. The words "Nashville" or "Metropolitan Nashville" mean the area of jurisdiction of the metropolitan government of Nashville and Davidson County, exclusive of the incorporated municipalities.

F. Nontechnical and Technical Words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

G. Number. A word indicating the singular number may be extended and applied to include the plural. The use of the plural number shall be deemed to include the singular unless the context clearly indicates the contrary.

H. Fractions. When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the fraction if less than 0.5 shall be rounded down the nearest whole number, and if equal to or greater than 0.5 shall be rounded up to the nearest whole number.

I. Public Officials, Bodies and Agencies. All public officials, bodies and agencies to which reference is made are those of the metropolitan government of Nashville and Davidson County, unless otherwise indicated. All professionals to which reference is made shall be licensed to practice in the state of Tennessee.

J. Shall and May. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

K. Tense. Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary.

L. Text. In case of any difference of meaning or implication between the text of this zoning code and any figure, the text shall control.

M. "Written" means any representation of words, letters or figures whether by printing or other form or method of writing. (Ord. 99-1616 § 1 (part), 1999; Ord. 96-555 § 1.5, 1997)

17.04.060 Definitions of general terms.

A. Applicability. Words in the text or tables of this title shall be interpreted in accordance with the provisions set forth in this section. Where words have not been de-

fined, the definition found in the most current edition of Webster's Unabridged Dictionary shall be used. The Zoning Administrator shall have the right to interpret the definition of the word.

B. General Terms.

"Abutting" means touching or sharing a common point or line. This term shall not be deemed to include parcels that are across a public way from each other.

"Accessory structure" means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building.

"Accessory use" means a use of land or of a building or portion thereof that is customarily incidental and subordinate to the principal use of the land or building and that is located on the same lot as the principal use.

"Adjacent" means nearby property touching the property lines of a parcel being considered and including property across streets.

"Adult entertainment" means any "adult bookstore," "adult video store," "adult theater," "adult nightclub," or any commercial establishment which for a fee or incidentally to another service, presents material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

1. "Adult bookstore" means an establishment having a majority of its stock in trade books, magazines, or other periodicals, or other goods or items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

2. "Adult nightclub" means a theater, concert hall, auditorium, nightclub, bar, restaurant or similar commercial establishment which regularly features live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas," as defined below.

3. "Adult theater" means an enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

4. "Adult video" means a video, CD, laser disk, or similar medium with a cover available that depicts "specified sexual activities" or "specified anatomical areas."

5. "Adult video store" means a commercial establishment having a majority of its stock or a majority of its floor space dedicated to "adult videos," as defined herein, which are rented or sold or presented for a fee or incidentally to another service which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

6. "Specified anatomical areas" means:

a. Less than completely and opaquely covered:

i. Human genitals; pubic region,

ii. Buttock, and

iii. Female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

7. "Specified sexual activities" means:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

"Affordable housing" means housing that is affordable to households earning eighty percent or less than the average median income for Davidson County as established by the U.S. Department of Housing and Urban Development.

"Agricultural activity" means the raising of animal, fowl, fish and agricultural or horticultural crops, including but not limited to soybeans, tobacco, timber, orchard fruits, vegetables, flowers and/or ornamental plants for commercial purposes.

"Airport/heliport" means passenger and freight loading and unloading facilities from aircraft and helicopters. Included are runways, hangers, refueling and repair facilities, parking and all other facilities needed to operate aircraft. Ticket purchasing, restaurants and retail stores are permitted as accessory uses.

"Alley" means a public or private right-of-way primarily designed to serve as secondary service access to the side or rear of properties.

"Assisted care living" means a licensed "assisted-care living facility" by the state of Tennessee Board of Health that provides domiciliary care, room, board and nonmedical living assistance service to primarily aged, ambulatory persons (sixty-two years of age or older) who live in a rooming unit. Where there is a common kitchen and communal area for all residents within the facility, three rooming units in the facility shall be counted as one dwelling unit for determining the facility's density.

"Automated teller machine (ATM)" means a facility to provide banking and other electronic services that are operated by the customer.

"Audio/video tape transfer" means the production of multiple copies of audio or visual tapes from master copies.

"Automobile convenience" means a facility where flammable and combustible liquids, such as gasoline and other motor fuels, are stored and subsequently dispensed, by use of fixed approved dispensing equipment by customers of the facility on a self-service basis and/or by employees on a full-service basis and which may include an automatic car wash for washing one automobile at a time, within an enclosed building; in addition, a facility which also provides sandwiches, snacks, staple groceries and other similar retail products or services, which are not recognized or defined by the zoning code as separate uses or as necessary components of separate uses, for sale on premises for consumption off premises by the customer.

"Automobile parking" means the use of property for the commercial parking or storage of operable automobiles on a temporary basis. This does not include the providing of off-street parking required for a use by Chapter 17.20. Such parking shall be for the use of licensed vehicles only and is not intended to include merchandise or vehicles for sale.

"Automotive repair" means a facility which is used for painting, body and fender work, engine overhauling or other major repair of motor vehicles.

"Automobile service" means and includes the sale, from the premises, of goods and the provision of services that are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. This includes the sale of petroleum products together with sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services and performance of minor repairs. This use does not include heavy automotive maintenance activities such as engine overhauls, automotive painting, and body work. (See Automotive repair)

"Basal area" means cross sectional square footage measured by going through the trunk of a tree on a parallel plane to the ground at diameter breast height.

"Bed and breakfast inn" means four through ten furnished guest rooms for pay. Meals may be provided overnight guests. The maximum stay for any guest shall be fourteen consecutive days.

"Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

"Block face" means a single boundary of a block described in the definition of a Block. A block face is opposing when it is across a public street.

"Boarding house" means a residential facility or a portion of a dwelling unit for the temporary accommodation of persons or families in a rooming unit, whether for compensation or not, who are in need of lodging, personal services, supervision, or rehabilitative services.

"Building" means any structure that encloses a space used for sheltering any occupancy.

"Building contractors supply" means the construction and incidental storage activities performed by construction contractors on zone lots other than construction sites, as well as the retail or wholesale sale of materials used by the construction trades.

"Building permit" means a permit required by Title 16 of the Metropolitan Code for the construction, alteration, expansion or renovation of a structure.

"Building type" means a classification of buildings by function, disposition and configuration that provides the norm against which variations are assessed and classified. Buildings shall be classified as residential, commercial, industrial, civic, or support.

"Bulk regulations" means standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, impervious surface ratio, floor area ratio and yard requirements.

"Business school" means an enterprise offering instruction and training, including four-year degrees and/or post-graduate degrees, in a service or the arts such as secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.

"Business service" means the provision of services required for the day to day operation of a business such as, but not limited to, consulting service, photocopy or office supply.

"Caliper inches" means the quantity in inches of the diameter of a tree measured at a height of six inches above the ground for trees with a diameter of four inches and under, and at twelve inches above the ground for trees over four inches in diameter.

"Camp" means a place where children, youth and adults gather together for spiritual, recreational, or educational purposes in an organized and supervised manner, and where overnight lodging (e.g. tents, cabins), food, counseling, religious, and outdoor recreational activities may be provided.

"Car wash" means a building or portion thereof containing facilities for washing more than two automobiles, using production-line methods with a chain conveyor, blower, steamcleaning device or other mechanical devices within an enclosed structure or a self-service facility with one or more wash bay(s) that is free or coin-operated. Car wash also includes operations that are done by hand such as auto detailing.

"Certificate of compliance" means approval by the zoning administrator that a use, building or structure complies with the provisions of this zoning code.

"Civic building" means any building designed and constructed for community use or benefit by governmental, cultural, educational, public welfare, religious or transportation organizations.

"Club" means a facility which offers social, educational, cultural or other similar activities that are only available to members and their guests.

"Collection center" means a facility which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive household waste, municipal solid waste and recyclable material.

"College or university" means an institution of higher education offering undergraduate or graduate degrees.

Commercial Amusement, Inside. "Inside commercial amusement" means the provision of entertainment or games of skill to the general public for a fee and that is wholly enclosed in a building, including but not limited to a bowling alley or billiard parlor. This use does not include an arena.

Commercial Amusement, Outside. "Outside commercial amusement" means the provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range or miniature golf course. This use does not include a stadium.

"Common open space" means land and/or an area of water within the site designed and intended for the use or enjoyment of the occupants, which may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the occupants of the development.

"Community education" means instructions on a elementary, middle and high school level, approved under the regulations of the state.

"Consignment sale" means a sale of personal property by someone who is acting as an agent of another.

"Correctional facility" means a facility for the housing and care for individuals legally confined for violations of law.

"Cultural center" means services to the public, such as, but not limited to museums, art galleries and libraries by a public or private, non-profit facility.

"Custom assembly" means the on-site production of goods by hand manufacturing that generally involves only the use of hand tools. Incidental direct sale to consumers of the goods produced on-site is permitted.

"Curb level" means the elevation obtained by averaging the points located where the side lot lines of a lot extended will intersect the nearest edge of the travelway of that street.

"Day care" means the provision of care for individuals, who are not related to the primary caregiver, for less than twenty-four hours per day. These classes are referenced:

1. Accessory to a single-family dwelling: up to four individuals;
2. Day care home: five through twelve individuals;
3. Class I: thirteen through twenty-five individuals;
4. Class II: twenty-six through fifty individuals;
5. Class III: fifty-one through seventy-five individuals;
6. Class IV: more than seventy-five individuals;
7. Parents day out: day care for pre-teenage children that is not open for more than twelve hours in any one week;
8. School day care: day care centers of unlimited size for before, during and after school programs.

"Decibel A-weighted (dBA)" means a unit for describing the amplitude of sound as measured on a sound level meter using the A-weighting network.

"Density" means a numerical ratio representing the total number of residential dwelling units on a lot divided by the horizontal area of the lot, expressed in terms of "units per acre."

"Diameter breast height (DBH)" means the diameter in inches of a tree measured at four and one-half (4 1/2) feet above the existing grade.

"Distributive business/wholesale" means the sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom and office space within tenant areas, with the showroom and office area not exceeding fifty percent of the total floor area permitted on the parcel.

"Domestic animals/wildlife" means native and exotic animals and common domestic farm animals, defined as Class II and Class III wildlife (Tennessee Code Annotated 70-4-403) which are kept outdoors for any purpose other than agricultural business.

"Driving range" means an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses and "putt-putt" courses.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Eave line" means the extension of a roof line beyond the vertical wall of a building.

"Family" means one of the following:

1. An individual, or two or more persons related by blood, marriage or law, or, unless otherwise required by federal or state law, a group of not more than three unrelated persons living together in a dwelling unit. Servants and temporary nonpaying guests having common housekeeping facilities with a family are a part of the family for this code;

2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102.

"Final site plan" means a detailed set of construction plans that fully demonstrate compliance with all applicable provisions of this code and accurately represent the final form of proposed construction, serving as the basis for the issuance of zoning permits and certificates of compliance.

Flood, 100 Year. "100-year flood" means a standard adopted by the Federal Emergency Management Agency (FEMA) to identify areas where there exists a one percent annual chance of a flood occurring.

"Floodplain" means land area, including the floodway of any river, stream or watercourse, susceptible to being inundated by water as identified by the 100-year flood.

"Floodway" means the channel of a stream that has current, direction and velocity to it during a flood, and in which debris may be carried.

"Floor area" means the total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls.

"Floor area ratio (FAR)" means the total floor area of all structures on a lot, divided by the total horizontal area of the lot. See Diagram 17.04A.

"Fraternity/sorority house" means living quarters for private social organizations serving students of colleges or universities.

"Front façade" means the front vertical face of a building that is substantially in one plane, has associated with it a primary entrance, and is composed from the following architectural components: exterior walls; columns or other vertical structural elements; windows; doors; roof edges; permanently roofed recesses; and arcades, balconies, or porches with permanent roofs supported by vertical structural supports.

"Fuel storage" means the storage of motor vehicle fuels for use by vehicles of an institution or business entity located on the same property.

"Garage sale" means sale of personal property by homeowner or occupant of real property.

"General plan" means an official public document adopted by the metropolitan planning commission in accordance with Sections 11.504(e) and 18.02 of the Charter of Metropolitan Government of Nashville and Davidson County to provide the overall basis for zoning development decisions. Individual subarea plans that provide detailed guidance for specific areas are adopted by the commission and become a part of the general plan.

"Greenway" means a linear park, alternative transportation route, or open space conservation area approved by the metro greenways commission that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as indicated in a greenway plan adopted by the commission.

"Hazardous operation" means a use that may present serious hazards to human life and health such as, but not limited to arsenals, atomic reactors, explosives and fireworks manufacture.

"Heavy equipment sales and service" means the retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to construction equipment rental yards, boats, buses, recreational vehicles, farm equipment and moving trailer rental.

"Height control plane" means an imaginary inclined plane that slopes over a lot to establish the maximum height of structures on that lot. The plane begins above grade at the height established in Tables 17.12.020B and 17.12.020C and slopes inwardly at the slope established by those tables. See Diagram 17.04B.

"Helistop" means a helicopter landing area for boarding and discharging the occupants of the craft. Maintenance or fueling is not permitted.

"Historic bed and breakfast homestay" means three or fewer furnished guest rooms for pay within a private, owner-occupied historically significant structure. Meals may be provided to overnight guests. The maximum stay for any guest shall be fourteen consecutive days.

"Historic home event" means the hosting of events such as, but not limited to, weddings or parties for pay in a private home which has been judged to be historically significant by the historical commission.

"Historically significant structure" means a structure that meets one of the following criteria:

1. The structure is individually listed or is eligible for listing in the National Register of Historic Places as determined by the metropolitan historic zoning commission of Nashville and Davidson County, or by the Tennessee Historical Commission; or,

2. The structure is within a district listed or eligible for listing in the National Register of Historic Places or is within an historic overlay district, such structure having been determined to contribute to the architectural character of the district by the metropolitan historic zoning commission of Nashville and Davidson County or by the Tennessee Historical Commission; or,

3. The structure is within a historic overlay district, or within a district that meets the criteria for designation as a historic overlay district, such structure having been determined to contribute to the architectural character of the district by the metropolitan historic zoning commission of Nashville and Davidson County.

"Home improvement sales" means the retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair or construction of buildings or other structures, including lawn and garden supplies.

"Home occupation" means an occupation, service, profession or enterprise carried on by a resident member of a family within a dwelling unit.

"Hospice" means an establishment that provides for the physical and emotional needs of terminally ill individuals.

"Impervious Surface Ratio (ISR)" means a ratio derived by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. See Diagram 17.04C.

"Incidental alteration" means modifications to a building or structure that are of a cosmetic nature, replacement of utilities, re-arrangement of internal partitions. The replacement of load-bearing walls is not permitted.

"Inventory stock" means the incidental storage of goods, chattels or products within the structure where sold at retail or wholesale.

"Kennel/stable" means any lot, building, structure or premises used for the boarding, breeding, training, and/or raising of domestic animal/wildlife (excluding livestock), whether by owners of such animals or by persons providing facilities and care, whether or not for compensation, but shall not apply to the keeping of animals in a municipal animal pound, pet store, a bona fide laboratory for scientific or experimental purposes (e.g. dental, veterinary, pharmaceutical or biological) or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.

"Landscape buffer yard" means a required yard located at the perimeter of the lot containing landscaping, berms, walls or fences that shield uses on adjacent properties from those uses occurring on the subject property. See Diagram 17.04D.

"Landfill, construction/demolition" means the disposal of nonbiodegradable waste resulting from road building, construction, remodeling, repair or demolition of structures.

Landfill, Sanitary. "Sanitary landfill" means the burial of nonhazardous and non-medical farm, residential, institutional, commercial or industrial waste.

"Landowner" means the legal or beneficial owner or owners of the land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty years in duration, or other person having an enforceable proprietary interest may be considered a "landowner" for the purposes of this title.

"Leading edge" means that edge of a building's front façade which projects farthest forward on the front portion of a lot. The leading edge may be measured at the forward-most edge of an arcade or of a porch with permanent roof supported by vertical structural supports, but may not be measured at the front-most edge of a projecting awning or stoop.

"Listed species" means any plant species designated as endangered, threatened or a species of special concern by the Tennessee Department of Conservation in its "Revised List of Tennessee's Rare Plants" and all amendments thereto.

"Liquor sales" means the retail sale of alcoholic spirituous beverages as defined in Section 57-3-101 Tennessee Code Annotated to patrons or customers, in sealed packages, and not for consumption on the premises.

"Lot" means a tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development. See Diagram 17.04E. Lot terms used are:

1. "Corner lot" means a lot situated at the intersection of two streets;

2. "Lot area" means the horizontal area included within the boundary lines of a lot; typically stated in terms of acreage (ac.) or square feet (sq. ft.);

3. "Lot depth" means the horizontal distance between the rear lot line (or some other lot line in cases where there is no rear lot line) and the midpoint of the front lot line, measured back from such midpoint in the mean direction of the side lot line.

4. "Through lot" means any lot that adjoins two street lines opposite to each other and parallel or within forty-five degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two such opposite street lines and two straight lines intersecting such street lines shall be subject to the regulations for an interior lot.

5. "Perimeter lot" means a lot which abuts the external boundary of a subdivision, or lot which contains less than the area required by the zoning district that is otherwise adjacent to the external boundary of a subdivision.

"Lot line" means a boundary of a lot. Lot line terms used are:

1. "Front lot line" means the lot line along which a front setback is designated or required.

2. "Lot frontage" means the length of a front lot line along a street or access easement.

3. "Lot width" means the horizontal distance between side lot lines measured at the minimum required front yard setback line.

4. "Rear lot line" means the lot line along which a rear setback is designated or required.

5. "Side lot line" means the lot line along which a side setback is designated or required.

"Major street plan" means a transportation plan required by the general plan and adopted by the metropolitan planning commission pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of arterial streets.

Manufacturing, Heavy. "Heavy manufacturing" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; and wood or lumber processing.

Manufacturing, Light. "Light manufacturing" means the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods;

food and bakery products; non-alcoholic beverages; paper imprinting; household appliances; leather products; jewelry; food and bakery products; and, clothing apparel.

Manufacturing, Medium. "Medium manufacturing" means the processing and manufacturing of materials or products predominately from extracted or raw materials. These activities may include outdoor assembly and storage of products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale, is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical medium manufacturing uses include but are not limited to: alcoholic beverages; glue; carpet; porcelain products for bathroom and kitchen fixtures; bleaching products; vegetable gelatin; dye stuffs; welding; furniture; and sporting goods;

"Master development plan" means a conceptual plan of development representing the intended integration of differing land uses and/or multiple structures within the framework of a unified design plan served by adequate streets and utilities. Often developed in phases, a master development plan forms the basis for subsequent approvals of detailed final site plans.

"Medical or scientific lab" means a facility for research, testing or investigation of a medical or scientific nature, but not for the production of a product.

"Medical waste" means a facility used to store and/or repackage medical waste for transportation to a processing facility.

"Mineral extraction" means the extraction of metallic and nonmetallic minerals or materials, including rock crushing, screening and the accessory storage of explosives.

"Minor improvements" means improvements, including buildings and all other structures, that have a total assessed valuation of ten percent or less of the assessed valuation of the lot upon which they are located.

"Mobile home" means a portable or movable single-wide manufactured home designed and constructed to permit long-term occupancy for dwelling purposes that is permanently mounted on a single chassis with or without a permanent foundation.

"Mobile storage unit" means the purchase, lease, or rental of any storage unit, trailer, or container that is either set on the ground or on wheels, and which is typically used for, but is not limited to the storage of equipment, excess inventory, layaway items, back-to-school merchandise, seasonal merchandise, records or clearance sale items. A mobile storage unit excludes containers belonging to a railroad or barge operation located in a railroad yard, on a railroad track, and on or near a navigable river.

"Motor freight" means facilities engaged in the shipment of goods from shippers to receivers for a charge including the services of other transportation establishments to effectuate delivery.

"Multi-copy" means services for instant reproduction of documents by the photocopy process for individual patrons.

"Multi-family" means three or more dwelling units within a single structure.

"Multimedia productions" means a facility for the staging and recording of video or audio productions such as, but not limited to music commercials, programs and motion pictures.

"Native vegetation" means any indigenous tree, plant or shrub adapted to soil and climatic conditions occurring on-site.

"Nonconforming structure" means a structure that was originally legally constructed but which now does not meet one or more of the standards or requirements (other than use) of the zoning district in which it is located.

"Nonconforming use" means a use originally legally established, but which now does not currently conform to the applicable use regulations of the zoning district in which it is located.

"Nonresidential drug treatment facility" means nonresidential drug treatment facilities are characterized by the dispensing of substitute narcotics for the treatment of drug addictions with little or no professional counseling on an outpatient basis.

"Nursing home" means a state licensed facility providing full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves and require skilled nursing and related medical services.

Office, General. "General office" means the provision of executive, management, administrative or professional services, but not involving medical services.

Office, Leasing/Sales. "Leasing/sales office" means the use of a unit or dwelling as a leasing and or sales office for other units within that development.

"Outpatient clinic" means a facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than twenty-four hours.

"Park" means any facility that is:

1. Open to the public for recreational uses, including, but not limited to, hiking, swimming, boating, camping;
2. Predominately kept in a natural state; or
3. Property of the local, state or federal government, or any department or agency thereof, specifically designated as a park, natural area or recreation area. However,

the term “park” shall not include “greenways” as defined in Metropolitan Code of Laws Section 17.04.060(B).

“Park and ride lot” means the temporary storage of automobiles on a daily basis for persons traveling together to and from work either through carpools, vanpools, buspools or mass transit.

“Personal care services” means services such as fitness centers, spas, tanning salons, beauty and barber care, and dry cleaning and laundry services not to include a laundry plant.

“Personal instruction” means services for training individuals or groups in the arts, personal defense, crafts or other subjects of a similar nature.

“Power/gas substation” means a facility that regulates electric current or natural gas pressure for distribution to individual neighborhoods.

“Preservation permit” means a certificate issued by the historic zoning commission denoting approval of changes in uses, buildings or structures to be made within a historic overlay district.

“Principal building” means a building that contains the principal use located on a lot.

“Principal use” means a use that fulfills a primary function of an establishment, institution, household, or other entity.

“Printing and publishing” means the production and distribution of books, magazines, newspapers and other printed matter, including retail photocopying and blueprinting services, as well as record pressing and publishing, engraving and photoengraving.

“Putrescible waste” means material which is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts.

“Radio/television/satellite tower” means towers and accessory buildings for transmitting and receiving radio, television, satellite and other broadcast signals, including radar surveillance.

“Recreation center” means recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that are available to the membership of a club or the general public.

“Recycling collection center” means a drop-off facility for the temporary assemblage of small recyclable consumer items such as food and beverage containers, fabrics and paper.

“Recycling facility” means a facility, other than a facility open to the public to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse or a solid waste may not be used in a manner that would constitute solid waste disposal.

“Rehabilitation services” means the provision of treatment for addictive, mental or physical disabilities on either twenty-four hours a day or outpatient basis.

“Rehearsal hall” means the provision of an area for rehearsal of musical or artistic performances without the provision of spectator seating.

“Religious institution” means any structure or site used primarily for religious practices.

“Research service” means basic or applied research, or experimental study, testing or analysis in the natural sciences, including any educational uses associated with and accessory to such research.

“Residence for handicapped, more than eight individuals” means a group of more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit.

“Restaurant, fast-food” means any building, room, space, or portion thereof where food is sold for consumption on-site or off-site within a short period of time, orders are made at either a walk-up or counter, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

"Restaurant, fast-food" means any building, room, space or portion thereof where food is sold for consumption on-site or off-site within a short period of time, orders are made at either a walk-up or counter, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

"Restaurant, full-service" means any building, room, space or portion thereof where food is sold for consumption on-site, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of thirty minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental or occasional take-out sales.

"Restaurant, take-out" means any building, room, space or portion thereof where a limited variety of food or beverages are sold principally for off-site consumption, but which may include incidental seating for on-site consumption containing no more than twenty seats. Typical uses include bakeries, candy, nut, and confectionery stores, coffee houses, ice cream and frozen dessert stores, small delicatessens and similar establishments.

"Retail" means the sale of goods and/or services at retail. For purposes of calculating required parking, retail includes "retail, general" and "retail, convenience" and "retail, shopping center.

Retail, convenience. "Convenience retail" means an establishment engaged in the retail sale or rental of frequently or recurrently needed items for household use to a limited market area, provided that the establishment does not contain more space than the maximums shown in the following table:

Type of Establishment	**Maximum Size (GFA)**
General food stores	15,000
Drugstores, hardware stores, apparel/cosmetic Stores	10,000
Coffee/juice stores, bookstores, retail bakeries, videotape rental stores	5,000
Flower shops, newsstands, and other stores	3,000

Convenience food stores may include accessory gasoline sales, provided that the pump facilities are capable of serving no more than four vehicles at one time.

Retail, general. "General retail" means an establishment providing general retail sales, services or rental from the premises, of goods and/or services not specifically classified in another commercial activity type.

Retail, shopping center. "Shopping center retail" means a single building containing at least twenty-five thousand square feet and containing two or more different individual stores engaged in general retail sales or convenience retail sales.

"Roof line" means a horizontal line intersecting the highest point or points of a roof.

"Rooming unit" means a residential unit that contains a bed and may contain a bathroom, microwave, television, or dorm-sized refrigerator, but where there is a common kitchen and communal area for all residents within the facility. For purposes of determining density, three rooming units in a facility shall be counted as one dwelling unit.

"Rural bed and breakfast homestay" means a rural bed and breakfast homestay shall contain six or fewer furnished rooms for pay within a private, owner-occupied structure which is on a single lot that exceeds five acres, and is located in an agriculturally zoned district, and authorized by the board of zoning appeals, according to Section 17.16.160.

"Safety service" means the conduct of publicly owned safety and emergency services such as, but not limited to fire stations, police stations and emergency medical and ambulance service.

"Satellite dish" means a specialized antenna for the reception and/or transmission of broadcast signals to and from orbiting satellites.

"Scrap operation" means the storage, processing and/or sale, from the premises, of used or waste material.

"Security residence" means living quarters for one family for the purpose of providing security as an accessory to a principal use.

"Self-service storage" means the lease or rent of small storage units for the purpose of storing personal property.

"Service area" means an area located at grade that is for the purpose of loading and unloading vehicles.

"Setback" means that part of a lot extending open and unobstructed from the lowest level to the sky, except for permitted obstructions, along the length of a lot line for a depth or width set forth in the bulk regulations for the district in which the lot is located. Required setbacks are also referred to as yards. See Diagram 17.04F.

The following setback types are referenced:

1. "Interior side setback" means a side setback that does not abut a street.

2. "Rear setback" means a setback extending for the full length of a lot line not abutting a street, on the opposite end of a lot from a front setback.

3. "Side setback" means a setback extending along a lot line from the front setback to the rear setback, or, in the case of a through lot or through corner lot, to another front setback.

4. "Street setback" means a setback extending along the full length of the lot line abutting a street.

"Shrub" means a woody plant with a multiple stem capable of growing to a height of no more than fifteen feet.

"Sign" means any writing (including letter, work or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); flag (including banner or pennant); inflatable structure; or any other figure of similar character, which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and is used to announce, direct attention to, or advise.

These terms regarding signs are referenced:

1. Billboard. A "billboard" is defined as a sign that is used to advertise or inform by directing attention to a cause, event, campaign, business, profession, commodity, product, service or entertainment which is conducted, sold, distributed or offered elsewhere than upon the same premises as the billboard, or which directs attention to any brand name or trade name product which may be incidentally available on the same premises as the billboard.

2. "Building sign" means any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign. A building sign may be attached by means of projection, wall mounting or roof support subject to height restrictions.

3. "Common signage plan" means a document indicating the integration of sign size, design, location or duration when more than one sign/ownership is involved on any zone lot.

4. "Display surface area" means the entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

5. "Ground sign" means a sign that has no attachment to any part of a building and meets one of the following criteria:

a. Mounted directly on and securely attached to a concrete slab at ground level; or

b. Mounted on and securely attached to one or more posts, columns, braces or structures other than buildings extended from ground level and anchored in the ground with a concrete foundation in compliance with the metropolitan building code.

6. "Informational sign" means an informational sign is for the purpose of a zone lot occupant, or occupants, to convey discreet informational items, directions or instructions for the safety, convenience and need to know for the use, or restriction of use, of a lot on a permanent basis.

7. In the CC, CF and CS zone districts and effective January 1, 1998 in the CA, CL, SCC, SCR, ORI and MUI zone districts, except within an historic overlay district, an on-premises sign is a sign that advertises or attracts attention to a specific event, activity, establishment, commodity, product, service or entertainment which is conducted, sold, distributed or offered on the same premises as the sign or offered elsewhere than upon the same premises as the sign, if the sign is accessory to the principal use. In any other zone district, including property with an historic overlay district, an on-premises sign is a sign that advertises or attracts attention to a specific event, activity, establishment, commodity, product, service or entertainment which is conducted, sold, distributed or offered on the same premises as the sign.

8. "Overall signage plan" means a plan which indicates the general location, maximum dimensions and structural types of all signs to be erected on the lot.

9. "Portable sign" means any sign, unless otherwise permitted by this code, that is designed and constructed in such a way as to not require permanent attachment to the ground, a building, or other unmovable structure.

10. "Projection-mounted sign" means a building sign that is:

a. Attached to a wall and projects outward from the wall more than twelve inches; or

b. Suspended from any structure that constitutes a covering or shelter such as a canopy, portico or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or form a wide angle with the surface to which it is attached.

11. "Roof-mounted sign" means a building sign that is attached to or mounted on a roof in such a way that the top of the sign does not exceed the roof line.

12. "Signage" means area in square feet of the continuous perimeter of copy including any wording, numerals, emblem or representation which is used to announce, direct attention to or advertise.

13. "Sign setback line" means the spacing between a sign and a lot line or two signs.

14. Sign Structure, Permanent Ground. "Permanent ground sign structure" means a structure, including foundations, platforms, uprights, supports, frames, display surfaces, and/or other appurtenances, intended solely to support and display one or more signs and which meets the following requirements:

a. Pole or pylon sign structures are firmly anchored to the ground in compliance with the metropolitan building code standards; and

b. Ground sign structures include a concrete foundation and concrete slab platform at or near grade to which

signs or other appurtenances to support signs can be securely attached.

15. "Temporary on-premises sign" means a permitted sign that announces an event, use or availability for the duration of that event, use or availability and limits the placement and removal of the sign to a limited period of days before and after the duration period.

16. "Wall-mounted sign" means a building sign that conforms to the following:

a. That is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee;

b. That does not project outward more than twelve inches from the surface to which it is attached; and

c. In which the sign face is parallel to the plane of the surface to which it is attached.

"Single family" means one residential dwelling unit per structure.

"Single ownership" means the proprietary interest of a single landowner or person.

"Special exception (SE)" means uses that require authorization by the board of zoning appeals prior to the issuance of a zoning permit according to the provisions of Article III of Chapter 17.16 and Article VII of Chapter 17.40.

"Story" means a portion of a building between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement or cellar shall not be deemed a story if the finished floor level directly above is not more than six feet above the average elevation of the adjacent finished grade.

"Street" means a publicly maintained right-of-way, other than an alley, that affords a means of vehicular access to abutting property. These street classifications are referenced:

1. "Collector street" means a street designated as such on the adopted collector street plan or otherwise classified as such by the metro traffic engineer based on traffic volumes.

2. "Local street" means a street designed to provide vehicular access to abutting property and to discourage through traffic.

3. "Minor local street" means a street that is a dead end or loop street providing service to no more than fifty single family residential lots or sixty-five multi-family units.

4. "Rural arterial" means an arterial street or highway classification of the major street plan.

5. "Scenic arterial" means an arterial street or highway classification of the major street plan.

6. "Urban arterial" means an arterial street or highway, other than a scenic or rural arterial, designated in the major street plan.

"Street line" means a lot line abutting and coincident with a street right-of-way.

"Structure" means anything constructed above or below ground.

"Tank farm" means an open air facility containing aboveground large containers for the bulk storage of material in liquid, powder or pellet form.

"Telephone service" means a facility providing telephone and telegraph services to the public, including central office exchanges, switching buildings, and microwave and cellular towers.

"Temporary festival" means the provision of rides, games, food and amusements outside of permanent structures. The use shall have a duration of no more than ten days in a month.

"Transportation coordinator" means a person who is designated to conduct parking demand studies and monitor commuting patterns to ascertain and ensure that the parking supply for a land use is adequate to serve parking demand.

"Travelway" means that portion of a public right-of-way that is improved for use by self-propelled vehicles or bicycles, including paved or gravel areas and any other area intended for vehicle movement.

"Tree" means a woody plant with a single trunk, or multiple trunks capable of growing to a height of fifteen feet or more.

Tree, Canopy. "Canopy tree" means any self-supporting woody plant of a species that normally achieves an overall height at maturity of thirty feet or more.

"Tree density factor" means a number based on the basal area derived from the combination of the density of trees remaining on a site and the density of additional trees to be planted.

Trees, Prohibited. "Prohibited tree" means any tree which, by the nature of its fruit, root system, brittleness of wood, or susceptibility to disease, is not allowed as a replacement tree.

Tree, Protected. "Protected tree" means an existing tree, exclusive of any prohibited tree, eight inches diameter breast height (DBH) or greater.

Tree, Replacement. "Replacement tree" means those trees required to be planted based on the difference between the required tree density factor and the actual tree density factor following all approved tree removal.

Tree, Understory. "Understory tree" means any self-supporting woody plant of a species that normally

achieves an overall height at maturity of fifteen to thirty feet and that can grow beneath larger canopy trees.

"Two-family" means two attached dwelling units forming a single structure connected by not less than eight feet of continuous floor, roof and walls.

"Unified plat of subdivision" means a property plat(s) approved by the planning commission and recorded by the register of deeds which either creates new lots or re-records existing lots for the purpose of achieving a coordinated and inter-related form of development and/or manner of operation, utilizing the plat to identify and establish by appropriate notes and legal cross-references those development or operational opportunities and/or limitations as authorized by this code and assigned to the subject lots by the owner(s) of the property.

"Use" means a function or operation that constitutes an activity occurring on the land.

Vehicular Sales and Service, Limited. "Limited vehicular sales and service" means the retail or wholesale sale or rental of automobiles, motorcycles or recreational equipment, along with incidental service or maintenance such as, but not limited to automobile dealers, boat dealers and recreational vehicle sales.

"Vocational school" means the offering of regularly scheduled instruction in technical, commercial or trade skills.

"Warehouse" means a facility used primarily for the bulk storage of goods and materials either for a private entity or the general public.

"Waste transfer" means a combination of structures, machinery or devices at a place or facility which receives solid waste taken from public or private collection vehicles or from individuals and which is placed in other transportation units for movement to another solid waste management facility. The facility may also provide for the sorting, processing and temporary storage of recyclable items.

"Water taxi station" means the provision of passenger loading and unloading facilities from watercraft. Ticket purchasing, restaurants and retail stores shall be permitted as accessory activities if the facility is located in a district that permits those uses.

Wrecker Service. A "wrecker service" means the removing of a motor vehicle by towing, carrying, hauling or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This shall not include an "automotive service" use that has a tow truck and repairs vehicles on-site.

Zoning Map, Official. "Official zoning map" means a map, or series of maps and special overlays showing districts and special districts that are established under the provisions of and have been made a part of this title.

"Zoning permit" means written approval by the zoning administrator that is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any use on any lot. (Ord. BL2004-432 § 1, 2005; Ord. BL2004-221 § 1 (part), 2004; Ord. BL2004-156 § 1 (part), 2004; Amdt. 1 with Ord. BL2002-1273 § 5, 2003; Amdt. 1, 2 with Ord. BL2002-1171 § 5, 2002; Ord. 2002-1009 § 1 (part), 2002; Ord. BL2001-674 § 1 (part), 2001; Ord. BL2000-478 § 1, 2000; Ord. BL2000-364 § 1 (part), 2000; Ord. BL2000-244 § 1, 2000; Ord. BL99-117 § 1 (part), 2000; Ord. 99-1754 §§ 1—3, 1999; Ord. 99-1644 § 1 (part), 1999; Ord. 99-1642 § 1 (part), 1999; Amdt. 1 to Ord. 98-1321 § 1 (part), 8/7/98; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Amended during 2-98 supplement; Ord. 96-555 § 1.6, 1997)

Chapter 17.08

ZONING DISTRICTS AND LAND USES

Sections:

17.08.010 Zoning districts established.
17.08.020 Zoning districts described.
17.08.030 District land use tables.

17.08.010 Zoning districts established.

Purpose and Intent. In order to implement the land use policies of the general plan, the following districts are established by this Code. The zoning districts may be referenced in this zoning code as follows:

A. Agricultural districts: AG, AR2a
B. Residential Districts.
1. Single-Family Districts.
a. RS80 (80,000 square foot lot)
b. RS40 (40,000 square foot lot)
c. RS30 (30,000 square foot lot)
d. RS20 (20,000 square foot lot)
e. RS15 (15,000 square foot lot)
f. RS10 (10,000 square foot lot)
g. RS7.5 (7,500 square foot lot)
h. RS5 (5,000 square foot lot)
i. RS3.75 (3,750 square foot lot)
2. One and Two-Family Districts.
a. R80 (80,000 square foot lot)
b. R40 (40,000 square foot lot)
c. R30 (30,000 square foot lot)
d. R20 (20,000 square foot lot)
e. R15 (15,000 square foot lot)
f. R10 (10,000 square foot lot)
g. R8 (8,000 square foot lot)
h. R6 (6,000 square foot lot)

3. Multi-Family Districts.
a. RM2 (2 units an acre)
b. RM4 (4 units an acre)
c. RM6 (6 units an acre)
d. RM9 (9 units an acre)
e. RM15 (15 units an acre)
f. RM20 (20 units an acre)
g. RM40 (40 units an acre)
h. RM60 (60 units an acre)
4. Mobile home park district: MHP
C. Institutional district: I
D. Mixed-Use Districts.
1. MUN Mixed-use neighborhood
2. MUL Mixed-use limited
3. MUG Mixed-use general
4. MUI Mixed-use intensive
E. Office Districts.
1. OR20 Office/residential (20 units an acre)
2. OR40 Office/residential (40 units an acre)
3. ON Office neighborhood
4. OL Office limited
5. OG Office general
6. ORI Office/residential intensive
F. Commercial Districts.
1. CN Commercial neighborhood
2. CL Commercial limited
3. CS Commercial service
4. CA Commercial attraction
5. CF Commercial core frame
6. CC Commercial core
G. Shopping Center Districts.
1. SCN Shopping center neighborhood
2. SCC Shopping center community
3. SCR Shopping center regional
H. Industrial Districts.
1. IWD Industrial warehousing/distribution
2. IR Industrial restrictive
3. IG Industrial general
(§ 1(2) of Amdt. 1 with Ord. 96-555 § 2.1, 1997)

17.08.020 Zoning districts described.

A. Agricultural Districts. The AG and AR2a districts are intended to implement the natural conservation or interim nonurban land use policies of the general plan. Natural conservation policy is applied to those areas of the county which are unsuitable for urban scale development due to severe environmental constraints. Interim non-urban policy is applied to those areas that are not intended to urbanize within the planning period of the general plan. Furthermore, some areas of very steep topography, potentially unstable soils or a propensity to flood are intolerant of development of significant intensity and are appropriate for agricultural zoning.

The AG and AR2a districts are designed for uses that generally occur in rural rather than urban areas. These districts permit very low density residential development generally on unsubdivided tracts of land where public sanitary sewer service and public water supply are least practical. Because of their rural character, these districts will better accommodate some of the more impactive special exception uses that must be located within the county. By application of effective locational and operational standards, it is the intent of this title to minimize the impacts of such uses on residential home sites scattered throughout these districts.

B. Residential Districts. The residential districts allow a range of densities from very low (less than one unit per acre) to as high as sixty units per acre. These districts offer a diversity of housing types (including single-family, two-family and multifamily developments) throughout all density ranges established by the general plan.

Residential districts are to be applied in a manner consistent with the general plan. Residential districts should be applied according to the compatibility of the associated density with the topographic and soil conditions that prevail in the area, or when so recommended by the general plan, the prevailing development pattern of the area.

Residential districts also permit a limited range of compatible and supportive community-related uses that typically desire to locate within a residential setting. As a general rule, progressively higher density districts within each residential policy category of the general plan should be located along higher classifications of street and in closer proximity to mass transit corridors, retail services or employment opportunities.

Although it is intended that development in residential districts be served with sanitary sewers, some low-density districts may be appropriate in nonsewered areas of the county if topographic and soil conditions are suitable for individual sewage disposal fields. Except for low-density districts, it is the intent of this code that sufficient urban services and facilities, including sanitary sewers, be available to or provided concurrent with development.

1. Single-Family (RS) Districts. Intended for single-family residential development at a variety of densities, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the general plan. These districts also may be applied to establish single-family character in developing areas at densities recommended by the general plan.

a. RS80, RS40, RS30 Districts. Designed for low intensity single-family development, these districts are

appropriate for implementing the residential low density policies of the general plan. These districts may also be appropriate within selected areas of natural conservation policy that are environmentally suitable and can be provided necessary support services.

b. RS20, RS15, and RS10 Districts. Designed for relatively low to moderate intensity single-family development, these districts are appropriate for implementing the residential low-medium policies of the general plan. These districts may also be appropriate within selected areas of natural conservation policy, with urban services. The RS20 and RS15 districts may be applied along edges of areas classified within residential low density policy that have suitable physical characteristics and good street access.

c. RS7.5, RS5, and RS3.75 Districts. Designed for higher intensity single-family development, these districts are appropriate for implementing the residential medium density policies of the general plan. As a general rule, these districts should have good access to either arterial or collector streets with the RS3.75 district located in proximity to mass transit service.

2. One and Two-Family ® Districts. The R districts are intended either for established residential subdivisions where the pattern of development contains both one-and two-family structures and where maintaining a mixture of housing types is desirable or for the development of new general plan.

a. R80 and R40 Districts. Intended for low intensity one-and two-family development, these districts are appropriate for implementing the residential low density polices of the general plan. These districts may also be appropriate within selected areas of natural conservation policy that are environmentally suitable and can be provided necessary support services. The R40 district also may be appropriate for selected areas policied for low-medium density development.

b. R30 and R20 Districts. Intended for low to moderate intensity one-family and two-family development, these districts are appropriate for implementing the residential low-medium density policies of the general plan. These districts also may be appropriate within those areas of natural conservation policy that are environmentally suitable and have urban services.

c. R15, R10 and R8 Districts. Intended for medium intensity one-family and two-family development, these districts are appropriate for implementing the residential medium density policies of the general plan. The R8 district also may be applied to areas policed for medium-high density residential development. Generally, these districts should have good access to either arterial or collector streets.

d. R6 District. Intended to provide for higher intensity one-family and two-family development, this district is appropriate for implementing the residential medium or medium-high density policies of the general plan. This district should have good access to arterial streets with preference given to locations with mass transit service.

3. Multifamily (RM) Districts. The RM districts are designed for a range of low to very high intensity residential development characterized by multi-family structures. The lower density districts are appropriate for tracts of land encumbered by severe environmental constraints. Districts at the higher end of the density range for each density category of the general plan are intended to be placed on higher classifications of streets and in closer proximity to mass transit corridors, retail services, or employment opportunities. High density districts also may be appropriate in certain nonresidential policy areas where residential development would implement the general plan. Owners are encouraged to plan and develop multi-family complexes capitalizing on the more flexible design opportunities of Article V of Chapter 17.40.

a. RM2 and RM4 Districts. These districts are designed primarily for low intensity multi-family structures of one, two or three stories, and are appropriate for implementing the residential low-medium density policies of the general plan. These districts also may be employed within selected areas of natural conservation policy that are environmentally suitable and have urban services. The RM4 district may be used in areas policied for medium density residential development.

b. RM6 and RM9 Districts. Designed primarily for low to medium intensity multifamily development of two-story or three-story structures, these districts are appropriate for implementing the residential medium density policies of the general plan. The RM9 district also may be appropriate for areas policied either for medium-high density residential development, concentrations of office and mixed commercial development, or within existing arterial commercial development. Generally, these districts should have good access to either arterial or collector streets.

c. RM15 and RM20 Districts. Designed for moderately high intensity multifamily structures, these districts are appropriate for implementing the residential medium-high density policies of the general plan, and in areas policied for concentrations of office and mixed commercial development or as an alternative to commercial zoning along arterial streets. These districts should have good access to arterial streets and public transportation service.

d. RM40 and RM60 Districts. These districts are designed for high intensity multifamily developments, typically characterized by mid and high-rise structures and structured parking. These districts are appropriate for im-

plementing the residential high density policies of the general plan. Based on locational policies, they also may be appropriate in regional activity centers, within the downtown core, and in areas policied for concentrations of office and mixed commercial development. These districts should have good access to arterial streets and public transportation service.

4. Mobile Home Park (MHP) District. Designed for mobile home parks, this district may be used to implement the residential medium density policies of the general plan. This district should have good access to collector streets, preferably with access to public transportation service.

C. Repealed.

D. Mixed-Use Districts. The purpose of all mixed-use districts is to provide for and encourage a mix of compatible land uses that provide opportunities to live, work and shop within compact areas. Included among the common goals for these districts is the efficient use of land capitalizing on a high level of services, reduced reliance on the automobile with enhanced usage of mass transit, strong pedestrian relationships, and creative opportunities for the economical preservation and adaptive reuse of existing structures, most notably those which contribute to the historic resources of the community. A mixture of residential, office, personal service and retail shopping opportunities is encouraged within all mixed-use districts with individual components complimenting and reinforcing other uses within the district. Owners are encouraged to plan and develop mixed-use projects capitalizing on the more flexible design opportunities offered by Article V of Chapter 17.40.

To effectively implement the mixed use policies of the general plan, a variety of mixed-use districts are provided that offer a range of permitted uses and intensities of development. The lowest intensity districts encourage development at intensities commensurate with nearby residential areas and local shopping services. The higher intensity mixed-use districts, being more permissive in the allowable intensity of development and the range of nonresidential uses, are intended to be located in areas characterized by excellent mass transit opportunities and high levels of support services.

1. MUN, Mixed-Use Neighborhood District. Designed to implement the lower intensity mixed use policies of the general plan, this district also may be used as an alternative to commercial zoning along midblock sections of major arterial streets, or to promote the preservation and adaptive reuse of existing buildings that contribute to the historical or architectural character of an area. Bulk standards are designed to maintain a residential scale of development. At a minimum, this district should have good access to collector streets and public transportation service.

2. MUL, Mixed-Use Limited District. The MUL district is intended to implement the moderate intensity mixed use policies of the general plan. This district also may be used in areas policied for concentrations of mixed commercial uses and for existing areas of commercial arterial development that are located in the vicinity of major intersections. The bulk standards permitted by this district, along with the range of allowable uses, are designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. This district should be applied to areas that have good access to arterial streets and public transportation service.

3. MUG, Mixed-Use General District. The MUG district is intended to implement the moderately high intensity mixed use policies of the general plan, being appropriate near major concentrations of employment, commercial or institutional uses. This district also may be used near the central business district, within regional activity centers, or in areas otherwise policied for concentrations of mixed commercial development with high levels of accessibility, including public transit service. The bulk regulations are designed to encourage consolidation of land and large scale development on or near arterial streets.

4. MUI, Mixed-Use Intensive District. The MUI district permits a mixture of high intensity residential, office and compatible commercial uses in areas characterized by the highest levels of accessibility, mass transit opportunities and essential support services. The bulk standards for this district permit large scale buildings, and include incentives to locate off-street parking within structures. It is intended that this district be applied to portions of the downtown core area in a manner consistent with the general plan and other adopted redevelopment plans, to selected segments of major traffic arteries extending from the downtown core area, or for selected portions of activity centers designated by the general plan.

E. Office Districts. These districts are intended for office development at various scales and levels of intensity, ranging from low intensity structures providing neighborhood services immediately adjacent to residential areas to structures of moderately high bulk located along major street corridors. When conventional methods of buffering would be ineffective, low intensity office districts may be used as a land use transition separating a residential area from more intrusive commercial (or industrial) zoning, provided there is a clear market demand for additional office use opportunities.

1. OR20, Office/Residential District. The OR20 district is designed for a mixture of compatible office and multifamily residential use at medium-high density levels of intensity. These districts are encouraged to locate in

areas with good vehicular accessibility, preferably along collector or arterial streets, with access to public transportation services.

2. OR40, Office/Residential District. The OR40 district is designed for a mixture of office and multi-family uses at high density levels of intensity. These districts are encouraged to locate in areas characterized by high levels of accessibility, preferably along arterial streets, with access to public transportation services.

3. ON, Office Neighborhood District. The ON district is designed for low intensity office development, the ON district is appropriate for implementing the general plan's transitional office policies where the application of physical buffers would be ineffective or not feasible. Since this district often abuts residential areas, permitted uses and the associated bulk standards are limited accordingly.

4. OL, Office Limited District. The OL district is designed for moderate intensity office development, being appropriate for areas where concentration of office and /or mixed commercial areas are intended. If warranted, this district may be employed as a land use transition between higher density residential areas and noncompatible commercial or industrial uses.

5. OG, Office General District. The OG district is designed for moderately high intensity office development and may be appropriate for use within regional activity centers, or areas policied for concentrations of office and commercial uses. The OG district should be served by an arterial street with mass transportation service.

6. ORI, Office/Residential Intensive District. The ORI district is designed to provide adequate and suitable space in appropriate locations for high intensity office uses mutually compatible with high-density residential uses. Commercial developments which have a minimum of characteristics objectionable in a high density residential and office environment are permitted. A selective list of retail trade, business service and personal care service uses are permitted if the principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in these districts. These districts are appropriately located between districts characterized by lower density residential and office development and areas of more intensive commercial uses, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

F. Commercial Districts. Commercial districts are designed for establishments engaged in a variety of consumer sales and service uses, professional and business services, and recreational uses. Freestanding structures are common within these commercial districts, with most businesses desiring to be oriented toward major streets and thoroughfares.

1. CN, Commercial Neighborhood District. The CN district will implement the local convenience and neighborhood retail policies of the general plan. This district is designed to provide for the recurring shopping and personal service needs of nearby residential areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by neighborhood residents. The bulk and buffering standards are intended to insure good compatibility between the commercial uses and adjacent residential properties.

2. CL, Commercial Limited District. The CL district is designed to provide for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices. This district may be used in areas policied for concentrations of mixed commercial development, super community or regional scale retail concentrations, or in the vicinity of major intersections within existing arterial commercial areas. The uses in this district serve a moderately wide market area, and therefore ease of automobile access is requisite.

3. CS, Commercial Service District. The CS district is intended to provide opportunities for a diverse range of commercial uses that include retail trade and consumer services, automobile sales and repair, small scale custom assembly, restaurants, entertainment and amusement establishments, financial, consulting and administrative services. This district may be used in areas policied for concentrations of mixed commercial community development, at selected locations within super community retail concentrations and regional activity centers, or in the vicinity of major intersections within existing arterial commercial areas.

Business establishments in the CS district often serve a wide market area, and ease of automobile access is requisite. However, it is not intended that this district permit uses which generate truck traffic other than the stocking of products. Because of the diverse nature of uses found in this district, bulk and buffering standards are designed to protect neighboring areas.

4. CA, Commercial Attraction District. The CA district provides a diverse range of amusement and recreational uses in association with overnight accommodations and a variety of retail and support services typically affiliated with the tourist industry. Bulk and parking standards are designed to reflect the high traffic generation rates commonly associated with uses found in this district. The CA district may be appropriate for selected areas policied for a regional activity center, or for concentrations of mixed commercial development. This district also may have limited application within super community scale

retail concentrations, and in the vicinity of major intersections within existing arterial commercial areas.

5. CF, Core Frame District. The CF district is intended to implement the general plan's central business district land use policies for support services. The district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.

6. CC, Commercial Core District. The CC district is intended for implementation of the commercial core policy of the general plan. This district is designed to provide for a concentration of financial, professional and administrative office uses, in conjunction with retail, food service, amusement and high density residential uses normally associated with a diverse and economically strong central business district. Development standards in this district encourage full and intense utilization of land, along with integration of multiple uses within structures. When provided in this district, off-street parking is encouraged to be in underground structures. Particular importance is given to ease of pedestrian circulation in the core area and the extent to which development can contribute to a pedestrian environment along the street. Pedestrian-oriented activity at street level is an objective of the CC district, and to that end development incentives are offered in return for a pedestrian-oriented street frontage.

G. Shopping Center Districts. Shopping center districts provide retail shopping opportunities within developments that are encouraged to function as planned centers. Designed to implement specific retail and mixed use policies of the general plan, the range of uses and scale are established in accordance with defined market objectives and locational criteria. Property owners are encouraged to plan and develop shopping centers capitalizing on the more flexible design opportunities offered by Article V of Chapter 17.40.

1. SCN, Shopping Center Neighborhood District. The SCN district will implement the neighborhood retail polices of the general plan, being designed to provide sufficient space in planned development for local retail and service trades catering specifically to the recurring shopping needs of nearby residences. The range of permitted uses and restrictive bulk standards are reflective of the limited market base served by this district and its close proximity to residential areas. Guided by locational policies of the general plan, appropriate locations for this district will be at selected intersections of collector or arterial streets that are centrally located within the intended market area.

2. SCC, Shopping Center Community district. The SCC district will implement the community and super community retail policies of the general plan. The SCC district is designed for retail and service trades catering to a community-scale market of approximately thirty-five thousand to one hundred thousand people with the range of permitted uses and bulk standards reflective of a community-scale market base. The SCC district is to be applied in a compact manner at major street intersections, centrally located within the intended market area, with preference given to arterial intersections in which both streets have at least four travel lanes.

3. SCR, Shopping Center Regional District. The SCR district will implement the super community and regional activity center policies of the general plan. This district is designed for retail and service trades catering to a regional market area, with bulk standards and a broad range of permitted uses supporting the development of shopping malls with large specialized retail anchors. Accessibility to and circulation within SCR districts is of particular importance due to the anticipated intensity of development and the relatively high rates of traffic generated by certain uses within a center. Preferred locations are at intersections of six-lane streets or at the interchange of a freeway and a four-lane (or greater) arterial street. This district should be served by a variety of public transit services.

H. Industrial Districts. The industrial districts will implement the various industrial policy objectives of the general plan. The range of permitted uses, bulk requirements and operational standards reflect the intended purpose of the respective district.

1. IWD, Industrial Warehousing/Distribution District. The IWD district implements those industrial policies of the general plan that provide opportunities for wholesaling, warehousing and bulk distribution uses. This district also may be used to implement major transportation policies of the general plan. By their nature, the principal uses of this district require relatively flat, large acreage tracts of land and may generate large volumes of heavy truck traffic, necessitating very good access to major arterial streets and the interstate system. Some businesses also may require direct rail or river access.

2. IR, Industrial Restrictive District. The IR district implements those industrial policies of the general plan that provide adequate opportunities for a wide range of light industrial uses at a small to moderate scale. Uses most suitable in this district are those which operate within completely enclosed buildings with limited outdoor storage. Potential impacts on abutting properties are minimized by the light industrial nature of the uses permitted in this district and high operational standards. Uses within this district should have a high level of access to the major street network.

3. IG, Industrial General District. The IG district implements those industrial policies of the general plan which provide opportunities for intensive manufacturing uses that are essential for the economic viability of the metropolitan area. Industrial uses associated with this district often require large, relatively flat sites with good access to the regional highway system, the Cumberland River or a rail line. Due to these special locational requirements, the integrity of this district is protected by a minimum lot size requirement and limiting the range of uses to those which are clearly supportive of the principal uses associated with the IG district. (Ord. BL2003-1399 § 1, 2003; § 1(3) of Amdt. 1 with Ord. 96-555 § 2.2, 1997)

17.08.030 District land use tables.

A. General. The range of land uses permitted as of right, permitted subject to specific conditions, permitted subject to special exceptions standards, permitted as accessory to a principal use on the same lot, or permitted only within a special overlay district are established in the following district land use tables.

In addition to all other provisions of this title, land uses established by the district land use table as permitted with conditions (PC) shall comply with the specified provision of Chapter 17.16, Article II; special exception (SE) uses shall be subject to the provisions of Chapter 17.16, Article III; and uses permitted only within an overlay district shall be subject to the applicable provision of Chapter 17.36. In the event of any conflict between the district land use table and the text of regulation, the text shall control.

B. Multiple Uses. When two or more principal uses are proposed for the same lot, each principal use shall be subject to the applicable provision of this title.

C. New Uses. The zoning administrator is empowered to categorize new land uses not enumerated in this title according to the most comparable land use classification established by this title. The zoning administrator's decision may be appealed to the board of zoning appeals.

D. Key to the District Land Use Table. The following notations are utilized in the district land use table in conjunction with the zoning districts established by this title and the land uses associated with those districts. Lack of one of the following notations in a cell of the district land use table indicates that the specific land use category is not permitted within that corresponding zoning district.

P — Permitted by right

PC — Permitted subject to specific conditions (Chapter 17.16, Article II)

SE — Permitted by special exception (Chapter 17.16, Article III)

A — Permitted as accessory to a principal uses (Chapter 17.16, Article IV)

O — Permitted only within an overlay district (Ord. BL2004-492 § 1, 2005; Ord. BL2004-233 § 2, 2004; Ord. BL2004-220 § 1 (part), 2004; Ord. BL2004-156 § 1 (part), 2004; Ord. BL2003-92 § 1, 2004; Ord. BL2002-1226 § 1 (part), 2003; Ord. BL2002-1011§ 1 (part), 2002; Ord. BL2001-674 § 1 (part), 2001; Ord. BL2000-319 § 1, 2000; Ord. BL2000-242 § 1 (part), 2000; Ord. BL2000-241 § 1, 2000; Ord. BL2000-203 § 1,2000; Ord. BL2000-171 § 1, 2000; Ord. BL99-117 § 1 (part), 2000; Amdt. 1 (part) with Ord. 99-1644 § 1 (part), 1999; Ord. 99-1642 § 1 (part), 1999; Ord. 99-1616 § 1 (part), 1999; Amdts. 1 and 2 to Ord. 98-1321 § 1 (part), 8/7/98; Ord. 98-1268 § 1 (part), 1998; Ord. 98-1267 § 1, 1998; § 2(1) of Amdt. 1 with Ord. 96-555 § 2.3, 1997)

ZONING DISTRICT LAND USE TABLE

	Ag	Residential					Mixed Use				Office					Commercial						Shopping Center			Industrial		
Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	AG and AR2a	RS80 through RS 3.75	R80 through R6	RM2 through RM20	RM40 through RM60	MHP	MUN	MUL	MUG	MUI	ON	OL	OG	OR 20 and OR 40	ORI	CN	CL	CS	CA	CF	CC	SCN	SCC	SCR	IWD	IR	IG
Residential Uses:																											
Single-family	P	P	P	P	P		P	P	P	P	P		PC	P	P	PC	PC	PC	PC	PC	PC	PC	PC				
Two-family	PC		PC	P	P		P	P	P	P			PC	P	P	PC	PC	PC	PC	PC	PC	PC	PC				
Multi-Family				P	P		P	P	P	P			PC	P	P	PC	PC	PC	PC	P	P	PC	PC	P	PC	PC	
Mobile home dwelling	P					PC																					
Accessory apartment	A	A	A																								
Boarding house				P	P		P	P	P	P				P	P					P	P						
Consignment sale	PC	PC	PC	PC	PC	PC	P	P	P	P				P	P					P	P			P			
Garage sale	A	A	A	A	A	A	A	A	A	A				A	A					A	A			A			
Historic bed and break-fast homestay	SE	SE	SE	SE	SE		P	P	P	P	SE	SE	SE	P	P					P							
Historic home events	SE	SE	SE	SE	SE	SE	P	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	P	P			
Home occupation	A	A	A	A	A	A	A	A	A	A	A			A	A					A	A			A			
Rural bed and breakfast homestay	SE																										
Security residence											PC	PC	PC			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Institutional Uses:																											
Correctional facility	SEp																			P	P						P
Cultural center	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Day care center (Up to 75)	SE	SE	SE	SE	SE	SE	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	
Day care center (Over 75)	SE*	SE*	SE*	SE	SE	SE		PC	PC	PC		PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	
Day care home	SE	SE	SE	SE	SE	SE	PC	PC	PC	PC	PC			PC	PC					PC	PC						
Day care—parent's day out	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	

* Day care centers (over 75) as special exception uses in the AG, AR2a, RS80 through RS3.75 and R80 through R6 shall expire and are expressly repealed and shall no longer be in force and effect from and after July 1, 1999

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Institutional Uses (con't):																											
School day care	A	A	A	A	A	A	A	A	A	A		A	A	P	P	A	A	A		P	P						
Monastery or convent	A			P	P		P	P	P	P		A	A	P	P	A	A	A		P	P						
Orphanage	P			P	P		P	P	P	P				P	P						P						
Religious institution	P	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Educational Uses:																											
Business school								P	P	P		P	P	P	P		P	P	P	P	P			P	P	P	
College or university									P	P			P	P	P					P	P						
Community education	PC	PC	PC	PC	PC	PC	P	P	P	P		P	P	P	P		P	P		P	P						
Dormitory				P	P		P	P	P	P				P	P					P	P						
Fraternity/sorority house					P				P	P				P	P					P	P						
Personal instruction							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Vocational school								PC	P	P		P	P	P	P		P	P	PC	P	P			PC	P	P	
Office Uses:																											
Financial institution							PC	P	P	P	PC	P	P	P	P	PC	P	P	P	P	P	P	P	P	P		
General office							PC	P	P	P	PC	P	P	P	P	PC	P	P	P	P	P	PC	P	P	P	P	PC
Leasing/sales office	A	A	A	A	A	A	P	P	P	P	PC	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Medical Uses:																											
Assisted-care living	P			P	P		P	P	P	P		P	P	P	P		P	P		P	P						
Hospice	P			P	P		P	P	P	P	P	P	P	P	P	P	P	P		P	P						
Hospital									P	P			P		P			P		P							
Medical appliance sales							P	P	P	P		A	A	A	P		P	P		P	P	P	P	P			
Medical Uses (con't)																											

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:																											
Medical office							PC	P	P	P	PC	P	P	P	P	PC	P	P		P	P	P	P	P			
Medical or scientific lab								P	P	P		P	P	P	P		P	P		P					P	P	P
Nonresidential drug treatment facility																	P	P		P	P				P		
Nursing home	P			P	P		P	P	P	P		P	P	P	P		P	P		P	P						
Outpatient clinic								P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	PC	PC	
Rehabilitation services	P						PC	P	P	P		P	P	P	P		P	P		P	P	P	P	P			
Residence for handi-capped (8 or more)				P	P		P	P	P	P				P	P					P	P						
Veterinarian							PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	P	P		P		PC	PC	PC			
Commercial Uses:																											
ATM							PC	PC	P	P	PC	P	P	P	P	PC	P	P	P	P	P	P	P	P	P	P	P
Automobile conven-ience								PC	PC	PC							PC	PC	PC	PC	PC	PC	PC	PC			
Automobile parking								P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Automobile repair																		P		O					P	P	P
Automobile service									P	P							P	P	P	P	P	PC	P	P	P	P	P
Automobile service, oil change									P	P							P	P	P	P	P	PC	P	P	P	P	P
Bar or nightclub							PC	P	P	P					P	PC	P	P	P	P	P	PC	P	P			
Bed and breakfast inn							PC	P	P	P	PC				P	PC	P	P	P	P	P	PC	P	P			
Business service							P	P	P	P		A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P
Carpet cleaning																		P		P					P	P	P
Car wash								PC	PC	PC							PC	PC	PC	PC	PC		PC	PC			
Custom assembly							PC	PC	PC	PC						PC	PC	P	PC	P	P	PC	PC	PC	P	P	P
Commercial Uses																											

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(con't):																											
Funeral home								P	P	P			P	P	P		P	P									
Furniture store								P	P	P							P	P		P	P	P	P	P			
Home improvement sales							PC	PC	P	P						PC	P	P		P		PC	P	P	P	P	P
Hotel/motel								P	P	P			P		P		P	P	P	P	P			P			
Inventory stock							A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	A	A	A	P	P	P
Kennel/stable	SE																SE	SE									
Laundry plants																		P	P	P					P	P	P
Liquor sales									P	P					P		P	P	P	P	P		P	P	P	P	P
Major appliance repair																		P		P					P	P	P
Mobile storage unit								PC	PC	PC					PC		PC	PC	PC	PC	PC		PC	PC			
Personal care services							P	P	P	P					P	P	P	P	P	P	P	P	P	P	A	A	
Restaurant, fast-food								P	P	P		A	A	A	P	PC	P	P	P	P	P	P	P	P	P	P	P
Restaurant, full-service							PC	P	P	P		A	A	A	P	PC	P	P	P	P	P	P	P	P	P	P	P
Restaurant, take-out							PC	P	P	P		A	A	A	P	PC	P	P	P	P	P	P	P	P	P	P	P
Retail							PC	P	P	P		A	A	A	PC	PC	P	P	P	P	P	PC	PC	P	PC	PC	PC
Self-service storage																		PC		P					P	P	P
Vehicular sales, limited																		P	P	P				P	P	P	P
Wrecker service																		PC		PC					P	P	P
Communication Uses:																											
Amateur radio antenna	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Communication Uses (con't):																											

ZONING DISTRICT LAND USE TABLE

	Ag	Residential					Mixed Use				Office					Commercial						Shopping Center			Industrial		
Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	AG and AR2a	RS80 through RS 3.75	R80 through R6	RM2 through RM20	RM40 through RM60	MHP	MUN	MUL	MUG	MUI	ON	OL	OG	OR 20 and OR 40	ORI	CN	CL	CS	CA	CF	CC	SCN	SCC	SCR	IWD	IR	IG
Audio/video tape transfer							P	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Multi-media production							P	P	P	P		P	P	P	P			P	P	P	P				P	P	P
Printing and publishing							PC	P	P	P		P	P	P	P	PC	P	P	P	P	P	P	P	P	P	P	P
Radio/TV/satellite tower	SE	SE	SE	SE	SE	SE	SE	SE	SE	PC	SE	SE	PC	PC	PC	SE	PC	PC	PC	PC	PC	SE	PC	PC	PC	PC	PC
Radio/TV studio									P	P		P	P	P	P			P	P	P	P				P	P	P
Satellite dish	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telephone services	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Industrial Uses:																											
Building contractor supply																		PC		P					P	P	P
Distributive business/wholesale								PC	PC	PC								PC		P					P	P	P
Fuel storage	A									A			A		A			A	A	A			A	A	A	A	P
Heavy equipment sales																		PC		P					P	P	P
Hazardous operation																											SE
Manufacturing, heavy																											P
Manufacturing, medium																										P	P
Manufacturing, light																		PC		P					P	P	P
Research service										P					P			P		P					P	P	P
Scrap operation																											P
Tank farm																									PC	PC	P
Warehouse								PC	PC	PC								PC		P					P	P	P
Transportation Uses:																											
Airport/heliport	SE																									SE	SE

ZONING DISTRICT LAND USE TABLE

	Ag	Residential					Mixed Use				Office					Commercial						Shopping Center			Industrial		
Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	AG and AR2a	RS80 through RS 3.75	R80 through R6	RM2 through RM20	RM40 through RM60	MHP	MUN	MUL	MUG	MUI	ON	OL	OG	OR 20 and OR 40	ORI	CN	CL	CS	CA	CF	CC	SCN	SCC	SCR	IWD	IR	IG
Boatdock (commercial)									P	P									P	P					P	P	P
Bus station/landport	SE									SE					SE				P	SE	P				SE	SE	SE
Bus transfer station	SE	SE	SE	SE	SE	SE	SE	SE	P	P	SE	SE	P	SE	P	SE	P	P	P	P	P	SE	P	P	P	P	P
Commuter rail	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	SE	SE	P	SE	P	SE	SE	P	P	P	P	SE	P	P	P	P	P
Helistop									SE	SE			SE					SE		SE	SE				SE	SE	SE
Motor freight																									P	P	P
Park and ride lot	SE	PC	PC	PC	PC				P	P		PC	P	P	P		P	P	P	P	P	PC	P	P	P	P	P
Railroad station	SE									SE					SE					SE					P	P	P
Railroad yard																									P	P	P
Water taxi station									P	P			P	P	P			P	P	P	P		P	P	P	P	P
Utility Uses:																											
Power/gas substation	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P
Power plant										A					A			A	A	P	A			A	P	P	P
Reservoir/water tank	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	PC	P	P
Safety services	SE	SE	SE	SE	SE	SE	SE	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Waste water treatment	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P
Water/sewer pump station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water treatment plant	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P

Waste Management Uses:																											
Collection center																									P	P	P

ZONING DISTRICT LAND USE TABLE

	Ag	Residential					Mixed Use				Office					Commercial						Shopping Center			Industrial		
Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	AG and AR2a	RS80 through RS 3.75	R80 through R6	RM2 through RM20	RM40 through RM60	MHP	MUN	MUL	MUG	MUI	ON	OL	OG	OR 20 and OR 40	ORI	CN	CL	CS	CA	CF	CC	SCN	SCC	SCR	IWD	IR	IG
Construction/demolition landfill	SE									SE							PC	PC							PC	PC	PC
Medical waste									A	A			A		A		A	A		A	A				PC	PC	PC
Recycling collection center	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	P	P
Recycling facility																									PC	PC	PC
Sanitary landfill	SE																								SE	SE	SE
Waste transfer																				SE					SE	SE	SE
Recreation and Entertainment Uses:																											
Adult entertainment										O						SE				O	O				O	O	O
Camp	SE																										
Club							P	P	P	P		P	P	P	P		P	P		P	P						
Commercial amusement (inside)							P	P	P	P					P	P	P	P	P	P		P	P	P	P	P	
Commercial amusement (outside)								P	P	P							P	P	P	P		P	P	P	SE	SE	
Country club	SE	SE	SE	SE	SE	SE			P	P			P	P	P		P	P	P	P							
Drive-in movie										P								P	P								
Driving range	SE	SE	SE	SE	SE		PC	PC	PC	PC			PC	PC	PC		PC	PC	PC	PC							
Fairground									P	P										P					P	P	
Golf course	SE	SE	SE	SE	SE	SE	P	P	P	P			P	P	P		P	P	P	P							
Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Racetrack	SE									SE										SE					SE	SE	SE
Recreation and Entertainment Uses (con't):																											
Recreation center		SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

ZONING DISTRICT LAND USE TABLE

	Ag	Residential					Mixed Use				Office					Commercial						Shopping Center			Industrial		
Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	AG and AR2a	RS80 through RS 3.75	R80 through R6	RM2 through RM20	RM40 through RM60	MHP	MUN	MUL	MUG	MUI	ON	OL	OG	OR 20 and OR 40	ORI	CN	CL	CS	CA	CF	CC	SCN	SCC	SCR	IWD	IR	IG
Rehearsal hall								P	P	P		A	P	P	P		P	P	P	P	P						
Stadium arena/convention center									PC	P		A	A		P			PC	PC	P	P				P	P	P
Temporary festival		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	SE	P	P	P	P	P
Theater								P	P	P					P		P	P	P	P	P	P	P	P			
Zoo	SE																		SE								
Other Uses:																											
Agricultural activity	P	A	A																								
Cemetery	P	PC	PC	PC	PC	PC			PC	PC		PC	PC	PC	PC		PC	PC		PC							
Domestic animals/wildlife	P	A	A																								
Mineral extraction	SE																									SE	P
Pond/lake	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Chapter 17.12

DISTRICT BULK REGULATIONS

Sections:

17.12.010	**Purpose and general provisions.**
17.12.020	**District bulk tables.**
17.12.030	**Street setbacks.**
17.12.035	**Contextual street setbacks within the urban zoning overlay district.**
17.12.040	**Other setbacks.**
17.12.050	**Building height controls.**
17.12.060	**Special floor area ratio (FAR) provisions.**
17.12.070	**Lot averaging.**
17.12.080	**Cluster lot option.**

17.12.010 Purpose and general provisions.

A. Purpose and Intent. The purpose of this chapter is to establish appropriate standards relating to the size and placement of structures within each of the zoning classifications created by this title in order to assist in the achievement of the goals established in the general plan for the development of the community.

B. General Provisions. The required specifications for lot area, residential density, floor area ratio (FAR), impervious surface ratio (ISR), setbacks, building heights and separation between buildings are specified in this chapter on the basis of zoning district classification. Lots shall be created, and building and zoning compliance permits shall be issued only in compliance with these bulk regulations. (Ord. 96-555 § 3.1, 1997)

17.12.020 District bulk tables.

The bulk standards of this code are established by the district bulk tables of this section. The standards contained in these tables apply uniformly to all uses within the same zoning district classification, with the exception of uses that are permitted with conditions (PC) or as special exceptions (SE) in the district land use table of Section 17.08.030, which may have higher standards. Alternative standards may be imposed by any planned unit development, historic or urban design overlay district as long as the standards are consistent with the purpose and intent of the overlay district.

A. District bulk Table 17.12.020A establishes the bulk requirements for one-family and two-family dwellings in residential districts.

B. District bulk Table 17.12.020B establishes the bulk requirements for multifamily and nonresidential structures in residential districts.

C. District bulk Table 17.12.020C establishes the bulk requirements for all structures in AG, mixed-use and nonresidential districts. (Ord. 2002-1010 § 1, 2002: Ord. BL2001-675 § 1 (part), 2001; Ord. BL2000-364 § 1 (part), 2000; Ord. 99-1641 § 1, 1999; Amdt. 1 with Ord. 99-1617 § 1, 1999; Ord. 99-1615 § 1 (part), 1999; Ord. 98-1268 § 1 (part), 1998; § 1(5), (6) of Amdt. 1 with Ord. 96-555 § 3.2, 1997)

Table 17.12.020A

SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

Zoning District	Minimum lot area (in sq ft)	Maximum building cover-age	Minimum rear setback (in ft)	Minimum side setback(in ft)	Maximum height
AG	5 acres	0.20	20	20	3 stories
AR2a	2 acres	0.20	20	20	3 stories
RS80, R80	80,000	0.20	20	20	3 stories
RS40, R40	40,000	0.25	20	15	3 stories
RS30, R30	30,000	0.30	20	15	3 stories
RS20, R20	20,000	0.35	20	10	3 stories
RS15, R15	15,000	0.35	20	10	3 stories
RS10, R10	10,000	0.40	20	5	3 stories
R8	8,000	0.45	20	5	3 stories
RS7.5	7,500	0.45	20	5	3 stories
R6	6,000	0.50	20	5	3 stories
RS5	5,000	0.50	20	5	3 stories
RS3.75, OR40	3,750	0.60	20	3	3 stories
RM2	20,000	0.35	20	15	3 stories
RM4	10,000	0.40	20	10	3 stories
RM6	6,000	0.50	20	10	3 stories
RM9	5,000	0.50	20	5	3 stories
RM15	5,000	0.50	20	5	3 stories
RM20, OR20	3,750	0.60	20	5	3 stories
RM40, RM60, I, MUN, MUL, MUG, MUI, ON, OR40, ORI	3,750	0.60	20	3	3 stories

Table 17.12.020B

MULTIFAMILY, MOBILE HOMES AND NONRESIDENTIAL USES

Zoning Districts	Min. Lot Area (sq. ft)	Max. Density (units per acre)	Max. FAR	Max. ISR	Min. Rear Setback (in ft)	Min. Side Setback (in ft)	Max. Height at Setback Line (in ft)	Slope of Height Control Plane (V to H)
AG	5 acres	doesn't apply	0.40	0.60	20	30	20	2 to 1
AR2a	2 acres	doesn't apply	0.40	0.60	20	30	20	2 to 1
RS80, R80	80,000	doesn't apply	0.40	0.60	20	30	20	2 to 1
RS40,R40	40,000	doesn't apply	0.40	0.60	20	25	20	2 to 1
RS30,R30	30,000	doesn't apply	0.40	0.60	20	25	20	2 to 1
RS20,R20	20,000	doesn't apply	0.40	0.60	20	20	20	2 to 1
RS15,R15	15,000	doesn't apply	0.40	0.60	20	20	20	2 to 1
RS10,R10	10,000	doesn't apply	0.40	0.60	20	15	20	2 to 1
R8	8,000	doesn't apply	0.50	0.70	20	15	20	2 to 1
RS7.5	7,500	doesn't apply	0.50	0.70	20	15	20	2 to 1
R6	6,000	doesn't apply	0.60	0.70	20	15	20	2 to 1
RS5	5,000	doesn't apply	0.60	0.70	20	15	20	2 to 1
RS3.75	3,750	doesn't apply	0.60	0.70	20	15	20	2 to 1
RM2	66,000	2	0.40	0.60	20	20 See Note 3	20	2 to 1
RM4	33,000	4	0.40	0.60	20	10 See Note 3	20	2 to 1
RM6	22,000	6	0.60	0.70	20	10 See Note 3	20	2 to 1
RM9	15,000	9	0.60	0.70	20	10 See Note 3	20	2 to 1
RM15	10,000	15	0.75 See Note 2	0.70	20	10 See Note 3	20	2 to 1
RM20, OR20	7,500	20	0.80 See Note 2	0.70	20	5 See Note 3	30	2 to 1
RM40, OR40	6,000	40	1.00 See Note 2	0.75	20	5 See Note 3	45	2 to 1
RM60	6,000	60	1.25 See Note 2	0.80	20	5 See Note 3	65	1.5 to 1
MHP	2.0 acres	9	See Chapter 17.16	See Chapter 17.16	See Chapter 17.16	See Chapter 17.16	See Chapter 17.16	No plane

Note 1: Street setbacks are listed in Table 17.12.030A and 17.12.030B.
Note 2: No maximum FAR applies to multifamily developments in the RM15, RM20, RM40, RM60, OR20 or OR40 districts.
Note 3: Within the urban zoning overlay district, any attached townhomes or rowhouses with alley access to required off-street parking, may have a zero-foot side setback (1) on internal lot lines between units, or (2) where the side of a unit is adjacent to an area having a minimum width of 10 feet that is shown on the final site plan as an open space area or a required landscape buffer yard, provided that each unit has a private yard and no more than eight units are contained in any single-structure.

Table 17.12.020C

MIXED-USE AND NONRESIDENTIAL DISTRICTS

Zoning District	Min. lot area	Max. FAR	Max. ISR	Min. rear setback (in ft)	Min. side setback (in ft)	Max. height at setback line (in ft)	Slope of height control plane (V to H)
I	None	1.00 See Note 1	0.80	20	5	20	1.5 to 1
MUN	None	0.60 See Note 2	0.60	20	none req.	30	3 stories max.
MUL	None	1.00 See Note 2	0.80	20	none req.	30	1.5 to 1
MUG	None	3.00 See Note 2	0.90	20	none req.	65	1.5 to 1
MUI	None	5.00 see note 2	1.00	none req.	none req.	65	1.5 to 1
ON	None	0.40	0.60	20	5	20	20 ft. max.
OL	None	0.75	0.70	20	5	30	1.5 to 1
OG	None	1.50	0.80	20	5	30	1.5 to 1
ORI	None	3.00	0.90	20	none req.	65	1.5 to 1
CN	None	0.25	0.80	20	none req.	20	20 ft. max.
CL	None	0.60	0.90	20	none req.	30	1.5 to 1
CS	None	0.60	0.90	20	none req.	30	1.5 to 1
CA	None	0.60	0.90	20	none req.	30	1.5 to 1
CF	None	5.00	1.00	none req.	none req.	65	1.5 to 1
CC	None	15.00 see note 1	1.00	none req.	none req.	no max. applies	Doesn't apply
SCN	None	0.25	0.80	20	none req.	20	20 ft. max.
SCC	None	0.50	0.80	20	none req.	30	1.5 to 1
SCR	None	1.00	0.80	20	none req.	30	1.5 to 1
IWD	None	0.80	0.90	20	none req.	30	1.5 to 1
IR	None	0.60	0.90	20	none req.	45	1.5 to 1
IG	None	0.60	0.90	20	none req.	60	1.5 to 1

Note 1: Within the urban zoning overlay district, the maximum floor area ratio for the I district shall be 1.50.

Note 2: Floor area bonuses are available (1) for the MUI district, and (2) within the urban zoning overlay district, for all mixed-use and CC districts (See Section 17.12.060).

Note 3: Street setbacks are listed in Table 17.12.030B.

17.12.030 Street setbacks.

A. Measurement. For single and two-family lots in the RS, R, MHP, AR2a and AG districts, the minimum building setback from a street shall be measured from a street right-of-way line. In all other districts, setbacks from streets shall be measured from the centerline of the travelway pavement.

B. Street Classifications. All street classifications are as established in the "Subdivision Regulations of the Metropolitan Government of Nashville and Davidson County" and the "Major Street Plan" as adopted by the metropolitan planning commission.

C. Street Setbacks.

1. The minimum setback of a structure from an adjacent street shall be established by the following tables according to the zoning of the property and the classification of the street.

2. When the rear setback of a corner lot is oriented towards the rear setback of a neighboring lot, the required street setback along the street common to those two lots may be reduced by fifty percent. A corner residential lot created by plat prior to the effective date of the ordinance codified in this chapter may reduce the required setback of Table 17.12.030A by fifty percent along that street running parallel with the side of the residential structure.

3. In residential areas with an established development pattern, the minimum required street setbacks for the R, RS and MHP districts shall be the average of the street setback of the lots immediately adjacent on either side of the lot, or the value provided in Table 3-D, whichever is greater. If the average setback is greater than the standard of Table 17.12.030A, the required setback shall not be more than twice that required by that table. When the adjacent lot is vacant, or the subject lot abuts a side street, the value provided in Table 17.12.030A shall be used for that side. In areas undergoing new subdivision development, the zoning administrator may apply the standards of Table 17.12.030A below. In the MUN and MUL districts, the average street setback of existing structures along the same block may be applied to new construction on that block if determined appropriate to maintain or reinforce an established form of character of development.

4. When a subdivision plat establishes a reservation of land for future right-of-way acquisition, the street setback shall be measured from the ultimate right-of-way line.

5. Double frontage lots are subject to the provisions of Section 17.24.060(B). Property abutting a street designated as a scenic arterial by the major street plan shall comply with the provisions of Section 17.24.070.

6. The front façade of a principal structure on a corner lot that has lot lines of unequal length abutting the streets shall be oriented to the shorter lot line, except where the Zoning Administrator determines that the longer lot line is more appropriate based on one or more of the following criteria:

a. The longer lot line of a lot zoned for office, mixed-use, commercial, or industrial use is located along an arterial street as shown on the adopted major street plan;

b. The proposed structure will contain multiple businesses with outside entrances;

c. The predominant character or pattern of adjoining development is or will be oriented to the street on which the longer lot line is located.

Table 17.12.030A

STREET SETBACKS FOR SINGLE AND TWO-FAMILY STRUCTURES

Zoning Districts	Minor-Local and Local Streets	All [2] Other Streets
AG, AR2a, RS80, R80, RS40, R40	40 feet	40 feet
RS30, R30, RS20, R20, RS15, R15, RM2	30 feet	40 feet
RS10, R10, R8, RS7.5, R6, RS5, RS3.75, MHP, RM4 through RM60, I, MUN, MUL, MUG, MUI, ON, OR20, OR40, and ORI	20 feet [1]	40 feet

(1) Two-family dwellings with any parking proposed between the street line and the front edge of the residential structure shall provide a minimum street setback of thirty feet.
(2) Lots having vehicular access to these streets shall develop in a manner which avoids back-up movements into the public street.

Table 17.12.030B

STREET SETBACKS FOR MULTI-FAMILY AND NON-RESIDENTIAL DISTRICTS; AND NON-RESIDENTIAL USES IN AG, AR2a, R AND RS DISTRICTS

		Arterial Streets			
Zoning Districts	Nonarterial Streets	U2, S2 OW2 OW6	U4, S4	U6, S6	U8, S8
AG, AR2a, all R and RS, RM2 through RM15	70 feet	70 feet	82 feet	94 feet	106 feet
RM20, RM40	60 feet	60 feet	72 feet	84 feet	96 feet
ON, OL, OG, OR20, OR40	50 feet	50 feet	62 feet	74 feet	86 feet
RM60, MUN, MUL, MUG, ORI	40 feet	40 feet	52 feet	64 feet	76 feet
SCN, SCC, SCR, CN	50 feet see note 2	50 feet see note 2	62 feet see note 2	74 feet see note 2	86 feet see note 2
CS, CL, CA	45 feet	45 feet	57 feet	69 feet	81 feet
IR, IG, IWD	35 feet	35 feet	47 feet	59 feet	71 feet

Note 1: Properties abutting a street designated as a scenic arterial by the major street plan shall comply with the provisions of Section 17.24.070.
Note 2: In no event shall any street setback provisions permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this note.
Note 3: No street setbacks shall be required in the CC, CF and MUI districts.
Note 4: U=Urban Arterial, S=Scenic Arterial, OW=One Way Arterial (e.g., U2=two-lane urban arterial and S4=four-lane scenic arterial).

(Ord. 2002-1013 § 1, 2002; Amdt. 1 with Ord. 2002-1012 § 1, 2002; Ord. 2001-858 § 1, 2001; Ord. BL99-117 § 1 (part), 2000; Ord. 98-1268 § 1 (part), 1998)

17.12.035 Street setbacks within the urban zoning overlay district.

A. This section establishes street setbacks within mixed use, office, industrial, RM20, RM40, RM60 or commercial zone districts for any property located within the urban zoning overlay district regardless of the minimum street setback requirements described in Tables 17.12.030A and 17.12.030B whenever one or more of the conditions listed below applies:

1. The setback of a principal building, fronting the same street, that is located on an abutting lot or a lot separated by an intervening public street or alley does not meet the minimum requirements of Tables 17.12.030A or 17.12.030B;

2. In the case of a corner lot, the setback of a principal building located on any other corner lot at the same street intersection does not meet the minimum requirements of Tables 17.12.030A or 17.12.030B;

3. In the case of a corner lot, there is no principal building located on any other corner lot at the same street intersection;

4. Two-thirds or more of the principal buildings located along the same or opposite block face do not meet the minimum requirements of Tables 17.12.030A or 17.12.030B; or

5. The owner of one or more contiguous lots that collectively include at least one corner lot and at least fifty percent or more of the street frontage along either block face furnishes the zoning administrator a written request to use the contextual street setback requirements.

B. The determination of the appropriate street setbacks within mixed use, office, industrial, RM20, RM40, RM60 or commercial zone districts located within the urban zoning overlay district shall be made by following the criteria as outlined in subsection C of this section. For the purposes of this section, lots that are sixty feet wide or greater shall have the front façade of the building extend across at least twenty-five percent of the lot frontage or be at least twenty-five feet in width, whichever is greater. Lots that are less than sixty feet wide shall have the building extend across the full width of the lot in mixed use and commercial districts unless a driveway is required to access required parking, except that one or two family dwellings may have side yards a minimum of three feet in width. If a driveway is needed for service to accessory parking, an opening of up to twenty-six feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the fronts of the buildings to the extent shown in Figure 17.12.035. A primary entrance to the building shall be located at the front setback line. The front façade may have projections and recesses to accommodate columns, entrances, covered patios, and similar features.

C. The following criteria shall be used to determine the street setback, as applicable:

1. If the site is within a zoning overlay district, redevelopment district or an area having a design plan adopted by metropolitan council that includes a master plan or design guidelines for the placement of buildings at this location such guidelines shall apply.

2. If the site is not within an area having an adopted design plan, master plan or design guidelines and the building types and setbacks of existing buildings are characteristic of development under a different zoning district than what the property is currently zoned and that implementation of the current zoning will change the development character within the district (e.g., the existing development is one- or two-family dwellings and the zoning is for multi-family dwellings), then the setbacks from Section 17.12.030 (Street Setbacks) shall apply.

3. If neither subsection (C)(1) nor (C)(2) applies, then the site shall comply with these contextual setback provisions. Setbacks shall be determined as follows:

a. Use of buildings and site features as context:

i. Consistency with like building type. Lots with buildings of the same building type as proposed are to be used as the contextual basis for street setbacks. Lots with buildings of a different building type are not to be used as the contextual basis for street setbacks unless it can be demonstrated that the pattern of setbacks for both building types is fundamentally the same within a radius of five hundred feet. Civic buildings are not to be used as the contextual basis for street setbacks of non-civic buildings. Likewise, non-civic buildings are not to be used as the contextual basis for civic buildings.

ii. The determination of the appropriate street setback may take into account the presence of recorded easements or utility obstructions that prevent meeting any of the criteria above.

b. Contextual criteria:

i. Street setbacks shall be consistent with the predominant pattern of street setbacks of pre-1950 buildings (built before 1950) located within a distance of three lot widths along both sides of the same or intersecting street frontages, as applicable. If the predominant pattern is consistent with the setback requirements of the base zoning district, then Table 17.12.030A or Table 17.12.030B shall apply as applicable.

ii. If the lot is a corner lot, street setbacks shall be consistent with the street setbacks of any pre-1950 building that previously occupied the same corner lot. If that information is not available, street setbacks shall be consistent with the street setbacks of any pre-1950 building

located on any of the other corner lots at the same intersection.

iii. If there are no pre-1950 buildings located on adjacent or nearby lots, street setbacks shall be consistent with the pattern of street setbacks shown at that location on record maps dating from 1950 or earlier. (Ord. BL2004-221 § 1 (part), 2004)

Figure 17.12.035

17.12.040 Other setbacks.

A. Railroads. In the IWD, IR and IG districts, no side or rear setback shall be required along a lot line adjacent to an operative railroad track.

B. Setbacks for Irregular-Shaped Lots. Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the zoning administrator shall interpret the application of the setback provisions.

C. Party Walls. The side setback requirements may be waived when attached dwelling units are subdivided for sale along common party walls in the RM and mixed-use districts.

D. Building Separation. In the RM districts the minimum distance between two buildings on the same lot shall be ten (10) feet or the minimum required by the building code, whichever is greater.

E. Permitted Setback Obstructions. The following structures or building components may be located within required setbacks. Except for screening walls, fences and hedges, the following features shall not be permitted within a required landscape buffer yard.

1. Accessory buildings.

a. Accessory buildings, when located to the rear of a principal structure on a lot where the rear lot line abuts an alley, shall provide a minimum rear setback of three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;

b. Accessory buildings (including above-ground swimming pools extending more than twelve inches above ground level) of six hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (but not less than three feet) and a minimum rear setback of at least three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;

2. Arbors and trellises;

3. Awnings, patio covers, or canopies projecting not more than six feet from a building wall over a required setback, and having no supports other than provided by the wall or its integral parts;

4. Chimneys projecting not more than three feet into the required setback, and not exceeding two percent of the overall setback area provided that a minimum setback of three feet to any property line shall be provided;

5. Clothes poles or clothes lines in rear setbacks of residential districts;

6. Within the urban zoning overlay district, covered or enclosed porches, between thirty inches and eight feet in height above grade, in the side and rear setback areas (but not closer than three feet from the property line);

7. Curbs and sidewalks;

8. Eaves, gutters or downspouts, projecting into or over required yards not more than twenty-four inches;

9. In nonresidential districts, elevated pedestrian walkways that cross lot lines or public ways;

10. Fire escapes or staircases, the riser of which shall be at least fifty percent open, subject to the following conditions:

a. In residential districts the encroachment may be up to three feet into the required yard as long as a minimum setback of two feet from the property is maintained,

b. In mixed-use and nonresidential districts, the total area of stairway coverage shall not exceed thirty percent of the area of such required yard;

11. Flagpoles having only one structural ground member;

12. Fountains;

13. Heating, ventilation and air conditioning units (including compressors and condensers) for single-family or two-family dwellings, provided exhaust air is directed vertically or otherwise away from the adjacent property line;

14. Mailboxes;

15. Open terraces, including natural plant landscaping;

16. Open, uncovered stoops, including handicap ramps;

17. For single family or duplex uses, parking spaces for the handicapped;

18. Recreational equipment in the rear setback in residential districts;

19. Sculpture or other similar objects of art;

20. Signs, subject to the provisions of Chapter 17.32;

21. Steps to the principal entrance and necessary landings, together with a railing no more than three feet high, and extending no more than six feet into the setback;

22. Street furniture such as benches, drinking fountains, trash receptacles (not dumpsters), ash trays, light standards or directional signs. Dumpsters may encroach on the required rear setback;

23. In-ground swimming pools extending twelve inches or less above ground level in side or rear setback areas;

24. Trees, shrubs, flowers, hedges or other features of natural growth;

25. Vehicular parking areas and associated driveways, except within landscape buffer yards or within the required street setback of the MUN, MUL, OR20 and OR40 districts;

26. Screening Walls or Fences. The maximum permitted height measured from finish grade level on the side of the wall or fence with the greatest vertical exposure shall be:

a. Two and one-half feet in height within ten feet of a street right-of-way. Open fences, such as chain link or those of a similar nature are permitted to be six feet in height,

b. Six feet in height within the remainder of the required front setback,

c. Eight feet in height within the required side or rear setback or within any platted common open space;

27. An uncovered deck that is located at least ten feet from the rear property line, does not encroach on required side setbacks and has a maximum deck elevation no greater than the average finished first floor elevation of the principal building as established by the front entrance;

28. Wells;

29. Utility transmission lines and associated structures, such as poles;

30. Satellite dishes not exceeding eighteen inches in diameter; and,

31. Yard and service lighting fixtures and poles. (Ord. 2002-1015 § 1 (part), 2002; Ord. 2000-364 § 1 (part), 2000; Ord. 98-1268 § 1 (part), 1998; amended during 2-98 supplement; Ord. 96-555 § 3.4, 1997)

17.12.050 Accessory building floor area controls. special floor area controls for lots with single-family and two-family dwellings.

A. On all lots with a size of less than forty thousand square feet, the building coverage of an accessory structure located to the rear of the principal dwelling and complying with the district setbacks shall be limited to six hundred square feet or fifty percent of the building coverage of the principal dwelling, whichever is greater, but in no case shall exceed two-thousand five-hundred square feet.

B. These floor area controls shall not apply to accessory structures proposed on lots where agricultural activities and domestic animals/wildlife are permitted. (Ord. 2002-1015 § 1 (part), 2002)

17.12.060 Building height controls.

A. Height Controls Established. No building or other structure shall penetrate the height control plane except as permitted by this section. Height controls shall be imposed from:

1. All setback lines in AG, AR2a and residential districts;

2. All street setback lines in nonresidential districts;

3. The boundary between an AG, AR2a, RS, R, RM or MHP district and a nonresidential district;

B. Special Height Regulations For Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall not exceed three stories. In all districts with a minimum lot size of less than forty thousand square feet, accessory structures shall not exceed one story or sixteen feet in height, whichever is less. In all residential districts with a minimum lot size of at least forty thousand square feet, accessory structures located to the rear of the principal dwelling may be two stories or twenty-four feet in height, whichever is less, provided that the full side and rear setbacks required by the applicable district are provided and the lot has an area of at least forty thousand square feet. If not so established in historic overlay districts, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.

C. Special Height Regulations for Single-Family and Two-Family Dwellings Within the Urban Zoning Overlay District.

1. Single-family and two-family dwellings shall not exceed three stories.

2. In all districts with a minimum lot size of less than forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than sixteen feet from the side and rear setback lines. The roof on the structure shall rise from the side walls at a roof pitch no steeper than the predominant roof pitch of the principal dwelling, except that the vertical walls may extend to the underside of the roof at the gable end of a gabled roof. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.

3. In all residential districts with a minimum lot size of at least forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical wails rising no higher than twenty-four feet in height exclusive of a pitched roof, provided that the full side and rear setbacks required by the applicable district are provided and the lot has an area of at least forty thousand square feet. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.

If not so established by the design standards of an historic overlay district, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.

D. Permitted Height Obstructions. In the mixed-use and nonresidential districts, the following structures shall be exempt from the height control standards of this section.

1. On-premises signs subject to the provisions of Chapter 17.32;

2. Chimneys or flues;

3. Elevator or stair bulkheads, roof water tanks, or cooling towers;

4. Flagpoles;

5. For religious institutions, ornamental towers, spires or belfries having no floor area within that portion of the tower exceeding the height limit or penetrating the height control plane;

6. Parapet walls not more than four feet high.

E. Special Height Restrictions Along Highways Designated Scenic Under T.C.A. Section 54-17-101 et seq.

1. For purposes of this subsection D, the following terms shall have the meanings shown:

a. "Coverage area" means the total surface area proposed to be covered by a structure.

b. "Natural elevation" means the average elevation of the coverage area prior to grading, to be computed by dividing the sum of the elevations of points taken at twenty-five foot intervals around the perimeter of the coverage area by the total number of such points.

c. "Measuring segment" means the full segment of scenic highway abutting the property on which the building is to be built.

d. "Measuring segment elevation" means the average elevation of the measuring segment, to be computed by dividing the elevations of points taken along the centerline of the measuring segment at twenty-five foot intervals divided by the total number of such points.

e. "Maximum building height" means the difference between the maximum elevation of a building, including any object to be affixed thereto, and the natural elevation.

2. The "maximum building height" of any building to be built within three hundred feet of, and on a parcel of property abutting, a road designated a scenic highway by Tenn. Code Ann. Section 54-17-101 et seq., as amended, shall not exceed the following:

a. For a building site having a natural elevation lower than the measuring segment elevation, maximum building height shall be no more than thirty-five feet higher than the measuring segment elevation.

b. For a building site having a natural elevation higher than the measuring segment elevation, maximum building height shall be no more than thirty-five feet higher than the natural elevation. (Ord. 2002-1015 § 1 (part), 2002; Amdts. 2, 8 with Ord. BL2000-364 § 1 (part), 2000; Amdt. 1 with Ord. BL2000-317 § 1, 2000; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 1(9) of Amdt. 1 with Ord. 96-555 § 3.5, 1997)

17.12.070 Special floor area ratio (FAR) provisions.

A. Plazas/Arcade Bonus. For properties located within the CC and MUI districts, a floor area development bonus is offered in return for the design and construction of pedestrian plazas and/or arcades that are accessible to the general public. Two categories of bonuses are offered to the property owner:

1. Design Plan Plaza/Arcade Bonus. A property owner electing to construct a pedestrian plaza or arcade in strict accordance with the design standards established by an Urban Design Overlay district shall derive the following increase in building floor area based on each square foot of plaza or arcade area provided.

District	Bonus Floor Area (in sq. ft.)
CC	Plaza: 15.0
	Arcade: 7.5
MUI	Plaza: 6.0
Arcade: 3.0	Arcade: 3.0

2. Standard Plaza/Arcade Bonus. Properties not specifically designated by an urban design overlay district as qualifying for plaza and/or arcade bonuses under the provisions of subdivision (1) of this subsection, also may elect to provide a plaza and/or arcade in return for a floor area development bonus.

a. For qualifying plazas and arcades, the provision of one square foot of plaza or arcade area shall yield the following increase in developable floor area:

District	Bonus Floor Area (in sq. ft.)
CC	Plaza: 7.5
	Arcade: 3.75
MUI	Plaza: 3.0
	Arcade: 3.0

b. Design Criteria. To qualify for a standard plaza/arcade floor area bonus, the following design criteria shall be satisfied:

i. Plazas.

(A) The plaza shall provide a minimum depth of ten feet from the adjacent street and a minimum area of five hundred square feet.

(B) The floor of the building located at plaza level shall provide individual establishments such as restaurants or retail sales that open directly to the plaza. Up to fifty percent of the plaza area may be utilized as a sidewalk café.

(C) When feasible, pedestrian linkages shall be provided to plazas located on adjacent lots.

ii. Arcades.

(A) The arcade shall provide a minimum height of twenty-five feet and a minimum area of five hundred square feet.

(B) The arcade shall be located within five feet of the average level of the street. The floor of the building located at arcade level shall provide individual establishments such as restaurants or retail sales that open directly to the arcade.

B. Residential Bonus in Mixed Use, ORI, CF and CC Districts.

1. For property located either (a) in the MUI District, or (b) within the urban zoning overlay district in any mixed-use, ORI, CF or CC district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building. This uncounted floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.

2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section to construct ten or more residential units, the following number of residential units shall be restricted for use as affordable housing for a period of at least twenty years:

affordable housing units = 25% x (total residential units - 10)

This provision shall be enforced pursuant to the affordable housing provisions in Section 17.36.090(b) (3).

C. Exemption in the MUI and CC Districts. In the MUI and CC districts, leasable space that is located at street level with a minimum depth of twenty feet, which is occupied by uses that have individual access to the street such as, but not limited to, either a bar, restaurant or retail use, shall be excluded as floor area for the purpose of calculating floor area ratio. A minimum of fifty percent of each storefront shall be glazed window area. Also excluded as floor area:

1. Below grade parking; and

2. Above grade parking decks of flat plate type construction that provide no less than twelve feet floor to ceiling clearance and have architectural cladding.

D. Parking Exemptions. In all districts the floor area used for the provision of off-street parking spaces or loading berths (and the driveways and maneuvering aisles for those spaces and berths) shall not be counted as floor area for the purpose of calculating floor area ratio when such spaces or berths are used to satisfy the parking demands for the principal use(s) on the parcel.

E. Street Level Parking Decks in the MUI and CC Districts. Parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed. That floor area shall

be excluded from the calculation of floor area ratio. (Ord. 2002-1015 § 1 (part), 2002; Ord. BL2000-364 § 1 (part), 2000; Amdt. 1 (part) with Ord. 99-1754 § 4, 1999; Ord. 96-555 § 3.6, 1997)

17.12.080 Lot averaging.

In order to better accommodate within a subdivision of ten or more residential lots certain natural features such as, but not limited to, sinkholes, streams and topographic changes, the provisions of this section may be utilized to adjust the minimum required lot area between lots. In the R and RS districts, up to ten percent of the platted lots within each phase of a subdivision may contain as little as ninety percent of the minimum required lot area of the zoning district, as established by Table 17.12.020A, provided that the average size of all lots within the same recorded phase of the subdivision is equal to or greater than the standard minimum lot size for the district. (Ord. 2002-1015 § 1 (part), 2002; Ord. 96-555 § 3.7, 1997)

17.12.090 Cluster lot option.

In order to provide for flexibility of design, the creation of common open space, the preservation of natural features or unique or significant vegetation, subdivisions in the R and RS districts may cluster lots subject to the following restrictions:

A. The preliminary plat of subdivision shall establish that clustering is proposed and display the layout and area of all lots and common areas and all phasing boundaries. Within a preliminary plan of subdivision, large contiguous areas may be proposed for development of single-family lots that contain less land area than normally required by Table 17.12.020A for the associated zoning classification of the subdivision. Subdivisions proposed for cluster lot development shall clearly delineate on the preliminary plan of subdivision the alternative lot size standards to be employed and describe those land areas required to satisfy the open space requirements of this section.

B. The minimum area within the cluster lot subdivision shall be no less than ten times the minimum lot area for the base zoning district as established by Table 17.12.020A. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten).

C. Lots may be reduced in area the equivalent of two smaller base zone districts. As an example, a subdivision in the R15 district may utilize the cluster lot option to create lots equivalent in size to the R8 district. In similar fashion, a subdivision in the RS15 district may create lots equivalent in size to the RS7.5 district. The bulk standards of a comparable district which most closely resembles the alternative lot sizes chosen for any given phase of development shall be employed for that phase of the subdivision. Perimeter lot sizes shall adhere to the following standards:

1. The minimum size of perimeter lots oriented towards an existing street shall be at least ninety percent of the minimum size required by Table 3-A for the actual zoning of the property. If, however, the property on the opposite side of the street has previously developed with smaller lot sizes, or has a currently approved plan of development with smaller lots sizes, the planning commission may permit the perimeter lots to be of a comparable size to those opposite lots within the overall size limitations established by this section.

2. Perimeter double-frontage lots oriented to an internal street may be reduced in size the equivalent of one zoning district provided that a standard C landscape buffer yard is provided within common open space along that boundary. Alternatively, perimeter double frontage lots may be reduced in size the equivalent of two districts with the installation of a standard D landscape buffer yard.

3. Perimeter lots otherwise abutting a conventional R or RS subdivision may be reduced in size the equivalent of one zoning district with the installation of a standard B landscape buffer yard located within common open space. Perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard C landscape buffer yard. In situations where abutting lots of a neighboring development are smaller in size than would otherwise be required of the perimeter lots in the cluster lot subdivision, the planning commission may permit the perimeter lots to be of a similar character to those abutting lots within the overall size limitations established by this section.

D. Utilization of alternative minimum lot sizes shall result in the creation of common open space. At a minimum, open space shall be provided for in each phase of a development employing alternative lot sizes at the rate of fifteen percent of that phase's gross land area.

E. The determination of lot yield shall be based upon assigning fifteen percent of the gross land area to streets and dividing the remaining eighty-five percent of the gross land area by the minimum lot area of the actual zone district.

F. Standards for the development of single-family and two-family lots in hillside and floodplain areas shall be as set out in Chapter 17.28. (Ord. 2002-1015 § 1 (part), 2002; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 3.8, 1997)

Chapter 17.16

LAND USE DEVELOPMENT STANDARDS

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Article I. General Provisions

17.16.010 Purpose and intent.

A. In addition to the zone district bulk, landscaping, parking and other regulatory provisions of this title, supplemental development standards may apply to specific land uses when located in certain zone districts. The zoning district land use table references those specific uses which must comply with supplemental development standards as:

PC	-	Permitted with conditions
SE	-	Permitted by special exception
A	-	Permitted as accessory to another principal use

B. Land use development standards are necessary because certain land uses are more unique or impacting than other uses in the same zone district and therefore conditions are established to insure compatibility with surrounding land uses. Other uses require large land areas, have unique operating characteristics, or tend to dominate the area more intensely than do other uses permitted in the same zone district. Some uses are socially and economically necessary in a particular zone district even though the potential may exist for the use to be incompatible with existing and future development. The development standards are intended to lessen and minimize incompatible land use relationships. Because the potential impacts cannot be satisfactorily predetermined for every location, some land uses are permitted in a zone district only as a special exception. Finally, other uses are uniquely incidental to other principal land uses and are appropriate when certain minimum standards are satisfied.

C. No zoning permit shall be issued for any development or use of land listed as PC, SE or A in the zoning district land use table unless the use is in compliance with all applicable land use development standards. Where development standards of this chapter are in conflict with the minimum bulk regulations, the more restrictive standard shall apply. (Ord. 96-555 § 4.1, 1997)

Article II. Uses Permitted With Conditions (PC)

17.16.020 Applicability.

The land use development standards in this article apply to uses permitted with conditions, referenced as “PC” in the zoning district land use table, Section 17.08.030. (Ord. 96-555 § 4.2 (part), 1997)

17.16.030 Residential uses.

(Refer to zoning district land use table)

A. Consignment Sale. A consignment sale shall be permitted provided the following conditions are met:

1. Consignment sale must be held or conducted in or upon real property, and must be accessory to the principal use of the land.

2. Lot Area. A minimum lot size of three acres shall be required for any consignment sale.

3. Within any calendar year, a maximum of two consignment sale events shall occur per lot. An event is defined as a consignment sale that may occur for one day, two days and at most three days per an event.

4. Parking. Adequate off-street parking shall be provided to reduce traffic congestion and the blocking of driveways to other private or public properties.

5. An auction of a decedent's personal estate and/or real property conducted by a licensed auctioneer shall not be counted as a consignment sale.

B. Mobile Home Dwelling. In the mobile home park (MHP) zone district, the following supplemental development standards shall apply.

1. Minimum size of park: two acres under single ownership.

2. Maximum density: nine homes per acre.

3. Landscape Buffer Yard. Where the perimeter of a mobile home park development abuts an R or RS zone district, a minimum of landscape buffer yard Standard B-3 (fifteen feet) shall be applied, and where the development abuts a public street the minimum width of the buffer yard shall be C-2 thirty feet.

4. Open Space. A minimum of ten percent of the total land area within the MHP, excluding roadways, drives, off-street parking areas and required setbacks, shall be designated as open space.

5. Mobile Home Park. Mobile home dwellings shall be permitted in a mobile home park on a two acre minimum tract under single ownership provided:

a. Minimum lot area: four thousand square feet per each individual lot or lease plot.

b. Minimum lot width: minimum of forty feet.

c. Setbacks:

1. Public/private street or private drive: minimum of twenty feet.

2. Rear property or lease line: minimum of ten feet.

3. Side property or lease line: minimum of ten feet.

d. Maximum height of any structure within the MHP: thirty feet.

e. Maximum floor area ratio (non-residential): .60.

f. Maximum impervious surface ratio: .70.

g. Street Standard. The mobile home park shall have direct access to an abutting improved public street designated or proposed as an arterial or collector street on the Major Street Plan. At a minimum, access and circulation within the park shall be provided by a paved driveway with a minimum width of twenty-four feet, permanently maintained by the landowner through conveyance of a private easement on a recorded property plat. If the paved driveway has visitor parking along it, the minimum pavement width of the driveway shall be increased to twenty-seven feet.

h. Sidewalk. A sidewalk with a minimum width of four feet shall be provided along one side of all private drives within the MHP.

i. Tenant Storage. A minimum of ninety cubic feet of enclosed tenant storage space shall be provided. The skirting of the undercarriage shall not be used for purposes of required tenant storage space.

j. Skirting of Undercarriage. Each mobile home unit's frame, axles, wheels, crawl space storage area, and utility connection shall be concealed from view through use of durable all-weather materials manufactured specifically for the purpose of covering the undercarriage area of the unit.

6. Board of Health Approval. A mobile home park development shall be reviewed and approved by the director of the metropolitan board of health in accordance with Chapter 10.40 of the Metropolitan Code of Laws and the rules and regulations promulgated by the metropolitan health department.

C. Security Residence. A residence shall be permitted provided the following conditions are met:

1. The residence is occupied by a security guard, the business owner or member of the owner's immediate family defined as grandmother, grandfather, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, aunt or uncle;

2. The residence must be accessory to the principal use of the land and either located directly above the business or within the same building as the business;

3. The residence may not be rented;

4. The residence must provide the required parking per Article II of Chapter 17.20;

5. Only one residence is permitted on the property;

6. No entrance to the residential unit, which would be visible from the street, may be added solely for the purpose of providing direct outside access to the street;

7. An instrument shall be recorded with the register's office covenanting that the residence is being established as an accessory use and may only be used under the conditions listed above.

D. Two-Family Dwellings. In the AG, AR2a, R80, R40, R30, R20, R15, R10, R8 and R6 districts, two-family dwellings in a single residential structure may be permitted on any lot provided:

1. The lot is legally created and is of record in the office of the county register prior to August 1, 1984;

2. The lot is created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots; or

3. The lot is part of a subdivision having preliminary approval by the metropolitan planning commission on or before August 15, 1984, and having commenced any substantial site development or infrastructure improvements, such as utilities and streets, and a portion of such subdivision is recorded in the office of the county register prior to April 1, 1985; or

4. The following:

a. The lot is part of a subdivision,

b. The subdivision has been approved by the metropolitan planning commission, and

c. The total number of lots permitting two-family dwellings within the subdivision shall be limited to not more than twenty-five percent of the total number of lots within the subdivision, and

d. The total number of lots within the subdivision permitting two-family dwellings shall be computed by disregarding and eliminating any and all fractions of a permitted two-family dwelling which results from the application of the twenty-five percent limitation to the total number of lots within the subdivision, and

e. The lots permitting two-family dwellings are identified on the final plat and the locations of the two-family dwellings have been approved by the metropolitan planning commission so as to minimize the impact on any existing single family development, and

f. The final subdivision plat has been recorded in the office of the county register; or

5. The lot is part of a planned unit development authorizing two-family structures as enacted by the metropolitan council.

E. Adaptive Residential Development. A residential use shall be permitted provided it is located on a lot or within an existing building located within the urban zoning overlay district having the majority of its frontage on an arterial street or collector street as shown on the adopted Major Street Plan, and where a minimum of forty percent of the existing or proposed building's gross floor area is devoted to residential uses, subject to the following conditions:

1. Applicability. The provisions of this section shall apply to any residential use permitted with conditions in a non-residential zoning district, or at an applicant's discretion, to any residential use permitted by right within a non-residential zoning district, provided it complies with the criteria set forth in this section.

2. Design Standards.

a. All Residential Uses. The standards of this section shall apply only to a building or portion thereof converted to residential use, and any addition to an existing building for residential use, where a minimum of forty percent of the building's gross floor area is devoted to residential use, as explicitly shown on the approved final site plan under the authority of Section 17.40.170(A) of this title, except as provided below for new construction. The standards of this section shall not apply to any building proposing to devote less than forty percent of the gross floor area to residential uses.

b. Single-Family and Two-Family Residential Uses. Single-family and two-family uses shall be permitted only in an existing building or as part of a new mixed-use development within a single-structure.

Otherwise, all other requirements and standards established by other chapters of this title, as well as any other applicable metropolitan government, state or federal regulation, shall apply to the development and use of properties shown on the final site plan. In case of conflict between the standards of this section and other chapters of this zoning code, the provisions of this section shall control, except for council-approved plans such as planned unit developments, urban design overlay districts, and redevelopment districts.

3. Residential Floor Area. In all non-residential districts that permit with conditions a residential use, no density or floor area ratio applies to those portions of a non-residential building converted to a residential use or to new residential construction.

4. Building Orientation. In any new or existing building, a primary building entrance shall be oriented to the arterial street, to the extent feasible. On a corner lot, entrances shall be determined in consultation with the zoning administrator.

5. Driveway Access. For new construction, driveway access may be permitted on a non-arterial or non-collector street only if that street intersects the arterial or collector street within the same block.

6. Parking. Parking spaces shall be required for any residential, commercial and/or retail use in accordance with Chapter 17.20. In addition, no more than one and one-half spaces shall be required per a residential dwelling unit. Tandem residential parking may be no more than two cars in depth. If parking is provided in a new deck or structure, the ground floor of the parking facility abutting a public street shall contain commercial or retail uses for seventy-five percent of the street frontage. The commercial or retail area shall have a minimum depth of twenty feet, a minimum height of fourteen feet (floor to floor) for the first floor of the garage at street level, with each storefront having between fifty-five percent and

eighty-five percent glazed window area along the garage wall facing the public street.

7. Traffic Impact Study. No traffic impact study shall be required, except the traffic engineer may require a study for developments of one hundred dwelling units or greater.

8. Landscaping. Notwithstanding Section 17.24.050(A), any single addition that increases the total building area by twenty-five percent or more of an existing building, in whole or in part, shall provide landscaping as required by this title. Where the number of parking spaces is increased by twenty-five percent, either through a parking lot expansion or the construction of a new parking lot, interior parking lot landscaping shall be required.

9. IWD and IR Districts. Only multi-family uses shall be permitted in these two industrial districts, and then, only in a structure where the historical commission has determined the structure is worthy of conservation, was constructed more than fifty years ago, and is being preserved with no additions, deletions, or alterations which would be inconsistent with the historic nature of the building or significantly alter the building's exterior appearance (i.e., blocking out windows with brick or other materials). In addition, the zoning administrator must find that the uses of property surrounding the non-residential structure are not detrimental to the health, safety, and welfare of prospective residents and that the project will not displace viable industrial uses.

10. Final Site Plan Approval. A final site plan application shall be submitted for review and approval in a manner consistent with the procedures of Section 17.40.170(A), and any supplemental information requested after review of the application. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with all applicable standards. The zoning administrator, upon advice of the appropriate metropolitan government agencies, shall grant final site plan approval based on findings that the design, proportions, and articulation of the proposed residential use are compatible with, and do not impact, the abutting or adjacent uses.

11. Alternative Design Standards. Where a proposed residential development cannot comply with the standards of this section, the applicant shall be required to submit for review by the board of zoning appeals a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this title. The minimum filing fee shall be equal to a commercial application as per the adopted board of zoning appeals fee schedule. In granting such approval of a special exception application, the board shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted general plan. The board shall not act on any application without first considering a recommendation from the planning department.

12. Exceptions. Any existing single-family or two-family residential structure located on any street within the CC and CF district upon February 4, 2005, and which is, or will be owner-occupied, shall qualify as a "PC" use under this section. Further, in the event a use qualifying under this paragraph is damaged or destroyed, the structure may be restored within one year regardless of the percentage of damage or destruction. For purposes of this section, owner-occupied shall mean that as provided in Section 17.16.160(A)(4); however, the structure need not be an historic home. (Amdts. 1 and 2 with Ord. BL2004-492 § 2, 2005; Ord. 2002-1011 § 1 (part), 2002; Amdt. 1 with Ord. BL2000-477 § 1 (part), 2000; Ord. 99-1642 § 1 (part), 1999; Ord. 99-1616 § 1 (part), 1999; Ord. 98-1268 § 1 (part), 1998; Ord. 98-1267 § 2, 1998; Ord. 96-555 § 4.2(A), 1997)

17.16.035 Institutional uses.

(Refer to zoning district land use table)

A. Day Care Center—Up to 75.

B. Day Care Center—Over 75.

C. Day Care Home.

1. Circulation. At a minimum, a circular driveway shall be provided with a separate entrance and exit, clearly marked as such, and where cars can be temporarily parked to escort children into and out of the day care facility, while not blocking other cars that want to exit using the circular driveway. To ensure optimum circulation, all parking spaces on the circular driveway shall be parallel parking spaces to prevent cars being backed-up into the flow of exiting traffic.

Where the facility is located within a mixed-use building on the same property, the zoning administrator may waive the circulation standard provided the applicant can demonstrate, to the zoning administrator's satisfaction, that the standard should not apply due to specific site or use characteristics.

2. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.

3. Lot Area. Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.

4. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.

5. Multi-Family Buildings. The zoning administrator may waive the above standards for multi-family housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location. (Ord. 98-1268 § 1 (part), 1998)

17.16.040 Educational uses.

(Refer to zoning district land use table)

A. Community Education.

1. Campus Size. Minimum campus size shall be based on the total enrollment capacity of the following school types:

School Type	Minimum Campus Size*
Elementary (K—8)	5 acres + 1 acre/100 students
Middle (5—9)	10 acres + 1 acre/100 students
High (7—12)	15 acres + 1 acre/100 students

* Public park space which abuts the school site may be calculated to meet the minimum campus size, provided the metropolitan board of parks and recreation approves the site for shared use.

2. Setback. Where elementary and middle school structures and outdoor activity grounds abut a residential zone district or district permitting residential use, there shall be a minimum setback of fifty feet. Where high school structures and outdoor activity grounds abut a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet. Notwithstanding any other provision of the Metropolitan Code of Laws, no new community education facility, as defined in Metropolitan Code of Law Section 17.04.060(B), shall henceforth be constructed within two thousand feet of the property line of any landfill or other waste disposal facility.

3. Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard B shall be applied along common property lines.

4. Street Standard. At a minimum, educational facilities shall have driveway access on streets that function at the minimum street standards below:

a. Elementary: any street; on minor local streets, driveway access shall be permitted only if the minor local street intersects an arterial or collector street within the same block;

b. Middle: collector street;

c. High: arterial street; or the intersection of two collector streets.

5. Reduced Lot Size. The board of zoning appeals may permit school facilities on smaller lot sizes than set forth above provided extracurricular activities are not offered by the school. Indoor/outdoor interscholastic and intramural competitive sports and outdoor physical education facilities are prohibited. Playgrounds and nature study grounds shall be permitted. The reduced lot size shall not be less than the following enrollment capacities.

Enrollment Capacity	Minimum Lot Size
1 to 75	2 acres
75 or more	3 acres + 1 acre/100 students

a. Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard A shall be applied along common property lines.

b. Street Standard. Reduced lot size educational facilities may have driveway access on any street, except on a minor local street driveway access shall be permitted only if the institution is located on a corner lot.

6. Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of this section, may petition the board of zoning appeals as a special exception use under the provisions of Article III of this chapter.

B. Vocational School.

1. Landscape Buffer Yard. Screening in the form of landscape buffer yard B shall be applied along common property lines.

2. Setback. Whenever a vocational school structure intended for vehicle repair, truck driving, manufacturing, production, or industrial equipment abuts a residential zone district or district permitting residential use, there shall be a minimum setback of fifty feet.

3. Street Standard. At a minimum, a vocational school shall have driveway access on a collector street. (Amdt. 1 with Ord. BL2002-1273 § 6, 2003; Amdt. 1, 2 with Ord. BL2002-1171 § 6, 2002; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(B), 1997)

17.16.050 Office uses.

(Refer to zoning district land use table)

A. Financial Institution. A financial institution office shall be limited to two thousand five hundred square feet of gross floor area per establishment.

B. General Office. A general office shall be limited to two thousand five hundred square feet of gross floor area per establishment.

C. Leasing/Sales Office. A leasing/sales office shall be limited to two thousand five hundred square feet of gross floor area per establishment. (Ord. 96-555 § 4.2(C), 1997)

17.16.060 Medical uses.

(Refer to zoning district land use table)

A. Medical Office. Medical offices shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than two establishments per lot.

B. Veterinarian. The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot. The following shall apply:

1. Animal boarding shall occur within completely enclosed structures.

2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.

3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.

a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.

b. No outdoor kennels or runs are permitted.

c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.

d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

e. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.

f. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.

g. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

h. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030(C) shall be met.

C. Outpatient Clinic. Outpatient clinics shall be limited to clinics with no more than six thousand square feet, with use being limited to occupational health, which is to be defined as those clinics that provide outpatient services limited to the treatment of minor work-related injuries, physical examinations and drug and alcohol screenings. (Ord. 2001-744 § 1, 2001; Ord. BL2000-480 § 1, 2000; Amdt. 1 with Ord. BL2000-242 § 1 (part), 2000; Ord. 96-555 § 4.2(D), 1997)

17.16.070 Commercial uses.

(Refer to zoning district land use table)

A. Automated Teller Machine (ATM). Where a drive-up ATM kiosk abuts a residential zone district or district permitting residential use, a minimum setback of twenty feet shall be provided and landscape buffer yard Standard B shall be applied within the setback.

B. Automobile Convenience.

1. Minimum Street Frontage. Each parcel shall have a minimum street frontage of one hundred feet on each abutting street.

2. Gasoline Pumps. Gasoline pumps shall be at least twenty feet from any property line and a minimum of twenty feet from any public right-of-way.

3. Automatic Car Wash.

a. One automatic car wash, capable of washing only one car at a time, shall be located fifty feet away from any residential zone district or district permitting residential use.

b. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.

c. If located within one hundred feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.

4. Mini-Marts. Mini-marts may be permitted on the site of a service station, including restaurants co-located within the same building. Parking shall be provided for each separate use pursuant to Chapter 17.20, Article II.

5. Equipment Rental. Rental of equipment such as trailers and trucks shall be permitted subject to the following restrictions:

a. The rental equipment does not occupy or interfere with the required parking for the gas station, mini-market (and/or restaurants);

b. The rental of the equipment is clearly incidental and secondary to the main activity on the site; and,

c. The storage of any rental equipment shall be located fifty feet away from any residential zoning district boundary or the property line of any property containing a residential use, and shall not be located abutting a public right-of-way.

6. Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems.

7. Refuse Storage and Disposal. Trash areas shall be provided and screened on at least three sides from public view by an opaque impact-resistant fence of sufficient height to screen the dumpster(s).

8. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.

C. Automobile Service or Automobile Service, Oil Change. Car wash facilities shall be limited to a single, automatic car wash. Where the property abuts a residential zone district or district permitting residential use, a minimum setback of twenty feet shall be provided.

D. Bar or Nightclub. Establishments shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than one establishment per lot.

E. Bed and Breakfast Inn. The bed and breakfast inn shall be limited to no more than ten guest rooms.

F. Car Wash.

1. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located fifty feet away from any residential zone district or district permitting residential use.

2. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.

3. Walls. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than six nor more than eight feet in height. If adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purposes of this section.

4. Parking. For facilities without defined stalls, a stall shall be calculated based on one stall being the equivalent to each twenty linear feet of washing area lane.

5. Hours of Operation. If located within one hundred feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.

6. Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems.

7. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.

G. Custom Assembly.

1. In the MUN, CN, CA and SCN zone districts, these activities shall be limited to two thousand five hundred square feet of gross floor area, and conducted only in completely enclosed buildings. No outdoor storage of materials or finished products shall be permitted.

2. In the MUL and CL zone districts, custom assembly shall be limited to five thousand square feet of gross floor area per establishment.

3. In all zone districts, structures used for custom assembly activities shall not have any openings facing any residential zone district other than those required for emergency egress.

H. Home Improvement Sales. Each establishment shall be limited to five thousand square feet of gross floor area. In the MUN and SCN zone districts, each establishment shall be limited to ten thousand square feet of gross floor area, maximum.

I. Mobile Storage Unit.

1. Within any calendar year, a lot of record shall have a maximum of one storage event for all units located on that lot. An event is defined as a storage period totaling no more than ninety days for all units. The storage period begins the day the first unit is located on the site and terminates ninety days thereafter regardless of how recently additional units may have been added to the existing storage area. If all units are removed prior to the ninety-day period on a lot, the storage period shall have been deemed to have occurred for that calendar year.

2. All units shall be maintained in a good state of repair and appearance.

3. All units shall be located at the rear or side of a building where excess parking exists.

4. No unit shall be located in or prevent the use of a required parking space or drive aisle.

5. No unit shall be stacked on top of another unit.

6. No signage or advertising may be placed on the unit except the name and phone number of the rental or leasing company from whom the unit is being leased or rented.

J. Restaurant, Fast-Food/Restaurant, Full-Service/Restaurant, Take-Out.

1. Each establishment shall be limited to five thousand square feet of gross floor area, maximum.

2. In the MUN district, a restaurant, take-out, must be located within a permanent, enclosed structure.

K. Retail.

1. In the MUN, ORI and CN zone districts, each establishment shall be limited to five thousand square feet of gross floor area, maximum.

2. In the MUL and SCN districts, each grocery store shall be limited to fifty thousand square feet, maximum. All other retail uses shall be no larger than twenty thousand square feet.

3. In the SCC district, each grocery store shall be limited to one hundred thousand square feet, maximum. All other retail uses shall be no larger than forty thousand square feet.

4. In the IWD, IR and IG zone districts, each establishment shall be limited to two thousand five hundred square feet of gross floor area, maximum.

L. Self-Service Storage.

1. Each storage unit shall be fully enclosed by walls and roof and shall not exceed six hundred square feet in area.

2. Outdoor storage shall not be permitted, except for the parking of recreational vehicles, boats and trailers.

3. Storage units shall not be used for the manufacture, processing or assembly of goods, the sale of goods or personal services on the premises, or customer pickup. Active use or activities such as the practice of musical instruments shall not be permitted within individual storage units or anywhere else on site.

4. Storage units shall not have service door openings within thirty-five feet of a residential zone district.

5. Service doors facing a public street or a residential zone district shall be screened by a solid wall or opaque fence with a minimum height of six feet, in addition to any required landscape buffer yard. Chain link fencing, barbed

wire and razor wire is prohibited along such public street or residential zone district.

M. Wrecker Service.

1. Setback. Where the outdoor storage of automobiles abuts a residential zone or district permitting residential use, a minimum setback of fifty feet shall be provided.

2. Landscape Buffer Yard. Screening in the form of landscape buffer yard standard C, with a six-foot masonry wall, shall be applied within the above setback. (Ord. BL2003-92 § 2, 2004; Ord. BL2001-674 § 1 (part), 2001; Ord. BL99-117 § 1 (part), 2000; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(E), 1997)

17.16.080 Communication uses.

(Refer to zoning district land use table)

A. Printing and Publishing. Each establishment shall be limited to five thousand square feet of gross floor area, maximum.

B. Radio/TV/Satellite Tower.

1. The applicant shall demonstrate that existing towers, buildings, or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower. Factors to be considered by the board of zoning appeals in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include structural capacity, radio interference, and geographic service area requirements.

2. Height. The maximum height of radio/TV/satellite towers shall be determined by the height control provisions of Chapter 17.12. Guy wire anchors, if used, shall be setback a minimum of five feet from all property lines. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to apply for a special exception permit per Section 17.16.180(A). The board of zoning appeals shall determine the maximum height of a radio/TV/satellite tower facility based on all engineering concerns having been addressed to the board's satisfaction, and that the proposed facility shall not be detrimental to surrounding properties.

3. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

C. Telephone Service.

1. Telephone Service. An applicant for a new microwave or cellular tower shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed new tower. Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include, but are not necessarily limited to, structural capacity, radio interference and geographic service area requirements.

2. Lot Size. In residential zone districts, the minimum lot size shall comply with the zone district bulk provisions.

3. Setback. Telephone services, including accessory buildings and vehicle parking areas shall comply with the setback provisions of the applicable zone district. In nonresidential zone districts, no tower shall locate within twenty feet of a residential zone district or district permitting residential use.

4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of Landscape Buffer Yard Standard A shall be applied.

5. Height. The maximum height of telephone facilities shall be determined by the height control provisions of Chapter 17.12, except in the MUN, ON, CN and SCN zone districts a height control plane slope of 1.5:1 shall apply. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to submit for a special exception permit per Section 17.16.180(B)(1).

6. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered. (Ord. BL2003-1304 §§ 1, 2, 3, 4, 2003; Amdt. 1 with Ord.

BL99-117 § 1 (part), 2000; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(F), 1997)

17.16.090 Industrial uses.

(Refer to zoning district land use table)

A. Building Contractor Supply.

1. No outdoor storage shall be permitted.

2. Loading Docks. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

3. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard D applied along common property lines.

4. Maximum Building Size. The gross floor area shall be limited to twenty-five thousand square feet.

B. Distributive Business/Wholesale.

1. No outdoor storage shall be permitted.

2. Loading Docks. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

3. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard D applied along common property lines.

4. Maximum Building Size. The gross floor area shall be limited to twenty-five thousand square feet.

C. Heavy Equipment Sales.

1. Setback. Where outdoor storage or repair of heavy equipment abuts a residential zone district or district permitting residential use, a minimum setback of fifty feet shall be provided.

2. Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard D, with a six-foot opaque fence, shall be applied within the above setback.

3. Maximum Building Size. The gross floor area shall be limited to twenty-five thousand square feet.

D. Manufacturing, Light. All light manufacturing activities shall be within completely enclosed structures.

1. No outdoor storage shall be permitted.

2. Loading Docks. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

3. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard D applied along common property lines.

4. Maximum Building Size. The gross floor area shall be limited to forty thousand square feet.

E. Tank Farm.

1. Setback. Where the tank farm abuts a residential zone district or district permitting residential use, a minimum setback of one hundred feet shall be provided.

2. Landscape Buffer Yard. Landscape buffer yard Standard D shall be applied within the above setback.

3. The tank farm shall comply with National Fire Protection Association standards.

4. A tank farm shall be permitted unlimited storage per Table 17.28.102 of this code provided all other conditions of this section and code are satisfied.

F. Warehouse.

1. Outdoor Storage. No outdoor storage shall be permitted.

2. Loading Docks. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential district.

3. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a residential zone district or district permitting residential use, screening in the form of landscape buffer yard Standard D shall be provided along common property lines.

4. Maximum Building Size. The gross floor area shall be limited to twenty-five thousand square feet.

5. Historic Eligibility. Only a nonresidential structure in the MUL, MUG, and MUI districts can be used for a warehouse and distributive business/wholesale use. The historical commission must have determined the structure is worthy of conservation, was constructed more than fifty years ago, and is being preserved with no additions, deletions or alterations which modify the building's square footage or significantly alters the building's exterior appearance (i.e. blocking out windows with brick or other material). (Amdt. 1 with Ord. BL99-117 § 1 (part) 200; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(G), 1997)

17.16.100 Utility uses.

(Refer to zoning district land use table)

A. Power/Gas Substation.

1. Setback. All buildings and vehicle loading areas shall be located a minimum of fifty feet from any residential zone district or district permitting residential use.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied.

3. Street Standard. On minor local streets, driveway access shall be permitted only if the minor local street intersects an arterial or collector street within the same block.

B. Reservoir/Water Tank.

1. Setback. Where such facilities abut a residential zone district or district permitting residential use, a minimum setback of fifty feet shall be provided.

2. Landscape Buffer Yard. Landscape buffer yard Standard D shall be applied within the above setback. (Ord. 96-555 § 4.2(H), 1997)

17.16.105 Transportation uses.

(Refer to zoning district land use table)

A. Park and Ride Lot.

1. Location. The park and ride lot shall be associated only with a nonresidential use located within a residential zoning district.

2. Street Standard. At a minimum, the parking lot shall have driveway access on a collector street.

3. Shared Parking Agreement. Pursuant to Section 17.20.010, a shared parking agreement shall be required for all "park and ride lots" in residential zoning districts. The nonresidential use, whose parking lot is proposed as a park and ride lot, must have a peak parking demand that falls outside of the hours of 6:30 a.m. to 6:30 p.m.

4. Lighting. All lots shall be lighted from dusk to dawn, and all light and glare shall be directed on-site.

5. Telephone. One public pay phone shall be provided on-site, in a visible area with lighting.

6. Waste Receptacles. Waste receptacles, at a rate of one receptacle per twenty-five parking spaces, shall be provided in the lot, in a fixed manner, to prevent trash from blowing onto public rights-of-way or into adjacent residential areas, and receptacle contents will be properly disposed of once a week. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998)

17.16.110 Waste management uses.

(Refer to zoning district land use table)

A. Construction/Demolition Landfill.

1. Lot Size. The minimum lot area shall be one acre.

2. Setback. The facility, including any structures or unloading areas, shall not be located within one hundred fifty feet of any residential zoning district boundary or within one hundred fifty feet of any residential structure, and further the facility shall not be located within two thousand feet of the property line of any school or park.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a collector street or a street designated on the major street plan. A traffic impact study shall demonstrate that traffic generated to/from the site will only use streets where the existing level of service (LOS) is "D," and it is forecasted to remain at a LOS D or better with the proposed landfill traffic.

B. Medical Waste.

1. Lot Size. The minimum site area shall be five acres.

2. Street Standard. Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a collector street or a street designated on the major street plan.

3. Setback. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred feet from any property line, two hundred fifty feet from any residential zoning district boundary, and five hundred feet from any residential structure, and further, the facility shall not be located less than two thousand feet from the property line of any school or park.

4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied. In addition, the entire facility shall be enclosed by a chain-link-type fence at least eight feet in height. The fence shall be patrolled each day to remove all windblown debris captured by the fence.

5. All loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building.

C. Recycling Facility.

1. Lot Size. The minimum lot area shall be one acre.

2. Setback. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred fifty feet from any zoning district boundary that permits residential uses or a legally occupied residential structure.

3. Landscape Buffer Yard.

a. Along all residential zoning districts permitting residential use, opaque fencing at least eight feet in height shall be constructed in compliance with the terms of Section 17.24.210(G) of the landscape buffer yard requirements. The fencing requirements set forth herein shall su-

percede the setback requirements for screening walls and fencing contained in Section 17.12.040. Screening in the form of landscape buffer yard Standard D shall be applied outside any required opaque fencing.

b. For facilities not adjacent to a zoning district that permits residential uses, the entire facility shall be enclosed by a chain-link type fence at least eight feet in height. The fence shall be patrolled each day to remove all windblown debris captured by the fence.

4. Street Standard. Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a collector street or a street designated on the major street plan. A traffic impact study shall demonstrate that traffic generated to/from the site will only use streets where the existing level of service (LOS) is "D," and it is forecasted to remain at a LOS D or better with the proposed recycling facility traffic.

5. All compacting, sorting, processing or storage shall take place within a completely enclosed building. The term "completely enclosed building" means a structure with at least four walls and is totally enclosed when all doors are closed. The enclosed area(s) of a recycling facility shall have concrete floors or floors made of some other hard material that is easily cleanable. All loading and unloading shall take place:

a. On a partially enclosed loading dock when the loading dock connects directly to the completely enclosed building in which compacting, sorting, processing or storage takes place; or

b. Within a Completely Enclosed Building. If a recycling facility utilizes a loading dock for loading and unloading, the loading dock shall not be used for storage and shall be cleaned of all materials at the close of each business day. The areas around loading docks and other high-traffic areas shall be paved.

6. Hours of Operation. The hours of operation for any recycling facility located adjacent to a zoning district that permits residential uses shall be limited to 7:00 a.m. to 6:00 p.m.

7. Lighting. For any recycling facility located adjacent to a zoning district that permits residential uses, all light and glare shall be directed on-site to ensure that surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels. (Ord. BL2004-156 § 1 (part), 2004; Amdt. 1 with Ord. BL2002-1273 §§ 1, 2, 2003; Amdt. 1, 2 with Ord. BL2002-1173 §§ 1, 2, 2002; Amdt. 1 (part) with Ord. BL99-86 § 1, 2000; Ord 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(I), 1997)

17.16.120 Recreation and entertainment uses.

(Refer to zoning district land use table)

A. Convention Center/Stadium/Arena.

1. Lot Size. The minimum lot area shall be fifteen acres.

2. Setback. Where the structure and related facilities, excluding passenger car parking lot, abut a residential zone district or district permitting residential use, there shall be a minimum setback of two hundred fifty feet.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. At a minimum, primary access shall be from a nonresidential collector street which has primary access to a street designated on the major street plan.

5. Traffic Management Study. A traffic management study shall be required.

B. Driving Range.

1. Street Standard. At a minimum, driveway access shall be from a collector street.

2. Location. The driving range shall be located so that it is one hundred feet away from any residential zoning district boundary or the property line of any property containing a residential use.

3. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

4. Retail/Restaurant. A snack-bar and pro-shop shall be permitted on the same parcel as the principal use provided it is contiguous to the area where people stand to drive golf balls. The combined area of the snack-bar and pro-shop shall not exceed one thousand five hundred square feet. The snack-bar shall not provide any sit-down food service or alcoholic beverages.

5. Fencing. Adequate fencing shall be provided to ensure golf balls do not fly into abutting or adjacent properties and streets.

C. Park.

1. Location. Notwithstanding any other provision of the Metropolitan Code of Laws, no new park, as herein defined, shall henceforth be constructed within two thousand feet of the property line of any landfill or other waste disposal facility. (Amdt. 1 with Ord. BL2002-1273 § 7, 2003; Amdt. 1 (part) with Ord. 99-1644 § 1 (part), 1999; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(J), 1997)

17.16.130 Other uses.

(Refer to zoning district land use table)

A. Cemetery.

1. Lot Size. The minimum site area shall be ten acres. Private family cemeteries and cemeteries accessory to a religious institution shall be on a one-acre lot, minimum.

2. Street Standard. For cemetery developments of twenty-five acres or greater, primary access shall be from a collector or arterial street.

3. Landscape Buffer Yard. Where the perimeter of a cemetery abuts a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard A along common property lines.

4. The following accessory uses shall be permitted: mausoleums, columbariums, chapels, funeral homes and other facilities for burial and ceremonial purposes. (Ord. 96-555 § 4.2(K), 1997)

Article III. Uses Permitted by Special Exception (SE)

17.16.140 Applicability.

The land use development standards in this article apply to uses permitted by special exception, referenced as "SE" in the zoning district land use table, Section 17.08.030, or as otherwise provided in this title. Special exceptions are land uses subject to review by the board of zoning appeals (see Chapter 17.40, Article VII). Religious institutions and cultural centers having a valid use and occupancy permit on the effective date of the ordinance codified in this code, which do not satisfy the land use development standards of this article, may expand under the authority of the board of zoning appeals subject to demonstrating compliance with the general provisions. Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of Section 17.16.040(A) may expand under the authority of the board subject to demonstrating compliance with Section 17.16.150. (Ord. BL2004-492 § 3, 2005; Ord. 96-555 § 4.3 (part), 1997)

17.16.150 General provisions.

A. Burden of Proof. A special exception permit shall not be considered an entitlement, and shall be granted by the board of zoning appeals only after the applicant has demonstrated to the satisfaction of the board that all of the required standards are met.

B. Ordinance Compliance. The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use set forth in this title, unless circumstances qualify the special exception for a variance in accordance with Chapter 17.40, Article VIII. Any accessory use to a special exception must receive express authorization from the board of zoning appeals.

C. Integrity of Adjacent Areas. A special exception use permit shall be granted provided that the board finds that the use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. The board shall determine from its review that adequate public facilities are available to accommodate the proposed use, and that approval of the permit will not adversely affect other property in the area to the extent that it will impair the reasonable long-term use of those properties. The board may request a report from the metropolitan planning commission regarding long-range plans for land use development.

D. Design and Architectural Compatibility. The operational and physical characteristics of the special exception shall not adversely impact abutting properties, including those located across street frontages. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access and circulation, building style and height, bulk, scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.

E. Natural Features. Special exception uses in residential zone districts must comply with the nonresidential tree protection regulations and other natural site features shall be preserved to the greatest extent possible so as to minimize the intrusion of nonresidential structures and parking areas.

F. Historic Preservation. Features of historical significance shall not be adversely affected by the granting of any special exception. The metropolitan historic zoning commission shall be consulted regarding those features essential to preserve the historical integrity of a building or site of historical significance.

G. Traffic Impact. The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area. The board of zoning appeals may require a traffic impact study for any special exception land use.

H. Repealed.

I. Hazard Protection. The proposed use shall reasonably protect persons and property from erosion, flooding, fire, noise, glare or similar hazards.

J. Special Conditions. Notwithstanding a finding by the board of zoning appeals that a special exception application satisfies the minimum development standards of this article, the board may restrict the hours of operation, establish permit expiration dates, require extraordinary setbacks and impose other reasonable conditions necessary

to protect the public health, safety and welfare. (Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.3(A), 1997)

17.16.160 Residential special exceptions.

(Refer to zoning district land use table)

A. Historic Bed and Breakfast Homestay.

1. Historic Eligibility. In order for a historic bed and breakfast homestay to operate, it must first be approved by the metropolitan historic zoning commission. A historic bed and breakfast homestay shall contain at least one historically significant structure as defined by Section 17.04.060.

2. The application with site and architectural plans shall first be referred to and reviewed by the metropolitan historic zoning commission to determine the structure's eligibility for operation as a historic bed and breakfast homestay. The commission shall furnish the board of zoning appeals with written recommendations on the eligibility of structures for such use based on historical significance, as defined in Section 17.04.060.

3. If the proposed structure is deemed eligible, exterior work proposed to be done will be subject to design review guidelines adopted by the metropolitan historic zoning commission for determining the architectural compatibility and historical significance of such work. If the metropolitan historic zoning commission determines, pursuant to Chapter 17.40, Article IX, that the proposed bed and breakfast structure qualifies for historic preservation or landmark designation, design review guidelines for neighborhood conservation districts shall apply. The metropolitan historic zoning commission's approval of work shall be granted in writing as a condition for issuance of a zoning permit.

4. Owner-Occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.

5. No more than one off-street parking space shall be provided for each guest room. The commission shall advise on the appropriate location and potential adverse impacts caused by the off-street parking of vehicles, and may recommend fencing, screening and landscaping to buffer and protect surrounding residential properties.

6. No signs shall be permitted for advertising. An accessory residential sign, not to exceed the dimensions of one square foot of area, displaying the name and/or address of the owner may be permitted.

7. The bulk regulations of the district for a residence shall apply. Overnight guest rooms may be located within historically significant accessory structures.

8. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.

9. Meal service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room.

10. The metropolitan fire marshal shall approve the structure for safety.

B. Rural Bed and Breakfast Homestay.

1. A rural bed and breakfast homestay shall be any geographically definable area of one agriculturally zoned lot which contains five or more acres for the principal structure as determined by the board of zoning appeals.

2. Owner-Occupied. The owner of the property must reside permanently in the home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the home.

3. No more than one off-street parking space shall be provided for each guest room. The board shall determine the appropriate location of these spaces and require fencing, screening and landscaping to buffer and protect surrounding residential properties from any adverse impact caused by the off-street parking of vehicles.

4. No signs shall be permitted for advertising. An accessory residential sign, not to exceed the dimensions of one square foot of area, displaying the name and/or address of the owner may be permitted.

5. The bulk regulations of the district for a residence shall apply.

6. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.

7. Meal service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room.

8. The metropolitan fire marshal shall approve the structure for safety.

C. Historic Home Events.

1. Lot Size. The minimum bulk standard for the zone district shall apply.

2. Location. The events shall be within a historically significant structure, as determined by the historic zoning commission.

3. Parking. Where the minimum parking space standard requires additional parking area to be constructed, such area shall comply with the perimeter parking lot landscaping according to Chapter 17.24 of this code. In urban settings, the board of zoning appeals may consider on-street parking to satisfy the minimum parking standard, provided there is a finding of sufficient available public space.

4. Signs. Signs for advertising shall not be permitted.

5. Meals. Meal service shall be restricted to patrons of the special event only, and not to the general public.

6. Owner-Occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.

7. Frequency of Events. The board of zoning appeals may limit the number and frequency of events to minimize disturbance to surrounding properties. (Ord. BL2001-675 § 1 (part), 2001; Ord. 99-1616 § 1 (part), 1999; Ord. 96-555 § 4.3(B), 1997)

17.16.170 Institutional special exceptions.

(Refer to zoning district land use table)

A. Correctional Facility.

1. A master development plan shall be submitted for site plan review and approved by the board of zoning appeals.

2. Campus Size. Minimum campus size shall be twenty-five acres.

3. Setback. All buildings and outdoor security areas shall be located a minimum of one hundred feet from all property lines.

4. Landscape Buffer Yard. The perimeter of a prison shall have screening in the form of landscape buffer yard Standard D along all property lines; however landscape buffer yard Standard B may be used along the street frontage.

5. Street Standard. At a minimum, major transportation uses shall have driveway access on nonresidential collector streets.

B. Cultural Center.

1. Lot Size. The minimum lot area shall be three times the minimum lot area requirement of the zone district or two acres, whichever is less.

2. Setback. Where active outdoor areas abut a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening

in the form of landscape buffer yard Standard B shall be applied along common property lines.

4. Street Standard. At a minimum, primary access shall be from a collector street which has primary access to a street designated on the major street plan.

C. Day Care Center. Day care centers shall be classified according to the ranges below. For existing facilities in residential zone districts, a special exception permit shall be required for any proposed increase which upgrades the classification.

1. Class I—Thirteen to Twenty-Five Individuals.

a. Lot Size. The minimum lot size shall be one-half acre.

b. Street Standard. Driveways shall have access on any street, except on minor local streets driveway access shall only be permitted where the lot is located at the intersection of the minor local street and an arterial or collector street.

c. Landscape Buffer Yard. Where the outdoor play area abuts any portion of a residential zone district or district permitting residential use, screening in the form of landscape buffer yard Standard A shall be provided.

2. Class II—Twenty-Six to Fifty Individuals.

a. Lot Size. The minimum lot size shall be one acre.

b. Street Standard. At a minimum, driveways shall have access on a collector street.

c. Landscape Buffer Yard. Where the day care center abuts a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard B along common property lines.

3. Class III—Fifty-One to Seventy-Five Individuals.

a. Lot Size. The minimum lot size shall be one and one-half acre.

b. Street Standard. At a minimum, driveways shall have access on a collector street.

c. Landscape Buffer Yard. Where the day care center abuts a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard C along common property lines.

4. Class IV—More than Seventy-Five Individuals. A Class IV day care center shall be permitted only if the site qualifies as a preferred location under subdivision (8) of this subsection and satisfies the development standards of Class III.

5. Spacing. Regardless of classification, no day care center or day care home shall locate on the same street block face or on an opposing street block face. Where a block face is over one thousand feet in length, no day care center or day care home shall locate within one thousand feet of another day care center or day care home, measured in a direct line from property line to property line and including any public right-of-way.

6. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.

7. All requirements of the state that pertain to the use and operation of the facility shall be met.

8. Preferred Locations. The land use development standards may be waived by the board of zoning appeals if the site meets any one of the criteria below. The minimum street standard may be waived only upon a favorable recommendation of the metropolitan traffic engineer. Preferred residential locations are where:

a. The day care center will be accessory to another institutional use; or

b. The day care center will be the principal use serving as an adaptive reuse of a vacant institutional facility or nonresidential structure; or

c. The day care center lot abuts and has common street frontage with a nonresidential or multifamily zone district; or

d. The day care center is within a large multifamily housing development of two hundred or more dwelling units.

D. Day Care Home.

1. The day care home shall only be permitted in an occupied residence or accessory to another institutional use.

2. Lot Size. The minimum lot area shall be the same as the principal activity; except when in the opinion of the board of zoning appeals circumstances warrant otherwise.

3. Street Standard. Day care homes may have driveway access on any street; however, no more than one day care home shall locate on a residential minor local street and not within one hundred (100) feet of the terminus of such street.

4. Spacing. Regardless of classification, no day care center or day care home shall locate on the same street block face or on an opposing street block face. Where a block face is over one thousand feet in length, no day care center or day care home shall locate within one thousand feet of another day care center or day care home, measured in a direct line from property line to property line and including any public right-of-way.

5. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.

6. All requirements of the state that pertain to the use and operation of the facility shall be met.

7. The board of zoning appeals may waive the above standards for multifamily housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location.

E. Religious Institution. The following standards shall be applied to a religious institution located within a residential district to ensure compatibility with nearby residential uses.

1. Pre-Existing Facilities. A religious institution having a valid use and occupancy permit on the effective date of the ordinance codified in this chapter may expand under the authority of the board of zoning appeals subject to demonstrating compliance only with the general provisions of Section 17.16.150, and the off-site parking requirements of subsection (E)(2) of this section. The standards of subsection (E)(3) of this section shall not apply to pre-existing facilities.

2. Pre-Existing Facilities—Off-Site Parking. Approval of an off-site parking lot shall be contingent upon a demonstration that the following standards have been met:

a. The appellant shall demonstrate by a parking study, reviewed by the metropolitan traffic engineer, that the minimum number of parking spaces required by Chapter 17.20, Article II cannot be developed on the same zone lot containing the place of worship;

b. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking study;

c. There shall be no vacant property adjacent to the place of worship on the same block face;

d. The off-site parking area shall abut a street upon which the zone lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship;

e. Vehicular access shall be restricted to a street upon which the zone lot of the place of worship abuts;

f. All off-site parking spaces shall be within two hundred feet of the zone lot boundary of the place of worship;

g. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area;

h. Pedestrian cross walks shall be provided to connect the off-site parking area and the place of worship if determined necessary by the metropolitan traffic engineer;

i. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any residential property or a public street or alley. The parking area shall only be illuminated when in use; and

j. When not in use by the place of worship, the parking area shall be secured by a locked barrier that precludes vehicular access. Buses or other vehicles shall not be stored in the parking areas.

3. New Facilities. New religious institution facilities, constructed after the effective date of the ordinance codified in this chapter shall be subject to the following performance standards.

a. Minimum Site Size. Land area shall be provided at the rate of .005 acre for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the board of zoning appeals may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.

b. Street Standard. A religious institution shall provide principle vehicular access via a street that at a minimum functions, or is otherwise classified, as indicated below:

i. Up to 50 seats: any through or temporary dead-end street; principle driveway access may be derived from a permanent dead-end street if the facility is located at the intersection with a through street;

ii. 51 to 300 seats: any through street or a temporary dead-end street;

iii. 301 to 1000 seats: any collector street;

iv. more than 1000 seats: an arterial street, or two intersecting collector streets.

The board of zoning appeals may waive the above street standards based on a recommendation from the traffic engineer that the projected volume of traffic, to be generated by the proposed facility, can be safely and efficiently accommodated by the existing local street network without adversely impacting the surrounding neighborhood.

c. Landscape Buffers. Screening and buffering in the form of a standard B landscape buffer yard shall separate all structures and parking areas from an abutting residential property.

d. Cemetery. A cemetery, including columbariums, may be permitted by the board as an accessory use to a religious institution. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.3©, 1997)

17.16.175 Commercial special exceptions.

(Refer to zoning district land use table)

A. Kennel/Stable.

1. Setback. No part of any building or structure in which animals are housed shall be closer than two hundred

feet, and no kennel run shall be located within one hundred feet, from any existing residence, other than one owned or occupied by an owner or operator of the kennel or stable. In the event more than ten horses are boarded on five acres or more, the building setback shall increase to two hundred feet from the property line.

2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

3. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

4. Runs. For a kennel, each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

5. Stalls. Each horse shall have sufficient space to stand up, lie down and turn around without touching the sides of the stall. Stalls are to be of material and construction that permits cleaning and sanitizing.

6. Riding Ring. For a horse, no riding ring, including jumps and corrals, shall be located closer than fifty feet to any property line.

7. Trail Rides. No horse shall be ridden or walked along public rights-of-way for any length of time or duration.

8. Gates and Locks. All gates for entrance/exit to the stalls, riding rings, and other training area must be kept locked when not in use. All horses connected with the riding stable shall be enclosed by appropriate fencing so they shall not be permitted to run at large.

9. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.

10. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998)

17.16.180 Communication special exceptions.

(Refer to zoning district land use table)

A. Radio/TV/Satellite Tower.

1. The applicant shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower. Factors to be considered by the board of zoning appeals in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include structural capacity, radio frequency interference and geographic service area requirements.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard A shall be applied to shield the base of the tower, accessory buildings and parking area.

3. Height. The maximum height of radio/tv/satellite towers shall be determined by the height control provisions of Chapter 17.12. Guy wire anchors, if used, shall be set back a minimum of five feet from all property lines. Where a proposed tower cannot comply with maximum height provisions, the board of zoning appeals shall determine the maximum height of a radio/TV/satellite tower facility based on all engineering concerns having been addressed to the board's satisfaction, and that the proposed facility shall not be detrimental to surrounding properties.

4. Lights. No lights shall be permitted on the tower except for warning lights required by state or federal law.

5. Notification. Prior to conducting a special exception hearing before the board of zoning appeals, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide informatioin about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

B. Telephone Services. All telephone services shall comply with the standards of Section 17.16.080; however, where the maximum height standard cannot be complied with, the standard for height below shall apply:

1. Height. The board of zoning appeals shall determine the maximum height of a telephone facility based on

all engineering concerns having been addressed to the board's satisfaction, and that the proposed facility shall not be detrimental to surrounding properties.

2. Notification. Prior to conducting a special exception hearing before the board of zoning appeals, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered. (Ord. BL2003-1304 §§ 5, 6, 2003; Ord. BL99-117 § 1 (part), 2000; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.3(D), 1997)

17.16.185 Industrial special exceptions.

A. Hazardous Operation.

1. Setback. All buildings used for handling, processing and/or storage of hazardous material shall be located a minimum of one hundred feet from all property lines and one thousand feet from any residential zone district.

2. Street Standard. At a minimum, hazardous operation uses shall have driveway access on nonresidential collector streets. A traffic impact study shall demonstrate that the truck traffic generated will use only streets that function at, or better than, a level of service (LOS) D.

3. Landscape Buffer Yard. Where the perimeter of a hazardous operation abuts a nonindustrial zone district, there shall be screening in the form of landscape buffer yard Standard D along common property lines.

4. The applicant shall demonstrate the capability to comply with all applicable federal, state and local regulations. In particular, the facility shall comply with the Explosive Materials Code (NFPA 495; Metropolitan Code of Laws, Chapter 10.64)

5. The permitted storage capacity of a hazardous operation shall be determined by the board of zoning appeals. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.3 (I), 1997)

17.16.190 Transportation special exceptions.

(Refer to zoning district land use table)

A. Airport.

1. Lot Size. The minimum lot area shall be one hundred acres.

2. Setback. Where transportation facilities, excluding passenger car parking lots, abut a residential zone district or district permitting residential use, there shall be a minimum setback of five hundred feet.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. At a minimum, airport land uses shall have driveway access on nonresidential collector streets. A traffic impact study shall demonstrate that the traffic generated will use only streets that function at, or better than, a level of service (LOS) D.

B. Bus Station/Landport.

1. Setback. Where transportation facilities, excluding passenger car parking lots, abut a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

3. Street Standard. At a minimum, bus station/landport land uses shall have driveway access on nonresidential collector streets.

C. Bus Transfer Station.

1. Setback. All buildings and passenger loading areas, excluding passenger car parking lots, shall be located a minimum of fifty feet from any residential zone district or district permitting residential use.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard B shall be applied along common property lines.

3. Street Standard. At a minimum, bus transfer station land uses shall have driveway access on any street which intersects at least a collector street.

D. Commuter Rail.

1. Setback. Where transportation facilities, excluding passenger car parking lots, abut a residential zone district or district permitting residential use, there shall be a minimum setback of five hundred feet.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard C shall be applied along common property lines.

3. Street Standard. At a minimum, lightrail station land uses shall have driveway access on nonresidential collector streets. A traffic impact study shall demonstrate

that the traffic generated will use only streets that function at, or better than, a level of service (LOS) D.

E. Helistop.

1. Location. To the greatest extent feasible, a helistop pad should be located adjacent to the flight corridor established by the FAA.

2. Accessory to a Hospital. In the OG, MUG and CS districts, a helistop shall be permitted only as an accessory use to a hospital.

3. Separation from Residential Properties. No helistop pad shall be located within five hundred feet of a residential property line.

4. Debris Control. A helistop facility shall be fenced to trap on-site debris. If an unpaved area is utilized as a helistop pad, the ground surface shall be wetted to minimize airborne dust generated during landings and take-offs.

5. A helistop shall have no adverse impact on the operation of sensitive equipment located on neighboring properties, including a recording studio and a live music venue.

6. Refueling facilities may be provided at a helistop located within the CF, IWD, IR and IG districts when operated by the Metropolitan Nashville Airport Authority.

F. Park and Ride Lot.

1. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard B shall be applied along common property lines.

2. Street Standard. At a minimum, the park and ride lot shall have driveway access on any street which intersects at least a collector street.

G. Railroad Station.

1. Setback. Where transportation facilities, excluding passenger car parking lots, abut a residential zone district or district permitting residential use, there shall be a minimum setback of five hundred feet.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

3. Street Standard. At a minimum, railroad station land uses shall have driveway access on nonresidential collector streets. (Ord. 96-555 § 4.3(E), 1997)

17.16.200 Utility special exceptions.

(Refer to zoning district land use table)

A. Safety Services.

1. Lot Size. The minimum lot area shall be three times the minimum lot area requirement of the zone district or two acres, whichever is less.

2. Setback. Facilities for the provision of safety services, excluding passenger car parking lots, shall be located fifty feet from any residential property line.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard C shall be applied along common property lines.

4. Street Standard. At a minimum, these uses shall have driveway access on a collector street which intersects at least a collector street.

B. Wastewater Treatment.

1. Lot Size. The minimum lot area shall be ten acres.

2. Setback. The facility, excluding passenger car parking lots, shall not be located within one thousand feet of any residential property line.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. At a minimum, wastewater treatment plant land uses shall have driveway access on nonresidential collector streets.

C. Water Treatment Plant.

1. Lot Size. The minimum lot area shall be ten acres.

2. Setback. The facility, excluding passenger car parking lots, shall not be located within one hundred feet of any residential property line.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. At a minimum, water treatment plant land uses shall have driveway access on nonresidential collector streets. (Ord. 96-555 § 4.3(F), 1997)

17.16.210 Waste management special exceptions.

(Refer to zoning district land use table)

The applicant shall submit to the board of zoning appeals a detailed description of the management procedures of the facility.

A. Construction/Demolition Landfill.

1. Setback. The facility shall not be located within one hundred feet of any residential zone district or district permitting residential use, and further the facility shall not be located within two thousand feet of the property line of any school or park.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

3. Street Standard. At a minimum, the construction/demolition landfill uses shall have driveway access on nonresidential collector streets.

B. Sanitary Landfill.

1. Lot Size. The minimum lot area shall be one hundred acres.

2. Setback. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred feet from any property line, two hundred fifty feet from any residential zoning district boundary, and five hundred feet from any residential structure, and further the facility shall not be located less than two thousand feet from the property line of any school or park.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. At a minimum, driveway access shall be from a collector street. The collector street shall not be bounded by any residential zoning district from the driveway access point to the street's intersection with an arterial. A traffic impact study shall demonstrate that traffic generated to/from the site will only use streets where the existing level of service (LOS) is "D," and it is forecasted to remain at a LOS D or better with the proposed landfill traffic.

C. Waste Transfer.

1. Lot Size. The minimum site area shall be ten acres.

2. Street Standard. Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a collector street or a street designated on the major street plan. A traffic impact study shall demonstrate that traffic generated to/from the site will only use streets where the existing level of service (LOS) is "D," and it is forecasted to remain at a LOS D or better with the proposed waste transfer traffic.

3. Setback. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred fifty feet away from any residential zoning district boundary or residential structure.

4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied. In addition, the entire facility shall be enclosed by a chain-link-type fence at least eight feet in height. The fence shall be patrolled each day to remove all windblown debris captured by the fence.

5. All loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building. (Amdt. 1 with Ord. BL2002-1273 §§ 3, 4, 2003; Amdt. 1, 2, with Ord. BL2002-1171 §§ 3, 4, 2002; Amdt. 1 (part) with Ord. BL99-86 § 2, 2000; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.3(G), 1997)

17.16.220 Recreation and entertainment special exceptions.

(Refer to zoning district land use table)

A. Camp.

1. Lot Size. The minimum lot area shall be ten acres plus one acre/fifty campers.

2. Setback. All structures and activity areas, including outdoor amphitheaters, ballfields, tennis courts, swimming pools, parking or unloading areas, shall be located a minimum of one hundred fifty feet from any residential zoning district boundary or any residential structure.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard D shall be applied along common property lines.

4. Traffic Management Study. The traffic engineer may require a traffic management study to determine what, if any, improvements may be necessary to accommodate projected traffic to and from the camp facility.

5. Parking. Adequate off-street parking and loading/unloading areas shall be provided on-site, including all accessory uses.

6. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels. Lighting of outdoor amphitheater, ballfields or other outdoor recreation/activity areas shall be prohibited after ten p.m. any day of the week.

7. Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems, except as may be needed for emergency purposes.

8. Refuse Storage and Disposal. Trash areas shall be provided and screened on at least three sides from public view by an opaque impact-resistant fence of sufficient height to screen the dumpster(s).

9. Signs. One on-premise ground or pole mounted sign measuring no larger than ten square feet shall be permitted at each camp entrance setback fifteen feet from the street right-of-way. The maximum height of a ground mounted sign shall be three and one-half feet tall and a pole mounted sign shall be fifteen feet. All signs shall be either spotlighted or externally lit. On-premise temporary signs shall not be permitted.

10. Uses. All principal and accessory uses shall be identified on the special exception permit and labeled on the site plan along with the proposed square footage of each use, including the number of overnight accommodation units. Any changes to a principal or accessory use, including modifications or additions, shall be approved as an amendment to the special exception permit by the board of zoning appeals, as provided in Article VII of Chapter 17.40 of this title.

B. Commercial Amusement (outside).

1. Buildings. Any new structure constructed on the property shall be no greater in size than one thousand, five hundred square feet.

2. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.

3. Landscape Buffer. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.

4. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

5. Street Standard. At a minimum, driveway access shall be from a collector street.

6. The board of zoning appeals may stipulate, based on the zoning pattern and nature of the land uses in the immediate area, whether a maximum of sixty or seventy decibels noise level on the A-weighted scale shall be permitted to occur at the site boundary.

C. Country Club.

1. Lot Size. The minimum lot area shall be fifty acres.

2. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in

the form of landscape buffer yard Standard A shall be applied along common property lines.

4. Street Standard. At a minimum, driveway access shall be from a collector street.

D. Driving Range.

1. Street Standard. At a minimum, driveway access shall be from a collector street.

2. Location. In the AG and AR2a districts, a driving range shall only be permitted in a floodplain, as designated by the Army Corps of Engineers. In any residential district (RS80 thru RM60), a driving range shall only be permitted in conjunction with a golf course. The driving range shall be located so that it is one hundred feet away from any residential zoning district boundary or the property line of any property containing a residential use.

3. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

4. Retail/Restaurant. A snack-bar and pro-shop shall be permitted on the same parcel as the principal use provided it is contiguous to the area where people stand to drive golf balls. The combined area of the snack-bar and pro-shop shall not exceed one thousand five hundred square feet. The snack-bar shall not provide any sit-down food service or alcoholic beverages.

5. Fencing. Adequate fencing shall be provided to ensure golf balls do not fly into abutting or adjacent properties and streets.

E. Golf Course.

1. Lot Size. The minimum lot area shall be twenty-five acres.

2. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard A shall be applied along common property lines.

4. Street Standard. At a minimum, driveway access shall be from a collector street.

5. Traffic Management Study. A traffic management study shall be required for professional tournaments.

F. Racetrack. In the AG and AR2a districts only, motor racing facilities shall be limited to those providing seating for over twenty-five thousand spectators.

1. Lot Size. The minimum lot area shall be twenty-five acres.

2. Setback. Where the track and related facilities, excluding passenger car parking lot, abut a residential zone district or district permitting residential use, there shall be a minimum setback of five hundred feet.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied along common property lines.

4. Street Standard. At a minimum, primary access shall be from a nonresidential collector street which has primary access to a street designated on the major street plan.

5. Traffic Management Study. A traffic management study shall be required.

G. Recreation Center.

1. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.

2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.

3. Street Standard. At a minimum, driveway access shall be from a collector street.

H. Temporary Festival.

1. Setback. Amusement rides and other active, open-air activities shall be located one hundred feet from any residential zone district.

2. The board of zoning appeals shall stipulate, based on the zoning pattern and nature of land uses in the immediate area, whether a maximum of sixty or seventy decibels noise level on the A-weighted scale shall be permitted to occur at the site boundary.

3. The activity shall have a duration of no more than ten days in a month, and limited to four events per year. The board of zoning appeals may further restrict the hours and days of operation.

I. Zoo.

1. Lot Size. The minimum lot area shall be twenty-five acres.

2. Setback. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.

3. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard C shall be applied along common property lines.

4. Street Standard. At a minimum, driveway access shall be from a collector street.

5. Traffic Impact Study. A traffic impact study shall be required. (Ord. BL2002-1226 § 1 (part), 2003; Amdt. 1 to Ord. 99-1644 § 1 (part), 1999; Ord. 98-1268 § 1 (part), 1998; Amended during 2-98 supplement; Ord. 96-555 § 4.3(H), 1997)

17.16.230 Other special exception uses.

(Refer to zoning district land use table)

A. Moved to Section 17.16.185

B. Mineral Extraction. The board of zoning appeals may approve accessory uses to the mineral extraction activity including, but not limited to, rock crushing, mineral screening, and any combination of uses necessary to extract and process minerals. Such accessory activities shall be located within the perimeter of operation. Concrete batching, and asphalt/cement mixing plants may be accessory uses in the IR zone district only.

1. Lot Size. The minimum lot area for mineral extraction shall be one hundred acres.

2. Street Standard. At a minimum, these uses shall have driveway access on nonresidential collector streets. A traffic impact study shall demonstrate that the truck traffic generated will use only streets that function at, or better than, a level of service (LOS) D.

3. Location. In the AG and AR2a zone districts, the location of these activities shall not be permitted within the urban services district.

4. Separation. In the AG and AR2a zone districts, a one-mile separation shall be required between any two mineral extraction sites, as measured from property lines.

5. Setback. The perimeter of operation shall comply with the following setback standards:

Zoning District	From any Property Line	From any Off-Site Residential Structure
IR	250 feet	500 feet
AG, AR2a	500 feet	1000 feet

6. Residential Encroachment. The issuance of a building permit for construction or use of any residential structure, after the zoning administrator has ruled that the proposed perimeter of operation complies with the above minimum setbacks from a residential structure, and where placement or conversion of the structure for residential purpose will be within the minimum setback of five hundred feet or one thousand feet, such construction or use shall not make the mineral extraction activity nonconforming.

7. Landscape Buffer Yard. The required setback area established in subdivision (5) of this subsection shall be an

undisturbed open area, unobstructed from the ground to the sky, where natural vegetation is preserved and enhanced with other natural and artificial screening materials to buffer the use of the property. This area may be used for agricultural purposes.

a. Where the site abuts a residential zone district or district permitting residential use, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area where the best opportunity exists to screen the operation, placed either on the property boundary, along the perimeter of operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment and quarry pits shall be completely enclosed by fencing.

b. To the greatest extent possible in the AG and AR2a zone districts, the perimeter of operation shall be screened from the view of motorists and abutting property owners by earthen berms, walls, vegetation or other methods. The entrance to the site shall be designed to block the view of passing motorists, by using angled, off-setting walls, berms or permanent opaque fencing.

8. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the metropolitan code of laws. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws. Specifically, the following regulations or any subsequent amendments thereto shall apply:

a. Federal new source performance standards (NSPS, 40 CFR Part 60 Sub-part OOO); air pollution control (Tennessee Code Annotated 68-201): permits required from metropolitan health department (Metropolitan Code of Laws, Chapter 10.56);

b. National pollutant discharge elimination system (NPDES, 33 US 1251): permit required from Tennessee department of environment and conservation (Tennessee Code Annotated 69-3-108);

c. Quarrying and mining operations (Metropolitan Code of Laws, Chapter 10.52);

d. Explosive materials code (NFPA 495; Metropolitan Code of Laws, Chapter 10.64);

e. Tennessee blasting standards (Tennessee Code Annotated 68-105).

9. Pre-Blast Survey. A pre-blast survey of property within one-half mile of the perimeter of operation shall be conducted and made part of the application. The proposed blasting schedule shall also be submitted. For any property not included in the pre-blast survey, the applicant shall provide sufficient information to demonstrate that the property owner withheld authorization to conduct the survey.

10. Blasting. In addition to mitigating potential damage to surrounding properties from blasting, the operator shall comply with the following:

a. Prior to commencement of operations, the proposed blasting schedule shall be conveyed to every resident living within one-half mile of the proposed blasting site by certified mail and such proof of notification shall be made available for public inspection. Any subsequent change in blasting schedule shall be preceded by a similar notification to the residents and to the zoning administrator;

b. A record of blasting shall be maintained for three years and made available for public inspection. The log shall detail the location of blasts, seismograph readings for each blast, pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts;

c. The minimum standards for ground vibration and, airblast overpressure set forth below shall not be exceeded at any time.

i. Ground vibration: .50 inches per second peak particle velocity for frequencies below forty Hertz and 2.0 inches per second peak particle velocity for frequencies greater than 40 hz; the charge weight delay shall be adjusted accordingly to insure compliance with this standard.

ii. Airblast overpressure: 129 peak dBL (linear)-0. 1 hz high-pass system;128 peak dBL (linear)-2.0 hz high-pass system; 124 peak dBL (linear)-5 or 6 hz high-pass system.

d. All blasts shall be monitored by an independent geotechnical expert in the field of seismology using best available current technology in measurement instrumentation. Such devices shall be placed one each at all four points of the compass surrounding the excavation area. Such monitoring devices shall produce a hard copy record in graph form or equivalent suitable for filing with the department of codes administration as a permanent record. Blasting shall only occur between seven a.m. and seven p.m. Monday through Saturday and may be further restricted to minimize disturbance to surrounding properties.

11. Reclamation/Closure Plan. The application shall include plans for the final contours of the site after the operation is terminated so as to render the land suitable for a use consistent with the general plan for Nashville/Davidson County, specifying the fill material which shall be nontoxic, nonflammable and noncombustible. Water may serve as fill material. The applicant shall execute a performance bond in an amount necessary for restoration of the property to assure the stability, drainage and configuration necessary for the intended reuse of the site, including the removal of all structures and machinery.

C. Pond/Lake.

1. Lot Area. The pond/lake shall not occupy more than ten percent of the total lot area.

2. Site Plan. Plans for the proposed pond/lake shall be submitted to the stormwater division of the department of water and sewerage services, the zoning administrator, the health department, and the board of zoning appeals. The plans shall consist, at a minimum, of a plan view and a typical cross section of the proposed pond/lake. The plan view shall include the configuration of the pond/lake with the dimensions and maximum depth areas, distances to property lines, drainage easements, structures, outlet structures, septic systems, proposed overflow spillway, and proposed landscaping. The typical cross section shall identify the bank and bottom slopes, maximum depth, outlet and/or overflow structures with elevations and normal water level evaluation. A description of the soil type(s) and hydraulic conditions at the site shall be provided to determine the feasibility of the pond/lake.

3. Construction and Maintenance. Construction and maintenance of the pond/lake shall be in accordance with all applicable state and local regulations.

4. Notification. Prior to conducting a special exception hearing before the board of zoning appeals, and immediately after receiving an application for a pond/lake special exception, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application has been submitted.

5. The following types of ponds/lakes shall be exempt from the provisions of this section:

a. Landscape or ornamental ponds less that one thousand square feet in area and less than three feet in depth;

b. Ponds/lakes used for irrigation or water treatment of a golf course;

c. Farm ponds constructed on a working farm;

d. Detention and/or water quality ponds required by the stormwater division of the department of water and sewerage services;

e. Wildlife ponds and wetlands required by or constructed with the assistance of the Tennessee Department of Environment and Conservation; and

f. Ponds/lakes on property owned by the metropolitan government. (Admt. 1 with Ord. BL2004-220 § 1 (part), 2004; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 1 (10) of Amdt. 1 with Ord. 96-555 § 4.3(I), 1997)

Article IV. Uses Permitted as Accessory (A)

17.16.240 Applicability.

The land use development standards in this article apply to uses which are accessory to a principal use on the same property, referenced as "A" in the zoning district land use table, Section 17.08.030. While not all accessory uses have land use development standards, those listed in this article have unique characteristics that warrant minimum restrictions on use. (Ord. 96-555 § 4.4 (part), 1997)

17.16.250 Residential accessory uses.

(Refer to zoning district land use table)

A. Accessory Apartment. A self-sufficient housekeeping unit shall be considered to be accessory to a single-family residence subject to the following:

1. The single-family residence is owner-occupied and meets all regulations of the district;

2. There is free and clear access between the housekeeping units without going outdoors;

3. Only one meter per utility may be installed to service both units;

4. A maximum of twenty-five percent of the gross floor area, excluding garage and utility space, may be used for the accessory apartment;

5. No entrance, which would be visible from the street, may be added solely for the purpose of providing direct outside access to the street;

6. The second unit must be occupied by a family member defined as grandmother, grandfather, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, aunt or uncle;

7. That the covenants provided herein may be enforced by the department of codes administration of the metropolitan government; and

8. An instrument shall be recorded with the register's office covenanting that the apartment is being established as an accessory use and may only be used under the conditions listed above.

B. Garage Sale.

1. Garage sale must be held or conducted in or upon real property, which the person or persons holding or conducting the same occupy as his or her residence(s).

2. Personal property belonging to someone else, may be sold provided homeowner or occupant receives no fee or a percentage of the proceeds as compensation for selling the items or for the use of residence.

3. Within any calendar year, a maximum of two garage sale events shall occur per residence. An event is defined as a garage sale that may occur for one day, two days and at most three days per an event.

4. A consignment sale shall be prohibited, or any other offer for sale in connection with which any owner or occupant of real property undertakes to sell personal property, as an agent of another.

5. An auction of a decedent's personal estate and/or real property conducted by a licensed auctioneer shall not be counted as a garage sale event nor be considered a consignment sale.

C. Home Occupation. A home occupation shall be considered an accessory use to a residence subject to the following:

1. The home occupation shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit. No clients or patrons may be served on the property. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation location.

2. The home occupation shall not occupy more than twenty percent of the total floor area of the principal structure and in no event more than five hundred square feet of floor area.

3. The home occupation shall not be advertised by signs, exterior displays or interior displays of goods visible from the outside, or any exhibit whatsoever that would indicate that the dwelling unit or accessory building is being utilized for any purpose other than a residence.

4. The use of mechanical or electrical equipment shall be permitted in connection with a home occupation provided such equipment:

a. Would be used for purely domestic or household purposes;

b. Is located entirely within the dwelling unit or accessory building and cannot be seen, heard or smelled from outside the dwelling unit or accessory building and has an aggregate weight of less than five hundred pounds; and

c. Does not interfere with radio and television reception on neighboring properties.

5. The storage of materials or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards.

a. All materials or goods shall be stored completely within the space designated for home occupation activities.

b. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.

c. All materials or goods shall be stored completely within the dwelling unit or accessory building.

d. All flammable or combustible compounds, products or materials shall be maintained and utilized in compliance with Fire Code NFPA-30.

6. External structural alterations not customary in residential buildings shall not be permitted.

7. Offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall not be permitted.

8. The manufacture or repair of transportation equipment shall not be permitted as a home occupation.

9. Vehicles associated with the home occupation shall be limited to one vehicle with a maximum axle load capacity of one and one-half tons.

D. Repealed. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 2(2) of Amdt. 1 with Ord. 96-555 § 4.4(A), 1997)

17.16.260 Institutional accessory uses.

(Refer to zoning district land use table)

A. Day Care—Parents Day Out. Day care for preteenage children, for not more than twelve hours in any one week, shall be an accessory use to any institutional principal use.

B. Monastery or Convent. Such uses shall be an accessory use to a religious institution principal use.

C. School Day Care. Day care centers of unlimited size for before, during and after school programs shall be an accessory use to community education and college or university principal uses. (Ord. 96-555 § 4.4(B), 1997)

17.16.270 Office accessory uses.

(Refer to zoning district land use table)

A. Leasing/Sales Office. A tenant-leasing office is permitted as an accessory use to a multifamily development. Such office may include clubhouse, laundry and recreational facilities, and other such conveniences associated with a residential development. A developing subdivision of five or more residential lots may use a residential structure as a temporary sales office. (Ord. 96-555 § 4.4(c), 1997)

17.16.275 Medical accessory uses.

(Refer to zoning district land use table)

A. Medical Appliance Sales.

1. This use shall be located within the same building as the principal office use.

2. The leasable floor area for the accessory use may have one access point from within the office building as well as one outside entrance/exit.

3. This use shall occupy no more than ten percent of the gross floor area within the principal office building. (Ord. 98-1268 § 1 (part), 1998)

17.16.280 Commercial accessory uses.

(Refer to zoning district land use table)

A. Business Service.

1. This use shall be located within the same building as the office principal use.

2. The leasable floor area for the accessory use shall be accessible only from inside the office building. There shall be no signage advertising the service(s) to the general public on the exterior of the office building.

3. This use shall occupy no more than ten percent of the gross floor area within the principal office building.

B. Inventory Stock. The indoor storage of inventory stock shall be accessory to nonresidential principal uses.

C. Restaurant, Fast-Food/Restaurant, Full-Service/Restaurant, Take-Out.

1. This use shall be located within the same building as the office principal use.

2. The leasable floor area for the accessory use shall be accessible only from inside the office building. There shall be no signage advertising the service(s) to the general public on the exterior of the office building.

3. This use shall occupy no more than ten percent of the gross floor area within the principal office building.

D. Retail.

1. This use shall be located within the same building as the office principal use.

2. The leasable floor area for the accessory use shall be accessible only from inside the office building. There shall be no signage advertising the service(s) to the general public on the exterior of the office building.

3. This use shall occupy no more than ten percent of the gross floor area within the principal office building.

E. Personal Care Services.

1. This use shall be located in the same building as the principal use.

2. In total, all personal care uses shall occupy no more than ten percent of the gross floor area within the principal building. (Ord. BL99-117 § 1 (part), 2000; Ord. 96-555 § 4.4(D), 1997)

17.16.290 Communication accessory uses.

(Refer to zoning district land use table)

A. Amateur Radio Antenna. In all residential zone districts, transmission and reception antennae may be attached

to a single tower accessory to any residential dwelling. The following restrictions shall apply.

1. Antennae may be mounted on a single tower or pole, or attached to the dwelling or accessory structure provided only one such support or attachment shall be permitted per lot. Guy wires shall not extend beyond the property boundary.

2. The maximum height of antennae shall be sixty feet, as measured from finished grade at the base of the support structure.

3. The tower or pole support shall be located to the rear of the dwelling and shall be set back from all property lines a distance equal to one-half the height of the entire structure, including antennae.

B. Multi-Media Production. This use shall be accessory to a college or university.

C. Satellite Dish. In all residential zone districts, a single satellite earth station antenna shall be permitted only as an accessory use to a residential dwelling. A ground-mounted antenna exceeding three and one-half feet in diameter shall be located behind the rear wall of the residence, shall comply with all minimum required setbacks and shall not exceed sixteen feet in height from grade. (Ord. 96-555 § 4.4(E), 1997)

17.16.300 Industrial accessory uses.

(Refer to zoning district land use table)

A. Fuel Storage. The storage of petroleum fuel, oils and lubricants may be an accessory use to activities in nonresidential zone districts provided that the quantity of stored fuels does not exceed what is incidental and necessary to conduct the business. Such fuels shall be quantified, stored, handled and used in compliance with the metropolitan fire code. (Ord. 96-555 § 4.4(F), 1997)

17.16.310 Waste management accessory uses.

(Refer to zoning district land use table)

A. Medical Waste. The storage and preparation for shipment of medical wastes shall be accessory to healthcare.

B. Recycling Collection Center. The collection and temporary storage of small recyclable items such as cans, glass and plastic containers, cardboard and paper shall be considered an accessory use to any nonresidential principal use, provided that all storage is within totally enclosed weather-resistant containers and the lot is kept debris-free. (Ord. 96-555 § 4.4(G), 1997)

17.16.320 Recreation and entertainment accessory uses.

(Refer to zoning district land use table)

A. Rehearsal Hall. This use shall be accessory to a college or university.

B. Stadium/Arena/Convention Center. This use shall be accessory to a college or university. (Ord. 96-555 § 4.4(H), 1997)

17.16.330 Other accessory uses.

(Refer to zoning district land use table)

A. Agricultural Activity.

1. Zone Districts. An agricultural activity shall only be permitted as an accessory use in the RS80, RS40, RS30 and RS20 and R80, R40, R30, and R20 residential zoning districts.

2. Location. The property containing the residence and agricultural activity shall not be located within the urban services district.

3. Lot Size. The minimum lot size shall be five acres.

4. Operation. An agricultural activity shall not include any roadside stand, nor shall a “cut your own” or “pick your own” activity of any items grown, produced or raised on or off-site be offered, whether such stand or offering is supervised or unsupervised, and whether the item(s) are offered for sale or not.

B. Domestic Animals/Wildlife. Native and exotic animals and common domestic farm animals, defined as Class II and Class III wildlife (Tennessee Code Annotated 70-4-403), which are kept outdoors for any purpose other than agricultural business, shall be an accessory use to a residence. The following land use development standards shall apply.

1. Zone Districts. Such animals shall only be permitted as an accessory use in the RS80, RS40, RS30, RS20 and R80, R40, R30 and R20 residential zone districts.

2. Location. The property containing the residence and farm animals/wildlife shall not be located within the urban services district.

3. Lot Size. The minimum lot size shall be five acres.

4. All pens, runs, paddocks, pastures and other open outdoor areas shall be fully enclosed by fencing. Barns, stables, stalls, and similar shelters shall not be located within two hundred fifty feet of a residential structure in a residential zone district.

5. Such accessory use shall obtain all necessary permits from the Tennessee Wildlife Resources Agency, Tennessee Department of Agriculture, and/or the metropolitan department of health pursuant to Title 8 of the Metropolitan Code of Laws. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.4(I), 1997)

Chapter 17.20

PARKING, LOADING AND ACCESS

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Article I. General Provisions

17.20.010 Purpose and intent.

The purpose of this chapter is to establish standards for vehicular parking, loading and access in a manner which provides for reasonable utilization of land without adversely impacting abutting properties or the community as a whole. The requirements and standards of this chapter are intended to ensure the provision of adequate and functional loading facilities for all land uses, to allow full utilization of land commensurate with sufficient levels of roadway service, and to provide reasonable vehicular access to property while at the same time protecting the operational integrity and safety of public streets. (Ord. 96-555 § 5.1, 1997)

17.20.020 Applicability.

A. New Development. New development occurring after the effective date of the ordinance codified in this title shall comply with all parking, loading and access management provisions of this chapter.

B. Change in Legally Nonconforming Development. Developments with legally nonconforming parking and loading areas on the effective date of the ordinance codified in this title shall not increase the level of nonconformance by reducing the number of existing parking or loading spaces. The following provisions shall apply to any expansion or change in use:

1. If any existing, nonconforming property has a building expansion or change of use occur such that there is an associated increased parking or loading requirement in this title of less than twenty-five percent over what was required by this title before the expansion or change of use, only the number of parking or loading spaces required by the expansion or change of use shall be added.

2. If any existing, nonconforming property has a building expansion or change of use occur such that there is an associated increased parking or loading requirement in this title of twenty-five percent or more over what was required in this title before the expansion or change of use, all required parking and loading shall be provided. (Ord. 96-555 § 5.2, 1997)

Article II. Parking and Loading Requirements

17.20.030 Parking requirements established.

The number of parking spaces required for each land use classification of this zoning code is established in Table 17.20.030.

A. Nonclassified Uses. For uses not specifically classified in Table 17.20.030, the zoning administrator shall apply the parking requirements for a similar listed use.

B. Multiple Uses. Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all of the uses, unless a shared parking arrangement is approved pursuant to Section 17.20.100, shared parking.

C. Fractions. Any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

D. Bench Seating. Where seating consists of benches or pews, the equivalent number of seats shall be determined using the standards of the metropolitan building code.

E. Floor Area. For parking requirements that are based on the amount of square footage in buildings, calculations shall be on a gross floor area basis.

F. Parking Study. Several uses listed in Tables 17.20.030 and 17.20.070 have a large variability in parking and/or loading demand, making it impossible to specify a single parking or loading requirement. The parking or loading requirement for such uses shall be established will be based on a parking study demonstrating that the parking requirement is excessive due to carpooling, vanpooling, mass transit, and/or pedestrian movement between the church and the surrounding residential neighborhood.

G. Exemptions for Pedestrian Walkways. Retail malls which contain multiple tenants where shops are predominantly served by interior pedestrian walkways may base their parking requirement on gross leasable area within the mall.

H. Mixed-Use Projects. In a mixed-use project where a traffic impact study demonstrates that there is a reduction in the number of trips due to pedestrian linkages between land uses, the applicant may claim a similar reduction in required parking based upon a parking study reviewed by the traffic engineer and authorized by the board of zoning appeals or metropolitan planning commission as applicable. (Ord. BL2002-1016 § 1, 2002; Ord. BL2000-477 § 1 (part), 2000; Amdt. 4 to Ord. BL2000-364 § 1 (part), 2000; Ord. BL99-117 § 1 (part), 2000; Amdt. 1 (part) with Ord. 99-1644 § 1 (part), 1999; Ord. 98-1321 § 1 (part), 1998; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 5.3(A), 1997)

by the metropolitan traffic engineer based upon a parking and/or loading study. The board of zoning appeals may grant a parking reduction to the minimum parking requirement for existing churches within residential districts which have a valid use and occupancy permit on the effective date of the ordinance codified in this chapter. This reduction

Table 17.20.030
PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
Residential Land Uses	
Single-family	2 spaces
Two-family	2 spaces per unit
Multifamily	1 space per bedroom up to 2 bedrooms; .5 spaces per bedroom for each additional bedroom UZO district: Studio and/or 1 bedroom: 1 per unit; 2 bedroom or more: 1.5 per unit
Mobile home dwelling	2 spaces, plus 1 guest space for every 4 units for guest parking
Accessory apartment	1 space
Boardinghouse	1 space per each rental unit, plus 1 additional space for owner or manager
Historic bed and breakfast homestay	1 space per guestroom, plus 2 spaces per dwelling unit
Historic home events	To be determined by traffic engineer (Section 17.20.030F)
Home occupation	Same as principal use
Rural bed and breakfast homestay	1 space per room
Security residence	1 space
Institutional Land Uses	
Correctional facility	Established by the traffic engineer (Section 17.20.030F)
Cultural center	1 space per 300 square feet UZO district: 1 space per 1,000 square feet for museum; 1 space per 300 square feet for all others
Day care center	1 space for each 5 individuals accommodated, up to 50 individuals; for more than 50 individuals accommodated, 10 spaces plus 1 space per 10 individuals
Day care home	1 space plus requirement for principal use, plus 2 spaces for patrons UZO district: 1 space plus requirement for principal use, plus 1 space for patrons
Day care—Parent's day out	Established by the traffic engineer (Section 17.20.030F)
School day care	Same as day care center
Monastery or convent	1 space per bedroom UZO district: 1 space per 2 beds
Orphanage	1 space per employee UZO district: 1 space per 1,000 square feet
Religious institution	1 space per 4 seats in the sanctuary or equivalent worship space UZO district: 1 space per 6 seats in worship area or 1 space per 100 square feet in worship area without seats
Educational Uses	
Business school	1 space per 200 square feet

Table 17.20.030
PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
College or university	Established by the traffic engineer (Section 17.20.030F)
Community education	1 space per staff member, plus 10 visitor spaces (elementary and middle schools); plus 1 space per each 5 students (high schools)
Dormitory	1 space per each 2 rooming units
Fraternity/sorority house	Same as multifamily; plus 1 space per 300 square feet of meeting area
Personal instruction	1 space per 200 square feet
Vocational school	1 space per 200 square feet
Office Uses	
Financial institution	1 space per 200 square feet UZO district: First 2,000 square feet: exempt; 1 space per 500 square feet for floorspace in excess of 2,000 square feet
General office	1 space per 300 square feet UZO district: First 2,000 square feet: exempt; 1 space per 500 square feet for floorspace in excess of 2,000 square feet
Sales/leasing office	1 space per 200 square feet
Medical Uses	
Assisted care living	1 space per 3 beds
Hospice	1 space per bedroom
Hospital	2 spaces per bed
Medical appliance sales	1 space per 200 square feet
Medical office	1 space per 200 square feet UZO district: First 2,000 square feet: exempt; 1 space per 400 square feet for floorspace in excess of 2,000 square feet
Medical or scientific lab	1 space per 300 square feet UZO district: 1 space per 500 square feet
Nonresidential drug treatment facility	1 space per 150 square feet
Nursing home	1 space per 3 beds UZO district: 1 space per 5 beds
Outpatient clinic	1 space per 200 square feet
Rehabilitation services	1 space per 3 beds
Residence for the handicapped	1 space per 3 beds UZO district: 1 space per 5 beds
Veterinarian	1 space per 300 square feet UZO district: 1 space per 300 square feet
Commercial Uses	
Agricultural business	Established by the traffic engineer (Section 17.20.030F)
ATM (principal use only)	5 spaces
Automobile convenience	1 space for each pump plus 1 space for each 200 square feet
Automobile parking	None

Table 17.20.030
PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
Automobile repair	2 spaces, plus 4 spaces per service bay
Automotive service	4 spaces for each of the first four stalls and 2 spaces for each additional stall
Automobile service, oil change	2 spaces per bay or stall
Automobile service, oil change service	4 spaces for up to the first 4 stalls and 1 space for each additional stall
Bar or nightclub	1 space per 75 square feet
Bed and breakfast inn	1 space per bedroom
Business service	1 space per 200 square feet
Carpet cleaning	1 space per 500 square feet
	UZO district: 1 space per 800 square feet
Car wash (full service)	2 spaces for each stall not including the stall plus 1 space per employee
	UZO district: 1 space per 1,000 square feet
Car wash (self service)	2 spaces for each stall not including the stall
Custom assembly	1 space per 400 square feet
Funeral home	1 space per 3 permanent seats plus 1 space per 25 square feet for temporary seats. If no chapel is provided, 1 space per 500 square feet UZO district: 1 space per 3 permanent seats and if no chapel, 1 space per 500 square feet
Furniture store	1 space per 200 square feet of display area; 1 space per 1,000 square feet of storage area UZO district: 1 space per 1,000 square feet
Home improvement sales	1 space per 200 square feet UZO district: 1 space per 500 square feet
Hotel/motel	1 space per rooming unit, plus 1 space per 2 employees UZO district: 1 space per rooming unit plus 1 space per 4 employees plus required spaces for accessory uses
Inventory stock	1 space per 1,000 square feet
Kennel	1 space per 400 square feet
Laundry plants	1 space per 500 square feet
Liquor sales	1 space per 200 square feet UZO district: 1 space per 400 square feet
Major appliance repair	1 space per 500 square feet UZO district: 1 space per 800 square feet
Personal care services	1 space per 200 square feet UZO district: First 2,000 square feet: exempt; 1 space per 200 square feet for floorspace in excess of 2,000 square feet

Table 17.20.030
PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
Restaurant, fast-food	1 space per 100 square feet
Restaurant, full-service	1 space per 100 square feet UZO district: First 1,000 square feet: exempt; 1 space per 150 square feet for floorspace in excess of 1,000 square feet
Restaurant, take-out	10 spaces UZO district: exempt
Retail	1 space per 200 square feet UZO district: General Retail: First 2,000 square feet: exempt; 1 space per 200 square feet for 2,000 to 50,000 square feet and 1 space per 250 square feet for 50,000 to 100,000 square feet and 1 space per 300 square feet for 100,000 to 400,000 square feet and 1 space per 350 square feet for greater than 400,000 square feet Convenience Retail: First 2,000 square feet: exempt; 1 space per 250 square feet thereafter; Shopping Center Retail: 1 space per 250 square feet for less than 400,000 square feet and 1 space per 225 square feet for 400,000 to 600,000 square feet and 1 space per 200 square feet for greater than 600,000 square feet; Outdoor (except vehicle sales, limited): 1 space per 1,000 square feet of lot area
Riding stable	Established by the traffic engineer
Self-service storage	4 spaces
Vehicular sales, limited	1 space per 250 square feet plus 1 space per 1,000 square feet of outdoor vehicle display area UZO district: 1 space per 500 square feet of enclosed sales area plus 1 space per 2,500 square feet of open sales area plus 2 spaces per service bay
Wrecker service	1 space per 200 square feet UZO district: 1 space per 250 square feet of office space
Communication Uses	
Amateur radio antenna	None
Audio/video tape transfer	1 space per 300 square feet
Multi-media production	Established by the traffic engineer (Section 17.20.030F)
Printing and publishing	1 space per 750 square feet
Radio/TV/satellite tower	None

Table 17.20.030
PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
Radio/TV studio	1 space per employee UZO district: 1 space per 400 square feet
Satellite dish	None
Telephone services	None
Industrial Uses	
Building contractor supply	1 space per 1,000 square feet
Distributive business/wholesale	1 space per 1,000 square feet
Fuel storage	None
Heavy equipment sales and service	1 space per 1,000 square feet of building area
Manufacturing, heavy	1 space per 1,500 square feet
Manufacturing, light	1 space per 1,500 square feet
Manufacturing, medium	1 space per 1,500 square feet
Research service	1 space per 500 square feet UZO district: 1 space per 800 square feet
Scrap operation	1 space per employee, plus 1 space per 5,000 square feet of lot area UZO district: 1 space per 5,000 square feet of lot area
Tank farm	1 space per employee
Warehouse	1 space per 2,500 square feet
Transportation Uses	
Airport/heliport	Established by the traffic engineer (Section 17.20.030F)
Boatdock (commercial)	1 space per slip or berth UZO district: 1 space per 5 berths plus 1 space per 500 square feet of dry storage
Bus station/landport	Established by the traffic engineer (Section 17.20.030F)
Bus transfer station	None
Commuter rail	Established by the traffic engineer (Section 17.20.030F)
Helistop	5 spaces
Motor freight	1 space per 1,000 square feet of indoor storage area
Park and ride lot	None
Railroad station	Established by the traffic engineer (Section 17.20.030F)
Railroad yard	1 space per employee
Water taxi station	Established by the traffic engineer (Section 17.20.030F)
Utility Uses	
Power plant	1 space per 400 square feet for office use plus 1 space per 2,000 square feet for other uses
Power/gas substation	None
Reservoirs/water tank	None
Safety services	1 space per 500 square feet
Wastewater treatment	Established by the traffic engineer (Section 17.20.030F)
Water/sewer pump station	None

Table 17.20.030
PARKING REQUIREMENTS

Land Use	Minimum Parking Spaces
Water treatment plant	Established by the traffic engineer (Section 17.20.030F)

Table 17.20.030 (continued)

Land Use	Minimum Parking Spaces
Collection center	1 space per employee
Construction/demolition landfill	1 space per employee
Medical waste	1 space plus 1 per employee UZO district: 2 spaces per 3 employees
Recycling collection center	1 space per employee UZO district: 2 spaces per 3 employees
Sanitary landfill	1 space plus 1 per employee UZO district: 2 spaces per 3 employees
Waste transfer	1 space per employee UZO district: 2 spaces per 3 employees
Recreation and Entertainment Uses	
Adult entertainment	1 space per 75 square feet
Camp	Established by the traffic engineer (Section 17.20.030F)
Club	Established by the traffic engineer (Section 17.20.030)
Commercial amusement (inside)	1 space per 200 square feet
Commercial amusement (outside)	Established by the traffic engineer (Section 17.20.030F)
Country club	1 space per 300 square feet
Drive-in movie	1 space per employee
Driving range	Established by the traffic engineer
Fairground	Established by the traffic engineer (Section 17.20.030F)
Golf course	Established by traffic engineer (Section 17.20.030F)
Greenway	Established by the traffic engineer (Section 17.20.030F)
Public park	Established by the traffic engineer (Section 17.20.030F)
Racetracks	Established by the traffic engineer (Section 17.20.030F)
Recreation center	Established by the traffic engineer (Section 17.20.030F)
Rehearsal hall	1 space per 3 seats
Stadium/arena/convention center	Established by the traffic engineer (Section 17.20.030F)

Temporary festival	Established by the traffic engineer (Section 17.20.030F)

Table 17.20.030 (continued)

Land Use	Minimum Parking Spaces
Theater	1 space per 3 seats—Established by the traffic engineer for facilities with a capacity of more than 500 spectators
Zoo	Established by the traffic engineer (Section 17.20.030F)
Other Uses	
Cemetery	1 space per employee
Domestic animals/wildlife	None
Hazardous operations	Established by the traffic engineer (Section 17.20.030F)
Mineral extraction	Established by the traffic engineer (Section 17.20.030F)

17.20.040 Adjustments to required parking.

Notwithstanding the provisions of Section 17.20.030:

A. No parking shall be required for uses located in the CC district.

B. No parking shall be required for existing structures in the CF or MUI districts which were constructed prior to December 24, 1974.

C. For uses located within the CF or MUI districts within the I-40/I-65/I-265 loop south of the CSX railroad, and north of, or having frontage on, Gateway Boulevard, and which are located within a council-approved redevelopment district, the off-street parking requirement shall be one-quarter the requirement set forth in Table 17.20.030.

D. For uses located within the CF or MUI districts within the I-40/I-65/I-265 loop, south of properties fronting on Gateway Boulevard, and which are located within a Council approved redevelopment district, the off-street parking requirement shall be one-half the requirement set forth in Table 17.20.030.

E. Within the urban zoning overlay district, for uses not eligible for a parking reduction or exemption pursuant to Sections 17.20.040A through 17.20.040D, the minimum amount of required parking shown in Table 17.20.030 shall be adjusted as follows. The combined effect of all applicable adjustments in this section shall not reduce the off-street parking required by Table 17.20.030 by more than twenty-five percent.

F. On-street parking on narrow streets within the urban zoning overlay district: Unless otherwise posted and pursuant to other limitations set forth in Section 17.20.040, on-street parking may be used to meet minimum parking requirements for properties on only one side of non-arterial streets within the urban zoning overlay district that are less than twenty-six feet wide (curb to curb). For streets that are oriented northerly to southerly, properties abutting the easterly side qualify. For streets that are oriented easterly to westerly, properties abutting the northerly side qualify.

Adjustment	Criteria	Parking Adjustment
Transit	Resident or nonresident use is located within 660 feet of a public transit route.	10% reduction
Pedestrian Access	Nonresidential use is located where residents of all residential and mixed-use areas within 1,320 feet of the subject property can walk to and from the nonresidential use on a continuous sidewalk system (ignoring intervening streets)	10% reduction
Public Parking Lots	Nonresidential use is located within 660 feet of a parking lot that is available for use by the public without charge (either directly or through a validation program in which the subject use participates).	10% reduction
On-Street Parking	Single-family or duplex residential use is located along one or more public street frontages where public parking is permitted.	One legal on-street parking space (to a maximum of two parking spaces) can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50% or more of the space is located.
	Multifamily residential or nonresidential use is located along one or more public street frontages where public parking is permitted.	One legal on-street parking space can be substituted for 1/2 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking
Contextual Front Setbacks	Residential or nonresidential use builds within ten feet of the rights-of-way in accordance with the contextual front setback provision contained in Section 17.12.035(A)(3) (Major new investment provision).	10% reduction

(Ord. 2002-1017 § 1, 2002; Ord. BL2000-364 § 1 (part), 2000: Amdt. 2 with Ord. 99-1614 § 1, 1999: Ord. 96-555 § 5.3(B), 1997)

17.20.050 Handicapped parking.

An appropriate number of parking spaces shall be specifically designated, located and reserved for vehicles licensed by the state for use by the handicapped. (Ord. 96-555 § 5.3(C), 1997)

17.20.060 Parking area design standards.

A. Standard and Compact Spaces. Parking spaces shall be classified as standard or compact spaces with required dimensions in accordance with Table 17.20.060. No development shall be allowed to have more than thirty percent of the total required parking as compact spaces.

B. Parking Space and Aisle Dimensions. The minimum required dimensions of parking spaces and aisles are established in Table 17.20.060. For parking angles not shown in the table, dimensions shall be interpolated by the metropolitan traffic engineer. Minor deviations from these standards may be approved by the traffic engineer for parking structures. The dimensions for a sixty-five degree parking layout are graphically shown in Figure 17.20.060.

C. Parallel Parking. Parallel parking spaces shall have a minimum length of twenty-three feet and a minimum width of eight feet.

D. Residential Parking. Required parking spaces for a single-family or two-family dwelling unit shall be a minimum of eight feet wide and twenty feet long. Required parking spaces may be placed end to end. Garage doors opening toward a public street shall be a minimum of twenty feet from the property line. Within the urban zoning overlay district, no off-street parking area or loading area shall be located within any required street setback area, unless it is located on a driveway in accordance with Section 17.20.060G.

E. Use of Parking Areas. Required parking spaces and associated aisles and maneuvering areas shall be reserved for vehicle use at all times.

F. Off-street Parking Standards. The following standards shall apply to all off-street parking areas.

1. No parking space shall open directly onto a public street (single-family and two-family dwellings and townhomes are exempt).

2. Except for single-family and two-family dwellings, aisles, driveways and joint access easements shall not be used for parking vehicles.

3. Required parking spaces for all uses except single-family and two-family dwellings shall be designed to permit entry and exit without moving any other vehicle.

4. No parking space shall be located so as to block designated emergency access.

5. No portion of any required parking space shall be located within the right-of-way of a street or alley.

6. For parking areas with ten or more spaces, a minimum queuing distance of twenty feet shall be provided along all access drives between the street right-of-way line and the nearest parking space.

7. The zoning administrator or planning commission, as applicable, may request the traffic engineer to review site plans for on and off-site traffic circulation.

G. Paving and Marking. Permanent parking areas containing five or more spaces shall be surfaced with asphalt or concrete, or other hard-surfaced dustless materials, and shall be constructed to provide for adequate drainage. Each space shall be marked by a single or double stripe, with stall width measured centerline to centerline. Single-family and two-family dwellings shall be exempt from this requirement.

H. Curbs. Curbs or other equivalent means shall be provided to prevent any vehicle using a parking area from encroaching on any public right-of-way, required landscaping area or adjacent property. (Ord. BL2000-364 § 1 (part), 2000; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 5.3(D), 1997)

Table 17.20.060
PARKING SPACE AND AISLE DIMENSIONS

Standard Size Space with Minimum Width of eight feet six inches			
Angle (Degrees)	**Parking Area Width (Feet)**	**Stall Depth (Feet)**	**Driveway Width (Feet)**
90	60	18	24
75	57	19	19
70	56	19	18
65	55	19	17
60	54	19	16
55	53	19	15
50	52	19	14
45	49	18	13
35	46	17	12
Compact Size Spaces with Minimum Width of seven feet six inches			
Angle (Degrees)	**Parking Area Width (Feet)**	**Stall Depth (Feet)**	**Driveway Width (Feet)**
90	50	15	20
75	47	16	20
70	46	16	14
65	45	16	13
60	44	16	12
55	43	16	11
50	42	16	10
45	40	15	10
40	38	14	10
35	37	13.5	10
Note: For one-way driveways, only stall depth and driveway width shall apply			

17.20.070 Queuing requirements for drive-through facilities.

The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to Table 17.20.070. Each queue space shall be a minimum of twenty feet in length. Unless otherwise indicated in the table, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Each land use in Table 17.20.070 shall have a by-pass lane with a minimum width of twelve feet and shall be clearly distinguished from the queuing lane by markings. Queuing vehicles shall not stand within a public street or alley rights-of-way.

Table 17.20.070
QUEUING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

Land Use	Min. Number of Queue (Drive-Through) Spaces
Bank teller lane	5
ATM	3
Restaurant, drive through	5
Car wash (full service)	5
Car wash (self-service)	3
Car wash (automobile convenience)	3
Automotive service oil change station	3
Retail	4
Automotive service, gasoline pump island	30 feet away from any driveway ramp

(Ord. 98-1321 § 1 (part), 1998; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 5.3(E), 1997)

17.20.080 Off-site parking.

All required parking spaces shall be located on the same lot as the principal use, provided that the zoning administrator or planning commission (as applicable) may permit all or a portion of the required parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, based on the following provisions.

A. Qualifying Districts. Land uses on lots which contain existing buildings on the effective date of the ordinance codified in this chapter located within any of the commercial, industrial, office, ORI, Institutional, mixed-use or shopping center districts or within a planned unit development (PUD) or urban design overlay district, may qualify for locating required parking on a separate lot. Land uses on lots which develop after the effective date of the ordinance codified in this chapter located within the mixed-use districts may also qualify for locating required parking on a separate lot. Any lot utilized to satisfy the parking requirements of an off-site land use must be zoned for automotive parking uses in the zoning district land use table of Section 17.08.030 and be connected to the principal use by a continuous sidewalk system. In a planned unit development, institutional overlay, or shopping center district both lots must be part of the same master development plan or a unified plat of subdivision as authorized by Chapter 17.40, Article V.

B. Separation.

1. The nearest property line of any off-site parking area required for a residential use shall not be located more than two hundred feet away from the residential use as measured from the nearest property line of the residential use.

2. The nearest property line of any off-site parking area for a nonresidential use:

a. shall not be located more than five hundred feet away from the nonresidential use as measured from the nearest property line of the nonresidential use; and

b. shall not be separated from the nonresidential use by any street with more than four travel lanes.

3. Properties in the MUI, CF and SCR districts, and all religious institutions subject to Section 17.16.170(E)(2), shall be exempt from the above maximum separation provisions.

4. Within the qualifying districts, the above distance standards may be increased for those land uses identified in Table 17.20.030 in which the traffic engineer must establish the parking requirement, provided that the location of the off-site parking lot is recommended by the traffic engineer.

C. Common Ownership. Any off-site parking area shall be under the same ownership as the principal use to which it is accessory, or otherwise secured by a lease of no less than, three years with a guaranteed renewal option or the lease is equal to the term of any lease for the principal use, whichever is greater, and all necessary legal instruments shall be executed and recorded with the Register of Deeds against all parcels involved. Copies of all recorded lease agreements shall be provided to the zoning administrator prior to the issuance of zoning permits. All renewal agreements pertaining to off-site parking contained within the lease shall be provided to the zoning administrator prior to the end of a lease term. This is to ensure that the required number of spaces shall remain available throughout the life of the principal use.

D. Approval Criteria. The zoning administrator or planning commission (as applicable) shall base the decision to approve or disapprove a request for off-site parking on the recommendation of the metropolitan traffic engineer. (Ord. 2002-1019 § 1, 2002; Ord. BL2000-364 § 1 (part), 2000; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 5.3(F), 1997)

17.20.090 Deferred parking.

To avoid requiring more parking spaces than actually are needed to serve a development and to reduce the visual and drainage impacts caused by large impervious areas, the zoning administrator or planning commission (as applicable) may allow some portion of the parking spaces required by this zoning code to be deferred if the conditions and requirements of this article are satisfied.

A. Criteria for Approval. As a condition precedent to obtaining a partial deferral, the developer shall demonstrate to the traffic engineer through a parking study that there is not a present need for the number of required parking spaces deferred. Based upon the favorable recommendation of the traffic engineer, the zoning administrator or planning commission (as applicable) may approve a deferred parking site plan. No deferred parking plan shall be approved unless the property contains sufficient land area upon which required parking can be constructed as a surface parking lot.

B. Implementation of Deferred Parking. If the justification for deferred parking is approved, the following provisions shall apply.

1. Deferred Parking Plan. A deferred parking site plan shall be prepared according to the following requirements.

a. The deferred parking plan shall be designed to contain sufficient space to meet the full parking requirements of this zoning code. The developer shall illustrate the layout for the full number of parking spaces, and shall designate which parking spaces are to be deferred. (See Figure 17.20.090)

b. Deferred parking spaces shall not be assigned to areas required for landscaping, or buffer yards, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this title.

c. The plan shall include a landscaping plan for the deferred parking area.

d. The plan shall be accompanied by a written commitment agreement specifying that any time after the date of

issuance of the certificate of compliance, the deferred spaces shall be converted to parking spaces that conform to this zoning code at the developer's expense should the zoning administrator determine that the additional spaces are needed. The zoning administrator shall establish a reasonable time period for the property owner to bring the development into full compliance with the parking requirement. The developer or owner shall apply to the zoning administrator for renewal on a yearly basis. Alternatively, the developer may at any time request that the zoning administrator approve a permit allowing conversion of the deferred spaces to operable parking spaces. This written agreement will be noted on a recorded plat and in any restrictive covenants, and shall be referenced on the site plan.

e. The deferred or shared parking site plan shall contain the following note: Any expansion or change of use on this site shall conform to all parking requirements of this title.

2. Monitoring Deferred Parking. In order to effectively ensure that parking demand for developments with approved deferred parking site plans does not increase to levels where the total required parking spaces are needed, the owner must designate an employee or otherwise establish a transportation coordinator position to monitor and enforce proposed commuting patterns. Retail and restaurant land uses in the district land use table in Section 17.08.030 with less than one hundred employees will not require a transportation coordinator position.

3. Required Road Improvements. The approval of a deferred parking agreement shall not relieve or diminish any obligation by the developer to provide necessary infrastructure improvements required by ordinance or by a condition of development approval. (Ord. 98-1321 § 1 (part), 1998; Ord. 96-555 § 5.3(G), 1997)

17.20.100 Shared parking.

Within the urban zoning overlay district, the zoning administrator or planning commission (as applicable) may approve a shared parking plan for a mixed use project when uses are located near one another and have different peak parking demands and operating hours, or other characteristics that would enable them to share parking areas without resulting in significantly higher on-street parking in surrounding areas or unauthorized use of other parking facilities, based upon a favorable recommendation of a shared parking study and site plan from the metropolitan traffic engineer. (See Figure 17.20.100) Shared parking arrangements shall be subject to the requirements set forth below.

Outside of the urban zoning overlay district, the zoning administrator or planning commission (as applicable) may approve a shared parking plan for a mixed use project when uses are located near one another and have different peak parking demands and operating hours, based upon a favorable recommendation of a shared parking study and site plan from the metropolitan traffic engineer. (See Figure 17.20.100) Shared parking arrangements shall be subject to the following requirements:

A. Agreements. In cases where the uses for which shared parking is requested are located on lots under different ownership, a three party agreement between the metropolitan government and owners shall be required and subject to approval by the metropolitan government's legal counsel. Any applicable easements and joint access corridors which tie the shared parking concept together will be required to be recorded on a final plat and in any restrictive covenants, and shall be referenced on the site plan.

B. Parking Zone Lot. Owners of multiple adjacent properties may petition to have their parcels considered as a single parcel (a "parking zone lot") for purposes of compliance with parking requirements, provided that the parking zone lot includes a sufficient number of spaces to meet the sum of the minimum off-street parking space requirements for each use within the parking zone lot. Such requests shall be reviewed and approved through the site plan approval process (Section 17.40.170©(2)). Documentation of an approved parking zone lot shall be recorded with the register of deeds. The approved parking zone lot may be amended or terminated through the site plan process upon (1) a petition filed by a majority of the owners whose properties include at least seventy-five percent of the square footage included in the approved parking zone lot prior to amendment or termination, and (2) submission of evidence that each use has made alternative provisions to satisfy its minimum off-street parking required by this code.

C. Criteria. In reviewing an application for a reduction in the minimum number of required parking spaces, the following shall be considered:

1. Characteristics of each use and projected peak parking demand, including hours of operation;

2. Potential reductions in vehicle movements afforded by multipurpose use of spaces by employees, customers or residents; and

3. Potential improvements in access, design, open space preservation and circulation afforded. (Ord. BL2000-364 § 18 (part), 2000: Ord. 96-555 § 5.3(H), 1997)

17.20.110 Parking reduction for preservation of protected trees.

A. A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a tree with a trunk of twelve inches in diameter or greater.

B. The reduction in required parking spaces shall not exceed the number of parking spaces required to prevent removal of protected trees, or the number in Table 17.20.110, whichever is less.

Table 17.20.110
MAXIMUM PARKING REDUCTION

Required Parking Spaces	Maximum Reduction
1-4	0
5-9	1
10-19	2
20 or more	10 percent

(Ord. 96-555 § 5.3(I), 1997)

17.20.120 Provision of sidewalks.

Multifamily and nonresidential developments shall incorporate pedestrian sidewalk connections as provided for in this section to facilitate safe and convenient pedestrian movements for the residents, employees and/or patrons of such developments, and to reduce dependency on the automobile, thus reducing traffic congestion on the community's streets and protecting air quality. This article shall not decrease the allowable floor area ratio. When a sidewalk network exists at the time of redevelopment and is noncompliant with the current standards of the metropolitan government, they shall be brought into compliance when the property is redeveloped as defined in this section.

A. The provisions of this section shall not apply to the redevelopment of property when:

1. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent of the value of all improvements on the lot prior to expansion; or

2. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square footage of all improvements on the lot prior to expansion; or

3. The property is located outside of the Urban Services District where the Sidewalk Priority Index (SPI) score is less than twenty, as determined by the zoning administrator after consulting the appropriate agencies of the metropolitan government. The SPI is established in the Strategic Plan for Sidewalks and Bikeways, most recent edition adopted by the metropolitan planning commission, and incorporated herein by reference.

B. On-Site Sidewalk Installation. A continuous, all-weather internal sidewalk network, constructed to a minimum width of four feet for residential and five feet for nonresidential developments, shall connect all pedestrian building entryways to parking areas and the site boundary(ies) oriented towards off-site pedestrian destinations located within a reasonable walking distance of the subject property including, but not limited to, schools, libraries and civic buildings, parks and greenways, colleges and universities, senior and assisted living facilities, public housing, hospitals, and transit stops. Sidewalks shall be designed and constructed to be distinguishable from driving surfaces. Sidewalks shall form a continuous network connecting primary access points and public transportation.

C. Off-Site Sidewalk Installation. The provisions of this subsection are applicable only to the street right-of-way abutting the property for which a building permit is applied.

1. Construction of sidewalks in existing network is required.

a. Construction of sidewalks is required under the following conditions:

i. Existing sidewalk repair or replacement. Existing sidewalk on street(s) fronting the property, which does not comply with the standards of the metropolitan government, shall be brought into compliance as part of a new development.

ii. New sidewalk to fill a gap in the existing network. New sidewalk shall be constructed on street(s) fronting the property wherever installation would be contiguous to and connect existing sidewalk segments.

iii. New sidewalk to extend the existing network. New sidewalk shall be constructed on street(s) fronting the property wherever installation would be adjacent to and extend an existing sidewalk.

iv. New sidewalk on the same block face as existing sidewalk. New sidewalk shall be constructed on street(s) fronting the property wherever public sidewalk already exists on the same block face.

b. In circumstances (1)(a)(i) through (1)(a)(iv) of this subsection, new sidewalks shall comply with the adopted standards of the metropolitan government consistent with existing sidewalk development along the block face. Where existing conditions do not meet an adopted standard, a design compatible with existing conditions may be considered and approved by the zoning administrator, upon the advice of the appropriate metropolitan government agencies, provided constructing such design would

cost no more than would full compliance with public sidewalk standards.

2. Construction of sidewalk or financial contribution to the pedestrian network is required under the following condition. Along a collector or arterial street fronting the property, the applicant shall either construct a sidewalk or apply the provisions of subsection D of this section. When built, new sidewalks shall comply with the standards of the metropolitan government; however, a design compatible with existing conditions may be considered and approved by the zoning administrator, upon the advice of the appropriate metropolitan government agencies, provided constructing such design would cost no more than would full compliance with public sidewalk standards.

D. Contribution to the pedestrian network as an alternative to sidewalk installation.

1. When permitted in subsection C of this section, the developer may make a financial contribution to the metropolitan government in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, determined on an annual basis by the department of public works' review of sidewalk projects contracted for or constructed by the metropolitan government. Any such payments received by the metropolitan government shall be assigned and designated for implementation of the Strategic Plan for Sidewalk Capital Improvements, as amended from time to time. The fee in lieu of sidewalk construction shall be used to accommodate pedestrian needs within the pedestrian benefit zone in which the development property is located. The applicant's payment shall be allocated within twenty-four months of receipt of the payment; otherwise, the payment shall be refunded to the building permit applicant.

2. Pedestrian benefit zone refers to each of eleven zones, established herein, in which fees in lieu of sidewalk construction may be collected, and where such fees shall be spent for the safety and convenience of pedestrians utilizing the sidewalk or pedestrian network within that zone. Each zone represents, to the extent practicable, an area where pedestrian circulation can take place without traversing major barriers to movement such as interstate freeways and major federal highways that are, by definition, unsafe or unsuitable for pedestrian crossing. Pedestrian benefit zones are described as follows:

Zone 1-A: Bounded by I-40 and I-265 on the southeast; Cumberland River on north/northwest; county line on west. (West, edge)

Zone 1-B: Bounded by Cumberland River and I-265 on the south; I-24 on the east and north; county line on the west. (Northwest, edge)

Zone 1-C: Bounded by I-24 on the west; I-65 on the southeast and east; county line on the north. (North, edge)

Zone 2-A: Bounded by I-65 on the northwest; I-24 on the west; Cumberland River on the south and east; county line on the northeast. (Northeast, edge)

Zone 2-B: Bounded by Cumberland River on the north/northwest; I-40 on the south/southwest; county line on the east. (East, edge)

Zone 3: Bounded by the downtown loop. (Downtown)

Zone 4-A: Bounded by I-65 on the east/northeast; I-440 on the south and southwest; I-40 on the north and northeast. (Southwest, inner)

Zone 4-B: Bounded by I-65 on the east; I-440 on the north/northeast; I-40 on the northwest; county line on the south. (Southwest, edge)

Zone 5-A: Bounded by I-440 on the south; I-24 on the northeast and east; I-40 on the north/northwest; and I-65 on the west. (South, inner)

Zone 5-B: Bounded by I-24 on the east/northeast; I-65 on the west; I-440 on the north; and county line on the south. (South, edge)

Zone 5-C: Bounded by I-40 on the north; I-24 on the west and southwest; county line on the east. (Southeast, edge)

E. Improvements required on public rights-of-way under subsection C of this section shall be reviewed for compliance by the Department of Public Works. No building permit shall be issued by the Department of Codes Administration until the Department of Public Works has released the building permit. Prior to the Department of Codes Administration authorizing final use and occupancy, the Department of Public Works shall inspect and approve the sidewalk improvements in the public rights-of-way. (Amdt. 1 with Ord. BL2004-289 § 1, 2004; Amdt. 1 with Ord. BL2000-479 § 1, 2000: Ord. 96-555 § 5.3(J), 1997)

17.20.125 Right to appeal and seek variances.

The provisions of Section 17.20.120 may be varied or interpretations appealed in conformance with Chapter 17.40, Administration and Procedures. (Amdt. 1 with Ord. BL2004-289 § 2, 2004)

17.20.130 Loading space requirements.

A. The number of loading spaces required for each land use classification of the zoning code is established in Table 17.20.130

Table 17.20.130
NUMBER OF LOADING SPACES REQUIRED

Land Use	Gross Floor Area (Square Feet)	Loading Spaces (10 by 25 feet)	Loading Spaces (10 by 50 feet)
Institutional, educational, medical, communication, office	10,000—99,999 100,000—149,999 150,000 and over	1 0 0	0 1 2
Commercial, recreational and entertainment	2,000—9,999 10,000—25,000 over 25,000	1 0 0	0 1 2
Industrial, transportation, utility, waste management	0—1,999 2,000—10,000 over 10,000	1 0 0	0 1 2
Other uses	Based on a recommendation from the traffic and parking engineer subject to approval by the zoning administrator.		

B. Size of Loading Spaces Provided. The minimum dimensions of loading spaces, open or enclosed, shall be twelve feet in width by fifty-five feet in length, with a minimum vertical clearance of fifteen feet. Where tractor-trailer units will be using the facility, the minimum length shall be sixty-five feet.

C. Paving Standards. All open loading spaces shall be surfaced with concrete, or other hard-surfaced dustless materials, and shall be constructed to provide for adequate drainage.

D. Use of Loading Spaces. Required loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading/unloading only.

E. Layout. All loading spaces shall comply with the following design requirements.

1. No loading space shall be located within the right-of-way of a public street. Any loading space or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading.

2. The location of the loading space shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading spaces are directly adjacent to or integrated with an off-street parking lot, the metropolitan traffic engineer may require installation of physical barriers or other means of separating loading spaces from parking areas and pedestrian traffic.

3. No loading space shall be located so as to block access by emergency vehicles. (Ord. 99-1643 §§ 1, 2, 1999; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 5.3(K), 1997)

Article III. Access Management

17.20.140 Traffic impact studies.

The purpose of a traffic impact study shall be to identify what improvements, if any, are necessitated to offset the additional traffic generated by a proposed level of development. Such improvements might include the provision of traffic signals, turning lanes or road widenings.

A. Requirements for a Traffic Impact Study. A traffic impact study (TIS) may be required by the planning commission or zoning administrator for any development which contains:

1. Residential developments with more than one hundred dwelling units;

2. Nonresidential developments of more than fifty thousand square feet; or

3. Combinations of residential and nonresidential uses which would be expected to generate one thousand vehicle trips or more per day, or one hundred or more peak-hour trips;

4. Or in the opinion of the traffic engineer a TIS is needed.

B. Levels of Traffic Impact Study Required. Three levels of traffic impact studies have been identified based on the number of trips that a development is projected to generate in a twenty-four hour period (See Table 17.20.140)

Table 17.20.140
LEVEL OF TRAFFIC IMPACT STUDY REQUIRED

Twenty-four Hour Trip Generation	Level of Study Required
1,000 to 3,000 average daily trips	Level 1
3,000 to 6,000 average daily trips	Level 2
6,000 and higher average daily trips	Level 3

1. Level 1 studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.

2. Level 2 studies require the analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic-control device does not exist, the traffic engineer will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, the traffic engineer will determine if ramps need to be included in the study.

3. Level 3 studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the traffic engineer. The exact area to be studied will be determined by the traffic engineer with input from the study preparer.

C. Waiver of a Traffic Impact Study. Any property within the downtown loop formed by Interstate 265, Interstate 65, and Interstate 40 shall be exempt from traffic impact studies. Further, a property owner who can show that a development will not have a significant impact on the transportation system or affect the existing level of service of a roadway or an intersection may seek a waiver of a traffic impact study. Such a request shall be made in writing and shall be in accordance with guidelines established by the planning commission. A traffic impact study also may be waived in cases where the applicant and the zoning administrator or planning commission agree on the nature and scope of the applicant's responsibilities for mitigating the impacts of traffic generated by the development.

If the development is to be phased, the sequence and timing of a development shall be incorporated into the traffic impact study. For projects which include multiple phases and/or multiple buildings, the zoning administrator or planning commission (as applicable) shall certify the scheduling of improvements through the site plan approval process. If no phasing is identified in the traffic impact study as approved by the traffic engineer, all study recommendations shall be satisfied at the initial stage of development.

D. Approval of Traffic Impact Study. The traffic impact study shall be approved by the zoning administrator or planning commission, with all applicable performance requirements incorporated into any site and building plans.

E. Implementation of a Traffic Impact Study. The traffic impact study may take into account the capital improvements budget and may rely on improvements for which council has adopted a resolution appropriating funds. Any required traffic improvements which have not been funded or otherwise completed by the metropolitan government shall be completed by the developer prior to the issuance of a use and occupancy permit by the zoning administrator. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the zoning administrator or planning commission (as applicable) may require a pro-rata contribution. The zoning administrator will certify that all traffic improvements to be provided by the developer or property owner have been properly bonded prior to building permit issuance and completed before a use and occupancy permit shall be issued. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 5.4(A), 1997)

17.20.150 Protection of residential areas.

In order to minimize deterioration and destabilization of residential areas, access for nonresidential properties which abut residential-zoned areas shall be designed so as to minimize the intrusion of nonlocal traffic onto residential local and minor local streets. (Ord. 96-555 § 5.4(B), 1997)

17.20.160 Access from nonarterial streets.

Driveways providing vehicular access from streets which function and/or are designated by the planning commission as nonarterial streets shall comply with the following provisions.

A. Driveway Location. The following provisions apply to the location of driveways providing access to and from nonarterial streets.

1. A driveway providing access to a single-family or two-family lot from a minor local or local street shall be located at least fifteen feet from a street intersection; a

driveway accessing a collector street shall be at least fifty feet from an intersection.

2. A driveway providing access to a use other than a single-family or two-family dwelling shall be located at least fifty feet from a street intersection. A driveway shall be at least one hundred feet from the intersection of a collector street.

3. A driveway other than for a single-family or two-family dwelling shall be located at least thirty feet from another driveway.

B. Deviations. The metropolitan traffic engineer may authorize deviations from the provisions of this section, based upon a demonstration by the applicant that improvement of the property is impractical under the standards of this section and a determination that granting the requested deviation will not be contrary to public health, safety and welfare. (Ord. 96-555 § 5.4©, 1997)

17.20.170 Access from arterial streets.

Driveways providing vehicular access from streets which are designated by the planning commission on the adopted major street plan as arterial streets shall comply with the following provisions.

A. Number of Driveways. Table 17.20.170 sets forth the maximum number of driveways based on the amount of lot frontage along an arterial classification of street. Driveways shall be a minimum of thirty feet apart. The traffic engineer may require a greater minimum distance between driveways if it is in the best interest of public safety. When appropriate, all new driveways shall be placed directly across from driveways on the opposite side of the street to enhance traffic flow and public safety.

B. Driveway Separation from Intersecting Streets. To protect the safety of the motoring public, the following standards shall apply:

1. Along the frontage of an arterial street, no driveway ramp shall be located within one hundred eighty-five feet of a street intersection.

2. Along any classification of street, no driveway ramp shall be located within two hundred fifty feet of a controlled access highway ramp.

3. A platted lot existing on the effective date of the ordinance codified in this title, which does not have sufficient street frontage to satisfy the separation requirements of this section, may be granted one driveway ramp provided that it is located as far from the intersection as is reasonably feasible and does not create a hazard to the motoring public.

C. Building Permit Restrictions. If an undeveloped lot or unplatted parcel has less street frontage than the minimum spacing required in subsections A and B of this section and is adjacent to another lot under common ownership on the effective date of the ordinance codified in this title, establishment of a joint access driveway may be required by the traffic engineer.

D. Alternative Access. Where the configuration of properties located on arterial streets precludes spacing of driveway access in accordance with the requirements of this section due to topography or prior site development layout, the metropolitan traffic engineer shall be authorized to require joint access driveways or cross access corridors (See Figure 17.20.170). The following provisions set forth standards for joint use driveways and cross access corridors for reduced spacing situations.

Table 17.20.170	
MAXIMUM NUMBER OF DRIVEWAYS	
Lot Frontage	**Maximum Number of Driveways**
Up to 150 feet	1
150 to 299 feet	2
Each additional 300 feet	1

1. Joint Use Driveways. Wherever feasible, the metropolitan traffic engineer may require the establishment of a joint use driveway serving two or more abutting properties. If a proposed development abuts an existing development which contains an existing joint access driveway, the vehicular circulation of the proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts an existing undeveloped property, the vehicular circulation of the proposed development will contain a joint access driveway which is designed to connect to the abutting property at a later date.

2. Cross Access Corridors. The metropolitan traffic engineer shall be authorized to designate cross access corridors on properties adjacent to arterials. The developments within the affected cross access area shall be designed so as to provide for mutually coordinated parking, access and circulation systems. Such designation shall be

referenced on a plat of subdivision. Additionally, if a development within the cross access area abuts an existing developed property which is not in the cross access area, but has an abutting joint access driveway, it shall be designed to tie into the abutting access and circulation system.

3. Recording Easements. Wherever cross access corridors or joint use driveways are provided in accordance with this section, the site plan shall not be approved unless the plan grants an easement for cross access to and from abutting properties. Such easement shall be recorded by the applicant in the public records of metropolitan Nashville and Davidson County and constitute a covenant running with the land.

4. Closing of Interim Driveways. Wherever a permanent joint use driveway or cross access easement is constructed in accordance with this section, all preceding interim driveways shall be closed and eliminated. In the case of a joint use driveway, the property owner shall enter into a written agreement with the metropolitan government, recorded in the public records of metropolitan Nashville and Davidson County and running with the land, that existing driveways shall be closed and eliminated after the construction of both sides of a joint use driveway.

5. Where Unified Access and Circulation is Not Practical. The metropolitan traffic engineer shall be authorized to waive the requirements of this subsection when abutting properties have been developed in such a manner that it is clearly impractical to create a unified access and circulation system with all or part of the affected areas. (Ord. 96-555 § 5.4(D), 1997)

17.20.180 Visibility.

In order to safely accommodate vehicular movements to and from public streets, the sight distance and visibility provisions in the traffic and parking code and the following provisions shall be required.

A. At street intersections nothing shall be erected that will obstruct vision at any point above the center line grades of the intersecting streets within the triangular area formed by the right-of-way lines and a straight line joining the right-of-way lines at points which are thirty-five feet distant from the intersection of the right-of-way lines and measured along such right-of-way lines. Development within the urban zoning overlay district and in the CC, CF and MUI districts shall be exempt from this provision. (See Figure 17.20.180)

B. In all zoning districts, no fence, wall, hedge, or other planting or structure shall be allowed on private property that will obstruct vision at any point where private driveways intersect a public street in such a manner as to interfere with traffic visibility of any driver using an authorized driveway, alley or roadway.

(Ord. BL2000-364 § 1 (part), 2000; Ord. 96-555 § 5.4(E), 1997)

17.20.190 Measurement of distances.

For the purposes of this article, distances shall be measured in the following manner.

A. Distance Between Driveways. Distances between driveways shall be measured along the right-of-way line from the nearest points of intersection of the driveways with the right-of-way line. In the event that the curb return of a driveway begins outside of the right-of-way, the point of intersection of the extension of the driveway curb or edge shall be used for measurement purposes.

B. Distance from Intersection. The distance from street intersections shall be measured from the nearest intersection of the existing right-of-way lines or extensions thereof. For streets designated to be widened at a future time by the adopted major street plan, measurement shall be made from the ultimate right-of-way.

C. Distance from an Interstate Ramp. The distance from interstate ramps shall be measured from that point where the centerline of the right-of-way for the interstate ramp intersects the right-of-way for the arterial street serving the lot. (Ord. 96-555 § 5.4(F), 1997)

Chapter 17.24

LANDSCAPING, BUFFERING AND TREE REPLACEMENT

Sections:

Article I. General Provisions

17.24.010 Purpose and intent.
17.24.020 Landscape plan required.
17.24.030 Standards for form and quality of plants.
17.24.040 Spacing standards.
17.24.050 Exceptions.
17.24.060 Special screening requirements.
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Article I. General Provisions

17.24.010 Purpose and intent.

The general purpose of this chapter is to set standards for landscaping and buffering in order to implement the precepts of the general plan and the associated subarea plans, as well as the requirements of the various zone districts set out previously. This chapter further establishes standards for the protection and replacement of trees to insure their continued presence and associated benefits; establishes standards for screening and landscaping parking areas to reduce their impact on adjacent properties and public thoroughfares, as well as to mitigate the environ-mental impacts of large areas of unbroken pavement; establishes standards for buffering between different zone districts or selected land uses to mitigate the results of differing activities; and sets standards for plant materials, maintenance of required plants, planting in scenic easements and standards for the screening of unsightly areas. (Ord. 96-555 § 6.1, 1997)

17.24.020 Landscape plan required.

A landscape plan shall accompany any application for master development plan or final site plan approval unless exempted by Section 17.24.030, Exceptions. The plan shall show location, size, spacing, species, form and quality of all existing and proposed materials intended to fulfill the requirements of this chapter. The plan shall also show topography, location of all utilities, and either an under-ground sprinkler system or hose bib attachments. (Ord. 2001-750 § 1, 2001; Ord. 96-555 § 6.2(A), 1997)

17.24.030 Standards for form and quality of plants.

Plants installed as a result of the provisions of this chapter shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition). (Ord. 2001-750 § 2 (part), 2001; Ord. 96-555 § 6.2(C), 1997)

17.24.040 Spacing standards.

Unless specific minimums or maximums are set out in the following articles, landscape plantings required under this chapter may appear to be irregularly planted and spaced at random. (Ord. 2001-750 § 2 (part), 2001; Ord. 96-555 § 6.2(D), 1997)

17.24.050 Exceptions.

The requirements of this chapter shall not apply to:

A. Improvements or repairs to interior and exterior features of existing structures, including the conversion of a non-residential building to residential use either in whole or in part, as provided in this title, or the removal or destruction of trees.

B. Construction previously authorized by a building permit, a final site plan of a planned unit development approved by the planning commission, or an approved subdivision construction plan, any one of which remains valid on the effective date of the ordinance codified in this title. Any development whose permit or approval expires shall not be exempt.

C. A platted lot zoned for single-family or two-family dwellings for which a valid building permit has been issued. This exemption shall not apply to unplatted parcels of land being developed for nonresidential uses in residential districts nor to the process of subdividing property for the purpose of creating streets and extending utilities, or to other residential developments that require final site plan or special exception approval.

D. In the event of emergencies, which may include but are not limited to snow, ice and rain storms, tornadoes, floods, and similar natural disasters which cause excessive tree damage throughout the community, the mayor may invoke additional exceptions as necessary to deal with the emergency.

E. The interior planting requirements of Section 17.24.160 shall not apply to service loading areas or to tractor trailer staging, loading and parking areas. (Ord. BL2004-492 § 4, 2005; Ord. 2001-750 § 2 (part), 2001; Ord. BL99-117 § 1 (part), 2000; Amdt. 1 (part), with Ord. 99-1754 § 5, 1999; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.2(B), 1997)

17.24.060 Special screening requirements.

Screening of unsightly areas shall be accomplished as follows:

A. Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets or properties which are zoned or policied for residential use. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least six feet in height. An enclosure shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of opacity. On sites which are developed at the time of adoption of the ordinance codified in this chapter and which are subsequently upgraded, dumpsters shall be screened to meet the standards set out in this subsection if:

1. Any single expansion of the site increases the total building area by twenty-five percent or more;

2. Multiple expansions within a five-year period increase the total building area by fifty percent or more;

3. The value of any single expansion is more than twenty-five percent of the existing value of improvements; or

4. The total value of all improvements increases by fifty percent or more as a result of multiple expansions over a five year period.

B. Landscape Buffer Yard Required for Double Frontage Lot. In cases where residential lots are developed with frontage and access to a street within the subdivision and the rear of the lot is oriented toward a public right-of-way, the rear of such double frontage lots shall be screened from the public right-of-way by a landscape buffer yard according to the following standards:

Street Type	Buffer Standard
Local street	Standard A
Collector street	Standard B
Arterial street	Standard C

C. Mechanical equipment, antennae or satellite dishes exceeding eighteen inches in diameter shall not be located within required landscape buffer yards or required front or side setbacks. Mechanical equipment or satellite dishes exceeding eighteen inches in diameter located atop a building shall be screened from all abutting public streets and residential properties by enclosure within the roof form of the building or a screen.

D. Parking areas servicing multifamily and nonresidential uses which have ten or more parking spaces

and are located adjacent to residentially zoned properties with-out an intervening street shall be screened by a permanent opaque fence or wall at least six feet in height, in addition to the parking area perimeter landscaping or landscape buffer yards required.

E. The exterior service area of a commercial or industrial building, if oriented toward a public street, shall be screened as follows:

1. When oriented to a minor local, local or collector street, screen with a Standard A landscape buffer yard.

2. When oriented to an arterial street on the adopted major street plan, screen with a Standard B landscape buffer yard.

F. In addition to the requirements imposed by Sections 17.24.130 through 17.24.170 and Sections 17.24.180 through 17.24.240 of this chapter, areas used for the temporary or permanent storage of inoperable or damaged vehicles shall be screened from properties zoned residential and from public streets by means of an opaque fence or wall not less than six feet in height.

G. Limitation on Outdoor Storage in all Shopping Center and Mixed-Use Districts. In all shopping center and mixed-use districts, outside display and sales shall be limited to the incidental display of goods for sale or rent by an establishment having activities that occur principally within a building on the same lot, or to the display of new or used vehicles (where permitted by the district).

H. Outdoor Recreational Facility. An outdoor recreational facility, including swimming pools, tennis or basketball courts (golf course fairways excepted), when located adjacent to property with a residential zoning classification, shall provide a Standard C landscape buffer yard to shield the adjacent property. (Amdt. 1 with Ord. 2001-750 § 3, 2001; Ord. 99-1643 § 3, 1999; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.2(E), 1997)

17.24.070 Scenic landscape easements.

Property abutting a street designated a scenic arterial by the major street plan shall comply with the following requirements:

A. The area of a lot located within ten feet of the right-of-way of a designated scenic arterial shall be designated as a "scenic landscape easement" and shall be planted with a Standard A landscape buffer yard. Existing vegetation may be used, in part or in whole to meet this requirement.

B. No grading, cutting of trees or brush exceeding one inch in diameter, or disturbance of prominent natural features shall be performed within a scenic landscape easement except for minimal disturbance necessary to permit streets, driveways or utility corridors. Only those improvements allowed in a landscape buffer yard shall be permitted within the scenic arterial easement. (Ord. 96-555 § 6.2(F), 1997)

17.24.080 Maintenance of required landscape materials.

The property owner shall maintain landscaping required by this chapter in accordance with the following standards:

A. Use of Required Landscape Area. No required landscape area shall be used for accessory structures, garbage or trash collection, parking, or any other functional use contrary to the intent and purpose of this article.

B. Watering. All required landscaping shall be watered by one of the following methods:

1. An underground sprinkling system;

2. An outside hose attachment within one hundred feet of all landscaping;

C. Replacement of Dead Materials. The property owner shall replace required plants which die. Replacements shall be installed at the earliest possible time within a planting season, and replacements shall be as shown on the approved landscape plan. (Ord. 2001-750 § 4, 5, 2001; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.2(G), 1997)

Article II. Tree Protection and Replacement

17.24.090 Removal of protected trees.

It is the intent of this article to minimize the removal of protected trees and to ensure that developers take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design shall attempt to preserve specimen and historic trees. (Ord. 96-555 § 6.3(A), 1997)

17.24.100 Replacement of trees.

A. Trees removed pursuant to Section 17.40.470, tree removal permit procedures, shall be replaced at the expense of the developer to meet the required tree density standard.

B. Each property shall attain a tree density factor of at least fourteen units per acre using protected or replacement trees, or a combination of both. Compliance with this provision shall be calculated using gross acreage of the property minus the portion of the land area currently or proposed to be covered by structures, minus the fenced area of any athletic field, minus the area of a lake or pond which is covered by water year round, and excluding open areas of golf facilities. Protected and replacement trees shall contribute toward the tree density.

Tree density shall be calculated according to the following schedules.

Protected Tree Schedule

UNITS represents basal area

DBH refers to diameter at breast height

DBH	UNITS	DBH	UNITS	DBH	UNITS	DBH	UNITS
6	0.2	20	3.3	34	9.5	48	25.1
8	0.4	22	3.9	36	10.7	50	27.3
10	0.6	24	4.7	38	11.9	52	29.5
12	0.8	26	5.6	40	17.4	54	31.8
14	1.1	28	6.5	42	19.2	56	34.2
16	1.4	30	7.4	44	21.1	58	36.7
18	1.8	32	8.4	46	23.1	60	39.3

Replacement Tree Schedule

UNITS represents basal area

DBH refers to diameter at breast height

CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.5	5	0.9	8	1.3	11	1.9
3	0.6	6	1.0	9	1.5	12	2.1

CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
4	0.7	7	1.2	10	1.7	14	2.3

C. Existing prohibited trees may be counted for full credit of the required tree density requirement if in the opinion of the urban forester, they are healthy existing trees.

D. Single-trunk replacement trees shall be a minimum of two-inch caliper and a minimum of six feet in overall height.

E. A protected tree moved from one location to another on the site may be given credit upon approval of the urban forester.

F. Subdivision developments shall be exempt from the tree replacement provisions of this title during the phases of construction to install streets, utilities and drainage structures required to be installed or bonded prior to recording of a final plat, so long as: (1) the tree survey includes the area to be disturbed by the construction of streets, utilities and required drainage facilities; and (2) the removal of protected trees is confined to the area of disturbance determined by the planning commission to be the minimum area necessary to install the infrastructure required by the subdivision regulations; and (3) so long as no protected trees are to be removed outside of the agreed-upon disturbed area. Development of individual parcels within the subdivision must comply with the tree replacement provisions unless exempt by other provisions of this title.

G. Existing developments not otherwise exempted shall comply with the tree replacement provisions of this title when undergoing expansions as follows:

1. No additional compliance is required if there is no enlargement of the lot, or in the improved portion of the existing lot, and either:

a. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent, of the value of all improvements on the lot prior to expansion; or

b. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square feet of all improvements on the lot prior to expansion.

2. When the previously improved portion of a lot is enlarged, or additional area is incorporated into the lot, only the additional area or expanded area of improvement is required to be brought into compliance with the tree replacement requirements, if either:

a. The value of any one expansion is less than twenty-five percent, or the value of multiple expansions during any five-year period is less than fifty percent of the value of all improvements on the lot prior to expansion; or

b. The total building square footage of any one expansion is less than twenty-five percent, or the total building square footage of multiple expansions during any five-year period is less than fifty percent of the total building square footage of all improvements on the lot prior to expansion.

3. Total compliance is required if exemption cannot be claimed under other provisions of this section.

H. Any replacement tree planted for credit shall be replaced by a tree of equal or greater diameter than originally planted if the tree dies. Under no circumstances shall any replacement tree, planted for credit, be removed by the owner or developer without the prior permission of the urban forester. All trees and shrubs required by this code shall be inspected within three years of initial planting.

I. Where construction will be completed under a phased schedule, site work and tree removal for the entire tract may be completed at one time and replacement or addition of trees can be deferred for a maximum of five years, so long as each phase is in compliance with the tree density requirements upon completion of that phase, and so long as the entire site is in compliance with the tree density requirements within five years, or upon completion of the entire project, whichever occurs first.

J. Notwithstanding any provisions of this title to the contrary, the board of zoning appeals may hear and decide appeals from any order, requirement, decision or determination made by the urban forester in carrying out the enforcement of this chapter. (Ord. 2001-750 § 6, 2001; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.3(B), 1997)

17.24.110 Protection of trees during development activities.

A. Generally. To assure the health and survival of protected trees that are not to be removed, the following kinds of tree injuries shall be avoided during all development activities:

1. Mechanical injuries to roots, trunk and branches;
2. Injuries by chemical poisoning;
3. Injuries by grade changes;
4. Injuries by excavations; and
5. Injuries by paving.

B. Tree Protection Zone. A circular tree protection zone shall be established around each protected tree as shown in Figure 17.24.110.

1. If the drip line is less than ten feet, the protection zone shall be ten feet.

2. If the drip line is more than ten feet, the protection zone shall be the full drip line of the tree.

3. The configuration of the tree protection zone may be adjusted upon recommendation of the urban forester and upon verification that measures will be taken during construction or installation to protect the well-being of the tree.

C. Development Prohibited within the Tree Protection Zone. All development activities except those specifically permitted by subsection E of this section shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces, and storm-water retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles.

D. Fencing of Tree Protection Zone. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:

1. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.

2. During construction, each tree protection zone shall be identified with a temporary sign or signs to clearly demarcate the extent of the zone. The developer shall maintain the protective barrier during the entire construction process and shall make certain that it is observed by the contractor.

E. Permitted Activities within Tree Protection Zone.

1. Utility Excavation. Excavating or trenching by duly constituted utilities shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots. The urban forester may propose rules and regulations governing and/or limiting excavation or trenching by duly constituted utilities in the tree protection zone. Upon the approval by the metropolitan planning commission of such rules and regulations pursuant to Metropolitan Code of Laws Section 2.104.020, excavation and trenching in the tree protection zone shall be permitted only pursuant to such rules and regulations.

2. Sodding and Groundcover. Placement of sod or other groundcovers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone.

F. Inspections.

1. All protected trees designated to remain, pursuant to a tree survey shall be inspected by the urban forester one year following completion of the project to insure that they are surviving in a healthy condition.

2. Protected trees which require repair or replacement shall be determined by the urban forester.

3. Any protected tree designated to remain which is damaged during construction, or with damage occurring as a result of construction, shall be repaired according to accepted International Society of Arboriculture practices, or replaced such that the total density units of the replacement tree(s) meets or exceeds the total density units of the protected tree.

4. The owner shall be notified in writing of the urban forester's determinations. (Ord. 2001-750 § 7, 8, 9, 2001; Ord. 96-555 § 6.3(C), 1997)

17.24.120 Less desirable trees.

The urban forester shall compile a list of plants which are considered less desirable in the area of the metropolitan government. Upon adoption following public hearing and comment by the metropolitan planning commission, such list shall have the force and effect of regulation. The metropolitan beautification and environment commission, upon advice of the tree advisory board, may add or delete trees from such list from time to time following public hearing. Once such list of less desirable plants is duly adopted, the plants included therein may not be used to satisfy the requirements of Section 17.24.100, except as specifically permitted therein. Use of such trees in excess of the requirements of sections listed above is not prohibited. (Ord. 2001-750 § 10, 2001; Ord. 96-555 § 6.3(D), 1997)

Article III. Parking Area Screening and Landscaping

17.24.130 Purpose and intent.

The purpose of this article is to lessen the visual and environmental effects that large parking areas can have on the community through the use of minimum landscaping standards. To those ends, this article establishes the minimum standards by which parking areas will be screened from adjacent public streets or from adjacent properties. In addition, this article delineates standards for landscaping within the interiors of parking areas. (Ord. 96-555 § 6.4(A), 1997)

17.24.140 Applicability.

The following requirements are cumulative, not exclusive.

A. Perimeter Parking Area Landscaping Required. The perimeter parking area landscaping requirements of this article shall apply to all off-street parking facilities adjacent to a public street or to a property line which:

1. Have five or more parking spaces; or
2. Are larger than one thousand seven hundred fifty square feet in area.

Within the urban zoning overlay district, parking areas within the CC and CF zoning districts shall be exempt from the side property line planting requirements of this article. Perimeter parking area landscaping may be waived along interior property lines for property located within an approved planned unit development (PUD) district or with-in a unified plat of subdivision if the planning commission finds that any potential negative impacts of the parking area will be mitigated through other means.

B. Interior Parking Area Landscaping Required. The interior parking area landscaping requirements of this article shall apply to all off-street parking facilities which:

1. Have ten or more parking spaces; or
2. Are over three thousand five hundred square feet in area.

Principal use parking areas located in the CC and CF districts on properties with less than one hundred feet of public street frontage or with less than twelve thousand square feet in total area shall be exempt from the interior planting requirements of this title.

C. All trees planted or preserved to satisfy the requirements of this article shall count towards the tree density requirements of Article II.

D. Required parking area screening and landscaping shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement. (Ord. 2001-750 § 11, 2001; Ord. BL2000-364 § 1 (part), 2000: Ord. 96-555 § 6.4(B), 1997)

17.24.150 Perimeter screening requirements.

Unless supplanted by more stringent standards in Article IV of this chapter, Landscape Buffer Yard Requirements, the perimeters of parking lots shall be landscaped as follows:

A. Parking Areas Adjacent to Public Streets. Parking areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip which shall be landscaped per the standards set out in subsection C of this section. The public right-of-way and areas reserved for future rights-of-way in compliance with the adopted major street plan shall not be used to satisfy the requirements of this article. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area. No single driveway/sidewalk penetration shall exceed thirty-five feet.

1. Perimeter landscape strips adjacent to public streets with four or more travel lanes (as classified by the major street plan) shall be a minimum of ten feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases the perimeter landscape strip may be reduced to five feet in width. (See Figure 17.24.150-2)

2. Perimeter landscape strips adjacent to public streets with less than four travel lanes (as classified by the major street plan) shall be a minimum of five feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases the perimeter landscape strip may be reduced to two and one-half feet in width. (See Figure 17.24.150-2)

3. Permanent landscape strips which use walls or earthen berms are desirable for the reliability of the screening effect they provide. If the proposal includes a wall or an earthen berm within the perimeter landscape strip, the continuous strip of evergreen shrubs called out in Section 17.24.150-3 (Landscape Materials) may be deleted. Berms shall not have slopes steeper than 2:1 (horizontal to vertical). Berms with slopes flatter than 4:1 may be stabilized with lawn grasses, and berms with slopes in the range of 2:1 to 4:1 shall be stabilized by a continuous perennial plant groundcover which does not require mowing in order to maintain a neat appearance. The wall or combination of berm and perennial groundcover shall be a minimum of two and one-half feet in height.

B. Parking Areas Adjacent to Side Property Lines. A perimeter landscape strip shall separate a driveway or parking area from an adjacent side property line by one of the following standards: (a) a five-foot (minimum) wide planting strip shall be provided if required trees are to be planted within the strip; (b) a two and one-half foot (minimum) planting strip may be provided to accommodate shrubs if all required trees are planted within tree islands located adjacent to the property line; or (c) two adjacent properties may share equally in the establishment of a seven-foot (minimum) planting strip along the common property line. In instances where the common perimeter planting strip is part of a plan for shared access, each owner may count the respective area contributed toward that common planting strip toward the interior planting area requirements for the lot. All landscaping strips shall be planted to satisfy the planting requirements of subsection C of this section.

C. Landscape Materials. In areas where the parking area and the adjacent public street or common property line are within thirty inches average elevation of one another, as measured from the centerline of the nearest travel lane and the edge of the parking area paving, a minimum of one tree shall be preserved or planted for each fifty feet of parking area perimeter, or portion thereof; for principal use parking areas located within the CC and CF zoning districts, street trees shall be installed at the rate of one tree per thirty feet of street frontage. Trees planted to meet this requirement shall measure a minimum of two inches in caliper, and six feet in height, as applicable for the type of material specified. The remaining area within the perimeter landscape strip which fronts on a street right-of way shall be planted with one continuous row of evergreen shrubs which shall be expected to mature at a height not greater than two and one-half feet, except as modified for berms or walls. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants or grassed lawns. The use of concrete, asphalt or other impervious surfaces shall be prohibited. Variants of the above conditions for parking areas which are elevated above or depressed below the elevation of the public street are as follows:

1. In cases where the parking area is elevated above the adjacent public street or private property by a minimum average height of at least thirty inches, the tree spacing requirement shall be reduced to one tree for each one-hundred feet of
parking area perimeter, and the requirement for shrub plantings shall be increased to two continuous rows of evergreen shrubs. All other standards remain as stated above. (See Figure 17.24.150-3)

2. In cases where the parking area is depressed below the adjacent public street or private property by a minimum average distance of at least thirty inches, the tree spacing requirement shall be increased to one tree for each twenty-five feet of parking area perimeter, and the requirement for shrub plantings shall be eliminated. All other standards remain as stated above. (See Figure 17.24.150-4)

D. Corner Visibility. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Section 17.20.180, Visibility.

E. Adjacent Parking Areas with Shared Access. Parking areas on adjacent properties, which are designed to share a common access from the public right-of-way and a vehicular travelway along their common property line shall be exempt from the requirement for a parking area perimeter landscape strip along their common property line, upon the recording of an easement agreement which provides for the mutual right of ingress and egress for both property owners. (See Figure 17.24.150-5)

(Ord. BL2000-364 § 1 (part), 2000; Ord. 98-1323 § 1, 1998; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.4(C), 1997)

17.24.160 Interior planting requirements.

A. General Requirements. Except for parking lots containing fewer than thirty spaces within the urban zoning overlay district, at least eight percent of the gross area of the parking area shall be landscaped and interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays or inside seven foot wide or greater medians (where the median area is to be included as a part of the calculations for the interior planting area). Parking lots containing fewer than thirty parking spaces within the urban zoning overlay district shall be exempt from the eight per-cent landscaping requirement and the seven foot median requirement, but shall be required to install trees as described below. Interior planting areas shall be located so as not to impede stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

1. Trees shall be required at the minimum of one canopy tree for every fifteen parking spaces. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be at least six feet in height and two inch caliper. (See Figure 17.24.160) For principal use parking areas located in the CC and CF districts not otherwise exempt from the interior planting requirements, street frontage trees planted to satisfy the requirements of Section 17.24.150 shall count towards the interior planting requirements of this section.

B. Minimum Size of Interior Planting Areas.

1. Outside the urban zoning overlay district, and for parking lots containing thirty or more parking spaces within the urban zoning overlay district, a minimum of ninety square feet of planting area shall be required for each new canopy tree (See Figure 17.24.160), and a minimum planting area of one hundred percent of the drip line area of the tree shall be required for all existing trees to remain. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred percent, lesser area may be approved by the urban forester. (See Figure 17.24.160)

2. For parking lots containing fewer than thirty parking spaces within the urban overlay zoning district, a minimum planting or tree grate area of one hundred percent of the drip line area of the tree shall be required for all new and existing trees. If the applicant can demonstrate that the tree can remain healthy with an area less than one hundred percent, lesser area may be approved by the urban forester. (See Figure 17.24.160) (Amdt. 1 with Ord. 2001-750 § 32, 2001; Ord. BL2000-364 § 1 (part), 2000; Ord. 98-1323 § 2, 1998; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.4(D), 1997)

17.24.170 Nonconforming parking areas.

When the gross area of a nonconforming parking area is increased, compliance with this article is required as follows:

A. Expansion by Twenty-Five Percent or Less. When a parking area is expanded by not more than twenty-five percent, only the expanded area must be brought into compliance with this article.

B. Expansion by More than Twenty-Five Percent. When a parking area is expanded by more than twenty-five percent, the entire parking area (pre-existing and expanded) shall be brought into compliance with this article.

C. Repeated Expansions. Repeated expansions of a parking area over a period of time commencing with the effective date of the ordinance codified in this title shall be combined in determining whether the twenty-five percent threshold has been reached. (Ord. 96-555 § 6.4(E), 1997)

Article IV. Landscape Buffer Yard Requirements

17.24.180 Purpose and intent.

The purpose of this article is to protect the value and integrity of property from the potential adverse effects of noncompatible land uses. To that end, this article requires that landscape buffer yards be provided at the boundaries of selected zoning districts. The landscape buffer yard standards of this article are also employed by other chapters of this title to accomplish special screening and buffering objectives. The width of the landscape buffer yard and the intensity of plantings required may vary depending upon the relative intensities of the abutting zone districts or the activity itself. In most cases, the property owner may choose among a number of buffer yard widths and plantings to satisfy the requirement. (Ord. 96-555 § 6.5(A), 1997)

17.24.190 Exemptions.

No landscape buffer yard shall be required in the following situations:

A. When a zoning boundary falls along a public street containing four or more travel lanes, or along an elevated railroad bed, utility line easement of fifty feet wide or greater, navigable river, or controlled access highway.

B. When a zoning boundary falls along a public street within the urban zoning overlay district.

C. When the property is zoned CC (commercial core). (Ord 2002-1020 § 1, 2002: Ord. 98-1268 § 1 (part), 1998)

17.24.200 Determination of landscape buffer yard requirements.

Generally, a landscape buffer yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened, and shall not be located in any portion of a public right-of-way. When a zoning district boundary falls along a public street of less than four travel lanes, a B-2 landscape buffer yard may be substituted in lieu of the standard buffer required by Table 17.24.230. In applying the buffer standards of Table 17.24.230, the zoning administrator may take into consideration the future zoning designation of the abutting property as envisioned by the general plan to the extent that existing land uses are reasonably protected by an effective buffer. When the gross floor area of a building legally existing on the effective date of the ordinance codified in this section is enlarged by more than twenty-five percent, that perimeter portion of the property in proximity to the area of expansion shall be brought into conformance with the landscaping buffer yards standard of this code to the greatest extent considered reasonable by the zoning administrator. When incremental expansions occur over time, the total of all expansions shall be used by the zoning administrator in applying the provisions of this section. The following procedure shall be followed to determine the standard of landscape buffer yard required along a zoning district boundary:

A. Identify the zone district for the proposed site as well as for the abutting site(s);

B. Determine the landscape buffer yard standard required on each building site boundary (or portion thereof) by referring to Table 17.24.230;

C. Select the desired width/screening option from those listed in Section 17.24.240, landscape buffer yard standards. Any of the listed width or screening variations shall satisfy the requirement between abutting zone districts. (Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.5(C), 1997)

17.24.210 Landscape buffer yard design and materials.

A. Existing Native Plant Material. The use of existing plant material is strongly encouraged in landscape buffer yards. Existing natural groundcover should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Where the planting requirements of Section 17.24.240, landscape buffer yard standards, require additional trees or shrubs to be installed in an existing natural area, installation should minimize disturbances to native species.

B. Trees. Where the planting requirements of Section 17.24.240 indicate that additional trees shall be installed, required trees shall be a minimum of six feet in height or two inches in caliper, as appropriate. At least one-half of the required trees shall be locally adapted natural evergreen species. Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees greater than thirty feet as measured parallel to the property line. Required canopy trees shall have an expected mature height of thirty feet or greater. Required understory trees shall have an expected mature height of at least fifteen feet. All trees shall count towards satisfying the tree density requirements of Article II of this chapter.

C. Shrubs. Shrubs planted to meet the minimum standards of this article shall be a minimum of one and one-half feet in height when planted and at least one-half shall be expected to reach five feet or greater in height within five years of planting. At least one-half of the required shrubs shall be locally adapted evergreen species. Shrubs planted on berms may have a lesser mature height provided that the combined height of the berm and plantings after five years is at least five feet. Shrubs shall be planted in such a way as to form continuous coverage with no shrub being greater than five feet from another as measured parallel to the property line. Shrubs may be planted in staggered rows or any other pattern which still achieves the desired continuous coverage. Pedestrian areas and other places where surveillance for the purpose of preventing crime is a design objective may be planted with the smaller of the required shrubs, but at least fifty percent of the shrubs installed to meet the requirements of this title shall be capable of attaining five feet in height at maturity.

D. Utility and Drainage Easements. Required landscape buffer yards shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement.

E. Parking Area Landscaping. Perimeter plantings required for parking area landscaping may be counted toward satisfying landscape buffer yard requirements when the perimeter planting area coincides with the yard.

F. Compatibility of Landscaping Materials. Supplemental plantings should be chosen to enhance the existing vegetation within the landscape buffer yard. The species used in the supplemental plantings should be species that occur naturally in the landscape, and should be selected for their noninvasive properties.

G. Opaque Fences.

1. Outside of the urban zoning overlay district, when utilized to satisfy a screening requirement of this title, opaque fences shall be constructed of permanently affixed materials that comprise an integral part of the fence itself. The use of nonrigid plastic or fabric material shall not qualify as an opaque fence.

2. Within the urban zoning overlay district, when walls or fences are used as part of landscape buffer yards, the following materials shall be used and the landscaping shall be installed on the side of the wall facing the less intensive use:

a. Fences provided in Landscape Buffer Yards A and B may only be constructed of natural wood. Sheet plastic, sheet metal, corrugated metal, and plywood fencing shall not be allowed. The finished side of fences shall face the lower intensity use.

b. Walls provided in Landscape Buffer Yards B, C, and D may only be constructed of brick, stone, stucco over concrete block, split-faced or fluted block. Walls shall not be constructed of industrial waste materials (tires, pallets, etc.). (Ord. 2001-750 §§ 12—14, 2001; Ord. BL2000-364 § 1 (part), 2000; Ord. 96-555 § 6.5(D), 1997)

17.24.220 Other uses within landscape buffer yards.

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

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

C. Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible and shall not exceed twenty-five percent of the entire buffer yard, with no single penetration to exceed thirty-five feet. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.5(E), 1997)

17.24.230 Table of landscape buffer yard requirements.

Landscape buffer yards shall be provided along zoning district boundaries to standards established by Table 17.24.230, set out at the end of this chapter. (Amdt. 2 (part) with Ord. 98-1323 § 3, 1998; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 1(11) of Amdt. 1 with Ord. 96-555 § 6.5(F), 1997)

17.24.240 Landscape buffer yard standards.

A. Application of Landscape Buffer Yard Standards. The specifications contained in Figures 17.24.240A through 17.24.240D, set out at the end of this chapter, shall be used to

select the desired landscape buffer yard option for the building site. These yard requirements are stated in terms of minimum yard width and the density of required plant material per linear foot of yard. To determine the total number of plants required, the length of each side of property requiring a landscape buffer yard shall be divided by one hundred and multiplied by the number of plants shown in the illustration.

		Table 17.24.230 TABLE OF LANDSCAPE BUFFER YARD REQUIREMENTS						
		ZONING DISTRICT PROVIDING BUFFER YARD						
		1 AG, AR2a, RS80, R80, RS40, R40, RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM4	2 R8, RS7.5, R6, RS5, RS3.75, RM6, RM9	3 RM15, RM20, RM40, RM60, MHP	4 ON, CN, MUN, SCN, OL, OR20, OR40	5 CL, CS, MUL, SCC, I	6 CA, CF, SCR, MUG, MUI, ORI, OG	7 IWD, IR, IG
ABUTTING ZONING DISTRICT	1 AG, AR2a, RS80, R80, RS40, R40, RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM4	-	B	C	C	C	D	D
	2 R8, RS7.5, R6, RS5, RS3.75, RM6, RM9	-	-	B	C	C	D	D
	3 RM15, RM20, RM40, RM60, MHP	A	A	-	B	B	C	D
	4 ON, CN, MUN, SCN, OL, OR20, OR40	A	A	A	-	A	B	C
	5	A	A	A	A	-	A	B
	CL, CS, MUL, SCC, I							
	6 CA, CF, SCR, MUG, MUI, ORI, OG	B	B	B	B	A	-	B
	7	C	C	C	B	B	B	-
	IWD, IR, IG							

B. Allowable Design Variations. The landscape buffer yard is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the yard area, shall be considered. The edges of the landscape buffer yard may meander provided that:

1. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and

2. The yard measures no less than the minimum width permitted by the applicable landscape buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.

C. Fractional Requirements. When the requirements of this article result in a fractional number of plantings, the fraction shall be rounded to one.

D. Planned Unit Development Districts. Notwithstanding any other provision of this title to the contrary, the landscaping buffer yard requirements for a PUD originally approved by the metropolitan council under a previous zoning code shall be provided as required by this code or as required in the originally approved PUD, whichever is greater. If a PUD approved under a previous zoning code provides for commercial and/or industrial uses within such PUD, and the underlying base zoning of the property on which the PUD district exists is an agricultural or residential zoning district, then the commercial and/or industrial zoning district which best accommodates the land uses permitted within the PUD shall be the "Zoning District Providing Buffer Yard" for the purposes of Table 17.24.230.

E. Yard Exceeds Twenty Percent of Lot Area. In circumstances where the ground area required for the landscape buffer yard exceeds twenty percent of the total lot area, the width and the number of trees and shrubs within the yard may be reduced up to fifty percent provided that a solid wall or closed wooden fence at least six feet in height is provided along the length of the reduced landscape buffer yard.

F. Grading and Use of Berms. Proposals for grading within a landscape buffer yard shall demonstrate superior enhancement of the buffer function compared to retention of the existing grades. Grading should not endanger or remove existing trees which occur within a landscape buffer yard, unless the proposal clearly demonstrates an enhanced buffer. The use of earthen berms within a landscape buffer yard is encouraged when disturbance to existing vegetation can be minimized. Where berms are incorporated into the yard, the required plantings may have a lesser mature height, provided that the combined height of the berm and plantings will equal the required mature heights of plantings as set forth in Section 17.24.210B and C.

G. Waiver of Landscape Buffer Yard. Landscape buffer yard requirements may be waived by a demonstration of unusual site grade conditions which would clearly negate the effects of the required yard. The applicant shall furnish sections or profiles (drawn to scale) through the property line along the yard which is proposed for waiver. These drawings shall demonstrate the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian (taken at four and one-half feet above grade) from principal entrances and from the highest point on the site to be buffered. Such profiles or sections shall clearly demonstrate that the effect of the change in grade would negate the effect of a mature landscape buffer yard thirty feet in height. (Ord. 2001-750 §§ 15—31, 2001; Ord. BL2000-364 § 1 (part), 2000; Amdt. 2 (part) with Ord. 98-1323 § 4, 1998; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.5(G), 1997)

Chapter 17.28

ENVIRONMENTAL AND OPERATIONAL PERFORMANCE STANDARDS

Sections:

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Article I. Environmental Performance Standards

17.28.010 Purpose and intent.

The purpose of this article is to establish standards for development in environmentally sensitive areas, in a manner which provides for reasonable use of the land while retaining to the maximum extent possible the environmentally sensitive portions in a predeveloped state. This article is predicated on the concept that land use policy decisions and zoning decisions must be made in the context of the land's characteristics. The choice of residential land uses should be based on site-specific characteristics which coincide with the many available varieties of housing. Commercial land use decision-making, conversely, is likely driven more by market forces, such as location or access, than by site characteristics. It is the intent of this article to offer incentives to minimize environmental disturbance. The requirements and standards of this article are intended to promote low-impact development in the sensitive hillsides and areas of special flood hazard of the community through incentives to preserve these lands in an undeveloped state, to insure protection of special vegetative assets and to promote well-conceived development which recognizes the problem soils of the community. (Ord. 96-555 § 7.1(A), 1997)

17.28.020 Applicability.

A. Hillside Development Standards. The hillside development standards apply to new construction on land in an undeveloped state where natural slopes are of fifteen percent or greater.

B. Special Flood Hazard Development Standards. The floodplain development standards apply to new construction where there are special flood hazard areas, as described in the Nashville stormwater management manual. Nothing contained in the official maps of special flood hazard shall prohibit the application of these regulations to lands which can be demonstrated by competent engineering survey to lie within any one hundred-year floodplain; conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to these regulations.

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

D. Protection of Cedar Glade Plant Communities. The standards for Cedar Glade plant communities apply to predevelopment conditions for new residential construction located within Cedar Glades as identified by the Tennessee Department of Environment and Conservation.

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

1. Any construction, development or use initiated pursuant to any valid building permit or approved final site plan issued or approved prior to the adoption of the ordinance codified in this title;

2. Any essential public utility facility, system or road initiated to provide utility services or access to a property;

3. Repairs or replacement to an existing structure or building that does not increase impervious surface area of the site more than twenty-five percent of the existing area or multiple increases of not more than fifty percent in any five-year period;

4. The construction of a single-family or two-family dwelling unit on a platted lot existing at the time of the enactment of the ordinance codified in this title; a lot depicted on a preliminary plat of subdivision having a valid approval by the planning commission on the effective date of the ordinance codified in this title; and subsequently recorded in compliance with that preliminary approval shall also be exempt. (§ 5(1) of Amdt. 1 with Ord. 96-555 § 7.1(B), 1997)

17.28.030 Hillside development standards.

A. Residential Districts. The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes. Approval of a final site plan for a "critical lot" established by the subdivision regulations shall be based upon a demonstration that the proposal takes into consideration factors such as, but not limited to, soil conditions, degree of slope and feasibility of construction. The standards for review of critical lots from the adopted subdivision regulations shall apply.

1. Single or Two-Family Lots. The following provisions of this section shall not apply to single or two-family lots equal to or greater than one acre in size. For lots of less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state. The planning commission may authorize the creation of a single or two-family lot of less than one acre in size with natural slopes equal to or greater than twenty-five percent subject to the following standards and conditions:

a. The resulting lot shall be designated as a "critical lot" on the final plat of subdivision approved by the metropolitan planning commission and the department of public works;

b. For natural slopes that generally rise away from the fronting street, a building envelope on less than twenty

percent natural slope and a minimum width of seventy-five feet at the building line shall be provided, or

c. For natural slopes that are generally parallel with the fronting street, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided, or

d. For natural slopes that generally fall away from the fronting street, a building envelope on less than twenty-five percent natural slope shall be provided;

e. A certified engineer can demonstrate, through the use of special design and construction techniques, that a residential structure will be constructed on the lot in a manner which effectively minimizes disturbance of the hillside and optimizes the preservation of mature trees and will not adversely impact the storm water runoff on down slope or adjacent properties;

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

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

2. Cluster Lots. Single and/or two-family subdivisions in areas characterized by twenty percent or greater slopes are encouraged to employ the cluster lot option provisions of Section 17.12.080. In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent. The planning commission may authorize lots on natural slopes ranging up to twenty five percent, subject to the special standards and conditions noted above. Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.

3. All Other Development in Residential Districts. For any multifamily or nonresidential form of development occurring within a residential district (the RM40 and RM60 districts excepted), manipulation of the natural slopes by grading shall result in an effective impervious surface ratio (ISR) for those portions disturbed as shown in Table 17.28.030A.

a. That portion of a multifamily development site containing large contiguous areas of natural slopes of twenty-five percent or greater should be permanently maintained in a natural state. The clearing of trees exceeding eight inches in diameter from those natural slopes shall be minimized by sensitive construction techniques.

b. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes within multifamily developments shall be screened as follows:

i. When oriented towards a lot or parcel zoned R or RS, apply the next higher landscape buffer yard standard from Section 17.24.240;

Table 17.28.030A
ISR ADJUSTMENTS (RESIDENTIAL DISTRICTS)

Natural Slope (%)	**Standard ISR**	**X**	**Adjustment Factor**	**=**	**Effective ISR**
ISR					
<15%	Table 17.12.020B	X	1.0	=	Effective ISR
15 < 20%	Table 17.12.020B	X	0.66	=	Effective ISR
20 < 25%	Table 17.12.020B	X	0.33	=	Effective ISR
25%+	Table 17.12.020B	X	0.0	=	0

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

ii. When oriented towards another lot or parcel with an RM zoning classification, apply landscape buffer yard Standard A from Section 17.24.240; and

iii. When oriented towards a public street, apply landscape buffer yard Standard B from Section 17.24.240.

B. Nonresidential Sites.

1. In all nonresidential zoning districts except CC, CF and MUI, manipulation of the natural slopes by grading shall result in effective impervious surface ratio (ISR) adjustments for those portions disturbed as shown in Table 17.28.030B.

2. Grading standards for hillside sites in nonresidential zone districts are as follows:

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

b. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes on nonresidential sites shall be screened as follows:

i. When oriented towards a lot or parcel zoned R, RS or RM, apply the next higher landscape buffer yard standard from Section 17.24.240; and

ii. When oriented towards a public street, apply landscape buffer yard standard B from Section 17.24.240. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 5(2), (3) of Amdt. 1 with Ord. 96-555 § 7.1(C), 1997)

Table 17.28.030B
ISR ADJUSTMENT (NONRESIDENTIAL DISTRICTS)

Natural Slope (%)	Standard ISR	X	Adjustment Factor	=	Effective ISR
<15%	Table 17.12.020C	X	1.0	=	Effective ISR
15 < 20%	Table 17.12.020C	X	0.66	=	Effective ISR
20 < 25%	Table 17.12.020C	X	0.33	=	Effective ISR
25%+	Table 17.12.020C	X	0.0	=	0

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

17.28.040 Floodplain/floodway development standards.

A. Preserved Floodplain. Except as noted below, all development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of the effective date of this ordinance, shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application. The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities.

B. Limited encroachments into the preserved floodplain may be authorized as a variance by the Stormwater Management Committee, as set forth in Section 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the Committee finds that the encroachment reduces the flood danger or would improve and enhance the environmental quality of the affected floodplain section. Variances shall not be approved for greater than twenty percent of the floodplain area required to be preserved.

C. Protected floodway and floodplain areas may be manipulated for the purpose of installing public greenways, public parks, private parks that otherwise meet the definition of "parks" contained in this Code, golf courses, and state certified wetlands.

D. All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the federal flood insurance program within Davidson County.

E. Properties zoned CC, CF, MUI, MUG, IR, IG and IWD shall not be constrained by this section, but shall otherwise conform to all provisions of Section 15.64, Stormwater Management of the Metropolitan Code of Laws.

F. Residential Development. Residential development on property encumbered by natural floodplain or floodway on the effective date of the ordinance codified in this section shall comply with the following, except for the installation of streets and utilities where required by the planning commission to alleviate an undue hardship:

1. Single or Two-Family Lots. Land area designated as natural floodplain or floodway on the effective date of said section may be included within a residential lot, but if manipulated, shall not be counted towards satisfying the minimum lot size requirements of the base zoning district. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be estab-

lished on the final plat of subdivision approved by the metropolitan planning commission and the department of public works.

2. Cluster Lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas is encouraged to employ the cluster lot option of Sections 17.12.080 or 17.36.070. Residential lots under the cluster lot option may be clustered within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to Section 17.12.080. (Amdt. 1 to Ord. BL2002-1021 § 1, 2003: Ord. BL99-117 § 1 (part), 2000; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 7.1(D), 1997)

17.28.050 Problem soil—Requirements.

On lots or parcels identified as containing Bodine-Sulfura, Dellrose Cherty Silt Loam, Newark or Taft Silt loam soils, applications for final site plan approval shall be accompanied by a geotechnical report. Both the geotechnical report and the site plan shall be certified by a qualified engineer licensed in the state of Tennessee. The qualifying engineer shall certify that the construction techniques proposed adequately mitigate any potential soil hazards identified by the report. (Ord. 96-555 § 7.1(E), 1997)

17.28.060 Protection of Cedar Glade plant communities.

A residential subdivision or multifamily development proposed on land containing a designated Cedar Glade environment shall make all reasonable effort to preserve that environment through the use of the clustering options afforded by this title. (Ord. 96-555 § 7.1(F), 1997)

Article II. Operational Performance Standards

17.28.070 Purpose and intent.

The operational performance standards included in this article are intended to protect the health, safety and welfare of the citizens of Metropolitan Nashville and Davidson County by regulating potential hazardous or nuisance characteristics of land uses permitted by this title. (Ord. 96-555 § 7.2(A), 1997)

17.28.080 Applicability.

A. In case of conflict between the operational performance standards set forth herein and any rules or regulations adopted by any other applicable governmental agency, the more restrictive shall apply.

B. When an existing land use or structure is expanded, enlarged or otherwise reconstructed after the effective date of the ordinance codified in this title, the applicable performance standards shall apply to the expanded, enlarged or reconstructed portion.

C. The following performance standards are regulated by other codes:

1. Title 10, Chapter 10.56 of the metro code (Air Pollution Control) regulates smoke, particulate matter, demolition and odors, and is administered by the metropolitan health department.

2. Title 10, Chapter 10.64 of the metro code (Fire Prevention Code) regulates fire, hazardous materials, and explosive hazards, and is administered by the metropolitan fire marshal.

D. The following activities are exempt from the operational performance standards of this article:

1. Temporary construction, excavation and grading;

2. Demolition activities which are necessary and incidental to the development of facilities on the same lot, on another of several lots being developed at the same time, or on the public right-of-way or easement for a community facility. (Ord. 96-555 § 7.2(B), 1997)

17.28.090 Noise.

A. Applicability. These standards apply to continuous and intermittent noise from machinery or equipment, noise emitted by speaker boxes, pick-up and delivery trucks, and any other commercial or industrial activities which are under the control of the occupant of a lot or a parcel legally recorded at the time of adoption of the ordinance codified in this title. The following provisions shall not apply to airport, heliport, railroad station, rail yard or mineral extraction land uses.

B. Method of Measurement. Noise shall be measured with a sound level meter (Type 1 or Type 2) which meets the standards of the American National Standards Institute (ANSI) Section S 1.4-1979, or as superseded. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two or more objects strike each other, shall be measured using the fast response of the sound level meter, and other noises using the slow response. For purposes of this title, impact noises shall be considered to be those noises whose peak values are more than three decibels higher than the values indicated on the sound level meter.

C. Maximum Permitted Sound Levels. The maximum permitted sound pressure levels in decibels across lot lines or district boundaries shall be in accordance with following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

Table 17.28.090
MAXIMUM SOUND LEVELS (dBA)

Adjacent Land Use	Sound Level Limit (dBA)	
	7 a.m. to 7 p.m.	7 p.m. to 7 a.m.
Industrial and agricultural	75	75
All others	65	60

(Ord. 96-555 § 7.2(C), 1997)

17.28.100 Lighting.

The following standards shall apply in all districts:

A. All site lighting shall be shielded so that substantially all directly emitted light falls within the property line. No illumination in excess of one-half footcandle shall be permitted across the boundary of any adjacent residential property or a public street.

B. No illumination shall produce direct, incident or reflected light that interferes with the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to any light that may be confused with or construed as a traffic-control device. (Ord. 96-555 § 7.2(D), 1997)

17.28.101 Air pollution control.

In all districts, all material storage and manufacturing activities must comply with the air pollution regulations contained in Chapter 10.56 "Air Pollution Control" of the Metropolitan Code of Laws and the regulations adopted pursuant thereto by the metropolitan health department, pollution control division. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998)

17.28.102 Storage capacity of flammable and combustible liquids, liquid gases and gases.

Table 17.28.102

STORAGE CAPACITY OF FLAMMABLE AND COMBUSTIBLE LIQUIDS, LIQUID GASES, AND GASES

In the table below, all storage amounts are based on up to two acres of land. Properties of over two acres may increase the allowable storage provided in the table by an equal percentage of property in excess of two acres.

All storage of flammable liquids, liquid gases or gases must be referred to the metropolitan fire marshal for a determination that the storage will comply with the Metropolitan Fire Code, as amended, prior to issuance of a permit.

	LIQUIDS				LIQUID GASES		GASES	
	Above Ground		Below Ground					
ZONING DISTRICTS	**Less than 100 F Flash Point**	**100-300 F Flash Point**	**Less than 100 F Flash Point**	**100-300 F Flash Point**	**Above Ground**	**Below Ground**	**Above Ground**	**Below Ground**
CS, CF	5,000 gal.	20,000 gal.	10,000 gal.	80,000 gal.	5,000 gal.	20,000 gal.	100,000 SCF	300,000 SCF
IWD, IR	10,000 gal.	30,000 gal.	Unlimited	Unlimited	30,000 gal.	50,000 gal.	300,000 SCF	Unlimited.

	LIQUIDS				LIQUID GASES		GASES	
	Above Ground		Below Ground					
ZONING DISTRICTS	**Less than 100 F Flash Point**	**100-300 F Flash Point**	**Less than 100 F Flash Point**	**100-300 F Flash Point**	**Above Ground**	**Below Ground**	**Above Ground**	**Below Ground**
								Except no more than 1 million SCF per acre within 300 feet of any more restrictive zoning district boundary
IG	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
	Except no more than 50,000 gal. per acre shall be stored within 300 feet of a district boundary.	Except no more than 50,000 gal. per acre shall be stored within 300 feet of a district boundary.			Except no storage shall be permitted within 100 feet of a district boundary.	Except no storage shall be permitted within 100 feet of a district boundary.	Except no storage shall be permitted within 100 feet of a district boundary.	Except no storage shall be permitted within 100 feet of a district boundary.

(Amdt. 1 with Ord. 98-1268 § 1 (part), 1998)

17.28.103 Compliance certification.

In all districts, any request for a zoning permit for manufacturing or other uses shall be accompanied by a certification from a licensed registered professional engineer of the state which states that the proposed activity can comply with the applicable performances standards. If the zoning administrator has reasonable belief that a violation may occur despite the opinion of the engineer, then the zoning administrator, may reject the application, citing the reasons. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998)

Chapter 17.32

SIGN REGULATIONS

Sections:

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17.32.110 On-premises signs—I, MUN, MUL, ON, OL, OG, OR20, OR40, CN and SCN districts.
17.32.120 On-premises signs—ORI, MUG, and MUI districts.
17.32.130 On-premises signs—CL, CS, CA, CF, SCC, SCR, IWD, IR and IG districts.
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17.32.150 Billboards.
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17.32.010 Purpose and intent.

A. Safety. Construct and display signs in a manner that allows pedestrians and motorists to identify, interpret and respond in an efficient and discerning manner to the following:

1. Information related to public traffic control, directions and conditions;

2. Movement of all other pedestrians and vehicles that impact traffic on a given travelway; and

3. Information other than public traffic related when displayed in a manner which is clear, concise and non-competing with public traffic information.

B. Protection of Minors. Prohibit the location of signs that are harmful, or potentially harmful, to minors that include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks and/or breasts.

C. Graphic Continuity and Aesthetics. Organize signs in a manner that reduces visual clutter and integrates signs with all other elements of the site and environs by limiting the size, location and design of signs so that pedestrians and motorists have an equal right to view buildings, structures and natural features in the foreground and background.

D. Protection of Future Public Right-of-Way. Limit the location of signs so that reasonable expansion of the public right-of-way can occur in conformance with the capital improvements program and without disturbance of existing conforming signs.

E. Activities and Services Identification. Based on a communities need to know, provide for signs that identify the marketplace and the opportunities provided by the community. (Ord. 96-555 § 8.1, 1997)

17.32.020 General provisions.

A. Interpretation. These sign regulations are intended to complement the various codes and ordinances of the metropolitan government. Wherever there is inconsistency between these sign regulations and other regulations of the metropolitan government, the more stringent shall apply. Reference is made but not limited to the following regulations:

1. Building code;

2. Electrical code;

3. Major street plan;

4. Zoning title and performance standards;

5. Metropolitan Code Section 13.08.050 (sign in public right-of-way);

6. Metropolitan Code Section 12.48.090A (Bus benches and signs);

7. Metropolitan Code Section 17.04.060 (specified anatomical areas);

8. Historic district regulations;

9. State of Tennessee Outdoor Advertising Regulations;

10. Traffic and parking code.

B. Design, Construction and Maintenance. All signs shall be designed, constructed and maintained in accordance with the following standards:

1. Compliance with Codes. All signs must comply with all the provisions of the metropolitan code.

2. Permanency Required. All signs shall be constructed of permanent materials and shall be permanently affixed to the ground or building unless otherwise exempted in this chapter.

3. Maintenance. All signs shall be maintained in good surface and structural condition and in compliance with all building and electrical codes. (Ord. 96-555 § 8.2, 1997)

17.32.030 Rationale, definition, system for regulation and overall use.

A. Rationale. The word "sign" is chosen to signify all nonverbalized communication in public viewed areas because of its traditional use. The word "graphic" is synonymous with sign and the two may be used interchangeably within the context of this sign code. An on-premises sign shall not be a principal use.

B. Definition. The definition of "sign" as provided hereinafter is all-inclusive. A sign is any writing (including letter, work or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol or trademark); flag (including banner or pennant); inflatable structure; or any other figure of similar character, which is:

1. A structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and

2. Used to announce, direct attention to, or advise.

C. System for Regulation. Regulation of signs is based on size, location, method of attachment, duration and design/lighting. The following distinctions apply to the regulation of signs:

1. Regulation based on size;
2. Regulation based on location;
3. Regulation based on method of attachment:
a. On-premises ground sign,
b. On-premises building sign;
4. Regulation based on duration:
a. On-premises temporary sign,
b. On-premises permanent sign;
5. Regulation based on design/method of lighting:
a. Illuminated sign,
b. Nonilluminated sign.

Regulations apply to signs with respect to specific permissiveness and provisions in each use district or group of related districts. Regulations are generally more restrictive in residential districts than in commercial and industrial. Additional regulations may further apply to areas of special design control such as, but not limited to:

1. Airport district;
2. Historic districts;
3. Floodplain districts;
4. Redevelopment districts;
5. Urban design overlay districts.

D. Overall Use. The use of on-premises temporary signs is permitted wherever there is a need to display information for a limited period of time. The use of permanent on-premises ground or on-premises building signs is permitted wherever there is a need to display information as provided for in this chapter, where there is a principal use. (Ord. 99-1615 § 1 (part), 1999; Ord. 96-555 § 8.3, 1997)

17.32.040 Exempt signs.

The following on-premises signs are exempt from the operation of these sign regulations provided they are not placed or constructed to be in violation of Section 17.20.180, Visibility, or so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

A. Within nonresidential districts, signs that are displayed for the direction or convenience of the public, such as signs which identify entrances, exits, drive-thru windows, or signs of a similar nature. Such signs shall not exceed six square feet in area, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 17.20.180 of this title and shall adhere to the height and setback provisions for permanent, on-premises ground signs;

B. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the state, the United States of America, or the metropolitan government of Nashville and Davidson County;

C. Legal notices and official instruments;

D. Holiday lights and decorations with no commercial message;

E. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards for nonresidential uses;

F. Works of art that do not constitute advertising;

G. Signs carried by a person when the person does not receive any financial compensation;

H. Official fraternal, religious or civic flags when mounted on permanent poles attached to the ground or building;

I. Official governmental flags of the following governmental entities shall be the only official governmental flags recognized as such by the Metropolitan Government of Nashville and Davidson County:

1. The United States of America;

2. Any state, territory, or possession of the United States of America;

3. Any official flag adopted as such by the Metropolitan Government of Nashville and Davidson County;

4. Any official flag adopted by a member state of the United Nations;

5. Any official flag adopted by a sovereign nation, including Switzerland;

J. In commercial and industrial districts decorative flags of eight square feet or less in size that are mounted on individual poles. The poles shall be separated by a minimum distance of twenty-five feet, except that four poles may be clustered at one location per street frontage. If the option to cluster is exercised no other poles shall be erected along that street frontage. The flags may contain a logo and shall be subject to the height and front setback requirements for the respective district;

K. Temporary signs for political purposes;

L. Decorative flags and bunting for a celebration, convention or commemoration subject to removal within seven days following the event;

M. Temporary merchandise displays and signs behind storefront windows which are not affixed permanently to the glass, nor intended for permanent display, and nonilluminated;

N. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building;

O. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, fee collection boxes, and gasoline pumps;

P. In residential districts, any sign of a type described below which does not exceed two square feet in area:

1. A sign giving a property identification name or number or name(s) of occupant, one sign per lot,

2. A mailbox sign (one sign per dwelling unit), and

3. A sign(s) posted on property relating to private parking, trespassing or dangerous animals (limited to one sign per zone lot if less than one acre in size);

Q. Temporary or permanent signs identifying traffic-control measures on private property, such as "stop," "yield," and similar signs, the face of which meet the standards of the "Manual for Uniform Traffic Control Devices" and which contain no logo or commercial message of any sort and which do not exceed six square feet in area per sign;

R. Temporary signs announcing yard sales which do not exceed six square feet in area, are limited to one per lot, which are erected no sooner than four days before the event, and are removed within two days after the event;

S. Temporary signs announcing construction in residential districts which do not exceed six square feet in area and six feet in height, which are limited to one per lot, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty days, the message shall be removed, pending continuation of construction activities;

T. Temporary signs announcing construction in nonresidential districts which are less than thirty-two square feet in area and ten feet in height, which must be spaced at least one hundred feet apart, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. Construction-related signs that are thirty-two square feet or more in area and ten feet in height must comply with the district requirements for a permanent sign. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty days, the message shall be removed, pending continuation of construction activities;

U. Temporary signs announcing real estate availability in residential districts which do not exceed six square feet in area per sign, which do not exceed six feet in height for ground signs, and which are limited to one ground sign per street frontage and one building sign with wall attachment per dwelling unit;

V. Temporary signs announcing real estate availability in nonresidential districts which are less than thirty-two square feet in area per sign, which do not exceed ten feet in height for ground signs, and which are limited to one ground sign per street frontage and one building sign with wall attachment per building facade if the entire building is for sale or lease or one building sign with wall attachment per leasable area if subunits of the building are for lease or rent;

W. Temporary signs for announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs are less than thirty-two square feet in area, are limited to one sign per site of such events, are erected no sooner than fourteen days before the event, and are removed within seven days after the event;

X. Restaurant menu boards either as an on-premises ground or on-premises building sign when oriented toward a drive-through lane. Menu boards may contain logos provided that the logo does not comprise more than twenty percent of the total sign area of sixty square feet and a maximum height of ten feet. The menu board shall be located within thirty feet of the point at which orders are taken from the motor vehicle;

Y. Signs located within a building that are not oriented so as to be viewed form the exterior of the building. Signs located within a tourist/entertainment facility, school campus, airport, or office or hospital complex, any of which contains at least ten acres of lot area, that are not visually oriented toward a public right-of-way;

Z. Scoreboards or advertising signage located on athletic fields if oriented toward the field of play;

AA. Temporary auction signs to be erected no longer than seventeen days prior to the event and to be removed within twenty-four hours after the auction event. Any such sign shall not exceed twenty-four square feet in size in residential districts and thirty-two square feet in all other districts. (Amdt. 1 with Ord. 2002-969 § 1, 2002; Ord. 96-555 § 8.4, 1997)

17.32.050 Prohibited signs.

It is unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this title. Any prohibited sign(s) may be removed by the zoning administrator or his designee after notice to the property owner or occupant to remove such sign(s) within three days. The following signs are expressly prohibited are expressly prohibited:

A. Signs that are in violation of any other code adopted by the metropolitan government as stipulated in Section 17.32.020;

B. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this title or other ordinance of the metropolitan code;

C. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device;

D. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals;

E. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized pursuant to Metropolitan Code Section 12.48.090;

F. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes or as otherwise authorized by the metropolitan council;

G. Signs with any copy, graphics, or displays that change by electronic or mechanical means, when the copy, graphics or display does not remain fixed, motionless and nonflashing for a period of two seconds or more, provided that this provision shall not be applicable to any sign located within the CA district;

H. Billboards in permitted districts, or signs located in ON, OL, OG, OR20, OR40, ORI, MUN, MUL, MUG, SCN, SCC, CN and CL districts with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for time/temperature/date signs. This provision shall also apply to all signs located within one hundred feet of property classified within a residential district;

I. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals;

J. Signs that emit audible sound, odor or visible matter such as smoke or steam;

K. Signs, within ten feet of public rights-of-way or one hundred feet of traffic-control lights, that contain red or green lights that might be confused with traffic-control lights;

L. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way;

M. Blank on-premises temporary signs;

N. Strings of incandescent light bulbs with wattage in excess of ten watts per bulb that are used on commercially developed parcels for commercial purposes other than traditional holiday decorations;

O. Signs, commonly referred to as wind signs, consisting of one or more flags which are not otherwise exempted, pennants, ribbons, spinners, streamers or captive balloons which are less than ten feet in their greatest dimension, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind;

P. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic-control signs;

Q. Signs attached to, suspended from or painted on any motor vehicle, trailer or other equipment in:

1. Residential Districts. Signs attached to, suspended from or painted on any motor vehicle, trailer or other equipment, including but not limited to trucks, recreational vehicles, boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implements, implements of husbandry, etc., parked on any street or on any private or public property and which are marked to attract the attention of the public for the purpose of selling, advertising,

displaying, demonstrating or other similar purposes are prohibited.

2. Nonresidential Districts. All motor vehicles, trucks, trailers and other types of equipment which have company logos or business signs attached to, suspended from or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the front line of the building except while being actively loaded or unloaded, unless parking on the property behind the front line is not possible, in which event such vehicles, trailers and equipment shall be parked in as remote a location as possible away from the public streets and public view. The parking of such vehicles with signs to augment tenant identification or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or for any other purpose related to the promotion of business or other activity on the premises is prohibited;

R. Signs displaying copy that is harmful to minors as defined by this title;

S. Portable signs as defined by this title. (Ord. BL2004-223 § 1 (part), 2004; Ord. 96-555 § 8.5, 1997)

17.32.060 Permitted on-premises temporary signs.

On-premises temporary signs are allowed throughout Nashville and Davidson County, subject to the restrictions imposed by this section and other relevant parts of this title.

A. Sign Types Allowed. A temporary sign may be an on-premises ground or on-premises building sign, but may not be constructed of or operated by electrical, electronic or mechanical parts. Banners are defined as being temporary signs.

B. Removal of Illegal On-Premises Temporary Signs. Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.

C. Restrictions on On-Premises Temporary Signs. Any on-premises temporary sign may display any message so long as it is:

1. Not harmful to minors as defined by this title;

2. For the following purposes:

a. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located,

b. In nonresidential districts to indicate the opening of a new business, a change in use, or a going out of business sale. Such message may be displayed for a period not exceeding twenty-one days within the first three months that the occupancy is open for business or the last three months before closing,

3. In nonresidential districts to indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty days or until installation of permanent signs, whichever shall occur first;

4. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be erected no sooner than fourteen days before the event, and removed within seven days after the event;

5. To indicate the availability of goods for sale, either on a vacant lot, or within a temporary structure, such as a tent. Such message may be displayed for a period not exceeding thirty days, and not more than once a quarter on a yearly basis.

D. Open Space Requirements for On-Premises Temporary Signs. On-premises temporary signs shall comply with the front yard requirements, as illustrated in Diagram 17.32.060 and shall not be permitted in a required side or rear setback.

E. Permissible Size, Height and Number.

1. Single-Family and Duplex Residences. Any lot occupied by a one-family or two-family residence may display one on-premises temporary sign with a maximum sign area of six feet and a maximum height of six feet.

2. Triplex and Quadruplex Residences. Any lot occupied by a three-family or four-family residence may display not more than two on-premises temporary signs with an aggregate sign area of not more than twelve square feet. No individual sign shall exceed six square feet in area nor six feet in height.

3. All Other Uses. All other lots may display one square foot of on-premises temporary signage per ten feet of frontage to a maximum of thirty-two square feet. Lots with frontage on more than one side may apply this provision to one additional side. No on-premises sign shall exceed ten feet in height. (Ord. 96-555 § 8.6, 1997)

17.32.070 Permanent on-premises signs.

A. Sign Types Allowed. A permanent on-premises sign may be permitted as a ground or building sign subject to the restrictions imposed by this section and other relevant restrictions imposed by this title.

B. Setback and Height Restrictions. The maximum height and street setback requirements for signs in nonresidential and mixed-use districts shall be as established by Figure 17.32.070, Permanent Ground Signs.

C. Guidance for the Use of Signs.

1. An on-premises sign is for the purpose of conveying information in clear, concise, safe and compatible units to general motorists and pedestrians on travelways and within each site.

2. Size, location, method of attachment and design/lighting are regulated in general based on districts and the type of activity therein. Permanent on-premises signs are subject to the common signage plan requirements.

3. On-premises building signs shall not extend above the roof line of the structure. On-premises wall signs shall not extend above the top of the wall or parapet more than twenty-five percent of the height of such sign, to a maximum of eighteen inches for a solid panel sign, or fifty percent of the height of the letter for individual mounted letters. The above restrictions shall not apply to the commercial amusement (CA) district provided that the sign(s) is not readily visible from a public street external to the development or residentially zoned property abutting the subject property.

4. No permanent on-premises ground sign may be located in a required rear setback.

5. With regard to multiple frontage (frontage on more than one street) the amount of on-premises ground signage is computed by adding all of the frontage along each street and applying the total to the table under the appropriate district; the total on-premises ground sign area that is oriented toward a particular street may not exceed the portion of the lot's total ground sign area allocation that is derived from that street. No on-premises ground sign on one street frontage on the same lot shall be closer than one hundred feet to an on-premises sign fronting on another street, computed as the sum of distance measured continuously along the rights-of-way through a common point or points. On-premises ground signs in excess of two hundred eighty-eight square feet shall require even greater spacing as specified under each district or group of districts. On-premises building signage does not require additional computation for multiple frontage since the signage area is based solely on number of principal buildings, number of occupants and percent of building facade.

6. A single tenant or multitenant sign may be considered an on-premises sign when located within the boundaries of the same approved master development plan or unified plat of subdivision. (Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 8.7, 1997)

17.32.080 On-premises signs in residential districts.

Permanent on-premises ground and on-premises building signs that serve the specific function of identifying a residential development are permitted subject to the following restrictions:

A. Each residential development containing three through fifteen dwelling units and approved under one plat shall be permitted one on-premises identification sign, with a maximum size of six square feet, at the development entry from a public street. The provisions of subsection B of this section, subdivisions (4), (5), (6) and (7) shall apply.

B. Each residential development containing at least sixteen units and approved under one plat shall be permitted up to thirty-two square feet per development entry, to a maximum of three, from a public street. The on-premises signage at each development entry may be one of the following:

1. A double-sided sign located perpendicular to the public street and containing up to thirty-two square feet for the one sign face;

2. A single-sided sign located parallel to the public street and containing up to thirty-two square feet for the one sign face. Displaying a sign on the opposite face, if the total number permits, will be counted as one additional sign;

3. A flared wall, or similar, to which two single-sided signs are attached or imbedded and each sign does not exceed sixteen square street;

4. The leading edge or face of the sign or any building or other structure to which the sign is attached must be set back from the public right-of-way a minimum of fifteen feet;

5. No residential identification sign may exceed six feet in height;

6. All residential identification signs may be illuminated by direct and steady means only;

7. Each residential identification sign shall be maintained perpetually by the developer, sign owner, owners' association or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

C. One flat-mounted on-premises building sign of a maximum of thirty-two square feet in area, for each street frontage, may be placed on the street facing facade of a building that contains a minimum of sixteen units, provided that it is:

1. Illuminated by direct and steady means only;

2. Does not extend more than six inches from the facade of the building. (Ord. 96-555 § 8.8, 1997)

17.32.090 Community facility on-premises signs.

A. Signs for community facilities located in residential districts shall conform to the size provisions applicable to the ON district. The maximum height of a ground sign

shall be eight feet; the minimum street setback shall be fifteen feet; the sign shall not encroach required side setbacks of the district; and only one such ground sign shall be permitted per street frontage.

B. All Other Districts. Community facilities shall be permitted the signage of the district occupied by the community facility. (Ord. 96-555 § 8.9, 1997)

17.32.100 Informational signs for large sites.

A. An informational sign is for the purpose of a lot occupant, or occupants, to convey discreet informational items, directions or instructions for the safety, convenience and need to know for the use, or restriction of use, of a lot on a permanent basis.

B. All informational signs shall be designated on the common signage plan for the property and shall require the issuance of a permit before being erected.

C. The provisions of Section 17.32.050, Prohibited signs, shall apply to prohibited signs.

D. Sign Types Allowed. An informational sign may be a ground or building sign, and shall be permitted in addition to other on-premises signs.

E. Permissible Number, Size and Height. The following standards shall apply to all informational signs except for those utilized in the commercial attraction (CA) district when not readily visible from a public street external to the development or residentially zoned property abutting the subject property:

1. Developments with improved land area of five acres or more shall be permitted two informational signs per five acres of improved area. Any fractional values shall be discarded.

2. The maximum size of any one informational sign shall be thirty-two square feet.

3. The maximum height of any informational ground sign above grade shall be ten feet.

4. Copy height shall be limited to a maximum of six inches.

5. Copy may include one logo per face provided that the logo does not exceed twenty percent of the total sign area.

F. Required Setbacks.

1. An informational sign shall not be located within fifty feet of a side or rear lot line.

2. An informational sign shall not be located within one hundred feet of a front lot line. (Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 8.10, 1997)

17.32.110 On-premises signs—I, MUN, MUL, ON, OL, OG, OR20, OR40, CN and SCN districts.

A. Based on whether an on-premises sign is an on-premises ground or on-premises building sign, refer to the subsection under the appropriate type for computation of sign area.

B. All on-premises ground and on-premises building signs must be approved under an overall signage plan.

C. The number, area, spacing and height of permanent on-premises ground signs shall be determined according to Table 17.32.110.

Table 17.32.110

Lot Frontage in Feet	Max. No. of Signs	Max. Area of Any One Sign in Sq. Ft.	Max. Total Area of All Signs in Sq. Ft.	Min. Side Setback (See Note 1)	Min. Setback to Other Ground Signs on the Same Lot	Max. Height in Feet
Less than 50	1	32	32	2 ft.	NA	20 ft.
50-99	1	40	40	2 ft.	NA	20 ft.
100-199	1	48	48	10 ft.	NA	20 ft.
200-299	1	64	64	25 ft.	NA	20 ft.
300-399	2	96	96	25 ft.	100 ft.	20 ft.
400-499	3	128	128	25 ft.	100 ft.	20 ft.
500-599	3	160	160	25 ft.	100 ft.	20 ft.
600 or more	3	192	192	25 ft.	100 ft.	20 ft.

Note: Where a side lot line abuts a street or a controlled access highway the minimum side setback shall be ten feet.

D. Each multitenant principal building may display not more than two on-premises building signs with a combined sign area of not more than thirty-two square feet.

E. In addition to the principal building signage each occupant of a multiple occupancy complex may display not more than two on-premises building signs on any exte-

rior viewed portion of the complex that is part of the occupant's unit. The total sign area shall not exceed fifteen percent of the facade area for the public entry side or a maximum of one hundred ninety-two square feet, whichever is less. Occupants with a second public entry may divide their permitted signage, but a signage bonus is not given for an additional entry.

F. Where there is only one occupant of a principal building, or where the owner of a multitenant building so chooses, not more than two on-premises building signs may be displayed on any exterior viewed portion of the building, not to exceed a combined sign area equal to fifteen percent of the facade area upon which the sign(s) is displayed to a maximum of one hundred ninety-two square feet. If the owner of a multitenant building chooses this option then no building signage shall be allowed under subsection E of this section. (Ord. 96-555 § 8.11, 1997)

17.32.120 On-premises signs—ORI, MUG, and MUI districts.

A. Based on whether an on-premises sign is an on-premises ground or on-premises building sign, refer to the subsection under the appropriate type for computation of sign area.

B. All on-premises ground and on-premises building signs must be approved under an overall signage plan.

C. The number, area, spacing and height of permanent on-premises ground signs shall be determined according to Table 17.32.120.

Table 17.32.120

Lot Frontage in Feet	Max. No. of Signs	Max. Area of Any One Sign	Max. Total Area of All Signs	Min. Side Setback (See Note)	Min. Setback to Other Ground Signs on the Same Lot	Max. Height in Feet
Less than 50	1	48 sq. ft.	48 sq. ft.	10 ft.	NA	20 ft.
50-99	1	64 sq. ft.	64 sq. ft.	15 ft.	NA	20 ft.
100-199	1	96 sq. ft.	96 sq. ft.	25 ft.	NA	20 ft.
200-299	1	128 sq. ft.	128 sq. ft.	50 ft.	NA	20 ft.
300-399	2	160 sq. ft.	160 sq. ft.	50 ft.	100 ft.	20 ft.
400-499	2	192 sq. ft.	192 sq. ft.	50 ft.	100 ft.	20 ft.
500 or more	3	288 sq. ft.	288 sq. ft.	50 ft.	100 ft.	20 ft.

Note: Where a side lot line abuts a street or a controlled access highway the minimum side setback shall be ten feet.

D. Each multitenant principal building may display not more than two on-premises building signs with a combined sign area of not more than forty-eight square feet.

E. In addition to the principal building signage each occupant of a multiple occupancy complex may display not more than two on-premises building signs on any exterior viewed portion of the complex that is part of the occupant's unit (not including common or jointly owned area). The total on-premises sign area shall not exceed fifteen percent of the facade area of such exterior portion.

F. Where there is only one occupant of a principal building, or where the owner of a multitenant building so chooses, not more than two on-premises building signs may be displayed on any exterior viewed portion of the building, not to exceed a combined sign area equal to fifteen percent of the facade area upon which the sign(s) is displayed to a maximum of two hundred eighty-eight square feet. If the owner of a multi-tenant building chooses this option then no building signage shall be allowed under subsection E of this section. (Ord. 96-555 § 8.12, 1997)

17.32.130 On-premises signs—CL, CS, CA, CF, SCC, SCR, IWD, IR and IG districts.

A. Based on whether an on-premises sign is an on-premises ground or on-premises building sign, refer to the subsection under the appropriate type for computation of sign area.

B. Any lot may have some or all of its permitted area for on-premises ground signage transferred to on-premises building signage and the individual on-premises sign size increased accordingly.

C. All on-premises ground and on-premises building signs must be approved under an overall signage plan.

D. The number, area, spacing and height of permanent on-premises ground signs shall be determined according to Table 17.32.130D.

Table 17.32.130D

Lot Frontage in Feet	Max. No. of Signs (See Note 2)	Max. Area of Any One Sign	Max. Total Area of All Signs	Min. Side Setback (See Note 1)	Min. Setback to Other Ground Signs on the Same Lot	Max. Height in Feet (See Note 2)
Less than 50	1	150 sq. ft.	150 sq. ft.	2 ft.	NA	40 ft.
50-99	1	198 sq. ft.	198 sq. ft.	2 ft.	NA	40 ft.
100-199	1	288 sq. ft.	288 sq. ft.	10 ft.	NA	40 ft.
200-299	2	288 sq. ft.	288 sq. ft.	10 ft.	NA	40 ft.
300-399	2	384 sq. ft.	384 sq. ft.	25 ft.	100 ft.	40 ft.
400-499	3	480 sq. ft.	480 sq. ft.	25 ft.	100 ft.	40 ft.
500 or more	3	480 sq. ft.	576 sq. ft.	25 ft.	100 ft.	40 ft.

Note 1: ere a side lot line abuts a street or a controlled access highway the minimum side setback shall be ten feet.

Note 2: the CL district any lot within one thousand feet of a controlled access highway interchange may have one additional on-premises ground sign of not more than two hundred eighty-eight square feet with a maximum height of fifty feet provided:

a. The additional on-premises ground sign is oriented to the controlled access highway and adheres to all other provisions of this title; and

b. The other on-premises ground sign is oriented to the street of principal access, is spaced at least one hundred feet from any other ground sign on the lot, and is restricted to the maximum height permitted in the CS district; and

c. Further, that up to forty square feet of the ground sign oriented to the street of principal access may be transferred to this sign area when noted on the signage plan; and

d. This additional on-premises sign is available only at interchanges when a highway logo sign is not present.

Note 3: In addition to the number of ground signs permitted by Table 17.32.130D. [formerly 8. 13], properties directly abutting a controlled access highway may install an additional on-premise ground sign along the frontage of that highway at the rate of one sign per one thousand feet of highway frontage. Such signs shall be spaced a minimum of one thousand feet apart. A sign oriented to a controlled access highway may be as large as the maximum size of a sign otherwise permitted by Table 17.32. 130D. The maximum height of a highway oriented sign shall be fifty feet as measured from the average grade of the sign foundation, or thirty feet above the finished elevation of the nearest travel lane of the highway, whichever is greater. In the commercial attraction district, the maximum area of any one sign shall be nine hundred square feet, the maximum total area of all signs shall be two thousand square feet, and the maximum height of a highway oriented sign shall be eighty feet as measured from the average grade of the sign foundation, or sixty feet above the finished elevation of the nearest travel lane of the highway, whichever is greater.

E. On-Premises Ground Signs Based on Ground Floor Area. The chart below offers an option to utilizing frontage to calculating the square footage for one on-premises ground sign to be located only at the primary entrance. On-premises ground signs located on other frontage must be determined by Table 17.32.130D.

Table 17.32.130E

Ground Floor Area	Allowable Square Footage per 1,000 Square Feet of Ground Floor Area
22,000—29,999	6
30,000—49,999	5
50,000—99,999	4
100,000 or more	3

No on-premises ground sign whose display surface area is generated by ground floor area shall exceed four hundred eighty square feet in area.

F. On-Premises Building Signs. On-premises building signs shall be subject to the following restrictions:

1. Each facade of a principal building shall be restricted to a maximum building signage of fifteen percent of the area of the facade.

2. This area may be increased by transferring all or part of the permitted on-premises ground sign area to on-premises building signage. A twenty percent bonus of the amount transferred may also be applied to the total on-premises building signage. (Ord. BL2004-223 § 1 (part), 2004; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 8.13, 1997)

17.32.140 On-premises signs—CC district.

A. The permitted base area for permanent on-premises ground and on-premises building signs shall be forty-eight square feet each. With the limitation that no individual on-premises building sign shall exceed six hundred seventy-two square feet, the base area may be replaced by a greater amount of signage subject to the following:

1. Principal building facade which faces, without obstruction, a public street and which exceeds four hundred eighty square feet;

2. Multiple occupancy of a building on street level.

B. On-Premises Ground Signs. On-premises ground signs shall be restricted to one sign which is an integral part of an entrance feature or one monument-type sign per street frontage. The maximum height permitted for a monument sign shall be eight feet above grade. The maximum display surface area shall be forty-eight square feet.

C. On-Premises Building Signs.

1. Subject to the design criteria in Section 17.32.160 of this title, the maximum height of an on-premises building sign shall be the roof line.

2. Each principal building fifty feet or less in height may display one on-premises building sign on each side that faces a right-of-way. The maximum signage area for each eligible side shall be calculated based on the following:

Area of Building Facade in in Square Feet	**Maximum Sign Area in Square Feet**
Less than 480	48
480—999	96
1,000—2,999	192
3,000—4,999	384
5,000 or more	672

D. Each principal building that is greater than fifty feet in height may display one additional on-premises building sign on each side that faces, without obstruction, a right-of-way. The additional signage shall be located between the fifty foot level and the roof line. The signage area per eligible side may equal that permitted on the comparable side of the principal building portion that is less than fifty feet in height. Where there is only one eligible side at the lower elevation, the eligible higher elevation sides may each equal the one lower side.

E. Each occupant at street level of a multiple-occupancy complex may display not more than two on-premises building signs on any exterior viewed portion of the complex that is part of the occupant's unit (not including common or jointly owned area). The total sign area shall not exceed fifteen percent of the facade area of such exterior portion, calculated to a maximum height of fifty feet, or two hundred eighty-eight square feet, whichever is less.

F. All on-premises ground and on-premises building signs must be approved under an overall signage plan.

(Ord. 96-555 § 8.14, 1997)

17.32.150 Billboards.

A. Districts Permitting Billboards. Billboards shall be permitted in the CL, CS, IWD, CF, IR, and IG districts subject to the provisions of this chapter and this title. However, billboards are prohibited on any property within a planned unit development (PUD) overlay district, regardless of the underlying zoning district, unless expressly permitted as part of an approved development plan by the metropolitan council. Type I billboards are prohibited in the CL district. Type II billboards in the CL district shall be limited to those areas of a lot which are within three hundred feet of the right-of-way of a controlled access highway, and all billboards shall be oriented towards that highway.

B. Regulations. Billboards are permitted in addition to other signs authorized by this title subject to the following restrictions:

1. There shall be two types of billboards based on the display surface area of the billboard:

a. Type I with a display surface area of seventy-five square feet or less; and

b. Type II with a display surface area of more than seventy-five square feet and less than six hundred seventy-five square feet.

2. The maximum display surface area for each type may be exceeded by thirty percent for embellishments to the standard rectangular sign, provided the embellishments do not project more than five feet above the top nor more than three feet beyond the sides and two feet beyond the bottom of the standard rectangular sign.

3. A billboard face shall consist of a single panel. Multiple panel faces, such as stacked or side-by-side, are not permitted.

4. One face of two back-to-back billboards of the same shape and dimensions, excluding embellishments, shall be used in computing the total display surface area when the signs are no more than fifteen feet apart when parallel to one another or are placed at an angle between signs that does not exceed twenty degrees. No copy shall be permitted between the back-to-back faces.

5. Minimum yards shall be provided as established by this table in all districts:

	Type I	**Type II**
Front	5 feet greater than on-premises ground sign in the same district	20 feet
Rear	20 feet	20 feet
Side	Same as an on-premises ground sign	10 feet

6. There is established a maximum height limit of fifty feet above grade either at the base of the billboard or the nearest curb level of the surface street to which the billboard is oriented, whichever provides the greatest height. If the billboard is oriented to, and located within three hundred feet of a controlled access highway, a height of thirty feet above the elevation of the nearest travelway of the controlled access highway shall be permitted.

For Type I displays: There is established a maximum height limit of twenty feet above grade either at the base of the display or the nearest curb level of the surface street to which the display is oriented, whichever provides the greatest height.

7. Spacing between billboards located on the same side of a public street or controlled access highway shall be as indicated in the following table:

	Type I (wall-mounted)	**Type I (free-standing)**	**Type II (free-standing)**
Type I (wall-mounted)	250 ft.	250 ft.	250 ft.
Type I (freestanding)	250 ft.	1,000 ft.	1,000 ft.
Type II (freestanding)	250 ft.	1,000 ft.	1,000 ft.

Note: The spacing between any Type I (freestanding) or Type II (freestanding) billboard and an existing Type II (wall-mounted) billboard shall be one thousand feet.

a. The spacing requirements shall be applied separately to each side of a public street, but continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting side street. (See Figure 17.32.150-1)

b. No billboard shall be closer than two hundred fifty (250) feet from any other billboard regardless of location. (See Figure 17.32.150-2)

c. No minimum spacing shall be required between any two wall-mounted signs placed on opposite sides of a building.

d. Type I billboards shall not be located within twenty feet of an on-premises ground sign on the same lot.

8. No Type II billboard located along a particular street shall be closer than five hundred feet from the nearest property line of any property that is zoned residential and has frontage on either side of such street. The distance for Type I billboards shall be two hundred fifty feet.

9. No billboard located along a particular street shall be closer than sixty feet from the nearest property line of any residentially zoned property that does not front on said street.

10. No billboard shall be permitted whenever property zoned residential would be between the billboard and the roadway toward which it is oriented.

11. Type I billboards shall be permitted a spacing of two hundred fifty feet, measured airline distance, to a structure listed on the National Register of Historic Places. Type II billboards shall be permitted a spacing of five hundred feet, measured airline distance, to a structure listed on the National Register of Historic Places.

12. Type II billboards shall be located only on lots that have frontage on public streets with four or more travel lanes or that are located within three hundred feet and oriented to a limited access highway. Paired one-way streets with a minimum of two travel lanes in each direction shall be considered a four-lane road in applying this provision.

13. No billboard shall be permitted along any public street or highway that has been designated as a scenic route in the adopted major street plan of the metropolitan government.

14. Billboards shall be subject to the provisions contained in Section 17.32.050, Prohibited signs.

15. All billboards shall be of monopole-type construction. Type II billboards shall not be attached to the walls of buildings. Billboards shall not be located on the roofs of buildings.

16. The brightness and surface illumination shall not exceed two hundred-foot lamberts for a billboard having internal illumination or seventy-five footcandles for a billboard having indirect illumination. Billboards located within five hundred feet of property classified in a residential district shall not be illuminated between the hours of twelve a.m. and six a.m. (Ord. BL2001-745 § 1, 2001; Ord. 96-555 § 8.15, 1997)

17.32.160 Computations.

The following determinants shall control the calculation of sign area, height, and placement.

A. Distance Between Signs. The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

B. Facade Area. The facade area for the purpose of calculating permitted on-premises building sign area may be determined as follows:

1. When architectural elevations are provided that accurately and to scale depict the facade of the structure, the area of the facade shall be calculated as the true structural building facade exclusive of roofs, parapets, and false facia. Parapets of a uniform height on three sides of a structure and of a similar and uniform building material may be included in the facade areas, but decorative parapet extensions of irregular height are excluded.

2. When architectural plans are not provided, it shall be assumed that the height of the facade of the first floor is twelve feet, and that the height of the facade of all stories above the first floor is ten feet per floor. Facade area shall be calculated based on the following formula:

[Facade length X 12 ft. (first floor)] + [facade length X 10 ft. per each additional floor] = facade area

3. When a canopy, either freestanding or extending from a building, extends over a kiosk or pump island, it shall be assumed that the canopy has walls that extend to the ground for the purpose of calculating facade area to determine the allowable amount of on-premises building signage.

C. Sign Area. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall, when such fence or wall otherwise meets the provisions of this title, and is clearly incidental to the display itself.

D. Building-Mounted Letters and Pictures. Where a sign is composed of letters or pictures attached directly to a facade, window, door or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle or combination thereof, the sides of which touch the extreme points of the letters or pictures.

E. Four-Sided On-Premises Sign. Where four sign faces are arranged in a square, rectangle or diamond, the area of the on-premises sign shall be the area of the two largest faces.

F. Triangular On-Premises Sign. Where the inside angle of the edge nearest the street is greater than twenty degrees, the area of the sign shall be the area of the two largest faces.

G. Multiple-Face On-Premises Sign. For a multiple-faced on-premises sign, the sign area shall be computed by including all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such signs are part of the same sign structure and not more than forty-two inches apart, the sign area shall be computed by the measurement of one of the faces. If the forty-two inch space is used for any message, it will be counted as a sign face.

H. Height. Sign height shall be computed as the distance from the base of the sign at the normal grade to the top of the highest attached component of the sign, or the nearest curb level of the surface street providing access to the site, whichever provides the greatest height. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

I. Maximum On-Premises Sign Area. The permitted sum of the area of all individual on-premises signs on a lot shall be computed by applying the formula under each district to the lot frontage or ground floor area, and building facade, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted on-premises ground sign area for each street frontage; however, the total on-premises ground sign area that is oriented toward a particular street may not exceed the portion of the lot's total on-premises ground sign area allocation that is derived from that street or from the total ground floor area. (Ord. BL99-117 § 1 (part), 2000; Ord. 96-555 § 8.16, 1997)

Chapter 17.36

OVERLAY DISTRICTS

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Article I. Overlay Districts Established

17.36.010 Purpose and intent.

Overlay districts are established by this title as a means of addressing specific aspects of land use control or development design that transcend conventional zoning district provisions. Included is an overlay district that permits greater design flexibility than otherwise permitted by the conventional standards of this code; overlay districts intended to protect the historic attributes of the community; an overlay to promote the development and operation of a comprehensive greenway system; a special overlay to protect the operational integrity and safety of the Nashville International Airport; an overlay district designed to regulate the location of adult entertainment establishments; a special urban design overlay; an institutional overlay to allow colleges and universities to grow in a sensitive and planned manner; and an urban zoning overlay district intended to preserve and protect existing development patterns that predate the mid-1950's and ensure the compatibility of new development. (Ord. BL2000-364 § 1 (part), 2000: Ord. 96-555 § 9.1(A), 1997)

17.36.020 Applicability.

An overlay district shall represent a mapped geographic area applied to the official zoning map according to the amendment procedures of Chapter 17.40, Article III. Overlay districts may be applied over any zoning district established by this title, and may encompass one or more of those districts. Unless expressly stated otherwise in this chapter, all lands encumbered by an overlay district shall conform to all other applicable provisions of this title. (Ord. 96-555 § 9.1(B), 1997)

Article II. Planned Unit Development (PUD) District

17.36.030 Purpose and intent.

The planned unit development (PUD) district is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. (Ord. 96-555 § 9.2(A), 1997)

17.36.040 General provisions.

A. Applicability. A planned unit development (PUD) district may be applied over any zoning district established by Section 17.08.010 of this title.

B. Unified Control Required. All land area proposed for inclusion in a planned unit development district shall be under unified control at the time of application and approval of a Master Development Plan. Upon establishment of the overlay district, the PUD district shall be recorded in accordance with Section 17.40.120(A)(6).

C. Master Development Plan. The development concept of all land areas encompassed by a PUD district shall be adequately described by a master development plan comprised of scaled drawings and associated reports. At a

minimum, the master development plan shall adequately describe:

1. The overall boundary and area of the overlay district, including underlying zoning districts;

2. The general location, orientation and size of principal structures and associated parking areas; development approaches to be employed to comply with Chapter 15.64, the "Ordinance for Storm Water Management;" landscape and buffer areas required by Chapter 17.24, the location, size and general treatment of environmentally sensitive areas as defined by Chapter 17.28; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;

3. Tabular data sufficient to demonstrate compliance with all applicable provisions of this title, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;

4. Full identification, description and supporting rationale for any proposed exception from the typical design standards of this title and the subdivision regulations as authorized by Section 17.36.060G;

5. A proposed development schedule if the project is to be phased;

6. A traffic impact study if required by Chapter 17.20; identification of any proposed improvements to existing streets, off-site utility systems or the drainage network considered necessary to support the proposed scope of development, with intended assignments of responsibility for providing those improvements; and

7. A boundary plat prepared in accordance with accepted surveying practices describing the boundary of the proposed overlay district and all existing properties therein, complete with map and parcel numbers.

D. Final Site Plan. All final site plans shall conform to the general development concept of an approved master development plan. A final site plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable provisions of this title and accurately represent the resulting form of construction. Applications shall include all necessary drawings, specifications, studies or reports as required by a submittal checklist adopted by the planning commission. An approved final site plan shall serve as the basis for issuance of zoning permits, certificates of compliance, and the subdivision of land.

E. Professional Design. One or more of the following design professionals shall certify direct involvement in the preparation of a PUD master development plan. A final site plan shall be certified by a civil engineer.

1. Architect;
2. Civil engineer;
3. Landscape architect;
4. Urban planner. (Ord. 96-555 § 9.2(B), 1997)

17.36.050 Minimum performance standards.

In addition to satisfying all other applicable provisions of this title, approval of a proposed master development plan shall be based upon findings that the following design and development objectives have been satisfied.

A. Protection of Environmentally Sensitive Areas. If encompassing environmentally sensitive areas as defined by Chapter 17.28, approval of a PUD master development plan shall be based upon a finding that the proposed development plan will result in greater protection and preservation of those areas than otherwise would result from development at the minimum protection standards of Chapter 17.28. Areas to be protected shall include undisturbed hillsides of twenty percent or greater slopes, nonmanipulated floodway and floodplain areas, problem soils, streams, creeks and major drains, designated wetlands, and areas containing protected Cedar Glade plant species.

B. Adequate Streets, Utilities and Drainage. Approval of a PUD shall be based upon a finding that streets, utilities and drainage features will be of adequate capacity to serve the proposed development. As part of a master development plan proposal, a property owner may offer to upgrade or otherwise provide adequate facilities to support the proposed intensity of development. Public facilities already included in an adopted capital improvements budget may be considered a demonstration of adequate capacity if properly timed with anticipated construction of the development.

C. Coordinated Vehicular Access. The approval of a master development plan shall be based on a finding that the vehicular access and internal circulation shall adequately support the operational needs of the development itself in a manner that maintains and protects the operational integrity of the community's major streets and highways to standards equal to or greater than otherwise required by Chapter 17.20. Further, the traffic circulation system for a master development plan shall be designed in a manner that directs commercial traffic away from residential streets.

D. Integrity of Adjacent Areas. The approval of a proposed master development plan shall be based on a finding that the project is designed and will be developed in a manner that will not impair the reasonable long-term use of nearby properties in fulfillment of the land use policies of the general plan.

E. Integrity of an Adopted Greenway Plan. Approval of a PUD master development plan that encompasses land area lying within the greenway overlay district shall be based upon a finding that the plan is designed in a manner that affords an opportunity for eventual implementation of the greenway plan. A master development plan shall take all reasonable measures to protect the visual and operational integrity of an existing or proposed greenway corridor by means of sensitive orientation and placement of improvements to the land, and the protection of mature vegetation and natural land forms. If development bonuses permitted by Section 17.36.090 are utilized, those areas of a master development plan lying within the greenway overlay district shall be dedicated for use as a component of the greenway network.

F. Preservation of Historic and/or Archaeological Sites. All reasonable measures shall be taken to incorporate features of historical and/or archaeological significance into the design and development of a PUD master development plan in a manner that contributes to the protection and preservation of those features. (Ord. 96-555 § 9.2(C), 1997)

17.36.060 General development standards.

A. Relationship to Other Requirements. Unless explicitly authorized otherwise by the approved master development plan under the authority of subsection G of this section, all requirements and standards established by other chapters of this title, as well as any other applicable metro, state or federal regulation, shall apply to the development and use of properties located within a PUD district. All development within a PUD district shall conform to Chapter 15.64, the "Ordinance for Storm Water Management" and the subdivision regulations. In case of conflict between the standards of this article and other chapters of this zoning code, the provisions of this article shall control.

B. Permitted Land Uses. Land uses permitted within a PUD district shall be established by the underlying zoning district(s). Any land use classified as a "P" or "PC" by the district land use table (Section 17.08.030) shall be permitted within a corresponding PUD district. Special exception uses ("SE") may be permitted within a PUD district if approved initially as part of the master development plan by the metropolitan planning commission and council, or thereafter by the board of zoning appeals upon consideration of a recommendation by the planning commission.

C. Land Use Allocation. The overall intensity or scope of any given land use permitted within a PUD district by an underlying zone district shall be established by applying the land area within that district classification to the applicable bulk standards of Tables 17.12.020A, 17.12.020B or 17.12.020C. Although the locational arrangement of land uses within a PUD district may vary from the conventional zoning boundaries underlying the overlay, the overall range or scope of any type of land use shall not exceed that permitted by the underlying district corresponding to that use except when utilizing the development bonus provisions offered by this chapter. In the case of residential development, the number of permitted dwelling units and structure type shall be established by the corresponding zoning district(s) within the PUD district.

D. Residential Density. The maximum overall residential density of a master development plan shall be established by applying the minimum lot size requirements of Table 17.12.020A, the maximum density of Table 17.12.020B, or the maximum floor area ratio standard of Table 17.12.020C (as applicable) to the gross land area encompassed by the underlying zoning district(s) and by deducting fifteen percent of the gross land area for streets and dividing the remaining eighty-five percent of the gross land area by the minimum lot area of the actual zone district. Density shall be calculated on a pro-rata basis if the PUD district overlays more than one residential zoning district. A maximum density shall be assigned to each residential component of the master development plan and recorded by plat or equivalent instrument prior to commencing development of the first phase.

E. Floor Area Ratio (FAR). The maximum overall floor area permitted within a PUD master development plan shall be established by applying the maximum floor area ratio standards of Tables 17.12.020B or 12.12.020C (as applicable) to the gross land area encompassed by the underlying zoning district(s), excluding the public rights-of-way of existing streets and alleys. When more than one zoning district exists within a PUD district, floor areas shall be calculated on a pro-rata basis. If land uses are redistributed across district boundaries, maximum floor areas shall be assigned to each component of the master development plan and recorded by plat or equivalent instrument prior to commencing development of the first phase.

F. Impervious Surface Ratio (ISR). The overall area of impervious surface permitted within a master development plan shall not exceed that amount allocated to the gross land area of the underlying zoning district(s) as established by Tables 17.12.020B and 17.12.020C, exclusive of existing public street or alley rights-of-way. When a PUD district includes more than one underlying zoning district, the accumulative total of all impervious surfaces within a PUD master development plan shall not exceed the maximum impervious surface ratio(s) permitted by the underlying zoning district(s) on a pro-rata basis. If land uses are redistributed across district boundaries, the maxi-

mum permitted impervious surface ratio shall be established for each component of the master development plan and recorded by plat or equivalent instrument prior to commencing development of the first phase.

G. Alternative Design Standards. In the approval of a PUD master development plan, the council may authorize the establishment of alternative design standards based on a finding that those standards would serve to enhance the general development concept of the PUD district, would equal or exceed the standard design objectives of this title, and would not impair the reasonable long-term use of other properties in fulfillment of the land use policies of the general plan. Alternate design standards may be approved in lieu of the following provisions of this title for those portions of a master development plan not situated along the perimeter of a PUD district:

1. The setback and building height standards of Tables 17.12.020A, 17.12.020B or 17.12.020C;

2. The street setback standards of Section 17.12.030; and

3. The landscape buffer yard standards of Chapter 17.24.

H. Common Open Space. Areas of common open space required by this chapter shall be fully described on the master development plan, any applicable final site plan, and a recorded plat of subdivision. Common open space shall be maintained according to the provisions of Section 17.40.120 of this title.

I. Staged Development. Final site plan construction may occur in stages provided that a staging plan is reflected on the approved master development plan, each phase of development adheres to the applicable standards of this title independently, and streets and associated utilities are provided in a manner supportive of subsequent phases of development. If improvements to the existing street network or utility system are to be phased, an implementation schedule and funding program prorated to each contributing phase of development shall be prepared by the landowner for planning commission approval with the first phase of development. (Ord. BL99-117 § 1 (part), 2000; Ord. 96-555 § 9.2(D), 1997)

17.36.070 Residential standards.

A. Clustering Single-Family and Two-Family Lots. Residential lots within a PUD district may be clustered to a greater extent than allowed by the cluster lot provisions of Section 17.12.080 in return for extraordinary protection of environmentally sensitive areas in a natural state. With proper environmental protection, a PUD master development plan may recapture up to one hundred percent of the average density achievable by similarly zoned land with no environmental constraints. The actual achievable density for any given master development plan may be less depending upon the extent of environmentally sensitive areas to be protected and the minimum lot requirements established below.

B. Common Open Space. Except for those portions of a master development plan required for the installation of streets and essential utilities, the following areas shall be designated as common open space and protected by a recorded plat in accordance with Section 17.40.120.

1. Large contiguous areas of natural slopes of twenty percent or greater in all districts. The planning commission may authorize the creation of lots within natural slopes ranging up to twenty-five percent subject to the standards and conditions set out in Section 17.28.030;

2. Areas classified as natural floodway in a predevelopment state;

3. Two-thirds of the area classified as natural floodplain in a predevelopment state;

4. Areas containing protected Cedar Glade plant species as established by Section 17.28.060;

5. Streams, creeks and major drainage features;

6. Areas classified as wetlands; and

7. Landscape buffer yards as required by Chapter 17.24, Article IV.

Notwithstanding the above, a minimum of fifteen percent of the gross land area shall be designated as common open space for single and two-family development. Whenever feasible, areas of common open space within a master development plan should be interconnected in a cohesive and continuous manner.

C. Minimum Lot Sizes. The minimum size of lots created for single-family and/or two-family development may be less than the standard lot sizes normally required for the underlying zoning district(s) by Table 17.12.020A, subject to the following restrictions.

1. The minimum size of perimeter lots oriented towards an existing street shall be at least ninety percent of the minimum size required by Table 17.12.020 A for the actual zoning of the property. If, however, the opposite property has previously developed with smaller lot sizes, or has a currently approved plan of development with smaller lots sizes, the planning commission may permit the perimeter lots to be of a comparable size to those opposite lots within the overall size limitations established by this section.

2. Perimeter double-frontage lots oriented to an internal street may be reduced in size the equivalent of one zoning district provided that a standard C landscape buffer yard is provided within common open space along that boundary. Alternatively, perimeter double frontage lots may be reduced in size the equivalent of two districts with the installation of a standard D landscape buffer yard.

3. Perimeter lots otherwise abutting a conventional R or RS subdivision may be reduced in size the equivalent of one zoning district with the installation of a standard B landscape buffer yard located within common open space. Perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard C landscape buffer yard. In situations where abutting lots of a neighboring development are smaller in size than would otherwise be required of the perimeter lots in the cluster lot subdivision, the planning commission may permit the perimeter lots to be of a similar character to those abutting lots within the overall size limitations established by this section.

D. Required Setbacks. The minimum yard and street setback requirements for all residential lots shall be those established by Chapter 17.12 for the alternative zoning district assigned to that particular phase by the adopted master development plan, unless explicitly established otherwise according to Section 17.36.060G. The minimum rear yard setback for double frontage lots along the perimeter of a master development plan shall be no less than the standard street setback requirement of Chapter 17.12. (Ord. 98-1268 § 1 (part), 1998; § 1(12) of Amdt. 1 with Ord. 96-555 § 9.2(E), 1997)

17.36.080 Nonresidential and mixed-use standards.

Land uses within a single PUD district may cross underlying zoning district boundaries when determined appropriate by the metropolitan council. The location of land uses within the PUD district shall be established by the approved master development plan. The following standards apply to development in a PUD district containing nonresidential and mixed-use zoning districts.

A. Internal Compatibility. Approval of a master development plan containing a mixture of land uses shall be based on a finding that:

1. The land uses within the master development plan are arranged and designed in a complimentary and compatible manner;

2. Noncompatible land uses are effectively buffered or otherwise protected utilizing the landscape buffer yard provisions of Chapter 17.24 to the extent necessary to insure full use and enjoyment of all property within the district;

3. The vehicular circulation system throughout the master development plan directs traffic in an efficient, safe and nonintrusive manner; and

4. The individual land use components of the master development plan are interconnected by safe and convenient pedestrian linkages.

B. External Compatibility. If land uses within a master development plan cross underlying district boundaries, approval of the master development plan shall be based upon a finding that land uses are arranged and designed in a manner that does not unreasonably impair the long-term use of properties adjoining the PUD district as established by the general plan. (Ord. 96-555 § 9.2(F), 1997)

17.36.090 Development bonuses.

A development bonus may be awarded by the council to a master development plan from which there is an offer of public dedication and subsequent acceptance of land to satisfy or further a recognized community need or the provision of affordable housing.

A. Public Dedications. For each form of contribution established below, a twenty-five percent increase above the conventional density or floor area ratio (FAR) standard established by Tables 17.12.020A, 17.12.020B or 17.12.020C may be awarded. Calculation of the development bonus shall be limited to the land area being dedicated for public use. All corresponding development accrued from the bonus provisions shall be assigned to suitable locations elsewhere within the same PUD master development plan. The following forms of contribution may qualify for a development bonus:

1. A platted dedication of street right-of-way in excess of that required by the subdivision regulations for the purpose of accommodating future street widening;

2. The dedication of land (by title) for a needed public facility, such as a school site, park, library, fire hall or other safety service use;

3. The dedication of land (by easement or title) for drainage mitigation measures exceeding those otherwise required by this title or Chapter 15.64, “An Ordinance for Storm Water Management;”

4. The dedication of a site (by use easement or title) identified by the historical commission as being of special historic or archaeological value to the community; or

5. The dedication of land (by use easement or title) within a greenway overlay district to implement a greenway master plan.

B. Provision of Affordable Housing. In order to provide for the development of housing that is affordable to residents throughout this community, density bonuses may be awarded within a planned unit development district that allocates a portion of overall housing units to the provision of affordable housing as defined by this code.

1. Multifamily Development. In addition to the standard allowable density afforded to an RM district by Table 17.12.020B, for each affordable dwelling unit constructed for lease or sale, an additional dwelling unit for lease or sale at a free market rate may be constructed. In utilizing

this provision, the combined number of bonus units shall not exceed ten percent of the total number of dwelling units otherwise constructed for lease or sale at free market rates.

2. Single-Family and Two-Family Development. In addition to the maximum number of subdivision lots permitted by the associated zoning district as established by Table 17.12.020A, for each lot created and developed for sale with an affordable housing unit(s), an additional lot may be created for development at a free market rate. In utilizing this provision, the combined number of bonus lots shall not exceed ten percent of the total number of lots otherwise created.

3. Enforcement. Any lot intended for the construction of a bonus dwelling shall be suitably noted on a recorded plat of subdivision. Prior to receipt of a zoning permit from the zoning administrator, the property owner shall record restrictive covenants with the register of deeds identifying those dwelling units to be sold or perpetually leased according to the definition of affordable housing. At any time thereafter, the property owner of leasable units shall provide suitable documentation verifying compliance with the leasing rate requirements of this article upon receipt of written notice by the zoning administrator. For single-family, two-family or multifamily units constructed for sale, the zoning administrator shall withhold issuance of a certificate of compliance pending receipt of a property transfer deed verifying compliance with the maximum sales price standards of this article. (Ord. 96-555 § 9.2(G), 1997)

Article III. Historic Overlay Districts

17.36.100 Purpose and intent.

The historic overlay district provisions are established by this title to insure the ongoing preservation of structures of historic value to metropolitan Nashville and Davidson County pursuant to the authority contained in Section 13-7-401 of the Tennessee Code Annotated. The provisions of this title are intended:

A. To preserve and protect the historical and/or architectural value of buildings, structures or areas of significant importance;

B. To regulate exterior design, arrangement, texture and materials proposed to be used within the historic districts to insure compatibility;

C. To create an aesthetic appearance which complements the historic buildings or other structures;

D. To stabilize and improve property values;

E. To foster civic beauty;

F. To strengthen the local economy; and

G. To promote the use of historic districts for the education, pleasure and welfare of the present and future citizens of Nashville and Davidson County. (Ord. 96-555 § 9.3(A), 1997)

17.36.110 Historic overlay districts established.

The following classifications of historic overlay districts are made a part of this title, each classification having separate and unique regulations and guidelines established according to the provisions of Chapter 17.40, Article IX.

A. Historic Preservation (HP) District. The boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this zoning code and noted by name on such maps, in which no structure shall be constructed, altered, repaired, relocated or demolished in whole or in part in this district unless the action complies with the requirements set forth in this title.

B. Neighborhood Conservation (NC) District. The boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no structure shall be constructed, relocated, demolished in part or whole, increased in habitable area, or changed in height unless the action complies with the requirements set forth in this title.

C. Historic Landmark (HL) District. The boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no structure shall be constructed, altered, repaired, relocated or demolished in whole or in part unless the action complies with the requirements set forth in this title. (Ord. 96-555 § 9.3(B), 1997)

17.36.120 Historic districts defined.

A. Historic Preservation and Neighborhood Conservation Districts. These districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or

2. It includes structures associated with the lives of persons significant in local, state or national history; or

3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that repre-

sent a significant and distinguishable entity whose components may lack individual distinction; or

4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or

5. It is listed or is eligible for listing in the National Register of Historic Places.

B. Historic Landmark. An historic landmark is defined as a building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County; and that meets one or more of the following criteria:

1. The historic landmark is associated with an event that has made a significant contribution to local, state or national history;

2. It is associated with the lives of persons significant in local, state or national history;

3. It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value;

4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or

5. It is listed or is eligible for listing in the National Register of Historic Places. (Ord. 96-555 § 9.3(C), 1997)

Article IV. Greenway Overlay District

17.36.130 Purpose and intent.

The greenway overlay district is established for the purpose of identifying on the official zoning map those properties which an adopted greenway master plan has determined appropriate for inclusion in a communitywide greenway system. The provisions of the greenway overlay district are intended to facilitate the implementation and ongoing utilization of a countywide greenway system through appropriate design and development of properties within the district, and to encourage active participation in the implementation of an adopted greenway plan through the use of development incentives. (Ord. 96-555 § 9.4(A), 1997)

17.36.140 Applicability.

In accordance with Chapter 17.40, Article III, the greenway overlay district may be applied to any property included within a greenway master plan adopted by the metropolitan greenways commission. The provisions of this article shall apply to those portions of a property lying within a greenway overlay district. (Ord. 96-555 § 9.4(B), 1997)

17.36.150 General provisions.

A. Properties encompassed by a mapped greenway overlay district are encouraged to utilize the cluster lot option (Section 17.12.080) or planned unit development (Article II of this chapter) provisions of this title, thereby protecting the functional integrity of the adopted greenway master plan.

B. In consideration of a subdivision plat utilizing the cluster lot option authority of Section 17.12.080 or a PUD master development plan containing property within a greenway overlay district, the planning commission shall solicit a recommendation from the metropolitan greenways commission staff regarding the objectives of the adopted greenway plan as they relate to the subject property. The planning commission shall base its approval or disapproval on the extent to which a property owner has taken all reasonable measures to orient development in a manner which protects the value of those areas within the district for incorporation into a greenway system. (Ord. 96-555 § 9.4(C), 1997)

17.36.160 Dedication incentives.

Development incentives are established by this section to encourage participation in the implementation of a comprehensive greenway network. In return for a development bonus, the landowner shall locate all development outside the overlay district, design and orient all development in a manner which protects the functional and operational integrity of the greenway network, and dedicate all areas within the overlay district for public use by conveyance of easements, property title or equivalent means. The following incentives may be applied to properties lying within a mapped greenway overlay district, and are to be considered bonuses granted above and beyond all other cluster incentives established elsewhere in this title.

A. Residential development in the R and RS districts utilizing the cluster lot option provisions of Section 17.12.080 or the PUD cluster provisions of Article II of this chapter may utilize the development bonus provisions of Section 17.36.090 for a corresponding amount of land area dedicated for public greenway use. Minimum lot sizes in a cluster lot option development may be reduced the equivalent of two base zone districts. Area dedicated for public greenway use in a PUD or cluster lot option form of development may count one and one-half times towards satisfying minimum common open space requirements of Section 17.36.070B.

B. Multifamily development in the RM and mixed-use districts may achieve a twenty-five percent bonus in achievable density derived from that amount of land area dedicated for public greenway use. Area dedicated for public greenway use in a PUD development may count

one and one-half times towards satisfying the minimum common open space requirement of Section 17.36.070B; all protected trees within the area of dedication may count one and one-half times in satisfying the tree density requirements of Section 17.24.100.

C. Nonresidential development may be granted a floor area ratio (FAR) bonus of twenty-five percent for that amount of land area dedicated for public greenway use. All protected trees within the area of greenway dedication may count one and one-half times in satisfying the tree density requirements of Section 17.24.100. (Ord. 96-555 § 9.4(D), 1997)

Article V. Floodplain Overlay District

17.36.170 General provisions.

In addition to the floodplain and floodway protection provisions of Chapter 17.28, the alteration or development of land subject to flooding shall be regulated by Chapter 15.64 of the Metropolitan Code of Laws ("An Ordinance for Storm Water Management"), the purposes being to prevent the obstruction of watercourses and the protection of lives and property from the hazards of flooding. Regulation of flood-prone properties further allows for the reason able protection of this community's natural ecosystems and wetlands areas, and qualifies metropolitan Nashville and Davidson County for flood insurance under Public Law 1016, 84th Congress (as amended or superseded). (Ord. 96-555 § 9.5(A), 1997)

17.36.180 Official floodplain map.

The Federal Emergency Management Agency Flood Insurance Rate Maps, along with specific basin studies that have been approved by the director of the department of public works shall constitute the official floodplain map for the metropolitan government of Nashville and Davidson County. In addition, the floodplain regulations of this title and Chapter 15.64 of the Metropolitan Code of Laws shall apply to lands which can be demonstrated to lie within a floodplain. Conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to these regulations. In cases of discrepancy, the official floodplain map maintained by the department of public works shall take precedence over generalized floodplain boundaries referenced on the official zoning map. (Ord. 96-555 § 9.5(B), 1997)

17.36.190 Permitted land uses.

Land uses permitted within the floodplain overlay district shall be established by the underlying base zone district according to the district land use table (Section 17.08.030) or an adopted PUD master development plan (if applicable). (Ord. 96-555 § 9.5(C), 1997)

17.36.200 Development standards.

All development within the floodplain overlay district shall be in conformance with Chapter 17.28, Article I of this title, Chapter 15.64 of the Metropolitan Code of Laws, and the subdivision regulations of Nashville and Davidson County. (Ord. 96-555 § 9.5(D), 1997)

17.36.210 Floodplain alterations.

Alterations of floodplain land and drainage channels shall be in accordance with the applicable provisions of Chapter 15.64, "An Ordinance for Storm Water Management." (Ord. 96-555 § 9.5(E), 1997)

17.36.220 Report to stormwater management appeals board.

A request for a variance to the requirements of "An Ordinance for Storm Water Management" shall be considered by the stormwater management appeals board according to the provisions of Chapter 15.64 of the Metropolitan Code of Laws. Prior to consideration of a variance, the stormwater management appeals board shall solicit a report from the zoning administrator and the planning department regarding the applicability of Chapter 17.28, Article I, or any other provision of this title. (Ord. 96-555 § 9.5(F), 1997)

Article VI. Airport Overlay District

17.36.230 General provisions.

The maximum height of all structures within the airport overlay district shall be regulated in order to prevent obstructions to aircraft navigation associated with the Nashville International Airport, thus protecting the health, safety and general welfare of the traveling public and this community. The provisions of this title are a supplement to the provisions of the Federal Aviation Act of 1958, 49 U.S.C. 1101 et seq., and Title 14, Code of Federal Regulations, Part 77 (as amended), all of which are incorporated into this code by reference. (Ord. 96-555 § 9.6(A), 1997)

17.36.240 Applicability.

Properties subject to the airport overlay district provisions and the specific height controls encumbering those proper-ties shall be referenced on maps maintained and periodically updated by the metropolitan Nashville Airport Authority. In cases of discrepancy, the specific airport overlay district boundaries depicted on maps maintained by the metropolitan Nashville Airport Authority shall take precedence over generalized boundaries referenced on the

official zoning map. Within the overlay district, the maximum permitted height of structures shall be as prescribed by the metropolitan Nashville Airport Authority, or the applicable standard of the base zone district or land use, whichever is less. (Ord. 96-555 § 9.6(B), 1997)

Article VII. Adult Entertainment Overlay District

17.36.250 Purpose and intent.

The adult entertainment overlay district is intended to provide adequate locational opportunities for adult entertainment establishments within the downtown area of Nashville and Davidson County while reasonably directing such uses to locations that minimize disruption both to the general community and specific land uses noted below. (Ord. 96-555 § 9.7(A), 1997)

17.36.260 Locational standards.

All adult entertainment establishments shall be located within a contiguous adult entertainment overlay district, being authorized within those zoning districts classified as "O" in the district land use table of Section 17.08.030 under "adult entertainment." Within the overlay district, no adult entertainment establishment shall be within five hundred feet (measured property line to property line) of any church, school ground, college campus or park. No adult entertainment establishment shall locate within an adopted redevelopment district unless that redevelopment district specifically authorizes adult entertainment uses as a permitted land use. No establishment classified as adult entertainment shall locate within one hundred and fifty feet of any other adult entertainment establishment, measured property line to property line. (Ord. 96-555 § 9.7(B), 1997)

Article VIII. Urban Design Overlay District

17.36.270 Purpose and intent.

The purpose of the urban design overlay district is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of this title. Application of this special overlay district shall be limited to areas requiring specialized design standards either to maintain and reinforce an established form or character of development, or to achieve a specific design objective for new development. Any application for an urban design overlay district shall include design goals and objectives that embody this purpose and intent. (Ord. 2001-856 § 1 (part), 2001: Ord. 96-555 § 9.8(A), 1997)

17.36.280 Overlay designation.

An urban design overlay district shall be created according to the procedures of Chapter 17.40, Article III and depicted as a geographical area on the official zoning map. (Ord. 96-555 § 9.8(B), 1997)

17.36.290 Design guidelines.

An ordinance creating an urban design overlay district shall include a design plan and associated design criteria of sufficient detail to demonstrate how the design goals and objectives will be accomplished. (Ord. 2001-856 § 1 (part), 2001: Ord. 96-555 § 9.8(C), 1997)

17.36.300 Permitted land uses.

The range of land uses permitted within an urban design overlay district shall be those afforded by the underlying zoning district(s) as established by the zoning district land use table of Section 17.08.030. (Ord. 96-555 § 9.8(D), 1997)

17.36.310 Development incentives.

To promote the inclusion of properties within an urban design overlay district for the purpose of achieving specified design objectives, the enacting ordinance may establish development incentives. (Ord. 2001-856 § 1 (part), 2001: Ord. 96-555 § 9.8(E), 1997)

17.36.320 Variation of conventional standards.

Variations to the conventional bulk standards of the underlying zoning district(s) as established in Chapter 17.12, Sections 17.12.020 through 17.12.060; the parking, loading and access standards of Chapter 17.20, excluding subsection B of Section 17.20.060, Section 17.20.120, Sections 17.20.140 through 17.20.170 and Section 17.20.190; the landscaping and buffering standards of Chapter 17.24, excluding Article II; and more strict variations to the sign standards of Chapter 17.32 may be incorporated within the specific standards of an overlay district if deemed necessary to achieve stated design objectives of the district. (Ord. 99-1615 § 1 (part), 1999)

Article IX. Institutional Overlay District

17.36.330 Purpose and intent.

The purpose of the institutional overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community

designated as residential by the general plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution. (Ord. BL2003-1399 § 4, 2003: Ord. 96-555 § 9.9(A), 1997)

17.36.340 Master development plan.

Application of the institutional overlay district of this title shall be limited to those land areas encompassed by a college or university master development plan as approved by the council pursuant to the procedures of Section 17.40. At a minimum, an approved master development plan shall be comprised of scaled drawings and accompanying reports which adequately describe the extent of the existing (if applicable) and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus's impact on the adjoining neighborhood(s). The master development plan shall distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks. In the approval of a master development plan, the council shall require the inclusion of a phasing plan to insure that campus expansion occurs in a manner that can be supported by adequate public services and minimizes disruption to the surrounding residential community. (Ord. BL2003-1399 § 5, 2003: Ord. 96-555 § 9.9(B), 1997)

17.36.350 Development standards.

In addition to other applicable provisions of this code, the following development standards shall apply to new construction associated with the implementation of a campus master development plan.

A. Street Standard. Unless otherwise precluded by the placement and operation of existing campus facilities, principal driveway access shall be from collector or arterial streets.

B. Traffic Impact Study. The traffic impact study requirements of Section 17.20.140. A traffic impact study prepared for any campus master development plan shall be subsequently updated at least every five years. Traffic generated by institutional-related uses built subsequent to the initial approval of a campus master plan under this title shall not cause the level of service on any local residential street to fall below level of service C.

C. Within the boundaries of an approved campus master development plan, existing land uses and structures may continue in conformance with the base zoning district(s) until construction under an approved final site plan is undertaken in conformance with Section 17.40.140(D). Residential properties located within the boundaries of the campus master development plan owned by the institution, or an agent or subsidiary of the institution, shall continue to be used for residential purposes within the limitations of the base zoning district, unless otherwise provided for in the master development plan. Such residential properties shall be maintained in a safe, clean and orderly condition as required by all applicable codes and regulations.

D. Within the boundaries of an approved campus master development plan, applications for final site plans for institutional-related uses shall be approved only in areas: 1) contiguous to the existing campus as of the date of the application; 2) in accordance with an approved phasing plan; and 3) in a manner that does not further fragment the pattern of residentially used parcels from the residential area outside of the existing campus (See Figure 17.36.350). Each plan phase shall be supported by adequate infrastructure improvements. The introduction of an institutional-related use adjacent to an existing and improved residential lot not owned by, or contractually obligated to, the institution shall incorporate a landscape buffer yard to protect that residential lot. The introduction of parking in these locations should be avoided. For the purpose of determining an adequate buffer, a new parking facility shall be treated as an institutional-related use that is least compatible with residential use. The planning commission shall require an adequate buffer yard under the standards of Table 17.24.230 sufficient to maintain the residential integrity of the residential property not owned by, or contractually obligated to, the institution.

Figure 17.36.350

Appropriate Application

Figure 17.36.350 (Continued)

Inappropriate Application

Figure 17.36.350 (Continued)

Inappropriate Application

(Ord. BL2003-1399 § 6, 2003: Ord. 96-555 § 9.9(C), 1997)

Article X. Impact Overlay District

17.36.360 Objectives of the impact overlay district.

The objectives of the special impact overlay district are as follows:

A. To avoid adverse impacts caused by land use changes occasioned by the introduction of a major public facility, such impacts including both adverse influence on other land or on public facilities; and

B. To insure a thorough analysis of all zoning district amendments within areas subject to adverse impacts from a major public facility. (Ord. 96-555 § 9.10(A), 1997)

17.36.370 Effect of zone changes on impact area policies.

All zone changes shall comply with the land use policies contained herein. A set of all maps delineating impact areas and subareas created in this chapter shall be filed in the office of the metropolitan clerk upon adoption of such policies and maps. The applicability of policies adopted in this chapter to zone change proposals within impact areas shall be determined by the metro-

politan council. In its recommendation to the council on zone change proposals within impact areas, the metropolitan planning commission shall advise the council on the applicability of the impact area policies. Whenever the metropolitan council determines that a zone change proposal within an impact area is not subject to the impact area policies, it shall consider such zone change proposal in the same manner that zone change proposals outside of impact areas are considered. (Ord. 96-555 § 9.10(B), 1997)

17.36.380 I-440 Impact Area 1.

The following policies shall be applicable to I-440 Impact Area 1.

A. Overview and Applicability. Policies are presented in two parts: those applicable throughout Impact Area 1 and those applicable only within specific subareas of Impact Area 1. The policies shall apply to zone change proposals that have been determined by the metropolitan council to be related to the presence and/or operational effects of Interstate 440.

B. Adoption of Impact Area Maps. The maps attached to the ordinance codified in this chapter and on file in the office of the metropolitan clerk, delineating Impact Area 1 and its subareas are adopted as part of this chapter and may be viewed upon request at the office of the metropolitan clerk.

C. Impact Area 1-Areawide Policies. The policies set forth herein shall apply within Impact Area 1 delineated on Map 1.

1. The design of Interstate 440 addressed the objectionable visual and auditory impacts typically cited as reasons why property near a major highway is unsuitable for residential use, particularly one-family and two-family housing. Therefore, areas in close proximity to Interstate 440 will remain suitable and appropriate for residential use, and zoning policy should be to vigorously support the preservation and protection of the existing stable housing and neighborhoods adjoining the Interstate 440 corridor with particular emphasis on areas presently zoned for one-family and two-family type housing.

2. As reflected in Concept 2010: A General Plan for Nashville and Davidson County, adopted land use policy does not support the introduction of any nonresidential base or overlay zoning district in the portion of the impact area that is on the out-of-town side of Interstate 440. Any such rezoning is inappropriate and should be avoided.

3. Planned unit development overlay zoning provides the best opportunity to address site design, buffering, traffic access and other development considerations that may be of concern to adjoining property owners. Generally, PUD overlay zoning should be used in order to achieve a harmonious relationship among existing and new development.

4. In general, all rezoning to permit new residential and nonresidential development should be subject to the availability of sufficient traffic, utility and drainage capacity to ensure an adequate level of service after the new development has been added. Further, zone changes to accommodate unforeseen development should be avoided when such development would usurp traffic and utility system capacity intended to support planned growth in the area.

D. Impact Area 1-Subarea Policies. The policies set forth in this subsection shall be applicable only within the specific subarea referenced.

1. Subarea 1-A Policies (Map 1-A). Base zoning district changes to higher density or nonresidential zone districts are inappropriate. Residential planned unit developments are appropriate. Such developments that contain other than one-family or two-family type housing structures should be limited to locations along the fringes of this area and careful consideration should be given to design so adjoining one-family and two-family development is not adversely affected.

2. Subarea 1-B Policies (Map 1-B). Nonresidential zoning changes should be limited to ON or OL zoning only for minor boundary adjustments, where appropriate, along existing ORI and ON or OL district boundaries. Higher density residential zoning is not appropriate unless accessibility is substantially improved to major arterial streets other than West End Avenue, such as Charlotte Pike, and traffic studies conducted by the metropolitan planning commission and metropolitan traffic and parking commission determine that satisfactory levels of traffic service can be maintained with the higher densities in this subarea.

3. Subarea 1-C Policies (Map 1-C). For portions of the subarea presently zoned ORI, any changes to any base or overlay zone districts which permits a broader range of nonresidential land uses in inappropriate. Limited expansion of nonresidential zoning into Subarea 1-B or 1-F to facilitate good site design for office development fronting along West End Avenue is appropriate only when it is consistent with the policies for the affected subarea and does not materially deteriorate traffic conditions on West End Avenue.

4. Subarea 1-D Policies (Map 1-D). Rezoning to any nonresidential base or overlay district is inappropriate. High-density residential development should be limited to the frontage of West End Avenue and should not extend to the frontage of streets parallel to and one block

removed from West End Avenue. In areas zoned for one-family or two-family type residential uses, residential planned unit developments with one-family and two-family type housing only are appropriate; changes to higher density base districts in these areas are not appropriate. Residential uses along secondary streets should be protected by preserving the primary function of these streets of serving institutionally and residentially generated traffic from this and adjoining areas.

5. Subarea 1-E Policies (Map 1-E). Rezoning any portion of this subarea to any nonresidential base or overlay district would be inappropriate. Residential base zoning district changes to permit higher densities should be based on a detailed traffic study conducted by the metropolitan traffic and parking commission and the metropolitan planning commission that determines that traffic from additional development in the area together with that generated from currently projected development of 2000 outside of this area can be satisfactorily accommodated within available transportation system capacity. Planned unit development overlay zoning should be used to accommodate residential developments with site designs and housing types not achievable through conventional subdivisions. Development in this area should not result in excessive traffic on secondary streets in adjoining existing residential areas. Whenever roadway improvements and studies allow for consideration of additional development beyond that permitted by present zoning, the densities established for residential medium density and use policy categories should be used to determine the maximum amount of residential development that would be appropriate in this area.

6. Subarea 1-F Policies (Map 1-F). A change in existing zoning to higher density residential or nonresidential base or overlay districts is appropriate only when all of the following conditions listed for each type of zone change are met:

a. In the case of a proposal for nonresidential zoning: (i) the proposal abuts existing nonresidential zoning property that has frontage on West End Avenue or Hillsboro Pike, (ii) the property proposed for rezoning is needed together with one or more parcels in the abutting nonresidential zone district in order to provide a development site with adequate depth and the entire development site is submitted for approval as a commercial planned unit development overlay district with the bulk and service characteristics of the proposed use designed to avoid adverse effects on adjoining residentially zoned areas and residentially used streets; for any such PUD along Hillsboro Pike, the intensity of development should not exceed that permitted in the OL base zone district;

b. In the case of a proposal for higher density residential zoning: the proposal is submitted for approval as a residential planned unit development overlay district and the proposed site: (i) is contiguous to an existing zone district which permits residential development of equal or greater density, (ii) has frontage on a collector or higher order street, (iii) is in the vicinity of an interstate highway interchange, and (iv) is located along the mapped boundary between two residential land use policy categories of the general plan, one of which is either medium-high or high density; or

c. In the case of residential development proposals in locations other than specified in subdivision (b), the proposal is submitted as a residential planned unit development and the following conditions are met: (i) existing base district zoning is not changed; (ii) the metropolitan planning commission and the metropolitan council strictly adhere to the metropolitan zoning requirements when proposals containing multifamily structures are submitted for consideration, and (iii) careful consideration is given to design and landscape buffering in all such proposals to protect adjoining residential uses.

7. Subarea 1-G Policies (Map 1-G). Rezoning to any nonresidential base or overlay district is inappropriate in this area. Base district zoning changes to permit higher densities should be avoided. Residential planned unit development overlay zoning may be considered in the area between Interstate 440 and Sharondale Drive provided: (a) such developments contain only one-family and/or two-family type housing; and (b) the conditions hazardous to traffic and pedestrians along Sharondale Drive are first remedied. The area should be protected from heavy volumes of traffic resulting from any extensive development in adjoining areas, particularly Subarea 1-E.

8. Subarea 1-H Policies (Map 1-H). Zone changes which would permit nonresidential development are inappropriate. Residential development with mixed building types or multifamily structures are appropriate along both margins of Hillsboro Pike. All of the following conditions shall apply to any such development proposed along the west margin of Hillsboro Pike: (a) it is submitted as a planned unit development; (b) the proposed density does not exceed that permitted in the R10 base zone district; (c) it does not extend to a depth in excess of three hundred feet from the right-of-way line of Hillsboro Pike; (d) it is developed in a manner which is compatible with the character of existing adjoining residential development; and (e) it will not materially deteriorate traffic conditions on Hillsboro Pike.

9. Subarea 1-I Policies (Map 1-I). Rezoning to allow higher intensity office development or a greater diversity

of commercial activities is inappropriate. Rezoning to improve the depth of shallow building sites fronting on Hillsboro Pike may be considered along the eastern and western edges of this subarea and should be guided by the policies established for Subareas 1-F and 1-J.

10. Subarea 1-J Policies (Map 1-J). Residential base zone district changes to higher density zones should be avoided. Residential planned unit developments may be permitted in areas where lot sizes are substantially greater than minimum zoning requirements and prevailing lot sizes such as the lots fronting the west margin of Hazelwood Drive and lots fronting both sides of Cedar Lane west of Hazelwood Drive. Such PUDs should be limited to one-family and two-family type housing except where they would be between existing multifamily developments. Rezoning to nonresidential zones should be limited to commercial planned unit developments to improve the developability of shallow lots fronting on Hillsboro Pike provided: (a) the intensity of the development in the PUD does not exceed that permitted in the base zone of the lot fronting on Hillsboro Pike, (b) generous buffering is provided to protect adjacent residential uses, and (c) access is not oriented to the adjoining residential areas.

11. Subarea 1-K Policies (Map 1-K). Zone changes to permit nonresidential development are inappropriate. The application of residential planned unit development overlay zoning is appropriate in this subarea. The metropolitan planning commission and the metropolitan council should strictly adhere to the requirements in Article II of this chapter when proposals containing multifamily structures are submitted for consideration. In addition, careful consideration should be given to design and landscape buffering in all such proposals to protect adjoining residential uses.

12. Subarea 1-L Policies (Map 1-L). Residential base district zoning changes to higher density zones should be avoided. Reduced site size residential planned unit developments should be considered and should be limited to one-family and two-family type housing structures. No rezoning to nonresidential base or overlay zone districts should be permitted. (Ord. 96-555 § 9.10(C), 1997)

17.36.390 I-440 Impact Area 2.

The following policies shall be applicable to I-440 Impact Area 2.

A. Overview and Applicability. Policies are presented in two parts: those applicable throughout Impact Area 2 and those applicable only within specific subareas of Impact Area 2. The policies shall apply to zone change proposals that have been determined by the metropolitan council to be related to the presence and/or operational effects of Interstate 440.

B. Adoption of Impact Area Maps. The maps attached to the ordinance codified in this section and on file in the office of the metropolitan clerk delineating Impact Area 2 and its subareas are adopted as part of this title and may be viewed upon request at the office of the metropolitan clerk.

C. Impact Area 2-Areawide Policies. The policies set forth in this section shall apply within Impact Area 2 as delineated on Map 2.

1. Proximity to Interstate 440, in and of itself, does not make an area unsuitable for residential use, since the design of the interstate incorporates features which minimize the facility's negative auditory and visual impacts.

2. Where Concept 2010: A General Plan for Nashville and Davidson County, identifies an area to be conserved for residential use, zoning should reflect that policy at the density indicated. Where the land use policy map identifies an area for nonresidential use, but the zoning has remained residential, changes in zoning should be considered in terms of a managed transition that will create minimum conflicts between uses.

3. Conflicts between new and existing uses may best be resolved by the use of planned unit development overlay zoning, because it provides the opportunity to address site design, buffering, traffic and other considerations.

4. Zone changes should be subject to the availability of street, utility and drainage capacity.

D. Impact Area 2-Subarea Policies. The policies set forth in this subsection shall be applicable only within the specific subarea referenced.

1. Subarea 2-A Policies (Map 2-A). Retain the current R6 base zone throughout the subarea.

2. Subarea 2-B Policies (Map 2-B). The R6 base zone should be maintained. There should be no expansion of the small CS strip. Residential planned unit developments of mixed structure types should be considered, if an amendment to the general plan is considered simultaneously.

3. Subarea 2-C Policies (Map 2-C). Expansion of nonresidential or introduction of higher density residential zoning districts would be inappropriate, except the lots abutting the west margin of Hester Avenue may be considered for nonresidential if combined with the Nolensville Pike lots with all access to Nolensville Pike and the Nolensville Pike portion reclassified to CS. Reduced site size residential planned unit developments at densities allowed in the base zoning district would be acceptable south of Vivelle Avenue.

4. Subarea 2-D Policies (Map 2-D). Expansion of nonresidential zoning or introduction of higher density residential zoning would not be appropriate. Residential planned unit development should be considered.

5. Subarea 2-E Policies (Map 2-E). Zone changes to industrial uses would be inappropriate. If a mixed-use zoning district is made available, its application to this area would not be contrary to this policy.

6. Subarea 2-F Policies (Map 2-F). Expansion of the existing RM20, ON, OL, CN, CL and CS zoning districts would not be appropriate. While the R6 base zone should be retained, application of the residential planned unit development overlay, along the southern, western and northern boundaries, would be appropriate if building types are similar to those in the subarea.

7. Subarea 2-G Policies (Map 2-G). Expansion of the existing CS, IWD and RM20 zoning districts is not appropriate. Expansion of the ON or OL zoning districts should be confined to parcels fronting the south margin of Thompson Lane, from the existing OL to the west margin of Dobbs Avenue, and should be allowed only in an orderly progression. Use of residential planned unit development overlays would be appropriate in the development of the large vacant tracts within the R10 base zone. (Ord. 96-555 § 9.10(D), 1997)

Article XI. Neighborhood Landmark District

17.36.400 Purpose and intent.

The neighborhood landmark district provisions are established by this title to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. Neighborhood features are defined as buildings, structures, objects, sites, and areas of historic, cultural, civic, neighborhood, or architectural value and/or importance to metropolitan Nashville and Davidson County. The provisions of this title are intended:

A. To regulate exterior design, arrangement, texture, and materials proposed to be used within the neighborhood landmark districts to ensure protection of the identified feature and compatibility with surrounding uses;

B. To create an aesthetic appearance which complements the existing buildings, structures, objects, sites, and areas of value or importance on-site;

C. To stabilize and improve property values;

D. To foster civic beauty;

E. To enhance a neighborhood by providing a strong sense of place;

F. To protect the neighborhood character and context by preserving existing neighborhood fabric while permitting reasonable use of a property;

G. To strengthen the local economy; and

H. To promote the use of neighborhood landmark districts for the education, pleasure and welfare of the present and future citizens of Nashville and Davidson County. (Ord. BL2000-365 Exh. A (part), 2000)

17.36.410 District established.

Neighborhood Landmark (NL) District. The boundaries shall be shown on the zoning map or special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no feature shall be constructed, altered, repaired, relocated or demolished in whole or in part, increased in size, or changed in height unless the action complies with the requirements set forth in this title. (Ord. BL2000-365 Exh. A (part), 2000)

17.36.420 District defined.

A neighborhood landmark is defined as a feature, its appurtenances and the property it is located on which has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood within Nashville and Davidson County, and that meets one or more of the following criteria:

1. It is recognized as a significant element in the neighborhood and/or community;

2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community;

3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;

4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;

5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community; and

6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character. (Ord. BL2000-365 Exh. A (part), 2000)

Article XII. Urban Zoning Overlay District

17.36.430 Purpose and intent.

The primary intent of the urban zoning overlay district is to preserve and protect existing development patterns that predate the mid-1950's in portions of metro Nash-

ville that were originally developed before that time and to ensure the compatibility of new development in those older portions of the city. In addition, the urban zoning overlay district is intended to promote reinvestment in areas of metro Nashville originally developed before the mid-1950s by modifying development standards that could add unnecessary expense without improving the safety or compatibility of resulting development. The urban zoning overlay district is also intended to implement provisions of adopted plans that call for particular areas to evolve to a development pattern characterized predominantly by lot sizes, street patterns, and alley systems commonly used before the mid-1950s. (Ord. BL2000-364 § 1, 2000)

17.36.440 Applicability.

The provisions of the urban zoning overlay district shall apply to all properties located within a mapped area indicated on a zoning overlay map adopted pursuant to the provisions of Article III of Section 17.40, excluding planned unit developments adopted prior to the effective date of the establishment of the urban zoning overlay district. Petitions should contain a minimum of one hundred sixty acres of land in order to avoid piecemeal application of the district and should be for areas characterized predominantly by lot sizes, street patterns, and alley systems commonly used before the mid-1950s or for areas where an adopted plan calls for the evolution of such a development pattern. When properties included in a petition are within the area defined by the 1956 limits of the city of Nashville, they should be contiguous to a previously adopted urban zoning overlay district. For purposes of determining applicability of the urban zoning overlay district provisions within any other overlay district, the urban zoning overlay district provisions shall be treated as base zoning district provisions. (Amdt. 10 with Ord. BL2000-364 § 1, 2000)

Chapter 17.40

ADMINISTRATION AND PROCEDURES

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Article I. Zoning Administrator

17.40.010 Authority and responsibilities.

The zoning administrator is granted the following authority and responsibilities by this title:

A. Interpretation and Administration. The zoning administrator shall interpret and administer the provisions of this zoning code;

B. Application Processing and Review. The zoning administrator shall process and review applications for all zoning permits and selected final site plans to insure compliance with the provisions of this title and with approvals granted by other departments, commissions and/or boards, as applicable;

C. Zoning Permits and Certificates of Compliance. The zoning administrator is authorized to issue zoning permits and to certify zoning compliance by the issuance of a certificate of compliance;

D. Enforcement of this Title. The zoning administrator shall enforce the provisions of this title;

E. Information and Advisement. The zoning administrator is responsible for informing and advising the general public regarding the provisions of this title;

F. Recordkeeping. The zoning administrator shall maintain current and permanent records relative to the adoption, amendment, administration and enforcement of this zoning code; and

G. Right of Entry Upon Land. The zoning administrator is authorized to enter upon any land within the jurisdiction of this title in fulfillment of all associated responsibilities and duties. (Amdt. 3 with Ord. BL2000-364 § 1 (part), 2000: Ord. 96-555 § 10.1(A), 1997)

17.40.020 Board of zoning appeals support.

The zoning administrator is authorized by this title to provide support services to the board of zoning appeals and shall enforce all actions of that board. (Ord. 96-555 § 10.1(B), 1997)

Article II. Official Zoning Map

17.40.030 Official zoning map established.

The boundaries of zoning and overlay districts established by this title shall be depicted on the official zoning map of the metropolitan government of Nashville and Davidson County which is incorporated into the provisions of this title. The official zoning map shall be maintained by the metropolitan clerk. The metropolitan planning commission shall assist the metropolitan clerk in maintaining and updating the official zoning map. (Ord. 96-555 § 10.2(A), 1997)

17.40.040 Zoning district boundaries.

A. Zoning district boundaries depicted on the official zoning map shall be interpreted as follows:

1. Centerlines. Unless specified otherwise by the amending ordinance, district boundaries aligned along streets, alleys, controlled access highways, railroads, watercourses, or pronounced topographic features shall be interpreted to fall along the centerlines of those features.

2. Lot or Deed Property Lines. District boundaries indicated on the official zoning map as approximately following platted lot lines or deeded property lines shall be interpreted as being coincident with those lines.

3. Uncertainties. In a case of uncertainty, the location of a district boundary shall be determined by the zoning administrator, subject to appeal to the board of zoning appeals.

B. Overlay district boundaries depicted on the official zoning map shall be interpreted as follows:

1. Overlay District Lines. Unless specified otherwise by the amending ordinance, overlay district boundaries indicated on the official zoning map that approximately follow zoning district lines shall be interpreted as being coincident with those zoning district lines.

2. Administrative Mapping Errors. Where it is determined that due to an administrative error, the official zoning map either depicts an overlay district boundary which encompasses property that was never intended to be included within the overlay district boundary or fails to depict property which was intended to be included within an overlay district boundary, and such determination is supported by official documentation, the planning commission shall modify the official zoning map for the metro clerk to accurately reflect the proper overlay district boundary. (Ord. 99-1756 §§ 1, 2, 1999: Ord. 96-555 § 10.2(B), 1997)

Article III. Amendments to Zoning Code or Official Zoning Map

17.40.050 Authority.

The metropolitan council may amend the text of this zoning code or the official zoning map in accordance with the following provisions. (Ord. 96-555 § 10.3(A), 1997)

17.40.060 Applications.

A. An application to amend the official zoning map to apply a planned unit development or urban design overlay district shall be filed with the metropolitan planning commission. All other applications to amend the official zoning map or these zoning regulations shall be filed either with the planning commission or the metropolitan clerk. An application may be initiated by the property owner, the metropolitan planning commission, or a member of the metropolitan council.

B. An application to amend the official zoning map of property owned by the metropolitan government may be initiated only by the mayor, the head of the department or agency to which the property is assigned, or by the director of public property administration. (Amdt. 1 with Ord. BL2000-362 § 1, 2000)

17.40.070 Planning commission recommendation.

The planning commission shall review and make recommendations to the metropolitan council on proposed amendments to this zoning code and the official zoning map as provided in Section 18.02 of the metropolitan government charter. A recommendation by the planning commission shall become null and void after a period of two years, unless superseded earlier by a subsequent recommendation. In its recommendation to the council, the planning commission shall provide an assessment of what effects a proposed zone change could have on the public school system and any street expected to carry twenty-five percent or more of the projected traffic in either the a.m. or p.m. peaks. (Ord. 96-555 § 10.3(C), 1997)

17.40.080 Enactment.

Enactment of an amendatory ordinance shall become effective in a manner consistent with the Metro Charter. Material testimony and evidence offered at public hearing may be considered by the council in its deliberations. Upon enactment of an amendment to this title, a notice of such shall be published in a newspaper of general circulation in Metropolitan Nashville and Davidson County within five days following such enactment announcing

the new zoning classification and property affected. The change shall become effective on the date of announcement. (Ord. 98-1268 § 1 (part), 1998; § 4(1) of Amdt. 1 with Ord. 96-555 § 10.3(D), 1997)

17.40.090 Mapping of amendment.

Upon enactment of an amendment to the official zoning map, the planning commission shall modify the map for the metro clerk accordingly, noting the amendatory ordinance number. (Ord. 96-555 § 10.3(E), 1997)

17.40.100 Reapplications.

A reapplication for the same or substantially same amendment to the official zoning map previously disapproved by the council shall not be accepted by the planning commission nor the metro clerk for a period of one year following Council's last action. The council may reinitiate a rezoning bill at any time, however. (Ord. 96-555 § 10.3(F), 1997)

Article IV. Overlay District Procedures

17.40.110 Generally.

All overlay districts established by this title shall be made a part of the official zoning map in accordance with the procedures of Article III of this chapter. The following provisions shall apply to the administration of those overlay districts. (Ord. 96-555 § 10.4(A), 1997)

17.40.120 Planned unit development (PUD) overlay.

The following provisions apply to all planned unit development (PUD) districts. No zoning permits shall be issued within a PUD district prior to approval of a master development plan according to the procedures of this article and a final site plan according to the procedures of Article V of this chapter.

A. Master Development Plan. The development and use of all land within a planned unit development (PUD) district shall be in keeping with an approved master development plan and the applicable provisions of its associated zoning district(s).

1. Application Requirements. A master development plan application shall be submitted by the landowner (or an authorized agent) in form and content established by the planning commission, along with a processing fee assessed according to schedules adopted by the planning commission. The development concept of all land areas encompassed by a proposed master development plan shall be adequately described on scaled drawings and in associated reports. Applications shall define the general form and scope of proposed development in sufficient detail to demonstrate compliance with all development and performance standards of Chapter 17.36, Article II. At a minimum, the master development plan application shall adequately describe:

a. All land area to be encompassed by the planned unit development district and its associated master development plan;

b. The general orientation and size of principal structures and associated parking areas; development approaches to be employed to comply with Chapter 15.64, "An Ordinance for Storm Water Management"; landscape and buffer areas required by Chapter 17.24; the location, size and general treatment of environmentally sensitive areas as defined by Chapter 17.28; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;

c. Tabular data sufficient to demonstrate compliance with all applicable provisions of this title, including the range and scope of proposed land uses, densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;

d. A proposed development schedule if the project is to be phased; and

e. A traffic impact study if required by Section 17.20.140; identification of new streets and proposed improvements to existing streets, off-site utility systems or the drainage network considered necessary to support the proposed scope of development, with intended assignments of responsibility for providing those improvements.

2. Incomplete Applications. If the planning department determines that the application fails to satisfy the minimum requirements of an adopted submittal checklist, the applicant shall be notified in writing within ten working days that the application has been rejected, with the notification stating the reason(s) for rejection.

3. Written Report. The staff of the planning commission shall review all applications and submit a written report to the planning commission to serve as a basis for action. The report shall adequately describe the location, nature and scope of the proposed master development plan, and the manner in which the plan demonstrates conformance with the development and performance standards of Chapter 17.36, Article II and other applicable provisions of this title.

4. Planning Commission Action. The planning commission shall act to approve, conditionally approve, or disapprove a complete application. In its recommenda-

tion to the council, the planning commission shall provide an assessment of what effects a proposed planned unit development could have on the public school system and any street expected to carry twenty-five percent or more of the projected traffic in either the a.m. or p.m. peaks. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the property owner, the metro clerk, the zoning administrator and all other appropriate governmental departments.

a. Approval. Approval of a PUD master development plan shall be based on findings that the performance standards of Chapter 17.36, Article II and all other applicable provisions of this title have been satisfied.

b. Conditional Approval. If the planning commission approves a master development plan subject to conditions, all conditions shall be transmitted in writing to the applicant. The application will not be considered approved until the applicant concurs with all conditions in writing and provides all prescribed amendments to the application.

c. Disapproval. If the planning commission acts to disapprove a master development plan application, the reasons for that disapproval shall be stated in writing and transmitted to the applicant.

5. Council Consideration. The metropolitan council shall consider an ordinance establishing a planned unit development (PUD) district and its associated preliminary master development plan according to the procedures of Article III of this chapter (Amendments). Testimony and evidence material to the standards of Chapter 17.36, Article II may be considered by the council in its deliberations.

6. Recording PUD District. Within sixty days of enactment of an adopting ordinance by the council, all property owners within the PUD district shall record with the register of deeds a boundary plat or suitably comparable document identifying that the affected properties are subject to the provisions of the PUD overlay district.

B. Final Site Plan. The planning commission shall process, review and act to approve, approve with conditions or disapprove a final site plan application for all properties within a planned unit development district according to the procedures of Article V of this chapter.

C. Final Approval by Stages. If so reflected on the master development plan, the planning commission may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this title. If the provision of required infrastructure is to be phased, an implementation schedule and associated cost sharing formula may be required by the planning commission prior to or concurrent with the first phase of development.

D. Transfer of Ownership. Property may be subdivided in a manner consistent with a master development plan. All subdivision of property shall conform with the subdivision regulations of Nashville and Davidson County.

E. Common Open Space Maintenance. When provided, common open space shall be maintained subject to the following provisions:

1. Responsibility. Common open space areas shall be owned and maintained by an incorporated association for the mutual benefit of residents or property owners within the PUD district and shall be adequately described on a recorded plat of subdivision approved by the planning commission. All property owners within the PUD district shall be a member of the association which shall be responsible for the assessment of dues to cover the reoccurring costs of maintaining all common elements. Common open areas may be offered for dedication to the metropolitan government subject to approval by the planning commission and the metropolitan council.

2. Failure to Maintain. When the failure of an association to properly maintain a common open space results in a public nuisance, the zoning administrator is empowered to initiate appropriate measures to eliminate the nuisance. If public funds are utilized to remove a nuisance and/or maintain common open space, those costs shall be assessed proportionally against all properties within the development in the form of a tax lien. This provision shall not apply to any open space that has been dedicated to and accepted by the metropolitan government.

F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);

b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;

c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or

d. When a change in the underlying zoning district is associated with a change in the master development

plan, council shall concur with the modified master development plan by ordinance.

2. Changes to a Final Site Plan. Applications to modify a previously approved final site plan shall follow the procedures of Section 17.40.170.

3. Addition of a Special Exception Use. The addition or relocation of a special exception use otherwise permitted by the underlying base zone district shall be considered by the board of zoning appeals according to the applicable provisions of Chapter 17.16, Article III and Article VII of this chapter and may be approved upon consideration of a recommendation from the planning commission.

4. Subsequent Change in Zoning District. Following adoption of a PUD district, no subsequent change in zoning district classification shall occur within that PUD without concurrent reapproval of the master development plan by the planning commission and council.

5. Cancellation of a PUD District. Cancellation of a PUD district may be initiated by the planning commission, the metropolitan council, or a property owner within the PUD district. A PUD district shall be canceled by ordinance according to the provisions of Article III of this chapter.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.

2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:

a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;

b. The boundary of the planned unit development overlay district is not expanded;

c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);

d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;

e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;

f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;

g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;

h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;

i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in

Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.

3. Application of Code Standards.

a. Where modifications to a previously approved planned unit development are deemed to be minor, as determined under subsection (G)(2)(a) through (k) of this section, the parking and loading standards of Chapter 17.20, and the landscaping standards of Chapter 17.24 shall apply to all new development commencing under building permits issued after the effective date the ordinance codified in this chapter. All other chapters shall be applicable to the extent not inconsistent with the terms and conditions of the previously approved planned unit development.

b. Where modifications to a previously approved planned unit development are not deemed to be minor, as determined under subsection (G)(2)(a) through (k) of this section, all chapters of this code shall be applicable. (Ord. BL99-117 § 1 (part), 2000; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 4(2) of Amdt. 1 with Ord. 96-555 § 10.4(B), 1997)

17.40.130 Urban design overlay district.

A. Application for an Urban Design Overlay District. The applicable goals and objectives of a proposed urban design overlay district shall be established. An urban design overlay district application shall also include a detailed design plan and all associated design criteria required to implement that plan. The form and content of an urban design overlay district application shall be established by the planning commission. Applications shall be filed with the planning commission.

B. Planning Commission Recommendation. The planning commission shall review a proposed urban design overlay district application for conformance with the stated design goals and objectives. The planning commission shall act to recommend approval, approval with conditions or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

1. Approval. Approval of a proposed urban design overlay shall be based on findings that the stated design goals and objectives have been satisfied.

2. Conditional Approval. The planning commission may recommend approval of an urban design overlay district application subject to any conditions deemed necessary to fulfill the goals and objectives. All conditions shall be transmitted in writing to the applicant. The application will not be considered approved until the applicant concurs with all conditions in writing and provides all prescribed amendments to the application.

3. Disapproval. If the planning commission acts to disapprove an application, the reasons for that disapproval shall be stated in writing and transmitted to the applicant.

C. Council Consideration. The metropolitan council shall consider an ordinance establishing an urban design overlay district and its associated design plan according to the procedures of Article III of this chapter (Amendments). All property owners within and proximate to a proposed urban design overlay district shall be notified according to the procedures of Article XV of this chapter. Testimony and evidence material to the standards of Chapter 17.36, Article VIII may be considered by the council in its deliberations.

D. Final Site Plan Approval. For property located within an urban design overlay district, a final site plan application shall be submitted for review and approval by the planning commission in a manner consistent with the procedures of Section 17.40.170B. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with the design plan and all applicable design standards established by the overlay district. Final site plan approval by the planning commission shall be based on findings that all design standards of the overlay district and other applicable requirements of this code have been satisfied.

E. Changes to an Urban Design Overlay District. An application to modify an approved urban design overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection B of this section. A proposed change in the geographic boundary of an urban design overlay district on the official zoning map shall be considered by the council according to the procedures of Article III of this chapter (Amendments). (Ord. 2001-856 § 1 (part), 2001; § 4(3) of Amdt. 1 with Ord. 96-555 § 10.4(C), 1997)

17.40.140 Institutional overlay district.

A. New Applications. An application to establish an institutional overlay district shall be filed with the planning commission in form and content established by the planning commission, and include a campus master development plan as defined in Chapter 17.36, Article IX. The application shall include properties owned by the institution that are nearby the proposed institutional overlay district if existing or planned uses on those properties may have an impact on the residential area adjoining the proposed institutional overlay district.

B. Planning Commission Action. The planning commission shall review an application to apply the institutional overlay district and the associated campus master development plan. The planning commission shall act to recommend approval, approval with conditions or disapproval of the application Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

1. Approval. The planning commission's recommendation of approval of a proposed institutional overlay district and the associated campus master development plan shall be based on findings that the master plan is compatible with the surrounding neighborhood and the essential infrastructure is adequate to support the proposed pattern and intensity of development. A recommendation of approval of the master plan shall further require a finding by the planning commission that the master plan arranges campus-related land uses in a manner that preserves the integrity and long-term viability of nearby residential areas, and provides for methods of implementing the master plan in a manner that minimizes disruption and inconvenience to other landowners within the overlay district and the surrounding community in general.

2. Conditional Approval. The planning commission may recommend approval of the institutional overlay district and the associated campus master development plan subject to conditions. All conditions shall be transmitted in writing to the applicant. The institutional overlay district and associated campus master development plan shall not be considered recommended for approval until the applicant concurs with all conditions in writing and provides all prescribed amendments to the master plan and/or application.

3. Disapproval. If the planning commission recommends disapproval of the proposed institutional overlay district and associated campus master development plan, the reasons for that recommendation of disapproval shall be stated in writing and transmitted to the applicant.

C. Council Consideration. An institutional overlay district and associated campus master development plan shall be approved upon adoption of an ordinance by the metropolitan council, following a recommendation from the planning commission, according to the procedures of Article III of this chapter (Amendments). Testimony and evidence material to the provisions of Chapter 17.36, Article IX may be considered by the council in its deliberations.

D. Final Site Plan Approvals. A final site plan application for property lying within an institutional overlay district shall be reviewed and acted on by the planning commission according to the procedures of Section 17.40.170(B). Approval shall be based on a finding that the final site plan conforms with the approved campus master development plan and all other applicable provisions of this title.

E. Changes to an Institutional Overlay District. An application to modify an approved campus master development plan and/or institutional overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection B of this section. Changes shall be considered as follows:

1. Minor Modifications. The planning director shall have the authority to grant minor modifications to the approved campus master development plan that do not exceed ten percent within the modification area of any square footage limitation, building setback, lot coverage, landscaping requirement, parking requirement, or dimensional requirement relating to fences or walls. At the planning director's discretion, any minor modification may be referred to the planning commission for review and action as set forth in Section 17.40.140(B).

2. Major Modifications. All other modifications to the institutional overlay district and approved campus master development plan shall be considered major modifications except that it shall not be considered a major modification to rearrange proposed campus buildings unless the rearrangement results in buildings being placed more than ten percent closer to the existing campus boundary or the overlay district boundary. Major modifications shall be considered by the metropolitan council in accordance with Article III of this chapter (Amendments), following review and recommendation by the planning commission as set forth in Section 17.40.140(B). (Ord. BL2003-1399 § 7, 2003: §4(4) of Amdt. 1 with Ord. 96-555 § 10.4(D), 1997)

17.40.150 Impact overlay district.

A. Amendment Procedures. Whenever the metropolitan council determines that an existing or a proposed and funded public facility, such as a freeway, may stimulate secondary land use changes that would be damaging to a broader community, special procedures shall be established and implemented in accordance with this article to apply to a specifically defined impact overlay district.

B. Procedures for Creation and for Abolishing Impact Overlay District.

1. An impact overlay district is a geographic entity of definite physical boundaries overlaying a previously established zoning district and any other zoning overlays in which the metropolitan council has determined that a

public facility may introduce interest in zoning district changes that would have a deleterious secondary impact on other development or on a public facility.

2. Procedures for Adopting an Impact Overlay District. The metropolitan council by resolution, or the metropolitan mayor, may request the metropolitan planning commission, or the metropolitan planning commission on its own may initiate the identification of an impact area which may be subject to zoning district changes in the vicinity of a public facility that has one or more of the following characteristics: existing; is proposed and funded and authorized; or its specific location is fixed by an adopted plan by a governmental body. Within sixty days from the receipt of such request or resolution and after conducting a public hearing in the area under consideration, the metropolitan planning commission shall submit to the metropolitan council a report regarding the proposed impact area containing either:

a. An unfavorable recommendation to the establishment of an impact overlay district; the report shall contain a justification for such recommendation in terms of the objective of this article and Article X of Chapter 17.36; or

b. A favorable recommendation shall contain a factual connection between the public facility and potentially damaging land use changes in terms of the objectives of this article and Article X of Chapter 17.36. The planning commission shall delineate a proposed impact overlay district that in its judgment will include all but not exceed the territory closely linked to the public facility.

Unless the metropolitan council grants an extension for a definite period of time, if after the sixty-day period the planning commission has not made a recommendation, the metropolitan council may proceed to delineate an impact overlay district and submit it by resolution to the metropolitan planning commission for a recommendation. The planning commission has thirty days after the effective date of the resolution to make a recommendation to the metropolitan council regarding the area proposed by resolution. If the planning commission does not make a recommendation within thirty days, the council may proceed as if the area had a favorable recommendation from the planning commission.

The adoption of an impact overlay district shall be by an amending ordinance in accordance with the applicable provisions of this chapter (Article III). The boundary of an adopted impact overlay district shall be placed by the metropolitan clerk directly on the official zoning map overlaying the existing zoned districts and overlays. Existing impact overlay districts may be amended through the same procedure.

3. Procedures for Abolishing an Impact Overlay District. The metropolitan council by resolution, or the metropolitan mayor may request the metropolitan planning commission, or the metropolitan planning commission on its own may initiate an evaluation of an adopted impact overlay district and a recommendation for its continuation or its discontinuation. Within sixty days from the receipt of such request or resolution, the metropolitan planning commission shall submit to the metropolitan council a report containing:

a. A recommendation action regarding the continuance or discontinuance of the impact overlay district; and

b. Factual evidence that the impact overlay procedure is ineffective and unnecessary and should be discontinued or is effective and necessary and should be continued.

If the planning commission fails to report within sixty days of an introduction of an amending ordinance to abolish an impact area, the council may proceed as if the commission has disapproved the abolishing of the impact overlay district.

C. Effect of an Impact Overlay District. Any proposed amendment to a zoning district or any zoning overlay within an adopted impact overlay district shall adhere to the procedures contained herein in addition to all other applicable provisions of this title.

D. Impact Overlay District Policies.

1. Within sixty days after the effective date of the adopted impact overlay district, the planning commission shall submit an impact area policy outlining the problems of the impact area, objectives pertaining to the resolution or management of such problems, and policies for the development of the impact area. The recommended impact area policy shall be consistent with the long-range, general comprehensive plan for Nashville-Davidson County. Upon consideration of the recommended policy, the metropolitan council may adopt by ordinance an impact overlay district policy as a part of this zoning title. The metropolitan council may amend the impact overlay district policy by ordinance after a recommendation by the metropolitan planning commission.

2. Within two weeks of the effective date of the adopted impact overlay district, the planning commission shall hold a public meeting in the area affected for the purpose of establishing a citizen participation procedure in the development of the recommended impact area policy. Prior to submitting an impact overlay district policy to the metropolitan council, the planning commission shall hold at least one public hearing regarding such policy in the area affected. The metropolitan council shall hold a public hearing on the recommended policy in a manner similar to any other amendments to this title.

E. Procedure for Zoning District and Overlay Amendments within an Impact Overlay District. All amendments to the zoning districts and overlays specific to an impact overlay district shall be considered by the following procedure:

1. The metropolitan planning commission shall review the proposed zone change in terms of the adopted impact overlay district policy adopted by the metropolitan council; it shall report, in writing, to the metropolitan council the relevant neighborhood and community implications of the proposed zone change, the consistency of the proposed zone change with the impact overlay district policy, and provide its recommendation regarding the proposed zone change; and

2. The metropolitan council shall proceed to consider a proposed zone change in an impact overlay district in accordance with the applicable provisions of this title, except that it shall not adopt a zone change inconsistent with the or without an adopted impact overlay district policy. The adoption of a zoning amendment disapproved by the metropolitan planning commission shall not by itself be construed as acting inconsistent with the adopted impact overlay district policy. (Ord. 96-555 § 10.4(E), 1997)

17.40.160 Neighborhood landmark (NL) district.

A. Establishment of a Neighborhood Landmark District. A Neighborhood Landmark District overlay shall be established upon approval of an ordinance by the metropolitan council following a recommendation from the planning commission,

B. Criteria for consideration.

1. In developing its recommendation, the planning commission shall hold a properly noticed public hearing. In recommending approval of a neighborhood landmark district, the planning commission shall find that:

a. The feature is a critical component of the neighborhood context and structure;

b. Retention of the feature is necessary to preserve and enhance the character of the neighborhood;

c. The only reason to consider the application of the neighborhood landmark district is to protect and preserve the identified feature;

d. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the neighborhood landmark overlay designation and return the district to the base zoning district prior to the application of the district;

e. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate neighborhood landmark development plan as a means of preserving the designated feature; and

f. All other provisions of this section have been followed.

2. Absent a finding that the proposed feature meets all of the criteria for consideration, the planning commission shall recommend disapproval.

3. The following provisions apply to all neighborhood landmark (NL) districts.

Neighborhood Landmark Development Plan. A development plan for the reuse of any feature encompassed by a NL district shall be submitted and approved by the planning commission at a properly noticed public hearing. No zoning permits, building permits or other land development permit of any kind that would alter the character of the district shall be issued within a NL district prior to approval of a neighborhood landmark development plan according to the procedures of this article and chapter. This provision shall not be intended to prevent the issuance of any permit necessary to stabilize any condition of imminent danger to life safety.

C. Application Requirements. A neighborhood landmark development plan shall be submitted by the property owner (or authorized agent) in form and content established by the planning commission, along with the required application fee. At a minimum, the application shall be accompanied by scaled drawings and any necessary reports, including traffic impact studies, to protect the character of the district and neighborhood, demonstrate compliance with the intent of the NL district and ensure compatibility with surrounding uses, and detailing the following:

1. The overall NL district boundary including underlying zoning districts;

2. The location, orientation, and size of all existing and proposed structures, features and other elements and associated parking spaces;

3. The location of any structures on any property adjacent to the boundaries of the district;

4. The type, location, number, and size of all existing and proposed vegetation and landscaping;

5. The location, width, height, and type of any existing and proposed fence or wall;

6. The location of any accessory structures for refuse collection, recycling, or feature maintenance;

7. The existing and proposed location of any water mains and sewer lines required to serve the property;

8. The location of all existing and proposed access points, loading areas, and drive-thru lanes;

9. The location and name of all existing streets and alleys;

10. Tabular data identifying the specific existing and proposed uses and square footage; proposed densities; floor area ratios; impervious surface ratios; feature height(s); and parking spaces;

11. A proposed development schedule; and,

12. Certification by a civil engineer, architect, landscape architect, or urban planner of direct involvement in the preparation of the development plan.

D. Relationship to Other Requirements. Unless explicitly authorized otherwise by the approved neighborhood landmark development plan, all requirements and standards established by other chapters of this title, as well as any other applicable metro, state or federal regulation, shall apply to the development and use of properties located within a NL district. All development within a NL district shall conform to Chapter 15.64, the "ordinance for storm water management" and the subdivision regulations. In case of conflict between the standards of this article and other chapters of this zoning code, the provisions of this article shall control.

E. Permitted Land Uses. All land uses classified as a "A", "P" or "PC" by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted subject to certain conditions as described in the neighborhood landmark development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.

F. Design Standards. To ensure the compatibility of a NL district with surrounding uses and streetscape, the neighborhood landmark development plan shall adequately address the following design elements at a minimum:

1. Building Mass and Scale. The mass and scale of any new construction or alterations to a feature shall be consistent with the principal features, if any, on-site and in relation to existing and surrounding uses, buildings, structures, and streetscape. Feature improvements shall relate to pedestrian scale and activity.

2. Parking. The number of any required parking spaces shall be established recognizing any available on-street and alternative parking available in the area. New parking spaces shall be located so as not to disrupt the continuity of the existing neighborhood context, building rhythm, and streetscape to the side and rear of the feature to the extent possible.

3. Lighting. Lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood. Lighting shall be concealed or shielded to avoid glare and off-site impacts on abutting properties. Lighting poles and fixtures shall be compatible with the function and design of the feature and abutting properties.

4. Signs. Any sign, where permitted as part of the neighborhood landmark development plan, shall be consistent with the context, scale, and character of the neighborhood and in particular streetscape where the district is located. The feature's mass and scale and the neighborhood in which it is located shall be considered in any sign size and design to ensure sensitivity and proportion to surrounding properties.

5. Landscaping. Landscaping shall enhance and reinforce the distinguishing characteristics of the feature and appropriately buffer any district alteration from adjacent properties.

G. Alternative Design Standards. In addition to alternative permitted uses, the approval of a neighborhood landmark development plan, may establish alternative design standards. A finding must be made that those standards would serve to enhance and provide a strong sense of place, permit the reasonable use of the property, and not impair the continued use and enjoyment of abutting properties in fulfillment of the land use policies of the general plan. Alternative design standards may be approved in lieu of otherwise applicable code provisions to the following provisions of this title.

1. Minimum lot area, maximum building coverage, setback and building height standards of Tables 17.12.020A, 17.12.020B, and 17.12.02C;

2. Street setback standards of Tables 17.12.030A and 17.12.030B provided any new setback does not conflict with any adopted major street plan as contained in the general plan;

3. Landscape buffer yard standards of Chapter 17.24;

4. Parking, loading, and access standards of Chapter 17.20; and,

5. Sign regulations of Chapter 17.32.

H. Incomplete Applications. If the planning department determines that the application fails to satisfy the minimum requirements of an adopted submittal checklist, the applicant shall be notified in writing within ten working days that the application has been rejected, with the notification stating the reason(s) for rejection.

I. Written Report. The staff of the planning commission shall review all applications and submit a written report to the planning commission to serve as a basis for action. The report shall adequately describe the location, nature and scope of the proposed neighborhood landmark development plan, and the manner in which the plan

demonstrates conformance with the development and performance standards of Chapter 17.36, Article XI and other applicable provisions of this title.

J. Metro Historic Zoning Commission Action. Any feature located within an historic overlay district, listed on the national register of historic places, or eligible for the national register of historic places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the planning commission on any alterations proposed to the feature which would be subject to any applicable historical design review guidelines.

K. Planning Commission Action. Within sixty days following receipt of a complete application, the planning commission shall conduct a public hearing according to the public notice provisions of Article XI of this chapter. The planning commission shall act to conditionally approve or disapprove an application, stating in writing the reasons for any disapproval to the applicant. Conditional approval of a neighborhood landmark development plan shall be based on findings that the provisions of Chapter 17.36, Article XI, Section 17.40.160, and all other applicable provisions of this title have been satisfied. Conditions shall be adopted that serve to preserve and reinforce the context of the streetscape and surrounding uses. All conditions shall be transmitted in writing to the applicant after the commission's approval. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the zoning administrator and all other appropriate governmental departments.

L. Changes to a Neighborhood Landmark Development Plan. Applications to modify a neighborhood landmark development plan in whole or in part shall be filed with the planning department.

1. Minor modifications. The planning director shall have the authority to grant minor modifications to the permit that do not exceed 10% of any square footage limitation, building setback, lot coverage, landscaping requirement, parking requirement, or dimensional requirement relating to fences or walls. At the planning director's discretion, any minor modification may be referred to the planning commission for consideration in accordance with section.

2. Major modifications. All other modifications to the approved plan shall be considered major modifications subject to the planning commission's review and action as set forth in this section.

M. Development Permits. All zoning, building and other land development permits shall only be issued in conformance with the provisions of the approved neighborhood landmark development plan. In the event a building permit and/or certificate of use and occupancy has not been issued for a feature within two years from and after the date on which the metropolitan planning commission approved the Neighborhood Landmark Development Plan, the metropolitan planning commission may act to cancel a neighborhood landmark district at any time thereafter, upon giving notice to the property owner 21 days prior to the commission public hearing where the cancellation shall be considered, and in accordance with Article III (Amendments to the Zoning Code or Official Zoning Map) and XV (Public Notification) of this Title. The metropolitan council shall hold a public hearing on such cancellation in accordance with Articles III and XV of this Title, and shall concur with a cancellation before the Neighborhood Landmark District is removed from the Official Property Maps of Nashville and Davidson County. (Amdts. 1, 2 with Ord. BL2000-365, Exh. A (part), 2000)

Article V. Site Plan Review and Approval

17.40.165 Applicability.

Prior to the issuance of a zoning permit for new construction, the property owner shall demonstrate compliance with all applicable provisions of this title. (Ord. 96-555 § 10.5(A), 1997)

17.40.170 Final site plan.

The construction of any permanent structure shall be in conformance with a final site plan approved in accordance with the following procedures.

A. Final Approval by the Zoning Administrator. Prior to approval, the zoning administrator shall review final site plan applications in all zoning districts except those cited in subsection B of this section to verify conformance with the provisions of this title and any other applicable regulation. Final site plan applications shall be submitted in form and content established by the zoning administrator, and shall specifically describe the nature and scope of development to serve as the basis for the issuance of permits by the department of codes administration and any other applicable metro department.

B. Final Approval by the Planning Commission. Planning commission approval shall be required for a final site plan within a planned unit development (PUD) district, an urban design overlay district, or an institutional overlay district.

1. Application for Final Approval. A final site plan application filed with the planning commission shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable provisions of this title and accurately represent the resulting form of construction. Applications shall include all necessary

drawings, specifications, studies or reports as required by a submittal checklist adopted by the planning commission.

2. Final Report. A written report from the staff of the planning commission shall be submitted to the commission prior to consideration of a final site plan. The report shall adequately describe the location, nature and scope of the final site plan, and its conformance with applicable codes and regulations.

3. Bases for Final Site Plan Approval. Approval of a final site plan shall be based on demonstrated compliance with all applicable provisions of this title. For property located within a planned unit development (PUD) district, the final site plan shall conform to the general development concept and approval provisions of the master development plan.

4. Planning Commission Action. The planning commission shall act to approve, conditionally approve or disapprove a final site plan application.

5. Permits and Certificates. Upon satisfaction of all conditions of approval, an approved final site plan shall be forwarded by the planning commission to the zoning administrator to form the basis for zoning permits. No zoning permit shall be issued prior to approval of the final site plan by the planning commission, nor shall a certificate of zoning compliance be issued unless all construction is in compliance with the final site development plan approved by the planning commission.

C. Development Under a Unified Plat of Subdivision. In the approval of a final site plan for property located in a shopping center, multifamily, or mixed-use district, in a commercial or office district located within the urban zoning overlay district, in the ORI, or I district, or within a planned unit development, institutional, or urban design overlay district located within a unified plat of subdivision, the zoning administrator and/or the planning commission may authorize the following design flexibility provided that all standards of this title are satisfied within the boundary of the unified plat of subdivision as approved by the planning commission and suitably noted both on the final site plan and the recorded plat.

1. A permanent on-premises sign may be located on a different lot subject to the number, size and spacing standards of Chapter 17.32.

2. The parking requirements of Chapter 17.20, Article II may be satisfied on a different lot than that containing the principal use or through a shared parking arrangement.

3. The perimeter parking lot landscaping standards of Section 17.24.150B may be waived along internal lot lines.

4. The overall area of impervious surface (ISR) permitted within the unified plat of subdivision may be redistributed among the lots of that plat provided that the department of public works determines that each final site plan conforms to the requirements of Chapter 15.64, "An Ordinance for Storm Water Management."

5. The zoning administrator and/or planning commission may vary the street setback standards of Tables 17.12.030A and 17.12.030B if deemed appropriate to maintain the existing character of a developed area.

6. The overall floor area ratio (FAR) permitted within a unified plat of subdivision may be redistributed among the lots of that plat. (Ord. BL2000-364 § 1 (part), 2000; Ord. 98-1268 § 1(part), 1998; Ord. 96-555 § 10.5(B), 1997)

Article VI. Board of Zoning Appeals

17.40.180 Powers.

The metropolitan board of zoning appeals, also referred to as the "board," shall be vested with the following powers.

A. Administrative Appeals. Pursuant to Section 13-7-207(1), Tennessee Code Annotated, the board shall hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator or the urban forester in carrying out the enforcement of this zoning code, whereby it is alleged in writing that the zoning administrator or the urban forester is in error or acted arbitrarily.

B. Variances. Pursuant to Section 13-7-207(3), Tennessee Code Annotated, the board shall hear and act upon applications for variances to alleviate hardships created by not being able to comply with this zoning code from findings based on the criteria set forth in Section 17.40.370.

C. Special Exception Use Permits. Pursuant to Sections 13-7-206 and 13-7-207(2), Tennessee Code Annotated, the board shall hear and act upon applications for special exception use permits. The board may reconsider a previously approved special exception use at any time for just cause.

D. Changes to Nonconforming Uses or Structures. The board shall determine the appropriateness of proposed changes to nonconforming uses or structures.

E. Right of Entry Upon Land. With just cause, the board may enter upon any land within its jurisdiction to make examinations and surveys and place or remove public notices as required by this zoning code. (Ord. 96-555 § 10.6(A), 1997)

17.40.190 Membership.

The board shall consist of seven members. Board members shall be appointed by the mayor and confirmed by a majority vote of the entire membership of the metropolitan council. No person holding any public office or position in metropolitan government shall be eligible for membership on the board. Board members shall serve without compensation. Members of the board serving on the effective date of the ordinance codified in this title shall serve the remainder of their appointed terms and may be considered for reappointment if eligible. (Ord. 96-555 § 10.6(B), 1997)

17.40.200 Terms of office.

Board members shall each serve for a five-year term, or until their successors are appointed. No member shall serve more than two consecutive five year terms. Board members may be removed from office by the mayor for continued absence or other just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the metropolitan council. Vacancies shall be filled for unexpired terms in the manner herein provided for initial appointments. Board members shall annually elect a chair and vice-chair from among their membership. (Ord. 96-555 § 10.6(C), 1997)

17.40.210 Hearing required.

Within sixty days following receipt of an application for a variance or special exception and prior to action, the board shall conduct a public hearing according to the public notice provisions of Article XV of this chapter. (Ord. 96-555 § 10.6(D), 1997)

17.40.220 Assistance.

The board may request the assistance of any department or agency of the metropolitan government regarding any matter under consideration. (Ord. 96-555 § 10.6(E), 1997)

17.40.230 Conflict of interest.

A board member with either a direct or indirect interest in property affected by the consideration of the board shall be disqualified from any participation in the proceedings on that matter. (Ord. 96-555 § 10.6(F), 1997)

17.40.240 Action by the board.

Four board members shall constitute a quorum and concurrence of at least four members shall be necessary to deny or grant any application. In the event that five or more members are present, failure to receive four affirmative votes within thirty days of the hearing shall be deemed a denial. In the event there are only four members present and there are not four affirmative votes, then the application shall be readvertised for the next regular meeting. (Ord. 96-555 § 10.6(G), 1997)

17.40.250 Time limits for permits.

All permits for variances or special exception uses authorized by the board must be obtained within two years from the date of approval. (Ord. 96-555 § 10.6(H), 1997)

17.40.260 Appeal of final site plan action.

A final site plan action by the zoning administrator may be appealed by the applicant to the board of zoning appeals. The approval of a final site plan by the zoning administrator may be appealed to the board of zoning appeals by a nonapplicant within thirty days following commencement of construction as defined by Section 17.04.030(A)(1). (Ord. 96-555 § 10.6(I), 1997)

17.40.270 Conditions.

In granting a variance, special exception permit, hillside exception or change to a nonconforming use or structure, the Board may impose conditions, restrictions or time limits considered necessary to protect surrounding properties and better carry out the general intent of this title. (Ord. 96-555 § 10.6(J), 1997)

17.40.275 Applicant.

An applicant may be an owner, optionee, agent, trustee, lessee, government official or department. (Ord. 98-1268 § 1(part), 1998)

Article VII. Special Exception Uses

17.40.280 Authority.

The metropolitan board of zoning appeals shall hear and decide requests for special exceptions in accordance with the provisions of this zoning code. Special exceptions shall be regulated in a manner consistent with Section 13-7-206, Tennessee Code Annotated. The specific location of a sanitary landfill, asphalt plant, historic bed and breakfast homestay, waste transfer facility, airport runway, hazardous operation and wastewater treatment facility shall first be approved by a resolution adopted by the metropolitan council prior to the public hearing by the board of zoning appeals. If the metropolitan council does not approve or disapprove the specific location, upon finding that the proposed use is consistent or not consistent with the conditions specified in Chapter 17.16, Article III, within sixty days of the date of notification by the zoning administrator to the council and the district

councilmember that such an application has been filed, council approval shall be waived and the board of zoning appeals may proceed to consider the application. (Ord. BL2000-172 § 1, 2000; Ord. 96-555 § 10.7(A), 1997)

17.40.290 Applications.

Special exception applications shall be filed by the applicant in form and content established by the board of zoning appeals. The application shall contain sufficient information to demonstrate full compliance with all applicable standards of Chapter 17.16, Article III (Special Exception Uses). (Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 10.7(B), 1997)

17.40.300 Planning commission report.

Special exception uses that would otherwise require final site plan approval by the planning commission pursuant to Section 17.40.170B may be considered and approved by the board upon consideration of a recommendation from the planning commission. All other special exception use applications shall be transmitted from the board of zoning appeals to the planning department for review and a report. Upon receipt of a complete application from the board, the planning department shall review the application and report to the board following a twenty-eight-day review period. In its review, the planning department shall advise on the nature of existing and future land uses in the general vicinity of the proposed special exception use. (Ord. 96-555 § 10.7(C), 1997)

17.40.310 Public hearing required.

Within sixty days following the filing of a complete application, the board of zoning appeals shall hold a public hearing pursuant to the procedures of Article XV of this chapter (Public Notification). For special exception uses requiring review and a report from the planning department, the public hearing shall be held after receipt of the planning department report. If desired, the board may request an official interpretation of the general plan from the planning commission. Testimony and evidence material to the general and specific standards of Chapter 17.16, Article III may be considered by the board in its deliberations. (§ 4(5) of Amdt. 1 with Ord. 96-555 § 10.7(D), 1997)

17.40.320 Findings of fact.

An approval of a special exception land use by the board of zoning appeals shall state the section of this title under which the permit was considered, and findings of facts relating to the applicable approval standards. In the case of a denial, the findings shall specifically identify the standards not satisfied. (Ord. 96-555 § 10.7(E), 1997)

Article VIII. Variances

17.40.330 Authority.

The metropolitan board of zoning appeals may grant variances from the strict application of the provisions of this zoning code based upon findings of fact related to the standards in this article. (Ord. 96-555 § 10.8(A), 1997)

17.40.340 Limits to jurisdiction.

The board shall not grant variances to the land use provisions of Section 17.08.030, the density or floor area ratio (FAR) standards of Tables 17.12.020B and 17.12.020C, nor the required size of residential lots approved by the planning commission under the authority of Section 17.12.080, (Lot Averaging), Section 17.12.090, (Cluster Lot Option) or Section 17.36.070(C) (PUD), or residential development permitted by Section 17.16.030(E). Further, the board shall not act on a variance application within a planned unit development (PUD), urban design overlay or institutional overlay district without first considering a recommendation from the planning commission. (Ord. BL2004-492 § 5, 2005: Ord. 96-555 § 10.8(B), 1997)

17.40.350 Applications.

A written application for a variance shall be filed with the board by the landowner or agent on forms provided by the board. An applicant shall state why the variance is being requested, what function the variance would accomplish and what specific and unique circumstances exist that would authorize consideration by the board under the review standards of this article. The application shall contain site plan information as required for a zoning permit. (Ord. 96-555 § 10.8(C), 1997)

17.40.360 Hearing required.

Not more than sixty days after filing, the board of zoning appeals shall hold a public hearing on an application for a variance. Notice of such public hearing shall be given pursuant to Article XV of this chapter. Testimony and evidence material to the review standards or requirements of Sections 17.40.370 or 17.40.380 may be considered by the board in its deliberations. (§ 4(6) of Amdt. 1 with Ord. 96-555 § 10.8(D), 1997)

17.40.370 Review standards.

In accordance with Tennessee Code Annotated Section 13-7-207, the board shall not grant a variance with-

out an affirmative finding of fact on each of the following standards based on evidence presented by the applicant.

A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title.

B. Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

C. Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

E. No Injury to Neighboring Property. The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

F. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this zoning code.

G. Integrity of Master Development Plan. The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved planned unit development. (Ord. 96-555 § 10.8(E), 1997)

17.40.380 Special hillside exception.

Requests for exceptions from the hillside development standards of Chapter 17.28 shall be administered and decided in conformance with the requirements of this article. The board shall have no authority to vary lot areas within platted residential developments utilizing lot area averaging or cluster lot option provisions of Chapter 17.12.

A. Application Requirements. At a minimum, an application requesting a variance from the hillside development standards shall include the following information:

1. A report, prepared and endorsed by a qualified professional engineer licensed in the state of Tennessee, that includes at a minimum the following information:

a. A report on the soils, geology and hydrology characteristics of the site;

b. Recommended grading procedures; and

c. Recommended measures to mitigate potential geologic or hydrologic impacts on the proposed development and any potentially affected adjacent property.

2. An engineering report prepared by a qualified professional engineer registered in the state of Tennessee that demonstrates conclusively that:

a. Proposed construction methods will improve or at a minimum not adversely impact the natural stability of the slope;

b. Construction techniques are being employed that will minimize disruption of the existing topography and vegetation; and

c. Existing geological constraints of the site, including soils and hydrology, are adequately addressed in the design of the project.

B. Standards for Granting the Exception. Before granting an exception, the board of zoning appeals shall find that the written petition conforms to the application requirements of this article and that the preponderance of evidence shows that hillside development is appropriate. (Ord. 96-555 § 10.8(F), 1997)

17.40.390 Findings of fact.

Any board decision on a variance or hillside exception shall indicate the section of this zoning code under which the variance or exception is being considered and include substantive findings of fact relating to the specified review standards. In the approval of a variance or exception, findings shall specifically identify the unique characteristics of the property and the precise nature of the hardship. In the denial of a variance or exception request, findings shall specifically identify the standards that were not met. (Ord. 96-555 § 10.8(G), 1997)

Article IX. Historic Zoning Commission

17.40.400 Membership.

The historic zoning commission is established by this code.

A. The commission shall consist of nine members who are residents of Davidson County, with a composition as follows:

1. One registered architect;

2. One member of the metropolitan planning commission;

3. One member representing the metropolitan historical commission of Nashville;

4. Four members selected from the community, two of whom shall reside within an historic overlay district;

5. One member who must be a property owner of property located in the historic preservation overlay district bounded by the south margin of Union Street, the west margin of First Avenue North, the north margin of Broadway, and both sides of Second Avenue North, as adopted by the metropolitan county council; and

6. One member who must be a person (i) whose principal place of business is, or (ii) who must be a property owner of property, located in the historic preservation overlay district bounded by the south margin of Union Street, the west margin of First Avenue North, the north margin of Broadway, and both sides of Second Avenue North, as adopted by the metropolitan county council.

B. Members shall be appointed by the mayor and confirmed by the metropolitan council, serving five-year terms without compensation. Those members serving on the effective date of the ordinance codified in this title shall serve the remainder of their appointed terms and may be considered for reappointment if eligible. A member may be removed for just cause by the council following a public hearing. The mayor may appoint a replacement for the remainder of the term subject to council concurrence. The historic zoning commission shall elect from its members its own chairperson and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least five members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of four members of the commission shall constitute final action of the commission on any matter before it. (Ord. 96-555 § 10.9(A), 1997)

17.40.410 Powers and duties.

A. Creation of Historic Overlay Districts. The historic zoning commission shall review applications calling for the designation of historic overlay districts according to the standards contained in Chapter 17.36, Article III, referring written recommendations to the metropolitan council. Establishment of an historic overlay district on the official zoning map shall be in accordance with Section 18.02 of the Metropolitan Charter and Article III of this chapter.

B. Establishment of Design Review Guidelines. The historic zoning commission shall adopt design guidelines for each historic overlay district and apply those guidelines when considering preservation permit applications. Design guidelines relating to the construction, alteration, addition and repair to, and relocation and demolition of structures and other improvements shall be consistent with the National Historic Preservation Act of 1966, as amended. A public hearing following the applicable public notice requirements of Article XV of this chapter shall precede the adoption of all design review guidelines by the historic zoning commission. Testimony and evidence material to the type of historic overlay under consideration may be considered by the commission in its deliberations.

C. Design and Demolition Review. The historic zoning commission shall make the following determinations with respect to historic overlay districts :

1. The appropriateness of the exterior architectural design and features of, and appurtenances related to, any new structure or improvement;

2. The appropriateness of the exterior architectural design and features of any addition to the existing structure;

3. The appropriateness of exterior alterations and repairs to an existing structure;

4. The appropriateness of relocating any building out of, into, or within the boundaries of an historic overlay district; and

5. The appropriateness of demolishing any structure or other improvement. As a condition of any permission to demolish a structure or other improvement, the historic zoning commission may require historical documentation in the manner of interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features, all at the expense of the commission;

6. The historic zoning commission may take into consideration the historical or architectural significance of the subject structure or improvement; and the impact of the proposed undertaking on the historic character and integrity of the district as a whole.

D. Right of Entry Upon Land. In performance of its duties, the commission and its staff may access the grounds of any land within its jurisdiction to make examinations and surveys or post public notices as required by this zoning code; however, this code does not empower right of entry into a building without the consent of the owner.

E. Use of Land. The use of property located within an historic overlay district shall be governed solely by the associated base zoning district or an approved PUD master development plan. (§ 4(7) of Amdt. 1 with Ord. 96-555 § 10.9(B), 1997)

17.40.420 Preservation permit.

A. Consideration of Applications. The historic zoning commission shall meet within fifteen working days after receipt of an application for a preservation permit that includes sufficient data for review. Failure of the commission to act within thirty days after receipt of a

sufficient application shall be deemed an approval except when a mutual agreement has been made to extend the time limit. The commission may conduct a public hearing prior to final action on any application.

B. Preservation Permit. Upon approval of an application, the historic zoning commission shall issue a preservation permit to the applicant and transmit a copy to the zoning administrator. A certificate of zoning compliance shall be issued only if work is in conformance with the preservation permit.

C. Disapproval by the Historic Zoning Commission. With the disapproval of an application, the historic zoning commission shall state in writing to the applicant the bases for that action in terms of the applicable design guidelines. The notice of disapproval may also be transmitted to the zoning administrator.

D. Determination of Economic Hardship. In reviewing an application to remove an historic structure, the historic zoning commission may consider economic hardship based on the following information:

1. An estimated cost of demolition and any other proposed redevelopment as compared to the estimated cost of compliance with the determinations of the historic zoning commission;

2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the subject structure or improvement and its suitability for rehabilitation;

3. The estimated market value of the property in its current condition; its estimated market value after the proposed undertaking; and its estimated value after compliance with the determinations of the historic zoning commission.

4. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.

5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

7. Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners. (Ord. 96-555 § 10.9(C), 1997)

17.40.430 Moratorium for proposed historic landmark district.

There shall be a ninety-day moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures or improvements on land recommended for designation as an historic landmark district. The ninety-day period shall begin with the filing of an ordinance to designate an historic landmark district. (Ord. 96-555 § 10.9(D), 1997)

Article X. Tree Protection and Replacement Procedures

17.40.440 General.

Unless exempt from the provisions of this chapter, no person shall remove or in any way damage any protected tree without first obtaining a permit from the zoning administrator. Any tree which is damaged, destroyed or removed without the required tree permit shall be repaired according to accepted International Society of Arboriculture practices, or replaced with the equivalent density units of replacement trees as provided in Chapter 17.24. (Ord. 96-555 § 10.10(A), 1997)

17.40.450 Designation of historic and specimen trees.

Historic and specimen trees shall be designated by the metropolitan beautification and environment commission based on advice from the tree advisory committee and consent of the property owner. No historic or specimen tree shall be removed without a finding by the metropolitan beautification and environment commission that the tree is a hazard or a determination that it is not economically or practically feasible to develop the parcel without removing the tree. (Ord. 96-555 § 10.10(B), 1997)

17.40.460 General exemptions.

The following uses or activities shall be exempt from the tree removal requirements of this article.

A. Commercial Growers. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this article, but only as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

B. Surveyors and Engineers. A Tennessee-licensed land surveyor or engineer in the performance of duties, provided such alteration or removal is limited to a swath of three feet or less in width and does not include any

historic or specimen trees. (Ord. 96-555 § 10.10(C), 1997)

17.40.470 Tree removal permit procedures.

The application procedures and standards for review of tree removal permit applications shall be as follows:

A. Application Requirements. Any person desiring a tree removal permit, including any person or entity engaged in the business of tree removal services on commercial property, shall make written application to the zoning administrator upon forms provided by the zoning administrator along with the following information:

1. The application shall include the name, address and telephone number of the landowner and/or agent.

2. Each application for a tree removal permit shall be accompanied by a tree survey based upon current information. The survey shall show the location, size and type of protected trees upon the site, including common or scientific names. The survey shall indicate which protected trees are intended for removal and/or grubbing and which will be left undisturbed. An application for new construction does not require a tree survey when a final site plan shows that the required tree density will be met by showing the location, size and type of new or existing protected trees upon the site which are to be installed or maintained as required to meet the tree density requirement. The urban forester shall exempt the applicant from the tree survey requirement if the request for tree removal is the result of tree maintenance, disease or death, and not new construction, and the urban forester is able to assess that the existing tree density is substantially maintained. A final site plan prepared to the same scale shall be submitted which illustrates the following:

a. The locations of existing and proposed buildings, layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.

b. Existing and proposed grades and subsequent erosion control measures to prevent siltation over the roots of protected trees and appropriate tree protection fencing for protected trees.

3. Each application for a tree removal permit shall include a plan for disposal of the tree.

4. The application and accompanying documents shall be submitted in copies sufficient to administer this article.

5. The filing of an application shall be deemed to extend permission to the urban forester to inspect the subject site if necessary for purpose of evaluating the application.

6. Tree permits allowing for pruning or removal of trees necessitated by the installation and/or on-going maintenance of public utilities and communications facilities may be issued by the urban forester to public utilities and communications facilities for a period of one year and may be renewed annually subject to continued compliance with the conditions of this article.

B. Tree Removal Permit Review Criteria. No permit for the removal of a protected tree shall be granted unless the petitioner demonstrates one or more of the following conditions:

1. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

2. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

3. The tree materially interferes with the installation, servicing or functioning of existing or proposed infrastructure, utility lines or services for which there is no feasible relocation alternative.

4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

5. The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.

6. The removal of the tree is necessary to promote the growth of surrounding protected trees. Under this provision, the applicant must demonstrate a preference for protecting historic and specimen trees. Trees removed pursuant to this subsection are exempt from tree replacement requirements.

7. Any law or regulation requires the removal.

8. The site will maintain the required tree density after the removal of specified trees either with existing protected trees or with the installation of new trees.

C. Tree Removal Permit Review Procedures.

1. Applications that involve subdivision review or any form of site plan review before the planning commission, shall be reviewed by the planning commission in accordance with the applicable review procedures.

2. Applications that do not involve final site plan review, but only the issuance of grading or building permits shall be reviewed by the zoning administrator and urban forester in accordance with the review procedures already in effect for the review and approval of such permits.

3. The filing of an application shall be deemed to extend permission to the urban forester to inspect the subject site if necessary for purpose of evaluating the application.

4. Unless otherwise specified, a tree removal permit shall automatically expire and become void if the work authorized by such permit is not commenced within six

months after the date of the permit or if, once commenced, removal work is suspended, discontinued, or abandoned for a period equal to or greater than six months.

5. Tree removal authorized by the approval of a final site plan or by approved subdivision construction plans shall remain valid concurrent with the approved plans.

6. Notice of commencement and completion of the work or other activity authorized by the tree permit shall be made to the urban forester as stated on the permit issued. (Ord. BL2004-371 § 1, 2004; Ord. BL2004-244 § 1, 2004; Ord. 96-555 § 10.10(D), 1997)

17.40.480 Off-site plantings.

In the event that the urban forester determines that: (a) the site is located in the CC, MUI or CF district, or in any other district that may not provide for adequate required yard space to accommodate the total number of required replacement trees; or (b) the unique soil types, topography and/or unusual nature of the site would not assure growth of trees, the applicant may contribute to the tree bank an amount of money equal to the costs of providing the required density, according to a schedule promulgated by the urban forester and approved by resolution of the council.

The tree bank shall be a fund set up to receive monies from owners or developers who, for various reasons, remain unable to successfully plant and maintain trees on the site under development, with such monies to be used for the planting and maintaining of public trees. This article shall not apply to sites containing surface parking lots in the CC, CF or MUI districts. (Ord. 96-555 § 10.10(E), 1997)

Article XI. Sign Procedures

17.40.490 Permits and compliance tag.

A. Exempt from Permits. No zoning permit or building permit is required for the following:

1. Exempt signs (Chapter 17.32) which are not otherwise regulated by size, height, setback, number or duration of placement; or

2. The painting, repainting or cleaning of a sign structure, or the changing of copy on a sign designed for changeable copy.

B. Permits Required. No sign shall be constructed, installed or altered without first obtaining a zoning permit, a building permit and all other applicable permits. Application shall be made by the owner of the property on which the sign is to be displayed or by the owner's legal representative.

C. Applications. In applying for a zoning permit and a building permit to install a sign, the applicant shall submit the following information:

1. A site plan drawn to appropriate scale depicting the location of the proposed sign and all relevant features of the site, including location and size of other regulated signs; and

2. Drawings and specifications, including elevations depicting the sign faces, dimensions, anchorage, materials and other data necessary to determine compliance with the requirements of this title and with the requirements of the metropolitan building code and the metropolitan electrical code.

D. Compliance Tag. Upon installation of a sign, the installer shall certify to the department of codes administration that the sign was constructed in conformance with all applicable regulations. Upon issuance of a certificate of compliance, a compliance tag provided by the department of codes administration shall be permanently affixed and displayed on the sign. (Ord. 96-555 § 10.11(A), 1997)

17.40.500 Overall signage plan.

A. General Procedures. Prior to issuance of a zoning permit for a permanent on-premises sign, an overall signage plan indicating the general locations, maximum dimensions and structural type of all signs to be located on the lot shall be filed with the zoning administrator. An authorization form for submittal of the overall signage plan shall be signed by all owners of the lot or their authorized agents. In case of conflict between the overall signage plan and any ordinance of the metropolitan government, the ordinance shall apply.

B. Common Signage Plan. When more than one use or business is located on a lot, the overall signage plan for the lot shall be a common signage plan which shall provide for consistency among signs on the premises with regard to at least four of the following: material; location of each sign on the building; sign proportions; color scheme; lighting; lettering or graphic style. The common signage plan shall establish an allowable area of signage for existing and future tenants with regard both to on-premises building and on-premises ground signs. The common signage plan shall be approved by the zoning administrator prior to issuance of any permits. For a development existing prior to the effective date of the ordinance codified in this chapter, a common signage plan must be submitted and approved if a new sign is to be added to the property. The common signage plan shall indicate existing nonconforming signs as well as the amount and location of on-premises signage to be allocated to each tenant under the new plan. If existing on-

premises building signage exceeds an amount permitted by this title, a new or replacement tenant shall be allowed its share of on-premises building signage based on the approved common signage plan.

C. Amending Signage Plans. Any overall signage plan, including a common signage plan, may be amended by filing a new plan which complies with all requirements of this title and includes a schedule for bringing any existing signs not in conformance with the proposed amended plan into compliance.

D. Nonconforming Signs. Signs legally installed after the effective date of the ordinance codified in this chapter and subsequently made nonconforming because of an amendment to an overall or common signage plan shall be brought into compliance with the amended plan within six months. (Ord. 96-555 § 10.11(B), 1997)

17.40.510 Unsafe, illegal, dilapidated and abandoned signs.

A. Unsafe Signs. Should any sign be determined unsafe by the zoning administrator, upon receipt of written notice the sign owner shall: (1) remove the sign forthwith in the case of immediate danger, or otherwise within ten days; or (2) bring the sign into compliance with all provisions of this title within the same period. If such order is not complied with within ten days, in addition to other remedies the zoning administrator may have such sign removed at the expense of the owner.

B. Illegal Signs. Any sign that was illegal under the sign regulations that preceded the ordinance codified in this title shall be illegal after the effective date of the ordinance codified in this title. Any sign which was erected without the required permits shall be deemed a continuing violation and shall not be considered under the provisions regarding nonconforming signs.

1. Signs constructed, erected or altered without a permit as required by this article or by the provisions of prior regulations shall be illegal.

2. An illegal sign and its appurtenances shall be removed in no more than ten days after written notice by the zoning administrator, or brought into compliance with all provisions of this title within the same period. If such order is not complied with within ten days, in addition to other remedies the zoning administrator may have such sign removed at the expense of the owner.

C. Dilapidated Signs. All signs regulated by this title, together with their supports, braces, guys and anchors shall be maintained in good repair. The zoning administrator may order the removal of any sign that is not maintained in accordance with this code, including the provisions of the metropolitan building code and the metropolitan electrical code.

D. Abandoned Signs. The zoning administrator shall notify in writing the owner or lessee of the sign that has been determined to be abandoned. The notice shall contain a removal order giving ten days for compliance. If the sign and its appurtenances are not removed within ten days, in addition to other remedies the zoning administrator may have the sign removed at the expense of the owner. (Ord. 96-555 § 10.11(C), 1997)

Article XII. Permits and Certificates of Compliance

17.40.520 Applicability.

An application for a zoning permit must be filed with the zoning administrator prior to any person or entity commencing any construction or alteration of a structure or initiating a change in the use of the property. No building permit shall be issued except upon presentation of a valid zoning permit. (Ord. 2001-821 § 1, 2001; Ord. 96-555 § 10.12(A), 1997)

17.40.530 Zoning permit application.

The application requirements for a zoning permit shall be established by the zoning administrator in a form and content appropriate to demonstrate that all structures or use of property will be done in compliance with all applicable provisions of this code. No zoning permit shall be issued:

A. Prior to approval of a final site plan by the planning commission for properties located within a planned unit development (PUD) overlay district, or any other overlay district requiring approval by the planning commission under Section 17.40.170B;

B. For development within a floodplain overlay district prior to approval of a grading and drainage plan by the department of public works;

C. For erection of a structure within the airport overlay district prior to approval by the metropolitan Nashville Airport Authority;

D. For an adult entertainment establishment unless all locational standards established by Chapter 17.36, Article VII are satisfied;

E. For a special exception use prior to approval by the board of zoning appeals; or

F. For any manufacturing use or other use, where a compliance certification is required pursuant to Section 17.28.103 of this code. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 10.12(B), 1997)

17.40.540 Final site plan authority.

No zoning permit for construction that creates new floor area shall be issued by the zoning administrator prior to the approval of a final site plan and satisfaction

of all applicable conditions (if any). If final site plan approval is conditioned upon the provision of public streets or utilities, no zoning permit shall be issued prior to the approval of a plat of dedication by the planning commission and the posting of any associated bonds (if necessary). (Ord. 96-555 § 10.12(C), 1997)

17.40.550 Permits within an historic overlay district.

The zoning administrator shall not issue any zoning, building or demolition permit for the construction, alteration, repair, demolition or relocation of a building or other structure within an HP or HL overlay district, or for the construction, demolition, relocation or additions increasing habitable area of a building or other structure within an NC overlay district, without prior approval of the historic zoning commission. (Ord. 96-555 § 10.12(D), 1997)

17.40.560 Permits within the floodplain overlay district.

Grading permits for property within the floodplain overlay district shall be in strict accordance with the requirements of Chapter 15.64, "An Ordinance for Storm Water Management" and Chapter 17.28, Article I of this code. Grading permits issued by the department of public works shall be consistent with an approved PUD master development plan (if applicable) and with a final site plan. (Ord. 96-555 § 10.12(E), 1997)

17.40.570 Permits within the airport overlay district.

No zoning permit shall be issued for construction within the airport overlay district prior to review and approval of the application by the Metropolitan Nashville Airport Authority. (Ord. 96-555 § 10.12(F), 1997)

17.40.580 Certificate of compliance.

Following issuance of a zoning permit, no structure or zone lot shall be used or occupied until the zoning administrator has certified in a final inspection that the property is in full compliance with all applicable provisions of this zoning code. The certificate of compliance shall be posted within the building in a manner viewable by the public. Issuance of a certificate of compliance shall not be construed as waiving any provision of this zoning code. (Ord. 96-555 § 10.12(G), 1997)

Article XIII. Enforcement

17.40.590 Authority.

The zoning administrator is responsible for the enforcement of all provisions of this title and is authorized to stop work that has commenced without obtaining a required zoning permit or is otherwise not in keeping with an approved final site plan or zoning permit. (Ord. 96-555 § 10.13(A), 1997)

17.40.600 Notification.

If the zoning administrator has reason to believe that there is a violation of this title, the owner or the persons or entities determined to be in violation by the zoning administrator shall be notified. If necessary, governmental agencies or independent experts may be retained to perform tests to determine the existence and extent of a violation, with all associated costs assessed to the owner or the persons or entities determined to be in violation by the zoning administrator if a violation is verified. (Ord. 2001-820 §§ 1,2,3 and 4, 2001; Ord. 96-555 § 10.13(B), 1997)

17.40.610 Violations.

Any violation of this title shall be a misdemeanor offense punishable by law. Each day of a violation shall constitute a separate offense. (Ord. 96-555 § 10.13(C), 1997)

17.40.620 Penalties.

Any violation of this title shall be assessed as a civil penalty at the rate of five hundred dollars per day. In addition, the zoning administrator is authorized to impose triple fees for a zoning permit when work has commenced or occupancy occurs without obtaining a required zoning permit. (Ord. 96-555 § 10.13(D), 1997)

17.40.630 Remedies.

The zoning administrator may, in addition to other remedies, institute injunction, mandamus or other appropriate action to correct or abate a violation of this title. Where a violation exists, the zoning administrator may request that utility service be curtailed until the violation is corrected or abated. (Ord. 96-555 § 10.13(E), 1997)

Article XIV. Nonconforming Uses, Structures, Lots and Signs

17.40.640 General.

In order to protect the health, safety and general welfare of the community, land uses and/or structures which existed legally upon the effective date of the ordinance

codified in this title, but which are not in conformance with all the applicable provision of this title, shall be subject to the provisions of this article to the fullest extent permitted by the Tennessee Code Annotated.

Nonconforming uses and structures shall be subject to the following limitations and controls in order to protect and preserve the full use and enjoyment of nearby properties. While legally nonconforming uses are generally permitted to continue by this title, further investment in such uses may be limited so as to encourage a relocation of the use to an appropriately zoned area. In the case of a few highly impactive uses, a reasonable period of time is established in which to bring the property into compliance with this title. It is the intent of this title to discourage increases in the existing degree of land use or structural nonconformance.

The following provisions apply to legally nonconforming uses of land, nonconforming improvements to the land, pre-existing lots or parcels of substandard size, uses nonconforming with respect to operational performance standards, and nonconforming signs. These provisions shall be applied in a manner consistent with Tennessee Code Annotated Section 13-7-208. (Ord. 96-555 § 10.14(A), 1997)

17.40.650 Nonconforming uses.

A. Continuing a Legally Nonconforming Use. A nonconforming use may continue subject to the following provisions:

1. Land with Minor Improvements. In all residential districts, a nonconforming use of land with minor improvements shall cease within three years from the date of the ordinance codified in this title.

2. Special Conditions for Scrap Operations. In all districts except IR and IG, nonconforming scrap operations shall conform to the buffering and operational provisions of Chapters 17.24 and 17.28 within three years of the date of the ordinance codified in this title.

B. Inactivity of a Nonconforming Use. When a nonconforming use has been inactive for a period of two years or more, the land and its associated improvements shall thereafter be used only in accordance with the provisions of this title. An intent to resume activity shall not qualify the property for a continuation of the nonconforming use.

C. Change of Nonconforming Use. A change in land use classification as defined by the district land use table of Chapter 17.08 shall be subject to the following provisions:

1. When a nonconforming use is changed to a conforming use, all nonconforming protections offered by this code are forfeited.

2. On land with minor improvements, a nonconforming use of land may be changed only to a conforming use.

3. In all residential districts, a change in nonconforming use shall be subject to the following provisions:

a. The nonconforming use of a building designed and constructed for residential activities may be changed only to a conforming use.

b. The nonconforming use of a building designed and constructed for nonresidential activities may be changed to another nonconforming use upon a determination by the board of zoning appeals that the new nonconforming use will be more compatible with surrounding land uses than the existing nonconforming use.

4. In all mixed-use and nonresidential districts, an existing nonconforming use may be changed to a new non-conforming use upon a determination by the board of zoning appeals that the new nonconforming use will be more compatible with surrounding land uses than the existing non-conforming use.

D. Alteration of a Structure Containing a Nonconforming Use. For any use not otherwise protected by Tennessee Code Annotated Section 13-7-208, alterations other than incidental shall be permitted only through the issuance of a permit by the board of zoning appeals subject to:

1. The proposed replacement and/or expansion shall not involve any change in use.

2. The floor area ratio (FAR) of the expanded use together with all other uses on the lot shall not exceed the maximum FAR currently permitted in the district.

E. Damage or Destruction of a Structure Containing a Nonconforming Use. For uses not otherwise protected by Tennessee Code Annotated Section 13-7-208, damage or destruction of a building or other form of structure (except a sign) occupied or used by a nonconforming use may be restored pursuant to the following provisions:

1. On land with minor improvements, the nonconforming use shall cease upon damage or destruction in the amount of twenty-five percent or more of the assessed valuation of all buildings, structures and other improvements on the property.

2. In a residential district, a nonconforming use shall cease if fifty percent or more of the floor area of the building or structure is damaged or destroyed. When damage is to less than fifty percent of the floor area, the building may be restored within one year of the date of the damage. A structure containing a two-family nonconforming use within an RS district may be restored within one year regardless of percentage of damage or destruction.

fifty-percent standard will not apply and the sign may be altered or repaired to any extent. All permits within any six consecutive calendar months shall be aggregated for purposes of measuring the fifty percent standard.

D. For single-tenant lots, a nonconforming sign shall be brought into compliance with this title when the principal land use on the lot is changed to a different use as described by the district land use table.

E. For multi-tenant lots, each tenant may replace, alter, repair or restore an associated sign of a size not to exceed fifteen percent of the facade area of the building occupied by the tenant. Use of this provision must be noted on the overall signage plan. (Ord. 96-555 § 10.14(F), 1997)

Article XV. Public Notification

17.40.700 Applicability.

All public hearings required by this title shall be preceded by public notice as provided by this article. (Ord. 96-555 § 10.15(A), 1997)

17.40.710 Notice by newspaper.

No public hearing shall be conducted unless notice has been given in one or more daily newspapers of general circulation in Davidson County no less than twenty-one days nor more than thirty days prior to the public hearing. The notice shall specify the date, time, location and nature of the public hearing. (Ord. 96-555 § 10.15(B), 1997)

17.40.720 Notice by mail.

No public hearing shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. For amendments to the official zoning map, written notices shall be sent to property owners located within the following distances from the subject property.

From	To	Distance
Agricultural or residential	Industrial	1,000
Agricultural or residential	Institutional, mixed-use, office, commercial or shopping center	800
---------- all other ----------		600

Section 17.40.720 is continued on the next page.

For all other public hearings required by this title, property owners within three hundred feet of the subject property shall be provided written notice. The provisions of this article shall not apply to the adoption or subsequent amendment of this title, or to amendments to the official zoning map involving floodplain or airport overlay districts. (BL2004-121 § 1, 2004; § 3(1) of Amdt. 1 with Ord. 96-555 § 10.15(C), 1997)

17.40.730 Public notice signs.

Public notice signs shall be posted in accordance with the following provisions on any property subject to council consideration of an amendment to the official zoning map, or to the consideration of a variance, hillside exception or a special exception use permit by the board of zoning appeals. Notwithstanding, the following provisions shall not apply to a change in zoning district title or the specific provisions therein upon the adoption or subsequent amendment of this title.

A. General Requirements. Public notice signs shall be posted on any property subject to the public hearing provisions of this title. Public notice signs shall be installed by an appropriate department of the metropolitan government. By the filing of an application requiring a public hearing notice, the property owner grants authorization for installation of public notice signs on the subject property.

B. Display Period. Public notice signs shall be installed on affected properties no less than twenty-one days prior to an established public hearing date, and shall be removed promptly by the landowner following closure of the public hearing.

C. Number and Placement of Public Notice Signs. Public notice signs shall be posted according to the following standards:

1. Number. One sign shall be posted along each three hundred feet of public street frontage. In cases involving large area rezonings initiated by the planning commission or the council, greater spacing intervals may be utilized as appropriate.

2. Location. Whenever practical, signs shall be located within ten feet of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard.

3. Size and Content. All public notice signs shall be of adequate size and design to be clearly visible and legible to the motoring public. At a minimum, a public notice sign shall specify the time, date and location of the scheduled public hearing, the general nature of the hearing, and a phone number for additional information. (§ 3(2) of Amdt. with Ord. 96-555 § 10.15(D), 1997)

Article XVI. Application Fees

17.40.740 Generally.

Standardized fee schedules may be established to partially defray the processing and administration costs associated with each type of application associated with this title. A fee schedule established by this article shall be authorized by passage of a resolution by the council. All application fees shall be paid to the metropolitan government by the applicant at the time of filing. A fee structure established under authority of the preceding code and in effect upon the effective date of the ordinance codified in this title shall remain in effect until superseded by a fee structure established under authority of this title. Fees shall be waived for the following:

A. Applications initiated by any federal or state agency, any department of the metropolitan government, or the metropolitan development and housing agency;

B. Any large area rezoning initiated by the planning commission to implement the general plan.

C. Any rezoning request initiated by a member or members of council for the purpose of:

1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);

2. Rezoning the property from an office, commercial, or industrial district (excluding mixed-use districts) to a residential or residential single-family district; or

3. Applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district, as provided in Chapter 17.36. (Ord. BL2004-409 § 1, 2005; Ord. 96-555 § 10.16(A), 1997)

17.40.750 Fees established by the zoning administrator.

The zoning administrator may develop for metropolitan council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of final site plan applications for properties not subject to approval by the planning commission, and for all other permits reviewed under the jurisdiction of the zoning administrator. (Ord. BL2001-675 § 1 (part), 2001: Ord. 96-555 § 10.16(B), 1997)

17.40.760 Fees established by the planning commission.

The planning commission may develop for metropolitan council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of the following types of applications:

A. A change in zoning district classification on the official zoning map;

B. A change in the text of the zoning regulations;

C. Applying, canceling or modifying a planned unit development (PUD) or an overlay district;

D. A final site plan;

E. The noticing by mail, advertising in a newspaper of general circulation, and posting signs for a public hearing deferred by the planning commission or the metropolitan council; and,

F. A mandatory referral for an encroachment of the public right-of-way, a street name change, or the abandonment of a public street, alley or easement. (Ord. BL2001-675 § 1 (part), 2001: Ord. 96-555 § 10.16(C), 1997)

17.40.770 Fees established by the board of zoning appeals.

The board of zoning appeals may develop for metropolitan council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of the following types of applications:

A. A variance to a provision of this title;

B. A special exception use;

C. A change to a nonconforming use or structure;

D. Any other application in which the board is required or requested to act. (Ord. BL2001-675 § 1 (part), 2001: Ord. 96-555 § 10.16(D), 1997)