# ZONING ORDINANCE

# OAK RIDGE, TENNESSEE

As Originally Passed June 17, 1959
with Amendments through December 23, 2010


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*Zoning Ordinance*
*City of Oak Ridge, TN*
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# ARTICLE I
# Introduction

**Section 1.01 Short Title**

Section 1.01 Short Title

This code shall be known as the Zoning Code of the City of Oak Ridge, Tennessee.

Section 1.02 Conflict

If any portion of this ordinance is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City code, the provision which establishes the higher standard shall prevail.

## ARTICLE II
## DEFINITIONS

The following words when used in this code shall have the meaning ascribed thereto: words used in the present tense include the future tense; the singular number includes the plural, and the plural the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "shall" is always mandatory; the term "Board of Appeals" or "Board of Zoning Appeals" shall mean the same as the term "Board of Appeals" referred to in Sections 13-7-205, 13-7-206, and 13-7-207 of Tennessee Code Annotated; and terms not herein defined shall have the meaning customarily assigned to them.

The terms "City Council" or "Oak Ridge City Council" shall mean the same as the terms "Mayor and Council members of the City of Oak Ridge, Tennessee"; the phrase "Oak Ridge" means the geographical area of the City of Oak Ridge, Tennessee; the term "Zoning Compliance Permit" shall mean the same as the term "Building Permit" as referred to in Section 13-7-206 of Tennessee Code Annotated; the term "City Manager or the City Manager's authorized representative" shall mean the same as the term "Building Commissioner" as referred to in Section 13-7-206 of Tennessee Code Annotated; and the abbreviation "NAICS" means the North American Industry Classification System, which is a system of classification of economic activities developed jointly by Canada, Mexico and the United States.

ALLEY: A public or legally established private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property. Such abutting property must have a street as public access.

ALTERNATIVE TOWER STRUCTURES: Shall mean man-made structures such as clock towers, bell towers, church steeples, water towers, light poles, man-made trees, existing conforming towers, warehouses, factories, commercial buildings, multi-family buildings fifty (50) feet or more in height and publicly-used structures, such as police and fire stations, libraries, community centers, civic centers, utility structures, elevated roadways, bridges, flag poles, schools, hospitals, and other structures which can, from the standpoint of structural integrity and engineering safety, be used for the mounting of antennae or serving a similar function as a tower, as defined herein below.

ANIMAL HUSBANDRY: A branch of agriculture for the raising or nurturing and management of animals, including breeding, pasturing, ranching, and sales of animals.

ANTENNA: An apparatus designed for telephonic, radio, television or other communications through the sending or receiving of signals, including but not limited to panel antenna, parabolic, or dish antenna. This definition shall not apply to a ground- or building-mounted antenna if the height, including any post or supporting structure and antenna, does not exceed thirty-five (35) feet for a ground-mounted antenna, the applicable height restriction for the zone, or twenty feet above a building whichever is less.

APARTMENT: In a multiple family dwelling, any given dwelling unit which may or may not include cooking facilities.

APPURTENANCE: The visible, functional, or ornamental objects accessory to and part of a building.

ASSISTED-CARE LIVING FACILITY: A building, establishment, complex or distinct part thereof which accepts primarily aged persons for domiciliary care and provides on site to its residents room, board, non-medical living assistance services appropriate to the residents' respective needs, and medical services as prescribed by each resident's treating physician and subject to the limitations set forth in T.C.A. §68-11-201. (Other names of this facility may be independent living facilities, nursing homes, retirement center, congregate living, etc., but excludes group care facility.)

ATTIC: Uninhabitable space immediately below the roof.

BASEMENT: A story that may have part but not more than one-half of its average height above grade.

BED AND BREAKFAST (INN): A private, owner-occupied or operator managed business with four (4) to twenty (20) guest rooms where overnight accommodations and a meal is provided to guests taking lodging in the facility and where the bed and breakfast inn is operated primarily as a business.

BED AND BREAKFAST (RESIDENCE): A private residence that offers sleeping accommodations in four (4) or fewer rooms and is owner-occupied. This owner-occupied establishment has an equally mixed use as home and lodging. It is located in an appropriately zoned area and meets all the tax, fire, building and health requirements for this size and use of property.
Comment: These accommodations differ from rooming and boarding houses in that they are truly transient accommodations, with guests staying no more than seven (7) consecutive days. In addition, the owner shall live in the facility. The impact of a bed and breakfast (residence) should not be much greater than that of a private home with frequent houseguests, with the exception of parking demand.

BUFFER STRIP: A strip of land between the off-street parking lot and the lot lines. The strip shall consist of plantings and/or physical features used to screen or partially screen direct views, to reduce glare and noise, and to provide greater privacy for nearby land uses.

BUILDINGS: Any structure having a roof including but not limited to tents, awnings, carports, and such devices as mobile homes which have a primary function other than being a means of conveyance.

BUILDING, ACCESSORY: A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure shall be incidental and accessory to the use of the principal building. Accessory structures shall include, but not be limited to, garages, sheds, decks, and fences.

BUILDING HEIGHT: The vertical distance measured from the finished grade to the top of the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL: A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, UNENCLOSED: A building having no enclosure either by screening or otherwise, other than its roof and such necessary supporting structure as will present the minimum obstruction to light, air and view. The term shall include carports, porches, patios and similar structures, whether attached or detached, as meet the definition.

BUSINESS SERVICES: Establishments primarily engaged in providing assistance, as opposed to products, individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

CANOPY TREE: Any self-supporting woody plant of a species that normally achieves an overall height at maturity of thirty (30) feet or more such as an oak tree or maple tree.

CARPORT: An unenclosed, roofed structure used to store motor vehicles, either attached to a principal building or detached as an accessory building.

CLUBS (PRIVATE): An association of persons for some common object with membership having voting rights in the transaction of the business of the association and usually paying dues and meeting periodically.

COMMON OPEN SPACE: A parcel or parcels of land and/or an area of water within a development that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

COMMUNITY RETAIL SALES: Commercial retail and service uses designed to serve several neighborhoods making up a community but not of a scale to serve regional needs. Such uses include neighborhood retail uses larger than 6,000 square feet, department stores, discount stores, mini-malls, strip shopping centers, home improvement stores, wholesale outlets, clothing and apparel marts, indoor flea markets, antique stores, sporting goods stores, furniture stores, and the like.

CONDOMINIUM: Separately owned multiple residences constructed as an integral unit. Ownership involves a service contract for maintenance by a legal entity in the interest of the common good. Such property will usually involve some land and/or facilities which are jointly held by the owners of the several residences.

CONVALESCENT HOME: A use, licensed by the state, providing bed care and in-patient services for persons requiring skilled nursing care and regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, communicable disease or psychiatric care. A nursing home as defined in T.C.A. §68-11-201 would be included in this definition.

CULTURAL AND ENVIRONMENTAL OPEN SPACE: A parcel or parcels of land and/or an area of water within a planned unit development that is held in some form of common ownership and restricted to use only as: (1) vegetative buffers, or other forms of environmental protection including floodplains, steep slopes or other environmentally sensitive lands; or (2) a site of historic or prehistoric human activity such as, but not restricted to, mounds, forts, earthworks, burial grounds, structures, villages, mines, caves and all locations which are listed on the National Register of Historic places.

DANCE CLUB: For the purpose of this ordinance, those establishments in which music, dancing or entertainment is conducted and no alcoholic beverage or beer is dispensed or consumed.

DAY CARE FACILITIES: Day care facility includes the three types of day care facilities licensed by the State of Tennessee, defined as follows:

(i) Family Day Care Home: An occupied residence operated by a person for the purpose of receiving therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age, who are not related to such person and whose parent(s) or guardian(s) are not residents in the same house, for less than twenty-four (24) hours per day for care, without transfer of legal custody.

(ii) Group Day Care Home: Any facility operated by a person, social agency, corporation or institution, or any other group which receives a minimum of eight (8) and a maximum of

twelve (12) children (and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation) for less than twenty-four (24) hours per day for care outside their own home, without transfer of legal custody. Before a group day care home opens, fire safety and environmental inspectors must approve the facility.

(iii) Day/Child Care Center: A facility licensed by the state of Tennessee as a childcare center for the care of thirteen (13) or more children, but not located in a dwelling unit. This shall include the wide variety of arrangements made by parents (or guardians) for the care outside of their home of children under seventeen (17) years of age, for less than twenty-four (24) hour periods without transfer of custody.

DAY CARE FACILITY, ADULT: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

DORMITORY: A building containing sleeping rooms for either transient or permanent occupancy.

DWELLING, MULTIPLE FAMILY: A building containing more than one dwelling unit, arranged either side by side and/or one above the other.

DWELLING, ONE-FAMILY: A detached building containing only one dwelling unit.

DWELLING, TWO-FAMILY, THREE-FAMILY AND FOUR-FAMILY: A building containing only two, three or four dwelling units.

DWELLING UNIT: One or more rooms designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

EDUCATIONAL INSTITUTIONS: A public, private, or parochial school offering instruction at the kindergarten, elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught by the State of Tennessee.
Note: Private school education facilities are defined as those schools which do not secure the major part of its funding from any governmental agency.

ESSENTIAL SERVICE: The phrase "essential service" means the erection, construction, alteration, or maintenance by a public utility of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories (other than buildings, electric substations and towers) in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety, or general welfare.

EXISTING SIGNIFICANT VEGETATION: One or more mature trees on a parcel, having a caliper (trunk diameter 3½ feet above grade) of six (6) inches or more, in a condition of good health.

FAA: Federal Aviation Administration

FAMILY: An individual, or two or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

FCC: Federal Communications Commission

FENCE, DECORATIVE: A designed open or solid fence or wall intended to decorate, accent, or a frame a feature of the landscape such as the driveway, walkway, or planting bed. In addition, it shall meet all of the following criteria: (i) it contributes to the identification and beauty of the principal use; (ii) it is not erected to satisfy any other provision of this code; (iii) it does not act as a retaining structure; and (iv) it is made of material that typically is not found in security structures, such as chain link.

FENCES: A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

FILLING STATION: Buildings or premises or portions thereof arranged or designed to be used for the retail sale of oil, gasoline or other fuel for the propulsion or lubrication of motor vehicles and which may include facilities for changing of tires, tube repairing, polishing, greasing, washing, or servicing such motor vehicles; but excluding body repair, bumping or painting.

FOOTPRINT: The horizontal area as seen in a plan, measured from the outside of all exterior walls and supporting columns. It includes residences, garages, covered carports, and accessory structures, but not trellises, patios, and decks.

GARAGE, COMMUNITY: An enclosed accessory building, used for storage purposes of more than four (4) motor vehicles, but not exceeding two times the number of families occupying the dwelling units to which such garage is accessory, and not exceeding storage of more than one commercial vehicle of less than one and one-half ton capacity per family, and containing no public shop or services.

GARAGE, GENERAL: Any garage other than a private garage or community garage which is used for the storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GARAGE, PRIVATE: An enclosed accessory building or part of a main building used for storage purposes of not more than four (4) motor vehicles, not more than one of which may be a commercial motor vehicle and which vehicle is less than one and one-half ton capacity, and no public shop or services.

GROUP CARE FACILITY: A building to house up to fifteen (15) persons where lodging and care are provided in a manner which preserves and promotes the general welfare of the neighborhood and the community. This shall include the provision of one or more meals daily or access to kitchen facilities and shall include a resident manager responsible for management of the house. Permanent group care facilities shall house physically and/or mentally handicapped individuals who are not a danger to themselves or to others, who are psychiatrically stable, and whose residence there is approved by a physician. Transient group care facilities would treat patients with acute conditions, or any other conditions that do not satisfy the permanent care definition, and whose residence there is approved by a physician.

HEAVY MANUFACTURING: Large-scale processing, fabrication, manufacturing, assembly, storage, warehousing, wholesaling, and distribution which can be high intensity in its external effects and may involve processing of raw materials. The manufacturing process may produce moderate to heavy external effects and may have some adverse effects on surrounding properties.

HEIGHT (TOWERS): Shall mean the vertical distance of any towers measured from the natural ground level at the base of the tower to the highest point of such tower.

HOME OCCUPATION: Any business, profession, occupation, service, enterprise, or trade conducted for gain entirely within the principal building of a residence.

HOTEL: A building containing apartments, of which at least eighty percent (80%) shall be composed of bedroom, bathroom and closet space; the apartment units, with the exception of the units occupied by the management staff, being used primarily for the accommodation of transients.

IMPROVED RECREATIONAL OPEN SPACE: A parcel or parcels of land and/or an area of water within a planned unit development that is designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development.

KENNEL: Any place where four (4) or more dogs, cats or other domestic animals over three (3) months of age are either permanently or temporarily kept, raised, sold, boarded, bred, shown, treated, groomed or trained for commercial purposes.

LATTICE COMMUNICATION TOWER: A self-supporting structure having open-framed supports on three (3) or four (4) sides and constructed without guy wires and/or ground anchors.

LIGHT MANUFACTURING: Small-scale manufacturing, assembly, storage, warehousing, wholesaling, and distribution which is low intensity in its external effects and does not involve processing raw materials. It is capable of operation in such a manner as to substantially control the external effects of the manufacturing process. A light manufacturing process will have minimal external effects and will have negligible adverse effects on surrounding properties.

LOFT DWELLINGS: Loft dwellings are defined as residential dwelling units located on any floor other than the ground or street level floor within existing commercial buildings. (Defined in Section 9.04 as "Flexhouses")

LOT: A platted lot of a recorded subdivision, or leased or rented parcel of land including, in addition to the land required to meet the regulations of this code, all of the land area shown in a request for a Zoning Compliance Permit, occupied or intended to be occupied by a principal and accessory building use.

LOT, CORNER: A lot where the corner interior angle at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this code, if tangents to the curve at the two points where the lot lines meet the curve form an interior angle of less than one hundred thirty-five (135) degrees.

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

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from a street right-of-way. In the case of a corner lot, the line separating said lot from that street which is designated as the front street.

LOT LINE, REAR: The lot line that is opposite and most distant from the front lot line. The rear lot line of an irregular, triangular, or gore lot shall, for the purpose of this Zoning Ordinance, be a line entirely within the lot at least ten (10) feet long and parallel to and most distant from the front lot line. (Rear

Corner: The rear corner shall be the lot corner farthest from the point of intersection of the two front lot lines.)

LOT LINE, SIDE: Any boundary of a lot that is neither a front lot line nor a rear lot line.

LOT LINE, STREET: A lot line that is a boundary between a lot and a street right-of-way.

LOT WIDTH: The length of a straight line drawn between the points where the front setback cuts the side lot lines.

LOT OF RECORD: A parcel of land, the deed to which is on record with County Register of Deeds, and which exists as described.

MARGINAL ACCESS ROAD: A public or legally established private thoroughfare bordering a public arterial or secondary road right-of-way at the outside edge and providing direct access to property abutting such right-of-way, but connected at limited points with the main travel lanes. Such marginal access roads may be public (within the dedicated right-of-way), private (adjacent to, but outside the dedicated public right-of-way), or both (partially on and partially off the public right-of-way).

MOBILE HOME: An industrialized building unit constructed on one or more chassis for towing to the point of use and designed to be used without a permanent foundation for continuous use as a dwelling on a year-round basis.

MOBILE HOME SPACE: An area within a mobile home development which is improved to provide adequate support for the placement of one mobile home, including its enclosed extensions or structural additions, and its accessory uses.

MOBILE HOME PARK: A residential development intended to accommodate mobile homes as defined herein but which may also include various facilities for the service of the residents of the development, as set forth in this section, but does not include travel trailers.

MONOPOLE COMMUNICATION TOWER: A communication facility, which consists of a monopolar structure, erected on the ground without guy wires and/or ground anchors to support communication antennas and connecting appurtenances.

MOTEL: A series of attached, semi-attached, or detached apartments containing bedroom, bathroom and closet space, with each apartment having individual entrance leading directly from the outside of the building. The apartment units with the exception of the unit occupied by the management staff being used primarily for the accommodation of transients.

NEIGHBORHOOD RETAIL USES: Commonly found low scale and low intensity retail and service uses with square footages not to exceed 6,000 square feet of floor area unless otherwise noted below that meet the needs of immediately surrounding or adjacent neighborhoods. Neighborhood commercial uses:

(i) Offer basic services and frequently purchased goods to the immediate surrounding residential neighborhoods.

(ii) Offers an intimate, pedestrian-oriented scale and that blends in well into the neighborhood environment both functionally and aesthetically. Sites developed for such uses shall be architecturally and proportionately compatible with any adjacent residences or residential developments.

(iii) Includes but are not limited to the following uses: auto parts store, antique shop, appliance store (home), bakery (retail), barber and beauty shops, beverage shop, bicycle shops, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, pet grooming shop, draperies and interior decorating supplies, drug store (provided that gross floor area does not exceed 20,000 square feet total), dry goods store, florist, furniture store, gift and stationary store, grocery store, (provided that gross floor area does not exceed 50,000 square feet), hardware store (provided that gross floor area does not exceed 20,000 square feet total), jewelry store, manicurist/pedicurist shop, meat, fish, fruit or vegetable market or butcher shop, millinery store, copy store (printing and publishing), music store, novelty shop, paint store, shoe and/or leather repair shop, shoe store, sporting goods store, tailor shop, toy store, variety shop, and video rental stores.

NIGHT CLUB: An establishment dispensing alcoholic beverages and/or beer, or allowing it to be consumed on the premises and usually serving some food, and in which music, dancing, or entertainment is conducted. (Restaurants, including clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health and athletic facilities are excluded from this definition.)

NON-CONFORMANCE: Uses that do not conform in various degrees to the provisions of this Code. (See Article X, Nonconforming Uses.)

OFFICE, BUSINESS AND PROFESSIONAL: Structure or space wherein business services are performed involving predominantly managerial, administrative, or clerical operations such as accounting, tax preparation, real estate, stock brokerage, financial consulting, manufacturers representatives, insurance, employment services, advertising and public relations, polling and public opinion services, business and other research firms, and national, regional, state and local office headquarters for commercial, manufacturing, charitable or other corporations or organizations and others as may be determined by the staff.

OFFICE PARK: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separated office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

OFFICE SERVICE AND SUPPLY ESTABLISHMENT: Retail commercial establishments that sell, service, and supply small office equipment and supplies. This shall include stores that sell copiers, facsimile machines, typewriters, printer and copier consumables, transcribers and dictation equipment, paper, computer supplies, office furniture, and other general office equipment and supplies.

OPEN AIR BUSINESS USES: Open-air business uses shall include the following:

(i) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(ii) Retail sale of fruit and vegetables.

(iii) Miniature golf, golf driving range, children's amusement park or similar recreation uses.

(iv) Bicycle, trailer, motor vehicles, boats or home equipment sales, service or rental services.

(v) Outdoor display and sale of garages, swimming pools and similar use.

(vi) Outdoor display and sale of items not suitable for indoor sales.

OPEN SPACE, ACTIVE: Any parcel(s) or area of land and/or an area of water that may be improved and set aside, dedicated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, picnic tables, etc.

OPEN SPACE, CULTURAL AND ENVIRONMENTAL: A parcel or parcels of land and/or area of water that is held in some form of common ownership and restricted to use only as: (1) vegetative buffers, or other forms of environmental protection including floodplains, steep slopes or other environmentally sensitive lands; or (2) a site of historic or prehistoric human activity such as, but not restricted to, mounds, forts, earthworks, burial grounds, structures, villages, mines, caves and all locations which are listed on the National Register of Historic Places.

OPEN SPACE, COMMON: Any parcel(s) or area of land or water within or related to a development that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the residents, and their guests, of the development and may include such complementary structures and improvements as necessary and appropriate. This may include both active and passive open space.

OPEN SPACE, FRONT: The required open space extending the full width of the lot and of a depth equal to the required setback measured horizontally at right angles to the front lot line.

OPEN SPACE, PASSIVE: Commonly held open space that is essentially unimproved and set aside, dedicated, designated, and/or reserved for the use and enjoyment of designated owners or occupants.

OPEN SPACE, REAR: The required open space extending the full width of the lot and of a depth equal to the required setback measured horizontally at right angles to the rear lot line.

OPEN SPACE, REQUIRED: The open space established between lot lines and required set-back, open, unoccupied, and unobstructed by any building from the ground to the sky, except as otherwise provided in this code.

OPEN SPACE, SIDE: The required open space extending from the front open space to the rear open space and of a width equal to the side required setback measured horizontally at right angles to the side lot line.

PARKING LOT: An off-street facility including parking spaces along with adequate provision for drives and aisles needed for vehicle maneuvering and entry/exit to a public road.

PERSONAL SERVICES: Establishments primarily engaged in providing services to the general public involving the care of a person (personal or household use) or his or her apparel, as opposed to products, for example, laundry, photographic studios, beauty/barber shops, shoe repair, health clubs, clothing rental, etc.

PORTABLE STORAGE CONTAINER: Any metal box-like storage unit as typified by shipping containers designed to be transported on a flatbed truck or trailer and delivered to a site ready for use. This definition

shall not include manufactured homes as defined elsewhere herein or factory manufactured modular units which comply with the *Standard Building Code.*

PRIVATE EDUCATION INSTITUTION OR PRIVATE SCHOOL: An establishment offering instruction, not affiliated with the public schools or the State of Tennessee, with an approved curriculum or program of formal training for thirteen (13) or more children aged five (5) years or older, or adults, with one (1) or more trained instructors or teachers, but not located in a dwelling unit.

PRIVATE STABLE: The keeping of equines, including having a detached accessory building for the keeping of said equines, owned by the owner of the premises for private use and not for commercial use, remuneration, hire or sale.

PROFESSIONAL OFFICE: The office of a member of a recognized profession maintained for the conduct of that profession.

PROFESSIONAL SERVICES: Structure or space wherein professional services are performed involving operations such as law, medicine, optician (including the sale of glasses and contact lenses as accessory to professional eye examinations and the prescription of lenses), audiologist, architect or landscape architect, professional consultant, engineer, professional counselor, dentist, investigative services, photographer, contractor, land surveyor, and other comparable professional services.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, or water; but this definition shall not include persons, firms or corporations, which, by reasons incidental to the intended uses of any generation device, sells or causes energy to be transferred to any grid of a public utility as herein defined.

QUICK-SERVICE FOOD STORE (QSR): Any building, which is used for the retail sale of food or food and other items. This may be the combination of the gas station/mini-mart as well as the addition of fast food restaurants.

RADIUS RETURN: The curved portion of an access way connecting the edge of pavement of the abutting street and the edge of the access way to the lot being served.

RESTAURANT: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building and/or an adjacent designated area.

RESTAURANT, DRIVE-IN ESTABLISHMENTS: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises, or to be entertained while remaining in their motor vehicle.

RESTAURANT, DRIVE THRU: A drive-thru restaurant or other drive-thru establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

RESTAURANT, FAST FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled

quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETAIL BUSINESSES: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. This doesn't include open air business uses.

REQUIRED SETBACK: A distance required to obtain the minimum front, side, and rear open space provisions of this code.

ROADSIDE STAND: A structure limited to the display and sales of produce or handicrafts grown or made on the premises.

SERVICE ESTABLISHMENT: Businesses primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including personal, business, and repair services including but not limited to shoe repair, leather goods repair, and small machinery, watch, and instrument repair; health and beauty including nail salon; key duplicating and locksmith; re-upholstery and furniture repair; interior decorators, travel agents, technical and other professionals services; educational and tutoring services; membership organizations; and other miscellaneous services as determined by staff.

SHOPPING CENTER: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site or nearby, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SHRUB: A shrub or bush is a horticultural rather than strictly botanical category of woody plant, distinguished from a tree by its multiple stems and lower height.

SOLAR COLLECTOR: A solar collector is any device which is designed to extract energy from the sun for purposes of heating, cooling, electrical energy generation, or driving either directly or indirectly any mechanical device.

STABLE, COMMERCIAL EQUINE: A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

STABLE, PRIVATE: A detached accessory building and/or land use that is designed, arranged, used or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their guests, but in no event for commercial use, remuneration, hire or sale.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of any floor above; or any portion of a building between the top-most floor and the roof having a usable floor area equal to at least fifty percent of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less floor area is a half story. The first story shall be considered the lowest story of which the ceiling is more than four (4) feet above the average contact ground level at the exterior front wall of the building.

STREET: A public thoroughfare with right-of-way which affords the principal means of vehicular access to abutting property.

STREET VENDING: Street vending includes but is not limited to the following: selling, offering for sale, or soliciting orders for goods or services whether by foot or by other means of transportation.

STRUCTURE: Any constructed or erected material or combination of materials the use of which requires a location in, under, or on the ground, including but not limited to buildings, stadiums, radio towers, sheds, storage bins, fences and signs.

SWIMMING POOL: Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth and intended for recreational purposes, including but not limited to a wading pool. Swimming pool is not intended for the purposes of this ordinance to include an ornamental reflecting pool or fishpond or other type of water feature located and designed so as not to create a hazard and not to be used for swimming or wading.

TAVERN (BAR/PUB): An establishment primarily for the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. (Restaurants, including clubs used by non-profit organizations, lodges used by non-profit organizations, theaters, health and athletic facilities are excluded from this definition).

TOWER: Shall mean any vertical structure which is designed and constructed primarily for the purpose of supporting one or more antennae, including self-supporting lattice towers, or monopole towers. This general term includes radio, television, microwave, common carrier, PCS, analog, digital, cellular telephone, alternative tower structures, paging, and the like.

TOWNHOUSE: A townhouse is a single-family dwelling unit attached by fire- resistant common walls to other similar units, each unit having an open space for light, air, and access in the front and rear. There shall be not more than twelve (12) such units connected together. Ownership involves a mandatory service contract for maintenance by a legal entity in the interest of the common good of the several owners. Such property may involve land and/or facilities which are jointly held by the several owners.

TRAVEL TRAILER: A vehicular accommodation not more than eight feet in width operating under its own power or towed by an automobile designed as a temporary dwelling for travel, vacation, or recreational purposes.

TRAVEL TRAILER PARK: A lot or parcel intended for temporary occupancy by travel trailers which are designed for travel, recreation, and vacation use.

UNDERSTORY TREES: The understory is a group of small trees, shrubs and vines that grow under the taller trees. These plants can grow in the shade of the taller trees. Understory trees usually stay short, even if they are very old. Examples of these trees include, but not limited to, serviceberry, dogwoods, holly, persimmon, and winged elm.

USABLE FLOOR AREA, RESIDENTIAL: The total usable floor area for residential uses shall be the sum of the areas of all stories usable for human habitation, measured to the exterior face of exterior walls but excluding the floor area of spaces such as basements, garages, accessory buildings, attics, breezeways, and unenclosed porches.

USABLE FLOOR AREA, NONRESIDENTIAL: The measurement of usable floor area for nonresidential uses shall be to the exterior face of exterior walls on the first story and any other story connected by a fixed stairway or elevator, which may be made fit for human habitation; the measurement shall include the floor area of all accessory buildings measured similarly, but exclude the floor area required for heating and other

mechanical equipment, unenclosed porches, light shafts, public corridors and public toilets, display windows, maintenance and display storage rooms and dressing rooms.

USABLE OPEN SPACE: Usable, unobstructed open space, sloping not more than ten percent (10%), and not designed for vehicle use, which may include balconies and other accessible building surfaces.

USE, ACCESSORY: A use of land or buildings which is allowed by this code as incidental and subordinate to a principal or specially permitted use on the same lot, and meeting all relevant provisions as to setbacks, extent, height, signs, off-street parking, and other provisions of this code.

(Ord. No. 27-08 Revised Effective 10/2/08)

## ARTICLE III
## General Provisions


| | |
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### Section 3.01 General Statement of Intent

This article provides regulations and conditions for certain uses that are unusual in their nature or complexity or are potentially incompatible with their surroundings unless special protective restrictions are applied. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this article establishes specific development standards for these uses that allow for flexibility in

development while protecting the existing surrounding areas. Each use listed in this article shall comply with the regulations of the district in which it is located, and with the requirements specified herein.

**Section 3.02** **General Land Use Provisions**

(a) No animals, livestock, or poultry of any kind shall be raised, bred or kept in any residential zoning district except RG-1 except that, subject to the provisions herein, dogs, cats or other customary pets may be kept provided that they are not kept, bred or maintained for any commercial purpose or in a manner constituting a public or private nuisance. In all cases, the Board of Zoning Appeals shall determine what is a customary pet in the event of dispute. The provision shall in no way be construed to abrogate any person's responsibility or liability under this or any other city ordinance dealing with noise or nuisance.

(b) Uses, structures, or activities undertaken, erected or begun in violation of the zoning code as adopted and amended by the Oak Ridge Municipal Planning Commission shall be considered in violation of this, the Zoning Code of the City of Oak Ridge, Tennessee, and are hereby expressly denied the status of lawful nonconforming uses.

(c) On subdivided land where the map is of official record in the appropriate Register of Deed's office, only one (1) dwelling structure may be erected on a lot, except as permitted as a special exception.

(d) No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted.

(e) Swimming Pools

Swimming pools and required barriers shall meet the minimum requirements established in the City's codes.

1. Private Residential Swimming Pools — In-ground swimming pools and appurtenances will be allowed to utilize one-half (1/2) of the side and rear setback requirements; setbacks shall be measured to the edge of the pool. All above-ground swimming pools and appurtenances, including decks and equipment rooms, shall meet the setback requirements established for the principal building in the zoning district in which it is located.
(Ord. No. 11-06 Revised Effective 8/03/06)

2. Recreational and Community Swimming Pools— Swimming pools and any part thereof, including aprons, walks, decks, and equipment rooms, shall be considered a principal building and shall meet the setback requirements for principal buildings and structures established in the zoning district in which it is located.

**Section 3.03** **Variances to Height Limits**

The height limits of this code may be modified by the Board of Appeals in its application to church spires, belfries, cupolas, penthouses (enclosed structure located on the roof of a building), domes, water towers, observation towers, power transmission towers, radio towers, masts and aerials, flagpoles, chimneys, smokestacks, solar collectors, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located provided other district requirements are met.

**Section 3.04** **Averaging Existing Front Setbacks**

Where there are two or more existing buildings on the same side of the street in the same block and within two hundred (200) feet of a lot, the required front yard for said lot may be reduced to the average distance from the street lot line of said buildings.

**Section 3.05** **Corner Lot Setbacks**

(a) Corner Lot Front Setbacks:

On corner lots, the yard facing the street on which the house does not face may have a side yard equivalent to the average of the required front and side setbacks for the district. In the event there is a question of the side yard, then the address will be utilized to designate which street the house faces.

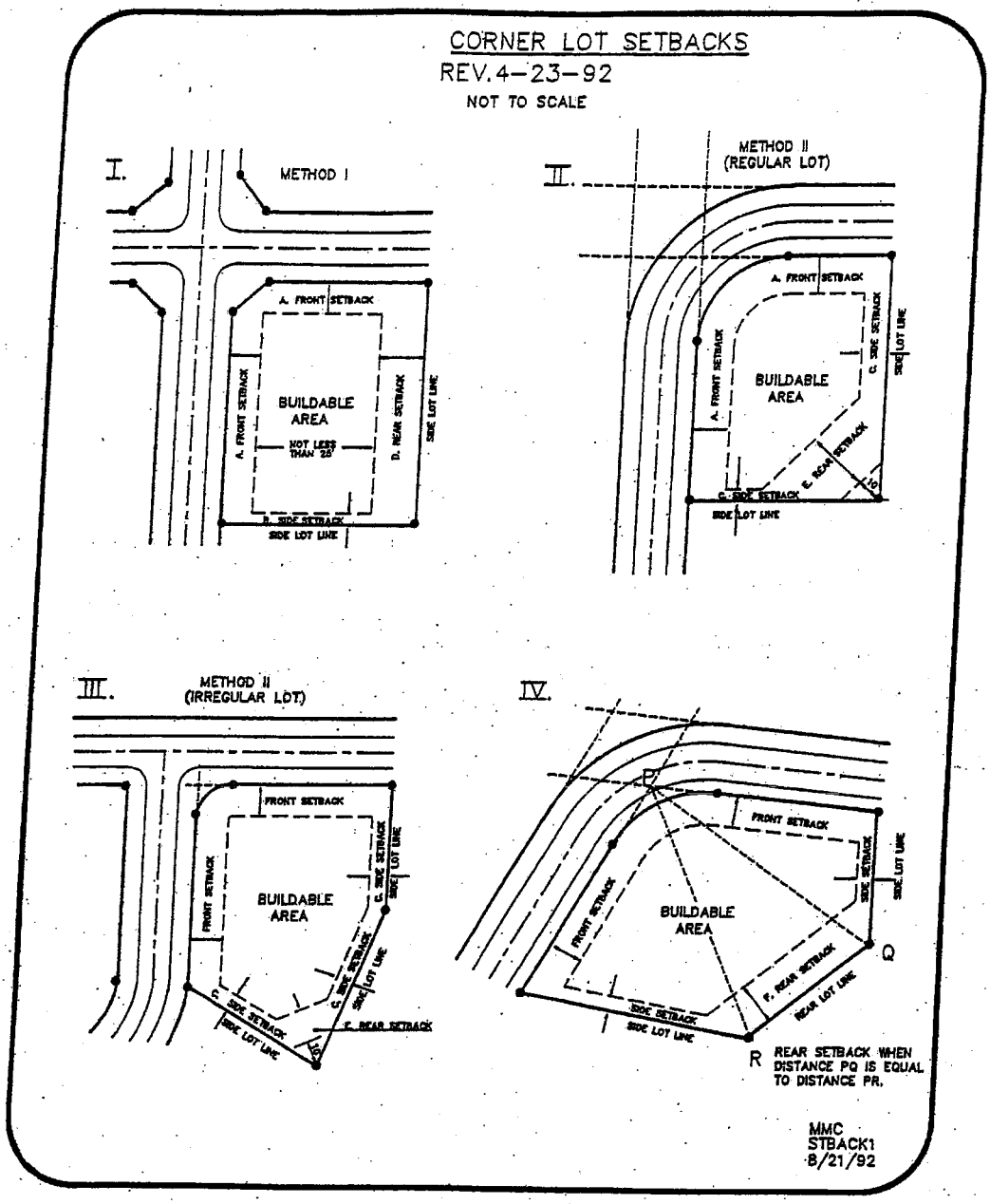
(b) Corner Lot Side Setbacks:

The side setback for every corner lot in a residential district shall be measured in one of the following ways:

1. A corner lot may have one side setback along a side lot line which intersects the street right-of-way if the rear setback is measured along the side lot line which intersects the other street right-of-way (See Corner Lot Setback Illustration I); or

2. A corner lot may have a minimum side setback along each side lot line equal to the required side setback of the district in which it is located, whether such side lot line intersects a street right-of-way or not (See Corner Lot Setback Illustrations II and III).

3. If there are two adjacent property corners farthest from and equidistant from the intersection of the two streets, the rear setback shall be measured from the lot line connecting the two such property corners (See Corner Lot Setback Illustration IV).


CORNER LOT SETBACKS
REV. 4-23-92
NOT TO SCALE
I.
METHOD I
A. FRONT SETBACK
BUILDABLE AREA
NOT LESS THAN 25'
A. FRONT SETBACK
D. REAR SETBACK
SIDE LOT LINE
B. SIDE SETBACK
SIDE LOT LINE
II.
METHOD II (REGULAR LOT)
A. FRONT SETBACK
A. FRONT SETBACK
C. SIDE SETBACK
SIDE LOT LINE
BUILDABLE AREA
E. REAR SETBACK
C. SIDE SETBACK
SIDE LOT LINE
III.
METHOD II (IRREGULAR LOT)
FRONT SETBACK
FRONT SETBACK
BUILDABLE AREA
C. SIDE SETBACK
SIDE LOT LINE
C. SIDE SETBACK
SIDE LOT LINE
C. SIDE SETBACK
SIDE LOT LINE
F. REAR SETBACK
IV.
P
FRONT SETBACK
FRONT SETBACK
SIDE SETBACK
SIDE LOT LINE
BUILDABLE AREA
Q
F. REAR SETBACK
REAR LOT LINE
SIDE SETBACK
SIDE LOT LINE
R
REAR SETBACK WHEN DISTANCE PQ IS EQUAL TO DISTANCE PR.
MMC
STBACK1
8/21/92

Section 3.05

**Section 3.06** **Manhattan District Overlay (MDO)**

See Article IX for general provisions specifically applicable to properties with the Manhattan District Overlay zoning designation.

**Section 3.07** **Accessory Buildings or Structures or Additions to Principal Buildings**

Accessory buildings or structures or additions to principal buildings in all residential zoning districts which are not part of the Manhattan District Overlay, shall conform to the following regulations except as may be otherwise provided in this code.

(a) Accessory buildings located in all districts except RG-1 shall not exceed fifteen (15) feet in height, and shall not exceed 600 square feet or twenty-five percent (25%) of the entire footprint of the ground floor which includes all areas under roof whichever is greater. (Please note this square footage is a cumulative number for all accessory buildings) All accessory buildings shall meet the setbacks of the base zone district unless a variance is granted by the Board of Zoning Appeals (BZA). Setbacks shall be measured from the foundation of a building to the nearest point of any property line, except when the overhang roof, eaves, gutters, or other architectural features protrude more than two (2) feet from the foundation or as otherwise stated. In such cases, the setback shall be measured from the furthermost projection of the building.

(b) Principal buildings or additions to principal buildings shall not be erected in any required front yard except when a hardship as defined in Section 16.10 is clearly demonstrated by the applicant and a variance is granted by the BZA.

The Board of Zoning Appeals may issue a variance when a hardship as defined in Section 16.10 is clearly demonstrated to allow principal buildings or additions to occupy a portion of the front yard provided that the principal building or addition to a principal building shall not be closer than one-half (1/2) of the required front setback requirement.

(c) Accessory buildings or structures or additions to the principal building may occupy required rear yard as follows:

1. Accessory buildings may occupy the required rear yard without Board of Zoning Appeals approval, provided they are no closer than five (5) feet from any lot line.

2. Principal buildings or an addition to the principal building may occupy the required rear yard with the Board of Zoning Appeals approval provided that a hardship as defined in Section 16.10 is clearly demonstrated by the applicant.

3. Patios, decks and other similar non-roofed and non-enclosed appurtenances of a principal building shall not be required to meet the rear setback regulations of the principal building. Such appurtenances may be constructed in the required rear yard without approval of the Board of Zoning Appeals provided they are constructed no closer than five (5) feet.

(d) Accessory buildings or structures or additions to the principal building may occupy the required side yard as follows:

1. Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall not be required to meet the side setback requirements of the principal building. Such appurtenances may be constructed in the required side yard without approval of the Board of Zoning Appeals provided they are constructed no closer than five (5) feet to a side lot line.

(2) Principal buildings, an addition to the principal building, accessory buildings or structures may occupy the required side yard with the Board of Zoning Appeals approval provided that a hardship as defined in Section 16.10 is clearly demonstrated by the applicant.

(Ord. No. 27-08 Revised Effective 10/2/08)

(e) Structures such as fences and garden walls which are free of barbs, spikes, and similar safety hazards may be erected as follows: not over four (4) feet high in the required front yard and not over six (6) feet high in the required side and rear yard; except that the Board of Zoning Appeals may approve a variance, as provided:

1. Swimming pools. Swimming pool enclosures to be erected are not to exceed six (6) feet in height, provided that:

a. Abutting property owners and the owners of any property directly across the street and within a radius of 75 feet of any portion of the front property line of such property are given notice of the request for such variance; and

b. Such structures over six (6) feet may be erected in the required side or rear yards provided a properly executed agreement between owners of abutting property has been filed with the City Manager or the City Manager's authorized representative and further provided that the Board of Zoning Appeals has examined the proposal and determined that such structure will have no material adverse effect upon the value, use or enjoyment of any property owner beyond the aforesaid abutters; and

c. No such exception shall be granted where the swimming pool enclosure would be located so near a street intersection as to interfere with safe lines-of-sight or which would otherwise create a traffic safety hazard.

2. On corner lots, fences and walls shall be permitted in the required side and rear yards. On the street side on which the house faces, fences and walls exceeding four (4) feet in height are prohibited in the required front yard. However, on the street side on which the house does not face, a decorative fence, as defined in Article II, can be six (6) feet in height in the required side yard provided that the top two (2) feet of the fence is lattice or some other open design and provided that the fence does not overlap with the required front and rear yards.

(Ord. No. 6-10 Revised Effective 5/13/10)

3. Recreation uses located within parks, which customarily have high fences or walls, including but not limited to tennis courts, ballfields, skateboard parks, etc., are excluded from these requirements.

**Section 3.08** **General Provisions for All Districts**

(a) All fences on double frontage lots must have the finished side of the fence facing the public right-of-way.

(b) Lack of proper maintenance and upkeep of a fence or wall shall constitute a violation of these regulations. Lack of proper maintenance shall include, but not be limited to, rotten or deteriorated structural members, missing or broken components, excessive sagging of structural members or warping or distortion of planks and fence or wall materials.

(c) No structures as defined herein shall be placed on the right-of-way or on any public property.

(d) In RG-1 and Industrial zoning districts, zoning compliance permits may be issued by the City Manager or the City Manager's authorized representative for barbed wire, woven wire and other types of metal or wooden fences incidental to the types of uses permitted in such districts. Notwithstanding other provisions of this code, such fences may be erected within the required yards provided the particular type of fence would not have a material adverse effect upon the surrounding property or interfere with the use or enjoyment of the surrounding properties by the owners thereof; and provided further that the erection of any such fence does not violate Subsection 3.07 (e).

(e) No structure provided for herein shall be erected without a Zoning Compliance Permit as required by Section 16.03 of this Code, or as provided in this Subsection, provided that permits for electrical fences shall be issued only in accordance with Section 3.12 of this ordinance.

**Section 3.09** **Application to Lots of Record**

(a) Use of Two or More Lots of Record

Where two or more adjoining lots of record are held in one ownership, either in fee simple and/or under a vendee's land contract interest or subsequently come to be held in one ownership, before they are used as a single lot for building or for other purposes of this code, they shall be combined through resubdivision into a single buildable lot, so that all setbacks and other provisions shall apply to the resubdivided lot as a whole; and any subsequent conveyance of a part of such lot shall require lawful subdivision to ensure that each new lot shall conform in area, width, depth, and other aspects with the provisions of this code.

(b) Use of Single Vacant Lot of Record

Where the owner of a vacant residential lot of record platted prior to January 1, 1960 cannot reasonably construct a dwelling within the setback requirements of the

district in which the lot is located, and cannot reasonably acquire sufficient additional contiguous land, the Board of Zoning Appeals is hereby authorized to issue a variance to modify the setback requirements that cannot reasonably be met so that the lot may be used as a building site, provided in any instance, the modified setback(s) shall be no less than the existing setback of any residence along the same street within 200 feet on either side of the lot.

**Section 3.10** **Building Setback Measurement**

(a) Principal Building.

The required front, rear and side building setback shall be measured from the property line as set forth in Section 2.07 to the furthermost projection of the exterior wall of the building nearest the point of measurement at the property line except as otherwise provided in this code.

(b) Accessory Building.

The required setback for any accessory building as set forth in this code shall be measured from the property line to the foundation of the building, except when the overhang roof, eaves, gutters, or other architectural features protrude more than two (2) feet from the foundation or as otherwise stated. In such cases, the setback shall be measured from the furthermost projection of the building.

**Section 3.11** **Home Occupations**

(a) The intent of this section is to protect the character of the residential neighborhood while allowing appropriate home occupations.

A home occupation, when deemed to be a low-traffic generating use posing no threat to the health, safety and welfare of the citizens of the City of Oak Ridge, shall be permitted within all residentially zoned districts. If, in the opinion of the Community Development Department, the proposed home occupation fails to meet the criteria of this section or if an existing permit is revoked due to failure by the applicant to comply with the requirements of this section, the applicant shall have the right to appeal the decision to the Board of Zoning Appeals. (See Section 16.10) Occupations that generate outdoor storage of equipment not incidental to a residential use such as, but not limited to, auto mechanics, landscaping businesses, construction companies and contractors associated with the contracting industry are not allowed as home occupations.

(b) Home occupations, as defined in Section 2.08(r), shall be allowed in all residentially zoned districts subject to all of the following regulations:

1. The home occupation is incidental and subordinate to the residential use to the extent that not more than twenty-five percent (25%) of the usable floor area of the principal building is occupied by such home occupation. No home occupation shall be conducted in any accessory building other than storage.

2. One (1) non-illuminated identification sign, which is not more than two (2) square feet in area, may be attached flat against the wall of the building and may contain only the name and business being conducted on the premises. Said nameplate shall be the only advertisement whatsoever that would indicate that the premises are being utilized for any purpose other than a residence.

3. No internal or external alterations or construction features, equipment, machinery, or outdoor storage not customary in residential areas is allowed.

4. No wholesale or retail sales shall be permitted on premises unless it is conducted by catalog, mail, telephone or via Internet.

5. Home occupations shall have no more than three (3) employees and no more than one (1) employee may be a non-resident of the household.

6. The applicant shall provide proof of adequate parking for the proposed home occupation use. Said parking should not create a conflict with the existing on-street or off-street parking. Nor shall the home occupation generate any greater volume of traffic than would normally be expected in a residential neighborhood. Vehicles associated with the home occupation shall be limited to one (1) vehicle and the provisions of this section shall not be used under any circumstances to permit any use that requires overnight parking of more than one (1) vehicle.

7. Where applicable, applicants shall submit copies of current and valid recognized professional licenses and permits to the Community Development Department during the application process and copies shall remain on file for the duration of the home occupation. Said licenses and permits shall be displayed on the premises. It shall be the responsibility of the applicant to keep such records current throughout the time the home occupation is being conducted.

8. The Community Development Department may only approve two (2) home occupations per residence. However, the total floor area of the home occupations may not exceed the twenty-five percent (25%) maximum stated above. In the event additional home occupations are proposed, the applicant must obtain prior approval from the Board of Zoning Appeals.

9. The proposed home occupation shall not generate a nuisance of any kind such as noise, odor, fumes, smoke, excessive traffic, etc., which would adversely affect the residential character of the neighborhood in which it is located.

10. Teaching, including but not limited to tutoring, and art, music and dance lessons shall be permitted provided that it is limited to four (4) pupils at any given time.

## Section 3.12 Electric Fences

"Electric fence" is any device capable of giving an electric shock to any person or animal coming in contact therewith. For the purposes of this section, an electric fence does not include underground "invisible" fencing used to control animals by the use of a receiver collar worn by the animal(s). All electric fences shall require a building permit.

(a) The power source, controllers, and circuitry for electric fences shall be approved by a nationally recognized testing laboratory, listed or labeled by a qualified testing agency, and shall be installed in accordance with manufacturer's specifications.

(b) The electrical portion of the fence shall be identified as such by appropriate signs, located on the fence at intervals not greater than fifty (50) feet along the fence. Such signs shall be at least four (4) inches by ten (10) inches in size, red lettering on a white background with the words "DANGER" in two-inch high letters, and the words "ELECTRIFIED FENCE," in one-and-one-half inch high letters, appearing on both sides of the sign. Signs are to be attached to the topmost wire of such fence and with fixture such as to make the attachment permanent. The owner of such fence shall be responsible for maintaining such signs in legible form and keeping signs clear of sight obstructing growth. (Note: Unless standard electric fence signs are on the market.)

(c) An electric fence shall not be within twenty-five (25) feet of a public thoroughfare.

(d) No electric fences shall be erected in any zone except RG-1 Zoning Districts. No electric fence shall be erected within one hundred and fifty (150) feet of any Type R (residential) zone. No electric fence shall be placed in any manner that may be hazardous to a pedestrian in the public place.

(e) The City may inspect electric fences at any time during normal business hours for compliance with these and other pertinent regulations. Failure to install and/or maintain an electric fence in accordance with the prescribed standards shall cause the authorization for such fence to be withdrawn.

## Section 3.13 Family Day Care and Group Day Care Homes

The following supplementary provisions shall apply to family day care and group day care homes in each respective zone. All state licenses are required and need to be displayed on-site.

(a) The maximum number of children permitted in any family day care home or child care center shall be that number approved by the State of Tennessee for such facility; provided, however, that in the case of a family day care home operated in a dwelling unit, there shall be no more than seven (7) children in attendance at the facility at any given time including resident children aged five (5) years and younger. This number may be increased up to twelve (12) children in cases where the Board of Zoning Appeals determines that the additional children in attendance will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.

(b) Each family day care home and group day care home shall be licensed by the State of Tennessee, and shall post such license or otherwise make it available for public inspection.

(c) No family day care home or group day care home proposed to be operated in a dwelling unit shall be located within 500 feet from the lot of an existing family day care home, child care center or private educational institution except in such cases where the Board of Zoning Appeals determines that a new family day care home or group day care home will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.

(d) The owner/operator of any family day care home or group day care home operated in a dwelling unit shall be required to maintain actual residence in that dwelling unit, and is authorized to have additional employees as may be required by the State of Tennessee.

(e) Each child care center or private education institution shall provide a safe drop-off and pick-up area for children on the property, so that any vehicle using such drop-off area shall enter the property and return to the abutting public street by forward motion.

(f) Each family day care home and group day care home, licensed by the State of Tennessee and approved by the Board of Zoning Appeals, or approved as a use customarily incidental to the permitted principal use, on or before April 1, 1990, may continue to provide care for the number of children authorized under the current state license not to exceed the number approved under such license as of April 1, 1990, and shall continue to meet yard space standards and drop-off or pick-up space provisions required at the time of approval by the Board of Zoning Appeals. Such authorization shall continue so long as the facility remains in compliance with said standards and provisions.

**Section 3.14** **<u>Night Clubs, Dance Clubs, Taverns, Clubs (private) and Lodges</u>**

As of May 13, 1999, the following supplementary provisions shall apply to night clubs, dance clubs, taverns, clubs (private), lodges and similar uses in each respective zone whenever reviewed by the Board of Zoning Appeals, the Planning Commission or City staff for a special exception, site review, or Certificate of Occupancy.

(a) No outside activities other than parking shall be located on the site. Temporary outdoor events shall only be allowed under the provisions of City Code §11-302. All outdoor storage shall be enclosed.

(b) If the location of the proposed establishment requires a Board of Zoning Appeals permit, the Board of Zoning Appeals shall consider whether or not the proposed establishment is detrimental to adjacent properties; the impact on the neighborhood, such as noise, excessive lighting, traffic, and hours of operation; and may impose or require additional restrictions and conditions (for example, buffers) as may be necessary to protect the health and safety of employees and residents in the community, and to protect the value and use of property in the general neighborhood.

(c) Compliance with all other applicable City ordinances is required. (For example, City Code §11-302 prohibits unlawful noises; City Code Title 8 Alcoholic Beverages discusses alcoholic beverages; and City Code §11-502 prohibits profane, vulgar or indecent language.)

(d) The applicant shall demonstrate that no pre-existing schools, places of worship within residential zoning districts, other existing night clubs, dance clubs, taverns, clubs (private), lodges or similar establishments, or residential dwelling units are located within 250 feet of the proposed establishment. Measurements shall be made from the property line of the proposed establishment and from the property line of any separate parking lots to be used by the proposed establishment to the property line of pre-existing schools; places of worship; other existing night clubs, dance clubs, taverns, clubs (private), lodges or similar establishments; or residential dwellings.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Section 3.15** **<u>Telecommunication Towers</u>**

(Ord. No. 27-08 Revised Effective 10/2/08)

(a) Review Process for Towers.

Towers in the IND-1, IND-2, and IND-3 zoning districts, which otherwise meet the following specific conditions, are a permitted use and may apply directly to the Community Development Department for site plan approval. However, all applicants, whether exempt from further review or whether special exception review is necessary (RG-1 and B-2 zoning districts), shall complete an application in accordance with the following conditions. Incomplete applications shall not be considered. A complete site plan application shall contain, in addition to the information contained upon every application for a building permit within the City of Oak Ridge, the following information specifically relating to towers:

1. New towers should be set back from existing property lines by at least two (2) feet for each one (1) foot of excessive height above the maximum height allowed in the zoning district where the tower is located or any new proposed tower shall not be within 150 feet of any other residential districts, whichever is greater.

2. Consolidation or co-location on or next to existing public and private tower sites shall be a priority for location of new towers; arguments against co-location on existing towers and sites shall be based on more than merely economics. In addition to the requirements for shared use/co-location, as defined in subsection (d) below, the applicant shall provide a written statement indicating the owner's commitment to allow feasible shared use of the tower within its design capacity for co-location.

3. The tower location and height of tower shall be designed in such a manner as to minimize the visibility of the tower or screen the tower from the public view by means of landforms and vegetation.

4. Except for the owner's identifying nameplate, including emergency telephone number(s), to be located upon the gate or security fence surrounding the tower base, advertising on towers shall be prohibited. Sign control, as set forth in Article XIV, shall apply to any issues regarding signage.

5. A schematic site plan, including a schematic landscape plan with an elevation view of the type of facility to be placed on the site. The site plan shall depict where the tower is to be located on the site and where additional co-located communication equipment, shelters or vaults can be placed.

6. Identification of the intended user(s) of the tower.

7. Adequate documentation by the applicant that no suitable existing facilities within the applicable coverage area are available to the applicant. Adequate documentation shall include consideration given to the service area needs, propagation studies, tower height, maps, and letters from nearby existing facility owners. Existing facilities shall include other towers, buildings, and other structures of suitable height.

8. Documentation of the number of other users that can be accommodated within the design parameters of the tower as proposed. If the tower will not accommodate the required number of users, the applicant must demonstrate with compelling evidence why it is not economically, aesthetically, or technologically feasible to construct the tower with the required co-location capability. Applicants who do not fulfill the co-location requirement are not eligible for administrative review by the Board of Zoning Appeals.

9. All towers and related equipment shall be removed when the facility has not been in service for a continuous period of twelve (12) months. The legal responsibility of such removal shall be specified on the site plan and recorded on the land records.

10. The applicant shall furnish the names and addresses of all property owners within 300 feet of the proposed site as measured from the property lines of the site upon which the tower is to be constructed to the nearest property line of any property within said distance. The City shall notify such owners regarding any hearings to be held by the Board of Zoning Appeals on the proposed tower.

11. The proposed tower shall have a minimum of one (1) user upon completion of the tower.

12. All towers shall be self-supporting without the need for any guy wires.

(b) Appeals

1. Any decision by the Board of Zoning Appeals to deny an application for a Special Exception permit to place, construct, or modify any tower or

tower site shall be in writing and shall be supported by substantial evidence in a written record. An appeal therefrom shall be to any court of competent jurisdiction.

2. Appeals from any administrative denial or decision hereunder by the Community Development Department shall be to the Board of Zoning Appeals and the Board of Zoning Appeals shall decide based upon the criteria set forth in Section 16.10 (a) of this Ordinance and, additionally, upon a finding that such request meets or exceeds those requirements spelled out in Subsection (a) above.

(c) Special Exceptions Shall Not Be Required Under The Following Circumstances.

1. Concealed Devices – Communication equipment, which is concealed within or on a building or structure so that it is architecturally indiscernible, may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale and design with the building or structure of which it is to be a part.

2. Additions to Existing Structures In Any Zoning District – An antenna, a dish or transmitter may be placed inside or on an existing structure, including but not limited to steeples, silos, spires, utility water tanks or towers, athletic field lighting poles, utility poles and similar structures, (but excluding single-family or duplex dwellings for any commercial use), subject to structural adequacy and provided the addition of the antenna and any supporting structure shall not add more than twenty (20) feet to the height of an existing structure without obtaining a special permit. The setback requirements for freestanding communication towers shall not be applied to existing structures used to support or house the antenna. One (1) additional antenna extension may be placed on existing communication towers with approval of the Board of Zoning Appeals, as long as the height of the tower is not increased by more than twenty (20) feet. The placement of antennas in or on existing structures or communications towers shall be subject to the screening landscape standards of this section if the addition of the antenna or associated equipment causes any significant change to the ground level view of the existing structure in the discretion of the Community Development Department.

3. Existing Communication Towers – Antennas, dishes, or similar equipment or additional users which do not add to the tower height, may be added to existing communications towers without obtaining a special permit, but shall be subject to all applicable zoning, setback, design, and building code regulations.

(d) Landscape Requirements.

1. Intent – All landscaping materials shall be installed in a professional manner and according to accepted planting procedures.

2. Buffer Requirement – All fences and/or other related equipment located at the base of the tower shall be screened by either a ten (10)-foot-deep landscape yard with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. Such trees used to meet the buffer requirement shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet. Such shrubs shall be fast growing, shall be a minimum of four and one-half (4½) feet high at the time of planting and shall be capable of reaching a height of at least eight (8) feet at maturity. Towers not visible from the view of the public are exempt from this provision.

3. Prohibited Plants – The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance: Kudzu vine, Purple Loosestrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Tree of Heaven, Lespedeza, Garlic Mustard, Paulowina, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.

4. Maintenance – The responsibility for long-term maintenance of the required landscaping shall be specified on the landscape plan. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner (or lessee as provided in a written lease) with new plantings that meet the requirements of these regulations.

5. A break in the landscape not to exceed sixteen (16) feet in width shall be allowed for access for maintenance personnel and vehicles.

6. New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the Community Development Department finds that they achieve reasonably equivalent screening as required in Subsection 3.15 (d) 2.

7. In Industrial zoning districts, a sight-obscuring fence at least six (6) feet in height and a minimum of seventy-five percent (75%) opaque may be substituted for screening trees or screening shrubs as specified in Subsection 3.15 (d) 2 above by special exception from the Board of Zoning Appeals when the applicant can demonstrate that it is impractical to provide living screen material.

8. Site landscaping is not required for antennas which are being co-located on existing towers, or which are being placed on other buildings or structures where the antenna is allowed as an accessory use.

9. No screening shall be required when this screening is explicitly prohibited by the FCC regulations or is otherwise restricted by site

limitations. The Board of Zoning Appeals shall review and approve any deviations from the standards specified herein.

(e) Co-Location Requirements.

New tower sites may not be permitted if there is technically and commercially reasonable space available for shared use/co-location on a conforming pre-existing tower. All tower applications shall certify and demonstrate their intent to allow the shared use of such facilities with other tower apparatus which does not interfere with the primary purpose of the tower or such applicant shall document that the reserved space on the tower is to fulfill the owner's future needs. All applicants shall describe how the applicant will make available such shared use/co-location.

1. New towers shall be constructed to accommodate a minimum of three (3) primary cellular/personal communication systems/antennas and must be made available for co-location to more than one (1) commercial communications company. In addition, the site size must be suitable to accommodate additional telecommunication equipment shelters, cabinets, or additions to existing structures.

2. The application for a proposed tower shall demonstrate that no existing tower or alternative tower structure can accommodate the proposed antenna. Substantive evidence from an authoritative source shall be submitted to demonstrate that no existing tower or alternative tower structure can accommodate the proposed antenna and shall consist of the following:

   a. Certification that no existing tower or alternative tower structures are located within the geographic area necessary to meet the applicant's engineering requirements.

   b. Certification that existing tower or alternative tower structures have insufficient height and cannot be modified to accommodate the applicant's engineering requirements.

   c. Certification that existing tower or alternative tower structures do not have sufficient integrity or strength and cannot be modified to support the proposed antenna and related equipment.

   d. Certification that the proposed antenna would cause interference with the antenna on the existing tower or alternative tower structure, or that the antenna on the existing tower or alternative tower structure would cause interference with the applicant's proposed antenna.

   e. The applicant demonstrates to the satisfaction of the Community Development Department that there are other objective limitations, which render existing towers unsuitable.

   f. Other Requirements.

(i) Regulatory Compliance – During the application process, the applicant shall provide documentation that the proposed tower meets or exceeds the standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owner(s) of the towers and antennae governed by this Article shall bring such tower or antennae into compliance with such revised standards and regulations as mandated by the controlling agency.

(ii) Construction Plans/Inspections - Construction plans or drawings prepared by a registered engineer certifying that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit. Towers shall be constructed and maintained in compliance with applicable building codes, industry standards, and standards for towers published by the Electronic Industries Association, as may be amended from time to time.

(iii) Tower Lighting – Towers shall not be lighted unless required by the FAA. Documentation from the FAA which requires lighting shall be submitted with the site plan application.

(iv) Visual Impact

(1) Towers shall maintain a galvanized matte steel finish or be painted a neutral, earth-toned color, unless otherwise required by the FAA.

(2) The design of maintenance/operation buildings and/or accessory structures at the tower site shall use materials, colors, textures, screening, and landscaping which create the greatest level of compatibility with the natural environment and existing land use patterns.

(3) Antennae installed on an alternative tower structure and supporting electrical and mechanical equipment shall be of a neutral color which is similar to or complements the color of the alternative tower structure.

(4) Tower antennae shall be designed to be visually compatible with the exterior of the alternative tower structure to which they are to be attached.

(v) Abandoned Towers – Any tower found to be abandoned and not in compliance with these regulations, or found to constitute a danger to persons or property, shall, upon written notice by the Community Development Department to the owner(s) of such tower, be brought into compliance or removed within thirty (30) days. Any tower or antennae not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower or antennae shall remove the same within thirty (30) days of receipt of written notice from the Community Development Department.

**Section 3.16 Essential Services**

Essential services, as defined in Article II, shall be permitted as authorized and regulated by law and other provisions of the Code of Oak Ridge, it being the intention hereof to exempt such essential services from the application of this ordinance.

**Section 3.17 Skateboard Structures**

A skateboard ramp or similar structure may be constructed and used as an accessory structure in RG-1 and R-1 zoning districts, under the following conditions:

(a) That a zoning compliance permit for the construction and use of such structure be limited to an initial period of twelve (12) months, with renewal of such permit limited to periods of eighteen (18) months, and provided that the remaining conditions for extension of such permit have all been met.

(b) That all abutting property owners, and other property owners within two hundred and fifty (250) feet of the proposed location of such structure in RG-1 and R-1-A zones, or within two hundred (200) feet of the proposed location of such structure in R-1-B and R-1-C zones, be provided written notice of the application for such permit, or renewal thereof, prior to its issuance, and agree to the same.

(c) That any such structure be located between the residence and the rear lot line, and be set back a minimum of thirty five (35) feet from any abutting residential property, which distance may be reduced to twelve (12) feet if an opaque barrier on the applicant's property screens the structure from view of any residence on abutting property.

(d) That such structure be constructed and used so as to limit the emission of noise, light, or other effects resulting from its use to the levels established in Article XII, Performance Standards, and Article XIII Sections 13.01 through 13.06 of this ordinance.

(e) That use of such structure is limited to the hours of 9:00 a.m. to 9:00 p.m., local time, on Mondays through Saturdays, and 12:00 noon to 9:00 p.m., local time, on Sundays.

## Section 3.18 Temporary Use Permits

The following regulations shall govern the operation of certain necessary or seasonal uses which are nonpermanent in nature. Application for a temporary use permit shall be made to the City staff through the Community Development Department. The fee for the temporary use permit shall not be levied against public schools and non-profit organizations as defined by the state (or can provide verification of non-profit status.) Said application shall contain a graphic description of the property to be utilized, a site plan, a written description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. City staff may grant such temporary use permits for the following uses subject to the specific regulations and time limits below, and any other limitation which may be necessary to protect adjoining property. Area and bulk regulations of the district in which the temporary use is proposed to be located shall apply. City staff may require additional standards to protect the public safety and to reduce any actual or potential adverse off-site impacts.

(a) **Rodeos, Circuses and Other Itinerant Shows:** A temporary use permit shall be issued by City staff for uses such as a rodeo, wild west show, menagerie, circus, carnival, festival or similar type of itinerant show. All applications for such temporary use permit shall be in written form and filed with the City at least ten (10) days prior to the opening date of any performance. All temporary use permits shall meet the following conditions prior to issuance of such permit:

1. The temporary use permit shall be issued for a period not to exceed fifteen (15) consecutive days.

2. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be adversely affected from, including but not limited to, noise, lighting, odor and/or other nuisances not in keeping with surrounding uses.

3. Applicant must state what provisions have been made for sanitary facilities for persons using the premises on which such structure is to be erected or is maintained.

4. Applicant must state the formula of the solution which is to be used to flameproof the structure, or a copy of a certificate showing the date of the last flameproof treatment and by whom performed. All Fire Safety Codes must be met prior to the issuance of the permit.

5. The applicant must state whether any open flame is intended to be used within the structure, and if so, what precautions are to be taken to render it safe.

6. Additional relevant information may be required.

7. The permit fee (non-refundable fee) for each temporary use permit allowed under the requirements of this provision shall be based on the Permit Fee Schedule established by City Policy.

Prior to the issuance of a temporary use permit, proof of a transient vendors license shall be required.

(b) **Christmas Tree Sale:** A temporary use permit shall not be required for the display and sale of Christmas trees on existing legal lots of record in any district subject to a maximum time period of forty five (45) days.

(c) **Religious Tent Meetings:** May be permitted in any district. Such temporary use permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

(d) **Outdoor Displays, Sales of Seasonal Foods or Merchandise:** A temporary use permit may be issued for outdoor displays and sales conducted either as a part of an existing business or as a free-standing use in any commercially zoned property (B-1, B-2, UB-2, and B-3) provided the following criteria is met:

1. Such sales and displays shall be limited to a maximum of ninety (90) non-consecutive days per year;

2. Adequate parking and traffic circulation is available and any existing business operations will not be disrupted;

3. Such merchandise shall not be displayed on any sidewalks, walkways, fire lanes, loading areas, driveways, or other vehicle ways that are essential for safe vehicular circulation on the site;

4. Merchandise may be displayed on parking spaces and adjacent parking aisles, if such aisles are not essential for safe vehicular circulation; and

5. The location of the outdoor sales display area shall not be such that it creates likely unsafe pedestrian and vehicular conflicts.

Prior to the issuance of a temporary use permit, proof of a transient vendors license shall be required.

(e) **Outdoor Performances:** A temporary use permit may be issued for outdoor plays or musical performances in any district as a part of an existing business or as a free-standing use provided that adequate parking and traffic circulation is available and any existing business operations will not be disrupted, provided further, that in the event amplified sound systems are used, such sound shall not be a public nuisance nor be conducted later than 10:00 p.m. Any traffic generated by the temporary use shall not use minor residential or neighborhood streets and can be accommodated on major thoroughfares or collector streets. Such permits shall be limited to two (2) days.

(f) **Special Civic Events Including Festivals:** May be permitted in any district. Such temporary use permit may be issued for a period of not longer than fifteen (15) days. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

(g) **Temporary Construction, Security, and Real Estate Office:** Temporary structures and operations in connection with, and on the site of building and land development, including grading, paving, installation of utilities, erection of field offices, erection of structures for the storage of equipment and building material, and the like, are permitted in each zoning district provided that such uses are subject to the issuance of a permit by the City. The office shall be removed within 10 days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed within 10 days of sale or lease of all dwelling units. In addition, the temporary office shall be located on the lot on which construction or development is occurring and shall not be located within 25 feet of any abutting residential use.

No accessory building may be used prior to its principal building or use except as a facility of construction of said principal building. This exception is a temporary one which shall lapse one year after the issuance of the Zoning Compliance Permit.

(h) **Portable Storage Container Regulations**

1. *Storage Structure.* In any residential zone, a storage structure shall be an accessory use and used only for storage of materials commonly incidental to the occupancy of the principal residential use. This shall include commercial dumpsters. Such portable buildings shall meet all requirements for setbacks and building coverage. The use of a portable storage container shall not be allowed as an accessory portable building included in this section. Such portable storage containers may be utilized for temporary storage during remodeling, damage by fire, explosion or natural phenomena. The purpose is for storage to prevent exceptional hardship, but shall be located on the premises no longer than ninety (90) days. One (1) extension may be granted by the City Manager or the City Manager's designee for a period of ninety (90) days. The use of a portable storage container shall require a building permit with no associated fee. No portable storage container may be used for any kind of human occupancy.

(Ord. No. 12-10 Revised Effective 7/22/10)

2. *Portable Storage Containers.* In all other districts, no portable storage container may be used for any kind of human occupancy. Such portable storage containers may be used for storage in zoning districts that permit outside storage in designated loading areas as otherwise permitted herein provided that all site planning and screening criteria are met. The purpose is for storage to prevent exceptional hardship, but shall be located on the premises no longer than ninety (90) days. One (1) extension may be granted by the City Manager or the City Manager's designee for a period of ninety (90) days. The use of aportable storage container shall require a building permit with no associated fee.

(Ord. No. 12-10 Revised Effective 7/22/10)

(i) **Street Vending**

1. Applicants desiring a temporary use permit for street vending must comply requirements with the following prior to the issuance of a permit:

   i. The applicant shall meet all requirements for and obtain a solicitor permit. See City Code §9-106 through §9-113.

   ii. The applicant shall not sell or distribute products or materials from or upon the streets, roadways, and intersections. See City Code §9-103.

   iii. The operator shall only sell or distribute products or materials during daylight hours.

   iv. The operator shall comply with posted "no solicitation" signs and immediately leave any premises when requested to do so.

2. For street vendors, including but not limited to ice cream truck operators, who utilize music or other noise to attract patrons, the following additional requirements apply to protect the public safety and to minimize noise disturbances:

   i. Operations shall be limited to non-arterial (secondary and minor) streets. See Zoning Ordinance § 11.01(a).

   ii. Any music or noise utilized must not exceed the decibel levels set forth in Zoning Ordinance § 12.04.

(Ord. No. 11-05 Revised Effective 12/01/05)

**Sec. 3.19** **Public, non-profit and community facilities; Recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; Community centers; Libraries; and Museums**

(a) Section 13.02 (h) of the Zoning Ordinance addresses lighting design criteria within the site and parking area. For lightning adjacent to residentially zoned districts, screens shall be placed on lighting apparatus to direct light downward in an effort to minimize off-site negative impact to residential activities.

(b) There shall be provided along the entire site boundaries fencing, screening or landscaping as determined appropriate by the Board to protect the surrounding residential area, if applicable. (See Figure 13.04 (a – b)) Passive recreation areas are not required to provide such fencing, screening, or landscaping adjacent to residential areas.

(c) The minimum setback line shall be fifty (50) feet from all property lines unless the Board determines the setback should be larger to protect the surrounding residential area.

(d) The traffic generated by such facility shall be safely accommodated along the streets, which will provide access to the site. Additionally, the traffic generated shall not cause undue traffic congestion or create a traffic hazard.

(e) Appropriate location of off-street vehicular parking shall be located to minimize the negative impact upon all adjacent residential properties.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Sec. 3.20** **<u>Golf Courses</u>**

In the event the development of a golf course is presented as an integral part of a residential development, then the applicant shall present the proposal as a Planned Unit Development in order to maximize the utilization of the golf course as part of the overall open space amenities. In the event the golf course is presented without being an integral part of a residential development, the Board of Zoning Appeals would review the use and the application for the review of the golf course development shall include the following:

(a) Topography plan

(b) Preliminary plans of the development, including the following elements:

(1) Site plan, drawn to scale, indicating the approximate location, type and use of buildings, the use and division of all land, and the location of structures on surrounding properties.

(2) Circulation system for vehicles, pedestrians, other public ways; the parking and service system.

(3) Architectural drawings of buildings and other structures, including signs.

(4) Landscaping/utility plan, indicating the approximate grades and planting plan, the disposal of sanitary waste and storm water, recreational and other open space, and other land features.

(5) Erosion control and storm water management measures.

(6) Existing wooded areas and wetland areas.

(7) Proposed golf course layout.

(8) Identify all existing encumbrances.

(c) Any other data the Board of Zoning Appeals may decide is necessary to determine compliance with the regulations herein. All United States Golf Association (USGA) standards shall also apply.

(d) Parking which shall be provided as further regulated within this code to the extent necessary to accommodate the particular requirements of the proposed golf course development which have an USGA Course Rating.

(e) A minimum of 100 acres shall be required for golf courses, which includes all accessory structures.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Sec. 3.21** **Private and Public Educational Facilities**

(a) No such facilities shall be permitted on a legal lot of record, unless such lot contains the acreage recommended for such facilities by the appropriate state agency.

(b) Front, side and rear yards shall be twice the requirements of the base zoning district.

(c) Appropriate location of off-street vehicular parking shall be located to minimize the negative impact upon all adjacent residential properties.

(d) Adequate provisions shall be provided for the location of identifiable disruptive activities to mitigate the adverse negative impacts on adjacent properties.

(e) Section 13.02 (h) of the Zoning Ordinance addresses lighting design criteria within the site and parking area. For lighting adjacent to residentially zoned districts, screens shall be placed on lighting apparatus to direct light downward in an effort to minimize off-site negative impact to residential activities.

(f) Landscaping requirements as defined in Section 13.02 (g) shall be met.

(g) The traffic generated by such facility shall be safely accommodated along the streets, which will provide access to the site. The Board of Zoning Appeals' approval is contingent upon site plan approval.

(h) The location and design of such facilities shall not have an adverse effect upon surrounding properties.

(i) The off-street parking requirements of Article XI shall apply.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Sec. 3.22** **Hospitals and Health Clinics**

(a) Minimum Lot Area

1. No health clinic shall be permitted on a legal lot of record, unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the district, whichever is greater.

2. No hospital, or centers for observation or rehabilitation shall be permitted on a legal lot of record, unless it contains a minimum of five (5) acres.

(b) Hospitals, Centers for Observation or Rehabilitation

The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).

(c) All other regulations of the base zoning district shall apply.

(d) There shall be provided along the entire site boundaries fencing, screening and landscaping as appropriate to protect the surrounding residential area.

(e) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

(f) The site plan shall be subsequently approved by the Planning Commission taking into account the above conditions.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Sec. 3.23** **Family Day Care, Group Day Care Homes and Adult Day Care Facility**

(a) The maximum number of children permitted in any family day care home or child care center (which is inclusive of family day care, group day care homes and adult day care) shall be that number approved by the State of Tennessee for such facility; provided, however, that in the case of a family day care home operated in a dwelling unit, there shall be no more than seven (7) children in attendance at the facility at any given time including resident children aged five (5) years and younger. This number may be increased up to twelve (12) children in cases where the Board of Zoning Appeals determines that the additional children in attendance will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.

(b) Each family day care home and group day care home shall be licensed by the State of Tennessee, and shall post such license or otherwise make it available for public inspection.

(c) No family day care home or group day care home proposed to be operated in a dwelling unit shall be located within 500 feet from the lot of an existing family day care home, child care center or private educational institution except in such cases where the Board of Zoning Appeals determines that a new family day care home or group day care home will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.

(d) The owner/operator of any family day care home or group day care home operated in a dwelling unit shall be required to maintain actual residence in that dwelling unit, and is authorized to have additional employees as may be required by the State of Tennessee.

(e) Each child care center or private education institution shall provide a safe drop-off and pick-up area for children on the property, so that any vehicle using such drop off area shall enter the property and return to the abutting public street by forward motion.

(f) Each family day care home and group day care home, licensed by the State of Tennessee and approved by the Board of Zoning Appeals, or approved as a use customarily incidental to the permitted principal use, on or before April 1, 1990, may continue to provide care for the number of children authorized under the current state license not to exceed the number approved under such license as of April 1, 1990, and shall continue to meet yard space standards and drop-off or pick-up space provisions required at the time of approval by the Board of Zoning Appeals. Such authorization shall continue so long as the facility remains in compliance with said standards and provisions.

(g) The Board may limit either interior or exterior modifications of any structure built as a dwelling to those modifications which would not hamper reconversion of the dwelling to its original state upon cessation of the child care operation.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Sec. 3.24** **Permanent and Transient Group Care Facilities**

(a) The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s). Group care facilities accommodating from seven (7) to twelve (12) individuals shall have twenty-four (24) hour staff and professional services in the behavioral sciences available. Group care facilities accommodating more than twelve (12) individuals shall have resident twenty-four (24) hour staff, and shall provide professional services in the behavioral science. The City Manager or his/her designee must make a written finding to the Board of Zoning Appeals regarding these requirements based on advice from such agencies as the Tennessee Department of Human Services.

(b) An appropriate license must be secured for any activity regulated by any public agency, including the appropriate state agencies. Any activity lawfully regulated by any public agency may be permitted for only that time period for which a valid license is obtained. Where grades or classes of approvals are granted, only the most restrictive may be permitted.

(c) No more than one (1) of either a family care or group care community facility may be permitted on a single block having a residential zone classification or situated on any opposing block faces having a residential classification. Other criteria at the discretion of the Board of Zoning Appeals may be used to avoid a concentration of such facilities.

(d) Permanent Group care facility must contain one thousand five hundred (1,500) square feet of net floor space for the first six (6) residents, including resident staff and one hundred fifty (150) square feet of net floor space per person above six (6) residents.

(e) Necessary utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.

(f) Group care facilities accommodating from seven (7) to twelve (12) persons, and family care facilities accommodating from one (1) to six (6) persons shall meet twice the bulk regulations of the district for a residence.

(g) One (1) accessory off-street parking space for each three (3) individuals accommodated for maximum occupancy shall be provided, except that this requirement may be altered depending on the specific program.

(h) A site plan shall be subsequently approved by City staff taking into account, but not limited to the following considerations:

(i) The following additional information shall also be provided: Evidence of compatibility with the surrounding area; identify any adverse impact of the proposed activity on the character of the area; provide needed fencing and screening per Section 13.02(g); provide adequate open space and recreation space if appropriate; and all other requirements of this section. Notwithstanding the aforementioned provisions, the Board of Zoning Appeals may be permitted to vary the required setbacks and the buffer requirements for parking when the application involves a change in activities in existing structures. In essence, the plan shall provide for compensating features to offset any potentially adverse conditions that might be brought about by said variance.

(Ord. No. 27-08 Revised Effective 10/2/08)

**Sec. 3.25** **<u>Boarding House</u>**

(a) The Board may approve the use of up to two (2) bedrooms per dwelling unit to be used for boarder or renters. No more than two (2) bedrooms per dwelling unit may be considered for this use.

(b) The owner of any boarding house operated in a dwelling unit shall be required to maintain actual residence in that dwelling unit

(c) Each boarding house shall provide an off-street parking space for each room designated for a boarder in addition to minimum two (2) off-street parking spaces for the dwelling unit.

(d) The Board may limit either interior or exterior modifications of any structure to those which would not hamper reconversion to its original state upon cessation of the Boarding operation

(e) No more than one (1) boarding facility may be permitted on a single block having a residential zone classification or situated on any opposing block faces having a residential classification.

(f) Other criteria at the discretion of the Board may be used to avoid a concentration of such facilities

(Ord. No. 28-07 Revised Effective 10/2/2008)

**Sec. 3.26** **Assisted Living Facilities, Independent Living Facilities, Nursing Homes and Retirement Centers**

(a) No such facility shall be permitted on a legal lot of record, unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district, whichever is greater.

(b) Front side and rear yards shall be twice the requirements of the base zoning district.

(c) The requirements of the accessory off-street parking regulations, of this ordinance, in Section 11.02(f), shall apply.

(d) All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.

(e) The application shall first be reviewed by the County Health Department, if applicable, and subsequently the site plan for such a facility be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

(f) The Board may be permitted to vary the required parking, based on the lack of vehicles generated by such facilities.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.27** **Religious Institutions**

(a) No such facilities shall be permitted on a legal lot of record unless it contains twice the lot area requirements of the district, except those facilities proposed in RG-1 Districts where minimum district lot size shall apply.

(b) Such facilities shall be located only on arterial or collector streets as shown on the official major thoroughfare plan.

(c) Front, side and rear yards shall be twice the requirements of the base zoning district.

(d) Section 13.02(h) of the Zoning Ordinance addresses lighting design criteria within the site and parking area. For lighting adjacent to residentially zoned districts, screens shall be placed on lighting apparatus to direct light downward in and effort to minimize off-site negative impact to residential activities.

(e) Vegetative screening, which meets the provisions of a nuisance screen, as per Section 13.02 (g) Buffer B, shall be provided along all abutting residentially zoned property.

(f) Parking, where possible, shall not be located adjacent lot boundaries abutting residential zone districts.

(g) Adequate provisions shall be provided for the location of identifiable disruptive activities to mitigate the adverse negative impacts on adjacent properties.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.28** **Cemetery**

(a) The minimum lot size shall be 200,000 square feet.

(b) The minimum setback lines shall be fifty (50) feet from all property lines in which monuments and all other structures are prohibited.

(c) Site shall not result in undue traffic congestion or create a traffic hazard. There must be adequate room for off-street parking or the traffic does not affect the on-street parking.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.29** **Stock, Dairy, and Poultry Farms (Animal Husbandry)**

(a) The applicant shall provide a detailed drawing that depicts the following:

(1) Location of the area in which the proposed keeping of animals is to be conducted;

(2) Location of all proposed buildings, animal pens and/or fencing, roadways and other facilities proposed on the site;

(3) Proposed method of drainage of the animal pens;

(b) Insect, rodent, and odor control measures shall be provided to the satisfaction of the Board.

(c) Minimum setback for a structure for confinement of stock or animals or the storage of manure, odor or dust-producing substance, shall not be permitted within on thousand (1,000) feet of the boundary of another district.

(d) The Board may grant approval for such structure within 500 feet of the boundary of another district if no adverse impact is anticipated.

(e) Stock or animals shall not be permitted to graze or otherwise occupy any area within 150 feet of a residential district. Where a thoroughfare divides and RG-1 District from a Residential District, the width of the thoroughfare can be included as all or part of the 150-foot buffer strip.

(f) The owner shall establish to the satisfaction of the Board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.30** **Commercial Kennels**

(a) Boarding of animals shall be confined to the interior of a structure designated for this purpose.

(b) Fences, pens or runs utilized for exercise shall be of sufficient height and strength to retain animals but not to exceed six (6) feet in height and shall be confined to side and rear yards

(c) The fenced areas shall not be closer than fifty (50) feet from any side or rear lot line or closer than 100 feet from the front lot line.

(d) The lot shall at all times be maintained in a clean and sanitary condition so as to be free from offensive odors or other nuisances and shall not injuriously affect the public health

(e) Property owner shall live on the premises.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.31** **Commercial Equine Stables**

(a) There shall be no more than three (3) equines per acre of enclosed or fenced pasture area which is the designated holding area for the equines.

(b) No part of any building or structure in which such equines are housed shall be closer than fifty (50) feet from any side or rear lot line or closer than 100 feet from the front lot line.

(c) The lot shall at all times be maintained in a clean and sanitary condition so as to be free from offensive odors or other nuisances and shall not injuriously affect the public health.

(d) The accessory building to keep the equines shall not exceed 5,000 square feet for legal lots of record equal to or less than five (5) acres. However, for legal lots greater than five (5) acres, the accessory building may increase by 1,000 square feet for every acre over five (5) acres.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.32** **Commercial Plant Nursery**

(a) Commercial greenhouses, if applicable, shall not be located within required front yard setbacks

(b) Commercial greenhouses associated with Plant Nursery will be treated as a principal building and shall comply with all required side and rear yard setbacks

(c) Retail sales shall be limited to products directly associated with horticulture activities and shall not be located within the required setbacks.

(d) An adequate off street parking area shall be provided.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.33** **Mining and Quarrying Activity**

(a) Any permit issued hereunder shall be based on a site plan sealed by a licensed professional or other documents submitted with an application which shall provide the following:

(1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

(2) Location of the area in which the proposed quarrying activity is to be conducted.

(3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.

(4) Proposed method of drainage of the quarrying area.

(5) Proposed fencing of the quarrying area. Fencing shall be provided around all open excavations.

(6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

(7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards in this ordinance.

(8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill materials shall be non-toxic, non-flammable, and noncombustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.

(b) Approval for mining and quarrying activity may also include accessory concrete batching plants, asphalt cement mixing plants and/or rock crushing activities on the same legal lot of record or adjoining legal lots of records which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarrying site, the total site must meet all the special condition requirements for mining and quarrying activity; however, in the event of multiple legal lots of record, the outer perimeter of the site shall be considered the lot line.

(c) Before issuing a permit the board shall require the owner of the quarrying facility to execute a bond in accordance with the City Erosion Control and Storm Water Management Ordinance per acre of active quarrying to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.

(d) The site plan shall be subsequently approved by City staff taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.34** **Bed and Breakfast (Residence) Establishment**

All Bed and Breakfasts (Residence) must comply with the following:

(a) All Bed and Breakfast (Residence) facilities shall comply with the applicable adopted codes of the City of Oak Ridge governing building construction, fire prevention and accessibility.

(b) Shall present evidence of the adequacy of public sewage disposal and fire protection facilities.

(c) Shall continuously maintain current licenses and permits required by all state and local agencies.

(d) The bed and breakfast shall be owner-occupied and managed by a member of the family residing in the facility.

(e) The primary use of the dwelling shall be residential and the dwelling shall not be altered in any manner which would hamper reconversion of the dwelling to its original state upon cessation of the bed and breakfast operation.

(f) The architectural integrity and arrangement of existing interior spaces within the dwelling shall be maintained and rooms used for sleeping shall not have been specifically constructed or remodeled for rental purposes.

(g) Meals provided shall only be served to guests taking lodging in the facility.

(h) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

(i) No exterior alterations, other than those necessary to ensure the safety of the structure shall be made to any building for the purpose of providing a bed and breakfast residence.

(j) One additional parking space shall be provided for each room offered for rent. Such spaces shall be screened with a vegetative screening from view of adjacent streets and adjoining residential property. The screening shall meet the requirements of Section 13.02(g) of the Zoning Ordinance. Parking shall also not be located within any required front yard.

(k) Signage can be either non-illuminated or indirectly illuminated and shall be limited to 4 square feet and shall be allowed to be placed within the yard.

(l) Bed and Breakfast (Residence) establishments shall be allowed as a special exception in all residential zones provided that the legal lot of record is a minimum of two (2) acres.

(m) Any other data the Board of Zoning Appeals may decide is necessary to determine compliance with the regulations herein.

(Ord. No. 27-08 Revised Effective 10/2/2008)

**Sec. 3.35** **Bed and Breakfast (Inn)**

All Bed and Breakfast (Inns) must comply with the following:

(a) All Bed and Breakfast (Inns) facilities shall comply with the applicable adopted codes of the City of Oak Ridge governing building construction, fire prevention and accessibility.

(b) Shall present evidence of the adequacy of sewage disposal and fire protection facilities.

(c) Shall continuously maintain current licenses and permits required by all state and local agencies.

(d) The bed and breakfast may be owner-occupied and/or managed by a member outside of the family who owns the facility.

(e) The primary use of the dwelling is for business; however, only minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood or area and the intent of the zoning district in which it is located.

(f) The architectural integrity and arrangement of existing interior spaces shall be maintained and the number of guest rooms shall not be increased, except as may be required to meet health, safety and sanitation requirements.

(g) Meals provided shall only be served to guests taking lodging in the facility.

(h) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

(i) One additional parking space shall be provided for each room offered for rent. Such spaces shall be screened with a vegetative screening from view of adjoining residential property and shall not be located within any required front yard. The screening shall meet the requirements of Section 13.02(g) of the Zoning Ordinance.

(j) Signage can be either non-illuminated or indirectly illuminated and shall be limited to 16 square feet and shall be allowed to be placed within the yard.

(k) Any other data the Board of Zoning Appeals may decide is necessary to determine compliance with the regulations herein.

(Ord. No. 27-08 Revised Effective 10/2/2008)

## ARTICLE IV
## List of Zoning Districts

**Section 4.01 Classification of Districts**
**Section 4.02 Use Must Conform to District Regulations**
**Section 4.03 District Boundaries Shown on Zoning**
**Section 4.04 Interpretation of Zoning Map**
**Section 4.05 Classification of Newly Annexed Lands**
**Section 4.06 Plat Book - Supplement to Zoning Code**
**Section 4.07 Establishment of Regulations Governing Use of Land and Buildings**
**Section 4.08 Transitional Accessory Uses**

Section 4.01 Classification of Districts

Oak Ridge shall be and is hereby divided into Districts as enumerated in Articles V through IX.

Section 4.02 Use Must Conform to District Regulations

Except as otherwise provided in this code, no structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the District in which the structure or land is located.

Section 4.03 District Boundaries Shown on Zoning Map

The boundaries of said Districts are hereby established as shown on the current Zoning Map, certified by the Planning Commission. Said Zoning Map with all notations, references, and other information shown thereon shall be as much a part of this code as if fully described herein. (The Zoning Map is available for public inspection in the office of the City Manager or the City Manager's authorized representative.)

Section 4.04 Interpretation of Zoning Map

Where due to the scale, lack of detail or illegibility of the Zoning Map accompanying this code, there is an uncertainty, contradiction, or conflict as to the intended location of any District boundary as shown thereon, interpretation concerning the exact location of the District boundary line shall be determined by the Board of Appeals.

Section 4.05 Classification of Newly Annexed Lands

All new additions and annexations of land to the City of Oak Ridge shall be in a RG-1 zone unless otherwise classified by the City Council, as hereinafter provided, for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing said addition. Within this one-year period of time the City Council shall instruct the City Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the comprehensive city plan, and upon receipt of such recommendations the City Council shall, after public hearings as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City

Council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

Section 4.06 Plat Book - Supplement to Zoning Code

The current Plat Book of the Planning Commission with all notations, references, and other information shown thereon shall be as much a part of this code as if fully described herein. (Note: The Plat Book is available for public inspection in the office of the City Manager or the City Manager's authorized representative.)

Section 4.07 Establishment of Regulations Governing Use of Land and Buildings

Any use not expressly permitted is prohibited. Uses requiring Board of Appeals permit are permissible if in the opinion of the Board of Appeals adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this code. Uses which would have a material adverse effect upon the surrounding property, or interfere with vehicle and pedestrian traffic, or create noise, dirt, smoke, odor or other nuisances, which are detrimental to the health, safety, and general welfare of the surrounding area shall be denied. Except as otherwise provided herein, regulations governing land and building use are hereby established as shown in Articles V through IX. (See also Article I Section 1.02, Article III Sections 3.11 through 3.19, Article XI Sections 11.01 through 11.04, Article XII, Article XIII Sections 13.01 through 13.06, and Article XIV)

Section 4.08 Transitional Accessory Uses

Notwithstanding the provisions of Sec. 3.06, the Board of Appeals may grant a special exception permit to allow a use accessory to a principal use in zoning districts O-1, O-2, B-2, UB-2, and B-3 to be located in an abutting zoning district, with the exception of Greenbelt and Floodway Districts, and subject to the following conditions:

(a) The accessory use may not extend farther than one hundred and fifty (150) feet into the abutting zoning district and may not cross a street.

(b) Extra setback, landscaping, berms, structural fence, and/or wall may be required to buffer the adjoining portions of the zoning district from the proposed accessory use and, if the abutting zoning district is residential, a landscaped buffer, meeting the standards of Section 11.03 (g)3a and with a depth of at least twenty (20) feet, shall be mandatory.

(c) The proposed accessory use has no other feasible location within the appropriate zoning district where the principal use is located.

(d) If buildings or structures are proposed, they shall be designed to be in character and scale with the uses permitted in the zoning district into which they extend.

(e) The Board shall determine that hours of operation, traffic circulation patterns, noise, lights and other characteristics of the proposed accessory use will not have a material negative impact on the character of the zoning district into which it extends.

(Ord No. 4-98 Revised Effective 1/15/98)

# ARTICLE V
## Residential Districts

**Section 5.01** **RG-l, Residential, Open Space and Reserved Districts**
**Section 5.02** **Cluster Provision**
**Section 5.03** **R-1-A, R-1-B, and R-1-C Single Family Residential Districts**
**Section 5.04** **R-2, Low Density Residential Districts**
**Section 5.05** **R-3, Medium Residential District**
**Section 5.06** **R-4, High Density Residential Districts**
**Section 5.07** **One-Family Residential Districts, R-1-A/B**
**Section 5.08** **Multiple-Family Residential Districts, R-4-A, R-4-B, and R-4-C**

Sec. 5.01 RG-1, Residential, Open Space and Reserved Districts

The following regulations shall apply in RG-1 Districts.

(a) General Description:

The RG-1, Residential, Open Space and Reserved District is established to provide suitable areas for large lot, low-density residential development characterized by an open appearance. The residential development will consist of single-family detached dwellings and accessory structures. This district may also include community facilities, public utilities, and open uses which serve specifically the surrounding residents, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments.

(b) Permitted Principal Uses:

1. Single family detached dwelling.

2. Operations that are accepted practice of agricultural and horticulture science, research and education, including general purpose farms, truck gardening, and plant nurseries.

3. Operations that are accepted practice of forestry and wildlife science, research and education, including general purpose forestry, forest silviculture and wildlife management, temporary portable sawmills for the sawing of timber harvested in the immediate vicinity, but not including permanent plants for finishing or fabricating lumber; and related research institutions operated as not-for-profit.

4. Fairs, festivals, exhibitions or recreational activities and ancillary structures at facilities or on lands owned by the City or other not-for-profit organizations.

5. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

6. Local government, state or federal uses, public utility building, telephone exchange, transformer station and electric transmission towers; providing such use

will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

7. Greenhouse or nursery for propagation and culture, including incidental retail sales as a minor accessory use, providing such incidental retail sales of commercial products be limited to products directly associated with agricultural or horticultural activity.

(c) Permitted Accessory Uses:

1. Shop, maintenance, offices and other buildings and structures that are necessary to serve the use of forestry and commercial nurseries.

2. Home occupation as defined in Article II Definitions and meeting the requirements of Section 3.11.

3. Barn and private equine stables.

4. Any use customarily incidental to the above permitted principal uses, including but not limited to, detached garage, pool house, play house, accessory building, and greenhouse. In case a question arises as to the degree of incidentalness, the Board of Zoning Appeals shall rule.

(d) Special Exceptions Requiring Board of Zoning Appeals Approval:

1. Private and public educational institutions.

2. Mining and quarrying provided proper precautions to handle traffic and to absorb dust and noise are used, and to insure there is adequate distance from other uses.

3. Family day care home, group day care homes, and adult day care facility.

4. Telecommunication towers.

5. Commercial equine stables.

6. Stock, dairy, and poultry farms (animal husbandry).

7. Cemetery.

8. Golf courses.

9. Bed and breakfasts (Residences).

10. Commercial kennels.

11. Religious institutions.

(e) Area, Height, Bulk and Placement Regulations:

Maximum Usable Floor Area to Lot Area Ratio: 10%.

Minimum Lot Size: 200,000 square feet in area;

Minimum Lot Width: 300 feet.

Minimum Required Setback Dimensions in Feet: Front - 50 feet, Least One Side - 50 feet; Rear - 50 feet (Exception-All accessory buildings shall be a minimum of 100 feet from the front lot line.)

Maximum Height in Feet: 40.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

Sec. 5.02 Cluster Provision

(a) Purpose

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in coordination with Section IV, Sub-section K of the Oak Ridge Subdivision Regulations, which address hillside standards and slope conditions. These provisions are intended to provide for variations in lot size and open space requirements within the RG-1, Residential, Open Space and Reserved Districts; and R-1-A, Single-Family Residential Districts. The density standards established for these districts are to be maintained on an overall basis and thereby provide desirable open space, tree cover, recreational areas and scenic vistas, all with the intent of preserving the natural beauty of the area, while at the same time maintaining the allowable population density limitations of the district in which this procedure may be permitted.

(b) General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air and privacy be made available for each dwelling unit.

(c) Site Development Plan Required

A site development plan shall be prepared and submitted to the Planning Commission for review and approval concurrently with a Sketch Plat as required by the Subdivision Regulations. Upon receipt of a Site Development Plan and Sketch Plat, the Planning Commission shall concurrently review the site development plan and sketch plat and jointly approve, approve with modifications, or disapprove these documents. Upon approval of a site development plan, only minimal adjustments as determined by City staff involving the placement of any structure or the reduction or relocation of any open space will be permitted. Any other change shall require submission of a proposed amendment to the approved Site Development plan.

Requirements For Site Development Plan:

1. Density calculations which meet the provision of Section 5.02 (e).

2. The actual shape, location, and dimensions of the lot.

3. The shape, size, and location of all buildings or other structures to be erected, altered or moved and of buildings or other structures already on the lot.

4. Location of all areas proposed to be dedicated as Open Space including dimensions and any physical improvements.

5. Proposed ownership of Open Space and method of continued maintenance.

(d) Development Standards

The following standards and requirements shall apply. In the interest of promoting the most appropriate and economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

1. Protection of the character, property values, privacy and other characteristics of the surrounding neighborhood; and

2. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

(e) Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

The following shall be subtracted from the gross acreage available within the development:

1. Any portion of the site which is within the street right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner because of restrictions; and

2. Any portion of the site which lies within a floodway district.

The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one (1) zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

(f) Minimum Lot Area and Lot Width

No lot may be created within the district indicated which has less area than required for the type dwelling indicated. The minimum lot size shall not be less than one-half than required by the designated zone district. The minimum lot width at the building line shall be as approved by the Planning Commission. In no instance can the house size be more than fifty percent (50%) of the lot size.

(g) Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

1. For lots located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of lots which abut the periphery.

2. For units located entirely within the interior of a site, the Planning Commission shall approve yards during review of the Site Development Plan. However, each dwelling unit shall, on its own lot, have one (1) yard containing not less than six hundred (600) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.

(h) Open Space Requirements

Any common open space provided within a development of this type shall:

1. Meet the requirements for quality and improvement established in Section 9.05(v) 6 and as may be required as a condition of approval by the Planning Commission; and

2. Be protected by covenants or restrictions as outlined in Section 9.05(s), which will insure the improvement and continued maintenance of all such properties; and

3. Serve as recreational and open space only.

Sec. 5.03 <u>R-1-A, R-1-B and R-1-C, Single Family Residential Districts,</u>

The following regulations shall apply in R-1-A, R-1-B and R-1-C, single-family districts:

(a) Permitted Principal Uses:

1. Single family detached dwelling.

2. Local government, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers; providing such use will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

(b) Permitted Accessory Uses:

1. A home occupation as defined in Article II and meets the requirements of Section 3.11.

2. Any use customarily incidental to the above permitted principal use such as but not limited to garages, greenhouses, swimming pools and appurtenances, play houses and accessory buildings. In case a question arises as to the degree of incidentalness, the Board of Zoning Appeals shall rule.

(c) Special Exceptions Requiring Board of Zoning Appeals Approval:

1. Religious institutions.

2. Family day care home, group day care homes, and adult day care facility.

3. Private and public educational institutions.

4. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

5. Non-profit recreational and community swimming pools.

(d) Area, Height, Bulk and Placement Regulations:

1. District: R-1-A.

Maximum Usable Floor Area to Lot Area Ratio: 20%.

Minimum Lot Size: 20,000 square feet in area.

Minimum Lot Width: 120 feet.

Minimum Required Setback Dimensions in Feet: Front - 30 feet, Side - 20 feet; Rear - 40 feet.

Maximum Height in Feet: 40.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

2. District: R-1-B.

Maximum Usable Floor Area to Lot Area Ratio: 25%.

Minimum Lot Size: 14,000 square feet in area.

Minimum Lot Width: 100 feet.

Minimum Required Setback Dimensions in Feet: Front - 30 feet, Side - Total of Two Sides-30 feet (12'/18' minimums); Rear - 35 feet.

Maximum Height in Feet: 40.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

3. District: R-1-C.

Maximum Usable Floor Area to Lot Area Ratio: 30%.

Minimum Lot Size: 8,000 square feet in area.

Minimum Lot Width: 70 feet.

Minimum Required Setback Dimensions in Feet: Front - 25 feet, Total of two sides of 20 feet (8'/12' minimums); Rear - 30 feet.

Maximum Height in Feet: 40.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

Sec. 5.04 R-2, Low Density Residential District

The following regulations shall apply in R-2 Low Density Residential District.

(a) Permitted Principal Uses:

1. Single family detached dwelling.

2. Duplex.

3. Single family attached dwellings with no more than four (4) contiguous units.

4. Local government, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers; providing such use will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

(b) Permitted Accessory Uses:

1. Home occupation, as defined in Article II and meets the requirements of Section 3.11.

2. Any use customarily incidental to the above permitted principal use such as but not limited to garages, greenhouses, swimming pools and appurtenances, play houses and accessory buildings. In case a question arises as to the degree of incidentalness, the Board of Zoning Appeals shall rule.

(c) Special Exceptions Requiring Board of Zoning Appeals Approval:

1. Religious institutions.

2. Family day care home, group day care homes, and adult day care facility.

3. Private and public educational institutions.

4. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

5. Permanent and transient group care facilities.

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area (Footprint of the building) to Lot Area Ratio: 30% for permitted uses and 60% for Special Exceptions.

Minimum Size of Lot: 8,000 square feet for single family detached and duplexes and 4,000 square feet for each additional unit.

Minimum Lot Width-45 feet

Minimum Required Setback Dimensions in Feet: Front – 20 feet; Each Side - 8 feet; Rear – 25 feet.

Maximum Height in Feet: 40.

NOTE: See Articles XIII and XVI of this Ordinance for applicable site plan review regulations.

Sec. 5.05 <u>R-3, Medium Residential District</u>

The following regulations shall apply in R-3 Medium Residential Districts.

(a) Permitted Principal Uses:

1. Duplex.

2. Single family attached dwellings with no more than 8 contiguous units.

3. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

4. Business and professional offices.

5. Hospital, clinic, mental health clinic, and related medical office uses.

6. Animal hospitals/clinics.

7. Buildings and meeting rooms which are associated with charitable, philanthropic, civic, or professional clubs.

8. Assisted living facilities, independent living facilities, nursing homes and retirement centers.

9. Local government, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers; providing such use will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

10. Religious institutions.

11. Private and public educational institutions.

12. Bed and Breakfast (Inn).

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses, including office uses having to do with the management and administration of any permitted principal use.

2. Home occupations as defined in Article II and meets the requirements of Section 3.11.

(c) Special Exceptions Requiring Board of Zoning Appeals Approval:

1. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

2. Cemetery.

3. Family day care home, group day care homes, and adult day care facility.

4. Permanent and transient group care facilities.

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area (footprint of the building) to Lot Area 30% for permitted uses and 60% for Special Exceptions.

Minimum Size of Lot per Principal Building: 3,600 square feet per dwelling unit and not to exceed 12 units per acre.

Minimum Required Setback Dimensions in Feet: Front - 25 feet; Side - 10 feet for <3 stories, +10 feet for each additional story but not to exceed 50 feet; Rear - 30 feet.

Maximum Height in Feet: 55.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

Sec. 5.06 R-4, High Density Residential Districts

The High Density Residential zone classification is a residential district established to provide areas for apartments developments up to 24 units per acre where it is determined high densities of populations can be accommodated. Quality of building materials and design, and efficiency of land is encouraged by providing for adequate light, air, and open space for apartments and condominiums found within this district.

The following regulations shall apply in R-4 High Density Districts.

(a) Permitted Principal Uses:

1. Multiple-family dwelling.

2. Assisted-care living facilities, independent living facilities, nursing homes and retirement centers.

3. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

4. Hotel or motel.

5. Business and professional offices.

6. Hospital, clinic, mental health clinic, and related medical office uses.

7. Animal hospitals/clinics.

8. Buildings and meeting rooms which are associated with charitable, philanthropic, civic, or professional clubs.

9. Local government, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers.

10. Religious institutions.

11. Private and public educational institutions.

12. Bed and Breakfast- Inn.

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the above permitted principal use such as but not limited to garages, greenhouses, swimming pools and appurtenances, play houses and accessory buildings. In case a question arises as to the degree of incidentalness, the Board of Zoning Appeals shall rule.

2. Home occupations as defined in Article II and meets the requirements of Section 3.11.

(c) Special Exceptions Requiring Board of Zoning Appeals Approval:

1. Family day care home, group day care homes, and adult day care facility.

2. Permanent and transient group care facilities.

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area (footprint of the building) to Lot Area 50%.

Minimum Size of Lot per Principal Building: 1,850 square feet per dwelling unit and not to exceed 24 units per acre.

Minimum Required Setback Dimensions in Feet: Front - 25 feet; Side - 12 feet + 5 feet on each side per floor over 2 stories with a maximum of 50 feet; and Rear- 12 feet + 10 feet per floor over 2 stories with a maximum of 50 feet.

Maximum Height in Feet: No Limit.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(e) Access to Major Streets:

Areas zoned R-4 shall have direct access by road to a major thoroughfare or collector street shown on the official Major Thoroughfare Plan without traversing existing streets in areas zoned R-1 or R-2.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

Sec. 5.07 <u>One-Family Residential Districts, R-1-A/B</u>

The following regulations shall apply in R-1-A/B one-family districts:

(a) Permitted Principal Uses: One-family dwelling.

(b) Permitted Accessory Uses:

1. Private garage.

2. Garden house, tool house, swimming pool, playhouse, or greenhouse not used for commercial purposes.

3. A home occupation (see definition) appropriate to the character of the district in which it is located.

4. Rooms for the use of domestic employees of the owner, lessee, or occupant of the principal dwelling, but if such rooms meet the definition of a dwelling unit, the lot area requirements shall be met.

5. Not more than two rooms per dwelling unit may be used for boarders or roomers.

6. Signs (See Article XIV).

7. Automobile parking (See Section 11.02)

8. Any use customarily incidental to the permitted principal use. In case a question arises as to the degree of incidentalness or length of custom, the Board of Appeals shall rule.

(c) Uses requiring Board of Appeals Permit:

1. Church, subject to conditions as shall require adequate front, side, and rear yards; appropriate location of off-street automobile parking and adequate provisions for the location of noisy activities on such quarter of the lot as to protect the character of the district.

2. Family day care home, child care center, and private education institution.

3. Public or nonprofit community recreation uses such as parks, swimming pools, playgrounds, golf courses, ball fields, athletic fields, and stadiums; providing the proposed use will have adequate water supply, waste disposal, and other necessary facilities; and will not cause undue traffic congestion or create a traffic hazard.

4. Municipal uses, state or federal uses, public school, public library, public museum, public utility building, telephone exchange, transformer station, and electrical transmission towers; providing such use will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

5. Hospital, provided that the lots shall have two thousand five hundred (2,500) square feet for each bed in such hospital, and precautions of building location and other precautions necessary to preserve the character of the district.

6. Cemetery, providing such use will have a minimum lot area of 200,000 square feet, will have a setback of fifty (50) feet from all property lines in which monuments and all other structures are prohibited and will not cause undue traffic congestion, or create a traffic hazard.

7. Permanent group care facilities.

8. Transitional Accessory Uses (see Section 4.08 for Criteria).

(d) Area, Height, Bulk and Placement Regulations:

District: R-1-A/B.

Maximum Usable Floor Area to Lot Area: 20%

Minimum Size of Lot per Principal Building: 14,000 sq. ft. in area: 90 ft. in width.

Minimum Required Setback Dimensions in feet: Front - 30 ft.; Least One Side - 15 ft., Total of Two Sides - 35 ft.; Rear - 45 ft.

Maximum Height in Feet: 35.

Maximum Height in Stories: 2 1/2.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

Sec 5.08 Multiple-Family Residential Districts, R-4-A, R-4-B, and R-4-C

The following regulations shall apply in R-4-A, R-4-B and R-4-C Multiple-Family Districts.

(a) Permitted Principal Uses:

1. Multiple-family dwelling.

2. Townhouse.

3. Condominium.

(b) Permitted Accessory Uses:

1. Automobile parking (see Section 11.02).

2. Signs (see Article XIV).

3. Community garage containing spaces for occupants or guests of the principal use only.

4. Swimming pool for occupants or guests of the principal use only.

5. Any use customarily incidental to the permitted principal use. In case a question arises as to the degree of incidentalness or length of custom, the Board of Appeals shall rule.

(c) Uses Requiring Board of Appeals Permit:

1. Family day care home, child care center, and private education institution.

2. Transitional Accessory Uses (see Section 4.08 for Criteria)

3. Assisted-Care Living Facilities

(d) Dwelling Density, Height, Bulk, and Placement Regulations:

1. District: R-4-A

Maximum Dwelling Density: 6 per acre.

Maximum Height in Feet: 35.

Maximum Height in Stories: 2.

Minimum Lot Size in Square Feet: 44,000.

Minimum Required Setback Dimensions in Feet: Front - 25 ft.; Side - 12 ft. or that of the adjacent zone, whichever is greater; Rear - 30.

2. District: R-4-B

Maximum Usable Floor Area to Lot Area: 30%.

Maximum Height in Feet: 36.

Maximum Height in Stories: 3.

Minimum Lot Size in Square Feet: 44,000.

Minimum Size of District: 3 acres, except where contiguous to lands already zoned R-3, R-4-A, R-4-B or R-4-C.

Minimum Required Setback Dimensions in Feet: Front - 25 ft.; Least One Side - 12 ft. except 22 ft. for 3 story buildings or that of the adjacent zone, whichever is more; Rear - 30 ft.

3. District: R-4-C

Maximum Usable Floor Area to Lot Area: 50%.

Maximum Height in Feet: 120.

Minimum Size of District: 3 acres except where contiguous to lands already zoned R-3, R-4-A, R-4-B or R-4-C.

Minimum Lot Size in Square Feet: 44,000.

Minimum Required Setback Dimensions in Feet: Front - 25 ft.; Least One Side - 12 ft. plus 10 ft. per story above two stories, or that of the adjacent zone, whichever is more; Rear - same as side setback but not less than 30 ft.

Usable Open Space: Usable, unobstructed open space, in area at least 40% of the usable floor area, sloping not more than 10% and not designed for vehicle use, shall be provided on the same lot with multiple-family dwellings, townhouses and condominiums.

(e) Access to Major Streets:

Areas zoned R-4-C shall have direct access by road to a major thoroughfare or collector street shown on the official Major Thoroughfare Plan without traversing existing streets in areas zoned R-1 or R-2.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 27-98 Revised Effective 10/02/08)

## ARTICLE VI
## Office Districts

**Section 6.01 O-1, Office District**
**Section 6.02 O-2, Office District**

Section 6.01 O-1, Office Districts

The following regulations shall apply in O-1, Office Districts.

(a) Permitted Principal Uses:

1. Uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, education service, drafting, graphic arts, software development and sales provided that there shall be no display of any actual product for sale except in accordance with the following regulations: No display will be in an exterior show window and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed fifteen (15) percent of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure; provided there shall be no outdoor storage of goods or material irrespective of whether or not they are for sale; and provided further that there shall be no warehousing or the indoor storage of goods or material beyond that normally incidental to the above permitted occupations; animal clinics are expressly excluded.

(Ord. No. 12-84 Revised Effective 5/31/84)

2. Municipal uses.

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses.

(Ord. No. 12-84 Revised Effective 5/31/84)

2. Signs (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. Family day care home, child care center, and private education institution.

(Ord. No. 16-90 Revised Effective 7/5/90)

(c) Uses Requiring Board of Appeals Permit:

1. State or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers; providing such use

will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

2. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 60%.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Least One Side - 15 ft.; Total of Two Sides - 30 ft.; Rear - 30 ft.

Maximum Height: 36 feet or 3 stories within 200 feet of the perimeter adjacent to residential zones. Elsewhere, building heights may be one story higher than normally permitted in the zone for every 100 feet they are set back within the perimeter.

(Ord. No. 12-84 Revised Effective 5/31/84)

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)
(Ord. No. 19-99 Revised Effective 8/26/99)

Section 6.02 <u>O-2, Office Districts</u>

The following regulations shall apply in O-2 Office Districts.

(Ord. No. 12-84 Revised Effective 5/31/84)

(a) Permitted Principal Uses:

1. Uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting, graphic arts and software development, and sales provided that there shall be no display of any actual product for sale except in accordance with the following regulations: No display will be in an exterior show window; and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed forty-five (45) percent of the usable floor area of any establishment using the display of office supplies and office equipment as a sales procedure, or fifteen (15) percent of such floor area using the display of any other product as a sales procedure; provided there shall be no outdoor storage of goods or material irrespective of whether or not they are for sale; and provided further that there shall be no warehousing or the indoor storage of goods or material beyond that normally incidental to the above permitted occupations.

2. Multiple family dwelling.

3. Church, school, public library, and public museum.

4. Convent, dormitory, fraternity or sorority house.

5. Hotel, motel, or tourist home.

6. Hospital, clinic, mental health clinic, convalescent home, but excluding animal hospital, penal or correctional institution.

7. Community building, public building, library, lodge hall or private club.

8. Transient group care facilities.

(Ord. No. 6-84 Revised Effective 4/5/84)

9. Family day care home, child care center, and private education institution.

(Ord. No. 22-92 Revised Effective 10/15/92)

10. Barber shops and beauty shops.

(Ord. No. 1-00 Revised Effective 1/13/2000)

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses, except as provided herein

2. Signs (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. Restaurant, if within the same building with a permitted principal use and normally subordinate and incidental to the principal use.

(Ord. No. 22-92 Revised Effective 10/15/92)

(c) Uses Requiring Board of Appeals Permit:

1. Public or private non-commercial recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and stadiums; providing the proposed use will have adequate water supply, waste disposal, and other necessary facilities; and will not cause undue traffic congestion or create a traffic hazard.

2. Municipal uses, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers; providing such use will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located.

3. Radio transmission tower and station, providing such use does not create a safety hazard to air traffic nor to surrounding uses, nor provide electromagnetic interference in violation of Federal Communications Commission codes.

4. Cemetery, providing such use will have a minimum lot area of 200,000 square feet, will have a setback of fifty (50) feet from all property lines in which monuments and all other structures are prohibited and will not cause undue traffic congestion, or create a traffic hazard.

5. Mortuary establishments providing such establishments will not cause undue traffic congestion, or create a traffic hazard.

6. Research laboratory including incidental or pilot plant processing operations that will not be incompatible to the office building character of the district and will not create any more dangerous or objectionable elements than are characteristic of the uses expressly permitted as a right in the district.

7. Auditorium; restaurant (without drive-up window or curb service), provided that all the following conditions are met:

   a. A traffic and pedestrian circulation plan for such auditorium or restaurant is interconnected with other uses where practical and feasible.

   b. No restaurant is located closer than 300 feet, measured from the nearest part of each building, to another restaurant on the same side of the street, unless any part of a building with at least 2,500 square feet of gross floor area occupied by a permitted principal use is located between the two restaurant buildings. All references to restaurants within this Subsection (b) refer to restaurants not within a permitted principal use.

   c. Allowing such use will not cause undue traffic congestion, create a traffic hazard, or otherwise impair the public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare.

(Ord. No. 22-92 Revised Effective 10/15/92)

8. Permanent group care facilities.

(Ord. No. 6-84 Revised Effective 4/5/84)

9. Helicopter passenger station if accessory to a permitted principal use.

10. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building.

(Ord. No. 19-97 Revised Effective 11/27/97)

11. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

12. Assisted-Care Living Facilities

(Ord. No. 16-98 Revised Effective 5/28/98)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 80%.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Least One Side - 15 ft.; Total of Two Sides - 30 ft.; Rear - 30 ft.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

## ARTICLE VII
## Parking and Business Districts

**Section 7.01** **P, Parking District**
**Section 7.02** **B-1, Neighborhood Business Districts**
**Section 7.03** **B-2, General Business Districts**
**Section 7.04** **UB-2, Unified General Business Districts**
**Section 7.05** **B-3, Roadside Business Districts**

Section 7.01 P, Parking Districts (See Article XI)

The following regulations shall apply in P, Parking Districts.

(a) Permitted Principal Uses

1. Off-street parking in accordance with the requirements of Section 11.02.
(Ord. No. 11-06 Revised Effective 8/03/06)

2. Open air recreation uses.

3. Municipal uses providing services to the public; provided that such use will promote the general welfare of the community and will have no material adverse effect upon the district in which it is located, or on adjacent uses.

4. Short-term and periodic or seasonal open-air sales, such as a farmers' market or Christmas tree sales, provided that such uses will have no adverse effect upon the district in which it is located, or on adjacent uses.

(Ord. No. 23-90 Revised Effective 12/20/90)

(b) Permitted Accessory Uses:

1. Fifty (50) square feet of usable floor area of shelter building for attendant for the first acre or less and for each succeeding acre of land area.

2. Signs (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

(c) Uses Requiring Board of Appeals Permit:

1. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord. No. 4-98 Revised Effective 1/15/98)

Section 7.02 B-1, Neighborhood Business Districts

The purpose of the B-1, Neighborhood Business District is to create a business district primarily to serve the needs of a surrounding residential neighborhood and to exclude the operation of any business which would tend to be a nuisance to immediately surrounding residential development. Site plans and site plan review by the Planning Commission shall be required in B-1 Neighborhood Business Districts in order to promote orderly development and to ensure that commercial development will not detract from surrounding residential properties and in the interest of the general welfare.

The following regulations shall apply in B-1, Neighborhood Business Districts.

(a) Permitted Principal Uses:

1. Retail businesses whose primary purpose is to serve the surrounding residential neighborhood, including:

   Retail food stores
   Apparel and accessory stores
   Furniture and home furnishing stores
   Music stores
   Drugstores
   Retail Liquor stores
   Book and stationery stores
   Sporting goods stores
   Florists and garden supply stores
   Cloth shops and sundries
   Camera, photographic supply
   Gift, novelty and souvenir shops
   Optical goods stores
   Luggage and leather goods stores
   Hardware stores
   Ice cream parlors
   Computer, electronic and video sales and service

2. Service establishments such as:

   Self-service laundromat
   Self-service dry cleaning
   Shoe repair and shoe shine shops
   Barber shops
   Beauty shops

3. Church, school, public library.

4. Office building uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting, graphic art, and sales.

5. Clinic, convalescent home but excluding animal hospital, penal or correctional institutions.
6. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic, or professional club except where a principal activity thereof is a service customarily carried on as a business.

7. Public and semipublic uses: Any municipal, state, or federal use; public utility structure or use (excluding equipment and material storage yards).

8. Off-street parking lot (see Subsection (e) - Development Standards and Requirements).

9. Family day care home, child care center, and private education institution.

(Ord. No. 16-90 Revised Effective 7/5/90)

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal use.

2. Signs: (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. A single dwelling unit as quarters for a watchman, caretaker or custodian on the premises.

(c) Uses Requiring Board of Appeals Permit:

1. Any similar retail business or service of the same general character as the permitted principal uses and which is established for the convenience of neighboring residents.

2. Filling stations.

3. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

(d) Area, Height, Bulk and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 35%.

Minimum Required Setback Dimensions in Feet:

| | |
|---|---|
| Front | 35 ft. |
| One Side Only | 15 ft. |
| Side at a Street Corner | 30 ft. |
| Rear Adjacent to Different Zone | 20 ft. |

Maximum Height in Feet: 27.

Maximum Height in Stories: 2-1/2.

(e) Development Standards and Requirements:

1 Off-street parking:

The following off-street parking regulations shall apply in addition to or where applicable in lieu of any less stringent regulations set forth in Section 11.02 et seq. entitled "Required Off-Street Parking" and Section 11.03 et seq. entitled "Off-Street Parking Lot Layout, Construction and Maintenance." Paved off-street parking facilities shall be developed in accordance with an overall parking and circulation plan for the entire district. Such plan shall not only provide ample and well-defined vehicular parking, as set forth in Section 3.16 et seq., entitled "Essential Services," maneuvering and circulation facilities related to marginal roads, accessways, and external thoroughfares, but shall provide ample and safe facilities for related pedestrian traffic and by the utilization of pedestrian areas, malls, sidewalks, islands, parkways, and similar features.

(Ord. No. 27-08 Revised Effective 10/2/08)

2. Vehicle Access and Traffic Control

Access and traffic control regulations set forth in Article XI, Off Street Parking and Loading Requirements, shall apply in B-1 Districts.

(Ord. No. 7-90 Revised Effective 3/22/90)

3. Buffer areas

A buffer or landscaped area shall be required along any part of the perimeter of the B-1 District when it abuts lands zoned for residential use, the width not to be less than the appropriate setback of the adjacent zone. The Planning Commission shall make this determination.

(f) Administration

Issuance of Zoning Compliance Permits for use, excavation, addition, alteration, construction, or reconstruction within B-1 Neighborhood Business Districts shall require review and approval of plans and specifications for the development of the entire district by the Planning Commission, or portion thereof in cases where there are multiple ownerships within the proposed new district.

(Ord. No. 25-93 Revised Effective 9/30/93)

(g) Zoning Compliance Permit

Zoning Compliance Permit applications, together with accompanying development plans and specifications shall include the names and addresses of all owners of property located within the particular B-1 Neighborhood Business District.

Zoning Compliance Permits shall be issued upon approval of development plans by the Planning Commission; however, all such Zoning Compliance Permits shall clearly state that a Certificate of Occupancy will not be issued for any use or activity within the district until all accessways, marginal roads, screen planting and landscaping pertinent to the area then being developed have been completed.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 7.03 B-2, General Business Districts

The following regulations shall apply in B-2 General Business Districts.

(a) Permitted Principal Uses:

1. Any retail business, whose principal activity is the sale of new merchandise in an enclosed building.

2. Open air business use as follows:

   a. Retail sale of trees, shrubbery, plants, flowers, seed, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

   b. Retail sale of fruit and vegetables.

   c. Retail sale of automobiles, house trailers and boats.

   d. Tennis courts, archery courts, shuffleboard, horse shoe courts, miniature golf, children's amusement park, theater, or similar recreation uses.

   e. Rental services for bicycles, trailers, motor vehicles, or home improvement.

   f. Transient circuses, carnivals, or exhibitions, providing the proposed use will have adequate water supply, waste disposal and other necessary facilities, including off-street parking, and will not cause undue traffic congestion or create a traffic hazard, and further providing that such use is located at least four hundred (400) feet from the nearest residential district line.

3. Office building uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting, graphic arts and sales.

4. Office, showroom and workshop of a plumber, electrician, decorator, dressmaker, tailor, baker, printer, upholsterer, or an establishment doing photographic reproduction, laundering, dyeing, cleaning, radio or home

appliance repair, and similar establishments that require a retail adjunct of no more objectionable character subject to the following provisions: not more than five (5) persons shall be employed at any time in the manufacturing or processing activities of such establishments.

5. Restaurant, tea room, cafe, or other place serving food or beverage.

6. Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall, bowling alley, skating rink, or similar recreation use or place of assembly.

7. Service establishments such as:

   Laundromat
   Dry cleaning
   Shoe repair and shoe shine shops
   Barber shops
   Beauty shops

8. Church, school, public library.

9. Clinic, mental health clinic, but excluding penal or correctional institutions.

   (Ord. No. 11-06, Revised Effective 8/3/06)

10. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic, or professional club except where a principal activity thereof is a service customarily carried on as a business.

11. Filling station, off-street parking lot, and general garage.

12. Public and semipublic uses: Municipal use, state or federal uses, public utility building, telephone exchange, electric transmission towers, pumping station, gas regulation station, transformer station with service yard but without storage yard.

13. Mortuary establishment.

14. Bus passenger station.

15. Commercial greenhouse or nursery.

16. Hotel, motel, or tourist home.

    (Ord. No. 6-99 Revised Effective 5/13/99)

17. Research laboratory including incidental pilot plant processing operations that will not be incompatible with the general business character of the district and will not create any more dangerous or objectionable elements than are characteristic of other uses expressly permitted.

18. Family day care home, child care center, and private education institution.

(Ord. No. 16-90 Revised Effective 7/5/90)

19. Adult entertainment establishment, as defined and subject to the regulations set forth in Chapter 7 of the Code of Ordinances, City of Oak Ridge, Tennessee.

(Ord. No. 17-99 Revised Effective 8/26/99)

20. Escort services, as defined and subject to the regulations set forth in Chapter 7 of the Code of Ordinances, City of Oak Ridge, Tennessee.

21. Massage establishments, as defined and subject to the regulations set forth in Chapter 7 of the Code of Ordinances, City of Oak Ridge, Tennessee.

(Ord. No. 17-99 Revised Effective 8/26/99)

22. Veterinary clinic and small animal hospital, provided there be no animal pens or runs outside the building.

(Ord. No. 11-06 Revised Effective 8/03/06)

(b) Permitted Accessory Uses:

1. Any use customarily incidental to permitted principal uses.

2. Signs (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. A single dwelling unit as quarters for a watchman, caretaker or custodian on the premises.

(c) Uses Requiring Board of Appeals Permit: Under such conditions as the Board of Appeals may impose to ensure that the following uses will not cause undue traffic congestion; create a traffic hazard; or otherwise impair the public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare.

1. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and stadiums; providing the proposed use will have adequate water supply, waste disposal, and other necessary facilities; and will not cause undue traffic congestion or create a traffic hazard.

2. Public museum.

3. Hospital, provided that the lots shall have two thousand five hundred (2,500) square feet for each bed in such hospital and precautions of building location and other precautions necessary to preserve the character of the district.

4. Cemetery, providing such use will have a minimum lot area of 200,000 square feet, will have a setback of fifty (50) feet from all property lines in which monuments and all other structures are prohibited and will not cause undue traffic congestion, or create a traffic hazard.

5. Wholesale, storage and warehouse facility, freezer and locker.

6. Outdoor theater or golf driving range.

7. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building.

(Ord. No. 26-91 Revised Effective 12/19/91)

8. Depot for the collection and delivery of articles and merchandise, including facilities for the storage and servicing of vehicles and equipment used in connection therewith.

9. Helicopter passenger station.

10. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

11. Light manufacturing provided that the Board, in addition to the conditions in Subsection 7.03 (c) above, shall apply the following criteria in reviewing the appropriateness of the proposal:

    a. If the proposed developed portion of the property is within 300 feet of a residential zone, buffer screening to mitigate potential impacts on the residential area may be required.

    b. In addition to being Light Manufacturing, the proposed business shall be compatible in use and appearance with B-2 office/retail uses, with regard to the following performance characteristics: parking, the production of smoke, dust, dirt, fly ash, noise, light, glare, heat, odor, gases, radiation, vibration, and the safe use or storage of hazardous materials (See Section 6-501-510 for city-wide limits).

    c. All proposed Light Manufacturing uses must submit information on their proposed use and storage of hazardous materials to be reviewed by the Fire Department; the Department's recommendations must be made to the Board before final action is taken.

(Ord. No. 2-99 Revised Effective 3/11/99)

12. Night Clubs, Dance Clubs, Taverns, Clubs (private), Lodges and Similar Uses.

13. Towers

(Ord. No. 2-00 Revised Effective 1/13/00)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 100%.

Minimum size of District: None.

Minimum Required Setback Dimensions in Feet: Front - 20 ft.; Side - 0 ft.; Rear - 0 ft.

(Ord. No. 11-93 Revised Effective 5/13/93)

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 7.04 UB-2, Unified General Business Districts

The following regulations shall apply in UB-2, Unified General Business District.

(a) Permitted Principal Uses:

1. Any retail business, whose principal activity is the sale of merchandise in an enclosed building.

2. Office building uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting, graphic arts, printing, and sales, including computer, electronic and video sales and services.

3. Office, showroom and workshop of a plumber, electrician, decorator, dressmaker, tailor, baker, printer, upholsterer, or an establishment doing photographic reproduction, laundering, dyeing, cleaning, radio or home appliance repair, and similar establishments that require a retail adjunct of no more objectionable character subject to the following provisions: not more than five (5) persons shall be employed at any time in the manufacturing or processing activities of such establishments.

4. Restaurant, tea room, cafe, or other place serving food or beverage.

5. Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall, bowling alley, skating rink, or similar recreation use or place of assembly.

6. Service establishments such as:

Self-service laundromat
Self-service dry cleaning

Shoe repair and shoe shine shops
Barber shops
Beauty shops

7. Church, school, public library.

8. Clinic, mental health clinic, but excluding animal hospital, penal or correctional institution.

9. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic, or professional club except where a principal activity thereof is a service customarily carried on as a business.

10. Filling station, off-street parking lot, and general garage.

11. Public and semipublic uses: Municipal use, state or federal uses, public utility building, telephone exchange, electric transmission towers, pumping station, gas regulation station, transformer station with service yard but without storage yard.

12. Mortuary establishment.

13. Bus passenger station.

14. Commercial greenhouse or nursery.

15. Hotel, motel, or tourist home.

16. Research laboratory including incidental pilot plant processing operations that will not be incompatible with the general business character of the district and will not create any more dangerous or objectionable elements than are characteristic of other uses expressly permitted.

17. Car dealerships whose site plans were approved by the Oak Ridge Regional Planning Commission, or which were rezoned from B-3 to UB-2, prior to December 31, 1985.

(Ord. No. 11-90 Revised Effective 5/17/90)

18. Family day care home, child care center, and private education institution.

(Ord. No. 16-90 Revised Effective 7/5/90)

(b) Permitted Accessory Uses:

1. Any use customarily incidental to permitted principal uses.

2. Signs (see Article XIV)

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. Single dwelling unit as quarters for a watchman, caretaker or custodian on the premises.

(c) Uses Requiring Board of Appeals Permit: Under such conditions as the Board of Appeals may impose to ensure that the following uses will not cause undue traffic congestion; create a traffic hazard; or otherwise impair the public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare.

1. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and stadiums; providing the proposed use will have adequate water supply, waste disposal, and other necessary facilities; and will not cause undue traffic congestion or create a traffic hazard.

2. Public museum.

3. Hospital, provided that the lots shall have two thousand five hundred (2,500) square feet for each bed in such hospital, and precautions of building location and other precautions necessary to preserve the character of the district.

4. Cemetery, providing such use will have a minimum lot area of 200,000 square feet, will have a setback of fifty (50) feet from all property lines in which monuments and all other structures are prohibited and will not cause undue traffic congestion, or create a traffic hazard.

5. Wholesale, storage and warehouse facility, freezer and locker.

6. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building.

(Ord. No. 26-91 Revised Effective 12-19-91)

7. Depot for the collection and delivery of articles and merchandise, including facilities for the storage and servicing of vehicles and equipment used in connection therewith.

8. Helicopter passenger station.

9. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

10. Night Clubs, Dance Clubs, Taverns, Clubs (private), Lodges and Similar Uses.

(Ord. No. 6-99 Revised Effective 5/13/99)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 80%.

Minimum Size of District: None.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.;
Side -30 ft. where the side yard in a UB-2 Zone adjoins a different zoning district. Side setback where the side yard adjoins property zoned UB-2 - none required, provided that building placement is compatible with existing site development on the adjacent parcel, and that for the purposes of fire protection there is a usable corridor on the lot from front to rear of not less than 6 feet in width for access to the rear of any building on such lot, unless such access to the site is otherwise provided;
Rear - 30 ft. where the rear yard in a UB-2 Zone adjoins a different zoning district. Rear setback where the rear yard adjoins property zoned UB-2 - none required, provided that building placement is compatible with existing site development on the adjacent parcel, and that for the purposes of fire protection there is a usable corridor on the lot along the rear of the lot not less than 6 feet in width for access to the building on such lot, unless such access to the site is otherwise provided.

Maximum Height in Feet: 35.

Maximum Height in Stories: 3.

(Ord. No. 1-94 Revised Effective 1/13/94)

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 7.05 <u>B-3, Roadside Business Districts</u>

The Roadside Business District is intended to apply to arterial streets where business establishments primarily not of a neighborhood or community service type may be properly located to serve large sections of the city and surrounding area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists. The following regulations shall apply in B-3, Roadside Business Districts.

(a) Permitted Principal Uses:

1. Filling station.

2. Automobile, truck, trailer, motor home and boat sales or rental. Repair of the same items accessory to sales.

(Ord No. 22-99 Revised Effective 10/14/99)

3. Appliance and furniture stores.

4. Restaurant.

5. Building and hardware stores.

6. Commercial greenhouses and nurseries.

7. The outdoor sale and storage of merchandise shall be permitted provided the following criteria are met:

   a. Merchandise is displayed or stored in a permanent area designed for such use:

   b. Required yard setbacks for principle buildings are met for the storage/display area: and

   c. Access to the display/storage area shall be restricted by means of a physical barrier such as a fence, a berm, landscaping, or other similar means.

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses.

2. Signs (see Article XIV).

3. Automobile parking (see Section 11.02)

4. A single dwelling unit as quarters for a watchman, caretaker, or custodian on the premises.

5. Car wash.

(c) Uses Requiring Board of Appeals Permit:

1. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building.

(Ord. No. 26-91 Revised Effective 12/19/91)

2. Transitional Accessory Uses (see Section 6-302 for Criteria).

(Ord. No. 22-99 Revised Effective 10/14/99)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 50%

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Least One Side - 30 ft.; Total of Two Sides - 60 ft.; Rear - 30 ft.

(Ord. No. 25-93 Revised Effective 9/30/93)

Maximum Height in Feet: 35.

Maximum Height in Stories: 1.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)
(Ord. No. 22-99 Revised Effective 10/14/99)

## ARTICLE VIII
## Industrial Districts

**Section 8.01 IND-1, Industrial Districts**
**Section 8.02 IND-2, Industrial Districts**
**Section 8.03 IND-3, Industrial Districts**

Section 8.01 IND-1, Industrial Districts

The following regulations shall apply in IND-1, Industrial Districts.

(a) General Description:

The IND-1, light industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, storage, warehousing, wholesaling, and distribution. Enterprises engaged in the manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials (but not the processing of raw materials). Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

(b) Permitted Principal Uses:

1. Research facilities, testing laboratories, and facilities for light manufacturing, fabrication, or assembly of products, provided that such facilities are completely enclosed and provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination produced by such facilities is confined to the lot upon which such facilities are located and is controlled in accordance with the applicable city, state, or federal regulations.

(Ord No. 19-99 Revised Effective 8/26/99)

2. Commercial uses, excluding retail stores, including, yard equipment and supply dealers, firewood operations, lumber yards, building materials sales, boat and recreational vehicle sales, household equipment and appliance repair, rental establishments, car washes, animal hospitals, kennels, bulk cleaning and laundry plants, cold storage lockers, and furniture and carpet warehouses, provided that adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions, or operations.

3. Wholesaling, distribution, warehousing, shipping and freight terminal. (NAICS #'s 42, 484, 485, and 493)

4. Municipal and public utility services. (NAICS #'s 22112, 2212, and 2213)

5. Food processing limited to dairy products, bakery products, and beverage products, (including a microbrewery) provided all activities are

conducted in an enclosed building. (NAICS #'s 3115, 3118, 31192 and 3121)

6. Broadcasting, Publishing, Recording and Telecommunications. (NAICS #'s 511, 512, 513 and 514)

7. Enclosed building for service of motor vehicles, mobile homes, campers, boats, motorized equipment, and accessories for such vehicles, but excluding junkyards.

8. Plumbing, heating, machine, welding, plating, electrical, printing, sheet metal, fabricators and similar shops to include sales, service and repair.

9. Art or craft studio space.

10. Offices, administrative, technical and professional.

11. Industrial and scientific research laboratories, research and development centers.

(c) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses.

2. Signs (see Article XIV)

3. Automobile parking (see Section 11.02).

(Ord No. 19-99 Revised Effective 8/26/99)

4. A single dwelling unit as quarters for a watchman, caretaker, or custodian on the premises.

(Ord. No. 19-99 Revised Effective 8/26/99)

(d) Uses Requiring Board of Appeals Permit:

The judgment of the Board of Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to the probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of Article XII and Article XIII Sections 13.01 through 13.06. The following use or similar and no more objectionable use may be permitted:

1. Child care center to serve employees of the industrial area in which they are located.

2. Storage facilities for coal, coke, building material, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies, nonhazardous solid waste transfer station, vehicle towing and storage but not junkyards, provided such uses are entirely enclosed within an eight (8) foot obscuring fence or wall, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

3. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)
(Ord No. 19-99 Revised Effective 8/26/99)

(e) Area, Height, Bulk, and Placement Regulations

Maximum Usable Floor Area to Lot Area: 50%.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Side - 25 ft.; Rear – 0 ft.

Maximum Height in Feet: 40.

Maximum Height in Stories: 3.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 19-99 Revised Effective 8/26/99)

Section 8.02 <u>IND-2, Industrial Districts</u>

The following regulations shall apply in IND-2, Industrial Districts.

(a) General Description

The IND-2, general industrial district is established to provide areas in which the principal use of land is for processing, manufacturing, assembling, fabrication and for warehousing. The IND-2 district provides for enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major street, rail, water or air transportation routes. Such uses have some adverse effects on surrounding properties and are not normally associated with, nor compatible with, residential, institutional, or retail commercial uses.

(Ord No. 19-99 Revised Effective 8/26/99)

(b) Permitted Principal Uses:

1. Manufacturing (selected industries) – Those manufacturing industries defined by the following NAICS Codes are permitted.

| Major Group | Exceptions | Short Title |
|---|---|---|
| **311, 3121** | **(except 3116, Animal Slaughtering and Processing)** | **Food and beverage products** |
| **313, 314** | | **Textile mill products** |
| **315** | | **Apparel and other textile products** |
| **316** | **(except 3161, Leather and Hide Tanning & Finishing)** | **Leather and leather products** |
| **321** | **(except 321114, Wood Preservation, 3212, Veneer, Plywood, and Engineered Wood Product Manufacturing)** | **Lumber and wood products** |
| **322** | **(except 3221, Pulp, Paper, & Paperboard Mills)** | **Paper and allied products** |
| **323** | | **Printing** |
| **326** | **(except 32621, Tire Manufacturing)** | **Rubber and misc. plastics products** |
| **332** | | **Fabricated metal products** |
| **333** | | **Machinery manufacturing** |
| **334, 335** | | **Electronic equipment & appliances** |
| **336** | | **Transportation equipment** |
| **337** | | **Furniture & related products** |
| **338** | | **Miscellaneous manufacturing** |
| **Industry Numbers: 3271, 3272, 327991** | | **Stone, clay and glass manufacturing** |
| **331** | **(except 33111, Iron & Steel Mills, 331112, Electrometallurgical Ferroalloy Product Manufacturing, 331311, Alumina Refining, 331312, Primary Alumina Production, 33141, Nonferrous Metal Smelting and Refining)** | **Metal Industries** |

(Ord No. 19-99 Revised Effective 8/26/99)

2. Warehousing and wholesaling facilities, including truck and rail service terminals and related facilities. (NAICS #'s 42, 482, 483, 484, 485, 4882 and 493)

3. Offices, administrative, technical, and professional services.
(Ord. No. 11-06 Revised Effective 8/3/06)

4. Public utility facilities, with or without storage yards. (NAICS #'s 22112, 2212, and 2213)

5. Broadcasting, Publishing, Recording and Telecommunications. (NAICS #'s 511, 512, 513 and 514)

6. Storage facilities for coal, coke, building material, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies and junk yards, provided such use is entirely enclosed within an eight (8) foot obscuring fence or wall, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

7. Medical Isotope Manufacturing that the staff has determined to be in conformance with the narrative description of this district.
(Ord. No. 23-00 Revised Effective 9/15/00)

8. Kennel
(Ord. No. 18-04 Revised Effective 10/14/04)

(c) Permitted Accessory Uses

1. Any use customarily incidental to the permitted principal uses.

2. Signs (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Automobile parking (see Section 11.02).

4. A single dwelling unit as quarters for a watchman, caretaker, or custodian on the premises.

(d) Uses Requiring Board of Appeals Permit:

The judgment of the Board of Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of

Article XII and Article XIII Sections 13.01 through 13.06. The following use or similar and no more objectionable use may be permitted:

1. Nonhazardous solid waste transfer station and recycling center, provided such use is entirely enclosed within an eight (8) foot obscuring fence or wall, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

2. Heliport.

3. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

4. Hazardous and nuclear material collection, recycling, treatment or disposal and storage areas. (NAICS #'s 562112 and 562211)

When allowed, these facilities shall be subject to the following requirements:

a. The use shall comply with all federal regulations and state regulations including the Tennessee Solid Waste Management Act for design, siting, construction materials, treating, and monitoring.

b. The use shall be located at least 1,500 feet from any residential property.

c. The area shall be enclosed by a fence or wall at least six (6) feet high. Entrance and exit shall be through a gate, which shall be locked during non-business hours. A landscape screen shall be provided in conformance with Article XIII.

d. Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within 1/4 mile of the property line.

e. The Board of Zoning Appeals may deny the permit when the use would be materially detrimental to adjacent properties or may add any conditions or safeguards to the permit it feels necessary in order to protect the health and welfare of citizens.

(Ord. No. 19-99 Revised Effective 8/26/99)

(e) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 60%.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Side - 25 ft.; Rear - 25 ft.

Maximum Height in Feet: None.

Maximum Height in Stories: None.

(f) Sampling Port Requirements

Adequate sampling locations and access facilities shall be provided for sampling at every stack or other conduit discharging waste products into the air.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)
(Ord. No. 19-99 Revised Effective 8/26/99)

Section 8.03 IND-3, Industrial Districts

(a) General Description:

The IND-3, heavy industrial district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the IND-2 District. Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. It is the intent of this district to provide an environment for industries that are unencumbered by nearby residential, institutional or commercial development.

(b) Permitted Principal Uses:

1. Manufacturing, heavy (NAICS Major Groups 31-33 and 562), excluding slaughtering plants (3116), paper or pulp mills (3221) and uses in Section 6-714(d) that require BZA approval.

2. Warehousing and wholesaling facilities, including truck and rail service terminals. (NAICS #'s 42, 482, 483, 484, 485, 4882 and 493)

3. Heliports.

(Ord. No. 19-99 Revised Effective 8/26/99)

4. Public utility facilities with or without storage yards. (NAICS #'s 22112, 2212, and 2213).

5. Broadcasting and telecommunications towers.

6. Research and development with or without outside storage or operations.

(c) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal uses.

2. Signs (see Article XIV)

3. Automobile parking (see Section 11.02)

(d) Uses Requiring Board of Zoning Appeals Permit:

The judgment of the Board of Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of Article XII and Article XIII Sections 13.01 through 13.06. The Environmental Quality Advisory Board and Fire Department will be consulted in such reviews as needed. The following use or similar and no more objectionable use may be permitted:

1. Nonhazardous waste recycling centers. (NAICS # 562920)

2. Hazardous and nuclear material collection, recycling, treatment or disposal and storage areas. (NAICS #'s 562112 and 562211)

When allowed, these facilities shall be subject to the following requirements:

a. The use shall comply with all federal regulations and state regulations including the Tennessee Solid Waste Management Act for design, siting, construction materials, treating, and monitoring.

b. The use shall be located at least 1,500 feet from any residential property.

(Ord. No. 19-99 Revised Effective 8/26/99)

c. The area shall be enclosed by a fence or wall at least six (6) feet high. Entrance and exit shall be through a gate, which shall be locked during non-business hours. A landscape screen shall be provided in conformance with Article XIII.

d. Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within 1/4 mile of the property line.

e. The Board of Zoning Appeals may deny the permit when the use would be materially detrimental to adjacent properties or may add any conditions or safeguards to the permit it feels necessary in order to protect the health and welfare of citizens.

3. Incinerators. (NAICS #562213)

4. Landfills. (NAICS #562212)

5. Tank storage of bulk oil and gasoline and the mixture or bulk storage of natural gas, subject to the proper precautions as to location and otherwise, to prevent fire and explosion hazards.

6. Airports.

7. Power plants.

8. A single dwelling unit as quarters for a watchman, caretaker, or custodian on the premises.

(e) Area, Height, Bulk and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 60%

Minimum Required Setback Dimensions in Feet: Front - 30 ft., Side - 25 ft., Rear - 25 ft.

Maximum height in feet: None

Maximum height in stories: None

(f) Sampling Port Requirements:

Adequate sampling locations and access facilities shall be provided for sampling at every stack or other conduit discharging waste products into the air.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 19-99 Revised Effective 8/26/99)

# ARTICLE IX
## Special Districts

**Section 9.01** **G, Greenbelt Districts**
**Section 9.02** **E, Education and Research Districts**
**Section 9.03** **MH-1, Mobile Home Park Districts**
**Section 9.04** **TND, Traditional Neighborhood Development District**
**Section 9.05** **PUD, Planned Unit Development District**
**Section 9.06** **FIR District**
**Section 9.07** **Floodplain Regulations**
**Section 9.08** **F, Floodway Districts**
**Section 9.09** **Manhattan District Overlay (MDO)**
**Section 9.10** **Industrial Manhattan District Overly (IMDO)**

Section 9.01 G, Greenbelt Districts

Purpose

It is the purpose of the G, Greenbelt District to provide for certain publicly held property to be preserved, as nearly as practicable, in its natural state. The general attractiveness and well-being of the community is believed to be substantially enhanced by preserving such parcels in their natural state.

The following regulations shall apply in the G, Greenbelt Districts.

(a) Permitted Principal Uses:

Greenbelt Districts shall be used to enhance the atmosphere, beauty, and well-being of the community by preserving parcels so designated, as nearly as practicable, in their natural state.

(b) Permitted Accessory Uses:

1. Hiking or walking to enjoy the natural beauty.

2. Cleared and marked walking trails (to be approved by the Recreation Department).

3. Operations that are accepted practice of forestry science as necessary to maintain safety and public value in its natural state.

4. Signs marking trails, or regulatory signs.

5. Noncommercial gardens of proximate lot owners, subject to annual approval of the City Manager. In no case shall trees be cut to provide additional garden area.

(c) Uses Requiring Approval of City Council:

Municipal, state, or federal uses, such as right-of-way easement for electric transmission lines, pipelines, or roadways. A public hearing shall be required prior

to City Council approval of each municipal, state, or federal use in the Greenbelt District. Prior to each approval (and following the public hearing), the City Council shall find that each use will promote the general well-being of the community and will have no material adverse effect upon the district in which it is located.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 9.02 E, Education and Research Districts

Purpose

The E District classification is established to provide adequate and suitably located areas for educational and research institutions including uses which appertain to the activities of the institutions situated therein, provided they are not operated for profit, and to prevent the intermingling or scattering within these districts of private residential dwellings, commercial and sales operations or other activities, uses, structures or buildings of a type other than those expressly permitted.

The following regulations shall apply in E, Education and Research Districts.

(a) Permitted Principal Uses:

1. School, college and education research institution not operated for profit.

2. Family day care home, child care center, and private education institution.

(Ord. No. 16-90 Revised Effective 7/5/90)
(Ord. No. 19-99 Revised Effective 8/26/99)

(b) Permitted Accessory Uses:

1. Any use customarily incidental to the permitted principal use, provided that it will not impair the public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare. In case a question arises as to the degree of incidentalness or compatibility, the Board of Appeals shall rule.

2. Residential and sales operations operated by said educational institute.

3. Signs: (see Article XIV)

(Ord. No. 31-86 Revised Effective 1/1/87)

4. Automobile Parking: (see Article XI)

(c) Uses Requiring Board of Appeals Permit

1. Municipal uses, public utilities, providing such uses will promote general welfare of the community and will have no material adverse effect upon the district in which it is located.

2. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord. No. 4-98 Revised Effective 1/15/98)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 80%.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.; Least One side - 15 ft.; Total of Two Sides - 30 ft.; Rear - 30 ft.

NOTE: See Article XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)
(Ord. No. 19-99 Revised Effective 8/26/99)

Section 9.03 MH-1, Mobile Home Park Districts

Purpose

It is the purpose of the MH-1 zone to provide for planned mobile home parks in single ownership including recreational and service facilities.

It is the intent of the MH-1 zone to provide the maximum amount of freedom possible in the design of mobile home parks and the grouping and layout of mobile homes within such parks; to provide in such developments the amenities normally associated with planned residential areas; to encourage the development of comprehensive pedestrian circulation networks, separated from vehicular roadways, linking residential, recreational, and service facilities; to permit the greatest possible amount of freedom in types of park developments; and to encourage site and development plans which will maximize compatibility between mobile home parks and adjoining property.

The following regulations shall apply in the MH-1, Mobile Home Park District.

(a) Permitted Principal Uses:

Mobile Home Park, in single ownership.

(b) Permitted Accessory Uses:

1. Automobile parking (see Article XI).

2. Signs (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

3. Office building to be used only for rental and maintenance services for the mobile home park.

4. Recreation uses for occupants such as community buildings and other community use facilities, swimming pools, tennis courts, adult recreation and child play areas.

5. Facilities such as clothes washing areas and drying yards.

6. Any use customarily incidental to the permitted principal use.

(c) Uses Requiring Board of Appeals Permit:

1. Transitional Accessory Uses (see Section 4.08 for Criteria).

(Ord No. 4-98 Revised Effective 1/15/98)

(d) Dwelling Density, Height, Bulk, and Placement Regulations:

Mobile Home Unit Density: Maximum units per acre - 7.

Minimum Required Setback Dimensions: Exterior boundaries of mobile home park: 30 feet.

Minimum Mobile Home Park Size: Thirty (30) mobile home spaces.

(e) Mobile Home Park Development Standards:

1. Site Requirements

a. Street lighting shall be installed on privately-owned roads, and may be either overhead or low level, but must reflect onto the street.

b. All utilities provided within the park shall be placed underground. Easements for such utilities shall be provided to serve each mobile home space, and elsewhere as needed.

c. Each mobile home shall be connected to the municipal water and sewer system.

d. Not less than ten percent (10%) of the area of the mobile home park shall be devoted to recreation facilities convenient to all residents of the park.

e. Each park shall provide screened storage areas for bulky household items and parking space for such vehicles as boats and

campers belonging to the residents in addition to the required area for recreation.

f. One-half (1/2) or more of the spaces in each stage of the park's construction shall be completed and ready for occupancy, or a performance bond be posted sufficient to complete such a number of spaces, before any mobile home in that stage shall be allowed to connect to utilities within the park. The minimum first stage of development shall be ten (10) spaces.

g. On steep terrain, mobile home spaces shall be built with a minimum disturbance of natural terrain. Disturbed surfaces shall be replanted with adequate provisions for surface drainage and erosion control.

h. Mobile home parks shall have direct access to collector streets or arterial streets without the need to traverse minor streets.

i. Fire hydrants shall be spaced not more than nine hundred (900) feet apart, and shall be located on roads. No mobile home space shall be farther than six hundred (600) feet from a fire hydrant as measured along a public right-of-way.

j. Guest parking areas will be required where pavement widths are less than twenty-eight (28) feet.

k. A landscaping and screening plan showing all man-made features, and the location, size, and species of all planting materials shall be required, showing particularly how the park harmonizes along its perimeter with adjacent areas.

2. Individual Mobile Home Space Requirements:

a. Each mobile home space within the park shall be provided with a level patio or deck area, built of a hard surface material, located so as to be convenient to the entry of the mobile home. The patio or deck shall have a minimum width of eight (8) feet and a minimum area of ninety-six (96) square feet of usable area.

b. Mobile homes shall be arranged so as to provide adequate privacy, light, and air to the occupants of each such home. Minimum separation for fire safety shall be twenty-five (25) feet. Along streets or roadways mobile homes shall be set back a minimum of fifteen (15) feet from the right-of-way or twenty-five (25) feet from the edge of pavement, whichever is more.

c. Each mobile home space shall be equipped with tie-down anchors in accord with State and local code requirements.

3. Individual Mobile Home Requirements:

a. All mobile homes within the park shall be skirted.

b. All mobile homes permitted for residential purposes within the City of Oak Ridge shall meet National Mobile Home Construction and Safety Standards Act of 1974 for mobile homes manufactured after June 15, 1976, and American National Standards Institute ANSI Standard A 119.1 (October, 1969) as amended, and other State and local codes for mobile homes manufactured prior to June 15, 1976.

c. Each mobile home shall have a minimum usable floor area of four hundred and fifty (450) square feet.

d. Each mobile home shall be placed on a foundation in accordance either with the manufacturer's specification for the specific unit, with State and local code requirements, or as designed by a registered engineer to meet the imposed loads, whichever is the most restrictive.

e. Each mobile home shall be tied down with wind-resistant ties that meet or exceed State and local code requirements.

f. Each mobile home space shall be accessible only by a mobile home park road.

4. Road Requirements:

Roads within a one-ownership park may be public or private. All roads shall meet City construction regulations and shall have mountable curbs.

The Planning Commission shall determine where a dedicated road stops and where a private driveway begins. The following requirements shall apply:

a. Internal mobile home park collector roads -- minimum of forty (40) foot right-of-way. A minimum of twenty-eight (28) feet of paved surface.

b. Internal mobile home park minor roads -- minimum thirty (30) foot right-of-way. A minimum of twenty-two (22) feet of paved surface.

c. An internal mobile home park collector road is defined as a road designed to facilitate traffic movement from one or more internal mobile home park minor roads.

d. All roads which provide ingress and egress from existing arterial collector roads to the mobile home park shall be deemed to be internal mobile home park collector roads.

e. The radius at all street curves or intersections shall be large enough to contain mobile home units within the right-of-way. Street lights shall be located in conformity with this requirement.

f. Each mobile home park road shall be designed so it is accessible by a hauler at all times. The surface of such roads in Floodway Fringe districts shall not be more than one foot below the level of the 100-year flood at any point.

(f) Administration

Issuance of Zoning Compliance Permits for use, excavation, addition, alteration, construction, reconstruction, or location of mobile homes within MH-1 Mobile Home Park Districts shall require review by the City and approval of plans and specifications, and approval of the site plan by the Planning Commission in the interest of the general welfare, and in order to promote orderly development and to insure that development of the Mobile Home Park will not detract from surrounding properties. The Planning Commission shall notify the applicant in writing of its action not later than sixty (60) days after receipt by the Planning Commission of the site plan, unless the applicant consents in writing to an extension of this time limitation. In reaching its decision on each site plan, the Planning Commission shall consider and determine whether the plan is in accord with the purposes of the MH-1 zone and of the other general purposes of this and related ordinances in maintaining the welfare of the City of Oak Ridge.

1. Mobile home site plans, including floor plans and elevations of accessory buildings, shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet; any floor plans and elevations shall be drawn to a scale of one-fourth (1/4) inch equals one (1) foot.

2. Mobile home park site plans shall show the following:

a. Statement indicating proposed staging of development.

b. The proposed title of the project and the name and address of the engineer, architect, landscape architect, or surveyor, and the name of the developer.

c. Location map.

d. The north point, scale and date.

e. Existing zoning and zoning district boundaries.

f. The boundaries of the property involved, all existing property lines, existing streets, structures, waterways, hillside areas, and other existing physical features in or adjoining the project.

g. Topography of the project area with contour intervals of five (5) feet or less.

h. Number of mobile home spaces.

i. Size in acres.

j. Property lines and names of adjacent owners.

k. The location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in or adjacent to the project, including existing and proposed facilities.

l. The location, dimensions and character of construction of proposed mobile home spaces, structures, roads, accessways, drives, walks, parking areas, loading areas, recreation areas, storage areas, curbs and gutters, curb cuts, and any additional information required by the Planning Commission in order to consider all features of the proposed development and to determine whether or not the regulations and requirements for the MH-1 District would be met by the proposed development.

m. Location and character of any sign (see Article XIV).

(Ord. No. 31-86 Revised Effective 1/1/87)

n. Landscaping and screening plan as well as the proposed treatment of slopes in excess of ten (10) percent to prevent soil erosion and excessive runoff.

3. Zoning Compliance Permit:

Zoning Compliance Permits shall be issued upon approval of the site plans by the Planning Commission; however, all such Zoning Compliance Permits shall clearly state that Certificate of Occupancy will not be issued for any use or activity within the mobile home park until all perimeter boundary buffering and landscaping has been completed or bond posted for their completion.

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)
(Ord No. 19-99 Revised Effective 8/26/99)

Section 9.04 TND, Traditional Neighborhood Development Districts

(a) Purpose.

The purpose of the Traditional Neighborhood Development (TND) district is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. These can range from small infill or redevelopment projects located in already-developed

areas and relying on adjacent land uses, to larger new towns complete within their own village centers and hundreds of acres of mixed housing types. Buildings within these communities can vary as well, from neighborhoods consisting primarily of single-family attached and detached dwellings, to mixed use centers, complete with integrated retail, civic, office and residential uses, including live-work units, and housing units located on top of shops.

In smaller TNDs, existing streets and amenities provide important services. In larger TNDs, the various uses are connected and unified by a network of streets providing a pedestrian and bicycle-friendly environment. Within this street network on-street parking is provided as a traffic-calming and pedestrian-safety device, while street trees and sidewalks create a pleasant and safe walking environment. Regardless of size, the pedestrian-oriented nature of the district is reinforced by human-scaled buildings which relate to the street, provide safe pedestrian access, and create a distinct district identity. In addition, the master planned nature of this district allows building setbacks to be reduced from conventional standards as part of a carefully programmed and cohesive design.

This district also supports the preservation of environmentally and historically sensitive or significant sites and the incorporation of a variety of open space and recreational amenities into new development. Different types of open space are distinguished, and uses permitted within each reflect the open spaces' unique purposes. Lots sizes may be smaller and more varied than conventional lots to provide for adequate densities while encouraging preservation of green space.

(b) Definitions.

When used in this section, the following terms shall have the meanings set forth below:

1. "Active recreation area" shall be an open space.

2. "Alley, Commercial" means a twenty-four (24) foot wide mid-block public access easement connecting two streets, having a twenty-four (24) foot wide paved area and serving commercial uses.

3. "Alley, Residential" means a minimum of twenty-four (24) foot wide mid-block public access easement connecting two (2) streets, having an eight (8) foot wide paved area and serving residential uses.

4. "Association" means a property owners' association or a sub-association of a property owners' association.

5. "CCRs" mean conditions, covenants and restrictions prepared in accordance with Section 9.04 (c) 3 b.

6. "Common open space" means an active recreation area, limited access area, park, plaza, or preserve area which shall be owned and maintained in perpetuity by the Association. Unless authorized by the Planning Commission, no structure within open space shall exceed thirty-five (35) feet in height.

7. "Development permissions" shall specify the maximum number of one-family dwellings; two-family, three-family and four-family dwellings; multi-family dwelling units; flexhouse units; and townhouse units located within a subarea. Additionally, the maximum square footage of various non-residential uses shall be specified.

8. "Flexhouse" means a dwelling containing commercial space at sidewalk level meeting lot type use limits and all parking requirements established for the dwelling, plus required parking for the commercial space.

9. "Front setback" means a line parallel to the front lot line and measured from the back of the required sidewalk, or from a line twelve (12) feet from the back or curb when no sidewalk is provided, or from a line twelve (12) feet from the edge of pavement when no curb or sidewalk are provided.

10. "Limited access area" shall be an open space.

11. "Lot type" means all lots defined within this section.

12. "Outbuilding" means an ancillary building, usually located towards the rear of the lot, on the same lot as a townhouse, flexhouse, one-family, two-family, three-family or four-family dwelling. Outbuildings shall include all garages and may include a dwelling unit not exceeding the lesser of eight hundred (800) square feet or forty percent (40%) of the size of the principal dwelling. Such unit shall house not more than one (1) family and not more than two (2) boarders or lodgers. For all flexhouses, townhouses, one-family, two-family, three-family, and four-family dwellings, an outbuilding shall be deemed customarily incidental to the permitted principal use.

13. "Park" shall be an open space.

14. "Plaza" shall be an open space.

15. "Preserve area" shall be an open space.

16. "Storefront character" means meeting the design regulations established in Section 9.04 (y).

17. "Storefront area" means an area indicated on the Master Plan and Subarea Master Plan where a storefront character is required for all buildings. Within such area, each block face or lot frontage subject to these regulations shall be indicated on the Master Plan.

18. "Street type name" means the street names established in Table I.

19. "Street classification" means TND Arterial Street, TND Major Collector, TND Minor Collector and TND Local Street as established in Section 9.04 (o).

20. "Subarea" means those identified in the Master Plan and as defined in Section 9.04 (r).

(c) Administration

1. Regulations set forth in this district shall take precedence over all City of Oak Ridge regulations. All items not addressed within this district or within the Attachments shall be subject to those regulations established by the City of Oak Ridge.

2. All parcels of land seeking rezoning to this district shall be subject to the following regulations:

a. Applicants shall provide a Master Plan drawing, with appropriate legend and data block, for subject property showing:

(1) Approximate street locations and street classification;

(2) Approximate fifteen (15) foot intersection radii locations;

(3) Storefront area locations; and

(4) Subarea locations, including a range of development permissions by subarea. All subject property shall be assigned to a subarea. A Master Plan shall include a minimum of one (1) subarea; and

(5) Open space acreage and percentage of site. Such shall include the sum of active recreation areas, limited access areas, parks, plazas and preserve areas, less the portion of said open space dedicated to schools or other buildings which may be located therein. For developments greater than ten (10) acres, not less than fifteen percent (15%) of the total land area shall be open space;

(6) Approximate location of existing and planned major utility facilities and easements;

(7) Expected first phase of project;

(8) North arrow;

(9) Scale of drawing; and

(10) Existing street names.

b. Attachments showing the following customized matrices:

(1) Attachment A: Lot Requirements, showing any further permitted limitations to the regulations established in Table I or Table II; and

(2) Attachment B: Open Space Requirements, showing additional uses and structures permitted in active recreation areas, limited access areas, parks, plazas, and preserve areas.

c. In addition, the City of Oak Ridge may require a traffic impact study for developments generating greater than one thousand (1,000) daily vehicle trips after partial or full development. Such study shall be consistent with the Traffic Impact Study Requirements of the City of Oak Ridge Subdivision Regulations.

d. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, drainage ways and common open space.

3. Prior to proceeding with the platting process within any subarea, a Subarea Master Plan for said subarea shall be submitted for approval to the Planning Commission. The Subarea Master Plan shall include:

a. Subarea Master Plan drawing with appropriate legend and data block showing:

(1) Subarea boundaries;

(2) Approximate lot locations, with lot type identified;

(3) Approximate total number of lots by lot type;

(4) Approximate number of single family dwelling units, multi-family dwelling units, flexhouse units and townhouse units located within said subarea, as well as total square footage of all non-residential uses; such shall not exceed the development permission for said subarea;

(5) Approximate footprints of all buildings, including parking decks, with the exception of one-, two-, three-, and four-family dwellings;

(6) Approximate storefront area locations;

(7) Approximate alley locations;

(8) Approximate street locations and street names of utilized streets, including widths and intersection radii;

(9) Approximate sidewalk locations showing an interconnected and continuous network;

(10) Approximate utilities and utility easement locations;

(11) Approximate active recreation area, limited access area, park, plaza and preserve area locations;

(12) Approximate pedestrian trails and other amenity locations;

(13) Any other structures or development requiring a building permit;

(14) Relationship of subarea to surrounding properties, including street network, open space and public services;

(15) North arrow;

(16) Scale of drawing;

(17) Existing street names;

(18) Attached request for approval of any uses customarily requiring a Board of Zoning Appeals Permit; and

(19) In cases where Estate, Hillside, Cottage or Carriage lots are located in areas meeting, or eligible for meeting, the definition of "Hillside Areas" as established in the City of Oak Ridge Subdivision Regulations, said lots shall be labeled "Hillside Condition", in addition to their particular lot type on the Subarea Master Plan, Preliminary Plat and Final Plat.

b. The applicant shall provide a draft Conditions, Covenants and Restrictions for said property. Prior to issuance of a Certificate of Occupancy for any structure, a final version must be approved by the City Manager or the City Manager's designee. Conditions, Covenants and Restrictions must:

(1) Create a Property Owners' Association with mandatory membership for each property owner;

(2) Require the collection of assessments for members in an amount sufficient to pay for its functions;

(3) Provide for ownership, development, management and maintenance of all community parking facilities and other common areas;

(4) Provide for maintenance of landscaping, street furniture and trees within the sidewalk; and

(5) Provide for sidewalk cleaning and maintenance in rights of way adjacent to commercial uses.

c. The applicant shall provide a draft agreement between the applicant and the City of Oak Ridge detailing installation and maintenance responsibilities for all streetscape items not customarily provided by the City of Oak Ridge.

4. At the property owner's request and Planning Commission approval, approval of the Subarea Master Plan may constitute approval of a preliminary plat subdivision for an entire subarea or portion thereof; provided that, in addition to the requirements herein, the requirements for Preliminary Plat: Submission, Review and Approval, of the City of Oak Ridge Subdivisions Regulations are met for said subarea or portion thereof.

5. In general, the construction and provision of all common open spaces and recreational facilities that are shown on the Subarea Master Plan must proceed at no slower rate than the construction of dwelling units. From time to time, the Planning Commission shall compare the actual development with the Subarea Master Plan. If the Planning Commission finds that the percentage of dwelling units or commercial structures building (as a percentage of the total subarea development permission) is substantially greater than the percentage of area provided (as percentage of the total subarea common open space acreage), then the Planning Commission may, after notice and a thirty (30) day opportunity to cure, cease to approve additional final plats and/or instruct the City Manager or the City Manager's designee to discontinue the issuance of building permits.

6. In cases where approval of a Subarea Master Plan has not constituted approval of a Preliminary Plat, and before Preliminary Plat approval, the City Manager or the City Manager's designee may authorize the following administrative changes to a Subarea Master Plan:

a. The number of single family dwelling units, multi-family dwelling units, flexhouse units and townhouse units located within said subarea, as well as total square footage of all non-residential uses may be changed, provided such does not exceed the development permissions for the given subarea;

b. Storefront area locations may be moved, but total block frontage shall not be reduced;

c. Sidewalk locations may be moved but shall still provide an interconnected and continuous network;

d. Active recreation area, limited access area, park, plaza and preserve area locations may be moved but total area not reduced; and

e. Pedestrian trails and other amenity locations may be moved, but total amenities not reduced.

7. Subsequent to approval of the Final Plat by the Planning Commission, but before a Certificate of Occupancy has been issued for a building, the City Manager or the City Manager's designee may authorize the following variations:

a. Variations for lots labeled "Hillside Condition" under the provisions of Section 9.04(c) 3 a 19 including:

(1) Retaining wall heights greater than those contained in this section;

(2) Front setbacks less than those contained in this section;

(3) Circular drives between a building and the street;

(4) Driveways between the building and the street or not perpendicular to the street;

(5) Finished floor elevations above sidewalk level, or edge of right of way when no sidewalk is provided, for terraces, porches and stoops;

(6) Porch steps extending into the front setback a distance greater than five (5) feet; and

(7) Parking between the principal building and the street, provided that such parking does not exceed two (2) spaces when located in surface parking area.

b. Setback variations of twenty percent (20%) for all lots not labeled "Hillside Condition" under the provisions of Section 9.04(c) 3 a 19.

8. Planning Commission may authorize applications for amendments to the zoning conditions placed on any Master Plan or Subarea Master Plan, as long as there is no reduction in common open space acreage or no change in common open space category, provided that the following criteria are met:

a. Practical Difficulties or Unnecessary Hardship

That strict application of the zoning conditions would result in practical difficulties or unnecessary hardship, which may include the following:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances do not apply to other land or uses in the district.

(2) That changing demographics of the area, needs of demographics or market demands of demographics are such that such zoning conditions do not reflect such demographic factors.

(3) When zoning conditions include requirements which exceed the specific requirements of the code, that the cost or time required to implement such requirements or amenities render such zoning conditions impractical.

b. Not Detrimental

That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the vicinity of the affected area.

c. Health or Safety Not Adversely Affected

That granting the application under the circumstances of the particular case will not adversely affect the health or safety of the persons working or residing in the vicinity of the affected property.

d. Maintains Intent of TND District and the City's Comprehensive Plan That such amendment is consistent with the intent of the TND District and will not adversely affect the community objectives stated in the City's Comprehensive Plan.

(d) Permitted Principal Uses.

A building or premise shall be used for permitted principal uses and structures only as identified in lot type and open space regulations.

(e) Permitted Accessory Uses.

A building or premise shall include permitted accessory uses only as identified in lot type and open space regulations.

(f) Uses Requiring Board of Zoning Appeals Permit.

A Board of Zoning Appeals Permit shall be required as identified in lot type regulations, except that a Board of Zoning Appeals Permit shall not be required if such use is approved by the Planning Commission as part of Master Plan or Subarea Master Plan approval.

(g) Area, Height, Bulk and Placement Regulations.

Height, Bulk and Placement Regulations shall be:

1. As identified in lot type and open space regulations within this section; or

2. As identified in Attachment A: Lot Requirements, subject to the regulations established by lot type

(h) Utility Regulations.

Public and private utilities shall be subject to the following:

1. A fifteen (15) foot horizontal clearance shall be provided from overhead utility lines for a total easement of thirty (30) feet to meet horizontal clearance requirements. This easement shall provide clearances required to properly maintain the system and meet the requirements of the National Electric Safety Code, as adopted by the State of Tennessee.

2. A seven and one-half (7.5) foot easement shall be provided on each side of an underground electric utility line, for a total easement of fifteen (15) feet. This easement shall provide clearances required to properly maintain the system and meet the requirements of the National Electric Safety Code, as adopted by the State of Tennessee.

3. All public and private utility clearance requirements shall supercede setback requirements in cases where setback requirements are less than horizontal clearance requirements.

4. No structure or trees shall be placed in a public utility easement or in an alley which is used in whole or part as a public utility easement.

(i) Gate, Fence and Accessory Regulations.

The following requirements shall apply:

1. Terraces, porches and stoops within the front setback shall have a maximum finished floor height of five (5) feet above sidewalk level or edge of right of way when no sidewalk is provided.

2. Steps built as part of a porch may extend into the front setback a distance not greater than five (5) feet.

3. Steps built as part of a retaining wall may extend into the front setback a distance necessary to provide pedestrian access from the primary building entrance to the sidewalk, or edge of right-of-way when no sidewalk is provided.

4. No walls shall be located within the front setback, with the exception of retaining walls and walls surrounding public and private utility structures.

5. Retaining walls shall not exceed a maximum height of thirty-six (36) inches unless existing topography requires a retaining wall of greater height.

6. Walls and fences surrounding public and private utility structures shall not exceed a maximum height of six (6) feet.

7. Fencing within the front setback is permitted only when:

   a. The front setback is located adjacent to ground floor dwelling units;

   b. Said fencing is used to separate authorized outdoor dining from the required sidewalk; or

   c. Said fencing surrounds public or private utility structures.

8. Permitted fences within the front setback shall meet the following regulations:

   a. For residential uses adjacent to the sidewalk, or edge of right-of-way when no sidewalk is provided, fences shall not exceed forty-two (42) inches in height.

   b. For non-residential uses adjacent to the sidewalk fences are prohibited except where specifically authorized elsewhere in this Section for outdoor dining or public and private utility structures.

   c. The combined height of a fence, where otherwise authorized, and retaining wall shall not exceed a height of seventy-eight (78) inches, unless existing topography prohibits retaining walls of a lesser height.

   d. Except for repair and maintenance of existing walls, no permit for construction of a retaining wall shall be issued subsequent to the issuance of a Certificate of Occupancy for the principal building on a lot.

9. Barbed wire, razor wire, barbs and spikes, and similar elements shall be prohibited.

10. Chain link fences are permitted only when not visible from any public right of way, except when surrounding public and private utility structures.

11. Fences and walls not located within the front setback shall not exceed six (6) feet in height.

12. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

13. Parking shall not be located between any building and the street, except where authorized in Section 9.04 (c)(7).

14. No continuous fence, perimeter fence or wall surrounding more than one lot shall be permitted.

15. Fences shall not be permitted within any alley or public utility easement.

16. Adjacent to sidewalk level residential uses, the area within the front setback not used for porches, stoops, terraces, walkways or permitted drives shall be landscaped with trees, shrubs or groundcover.

(j) Relationship of Building to Street.

The following regulations shall apply to principal buildings in all lot types and subareas.

1. Building floors shall be delineated and shall be executed through windows, belt courses, cornice lines or similar architectural detailing.

2. The primary pedestrian entrance for pedestrians to access all street level uses and business establishments with street frontage:

   a. Shall face and be visible from the street.

   b. Shall be directly accessible and visible from the sidewalk, or edge of right-of-way when no sidewalk is provided.

   c. Shall remain unlocked during business hours for non-residential uses.

   d. Shall provide a street address number which is clearly visible from the street and a minimum of six (6) inches in height.

3. All multifamily, commercial or civic uses shall have sidewalks or walkways with a minimum width of five (5) feet connecting all building entrances to ground level parking and the public sidewalk.

4. Buildings with ground level dwelling units shall meet the following additional regulations:

a. All such buildings with more than four (4) dwelling units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk.

b. Buildings located on corner lots shall have windows on each street frontage façade that are substantially similar in size to the front facade windows.

(k) Loading Areas, Loading Dock Entrances and Building Mechanical and Accessory Features.

Loading requirements are as set forth in the Zoning Ordinance. All loading areas and building mechanical and accessory features are subject to the following regulations:

1. Loading areas: Dumpsters and loading areas shall be screened so as not to be visible from any public plaza, street level or sidewalk level outdoor dining area, public sidewalk or public right-of way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls a minimum of six (6) feet in height and having a style and material in keeping with those of the principal structure.

2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.

3. Loading and deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

4. Building mechanical and accessory features:

a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.

b. Shall be incorporated in the design of the building and screened with building materials similar to the building when located on rooftops.

c. Shall not be permitted between a building and any public street.

(l) Off Street Parking Requirements.

Off street parking requirements are as set forth in the Zoning Ordinance.

(m) Curb Cuts, Drives, and Parking Structures.

1. Driveways serving all commercial uses shall be limited to one-way entrances with a maximum width of twelve (12) feet or two-way entrances with a maximum width of twenty-four (24) feet.

2. Driveways serving residential uses shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.

3. Curb cuts for an individual lot containing exclusively commercial uses shall be a minimum of three hundred (300) feet apart except that:

   a. Properties with more than one (1) frontage may have one (1) curb cut per frontage; and

   b. Curb cuts serving private streets meeting the dimensional requirements shown in Section 9.04(o) Table I and, the regulations in Section 9.04(p) shall be exempt from this regulation.

4. Adjacent lots may share driveways, provided they do not exceed the maximum widths established in Section 9.04 (m) 1 and Section 9.04 (m) 2 above.

5. No circular drives shall be located between any building and any street, with the exception of those serving hotels or one-family dwellings located on estate lots, subject to the following additional regulations:

   a. Circular drives serving estate lots shall only be permitted on estate lots with a minimum lot frontage of forty (40) feet; and

   b. Circular drives serving estate lots are only permitted when a minimum front setback of forty (40) feet is provided.

6. Except as authorized in Section 9.04 (m) 5, or for a driveway to reach the side yard, rear yard or, on-site parking facility, or as authorized for hotels and "Hillside Conditions", driveways are not permitted between the public right of way and a building, and shall be perpendicular to any street.

7. Drive-through facilities are not permitted between a building and the street.

8. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive/street that is open to the public and shall have the appearance of a horizontal storied building from any public right-of-way.

(n) Lighting.

All lighting that up-lights trees, buildings or other elements that are located between a building and the street or public right-of-way shall be located a minimum height of eight (8) feet above the sidewalk or edge of public right-of-way when no sidewalk is provided.

(o) Street Standards.

The following regulations shall take precedence over all other City of Oak Ridge street and road design standards:

1. Street classifications within a TND shall meet the dimensional requirements shown in Table I; all minimum permitted lane widths shall not include curb and gutter, when utilized.

2. Blocks shall be permitted to have a minimum length of one hundred fifty (150) feet, including alleys.

3. Streets shall form an interconnected network and shall connect with adjacent street networks. Every effort shall be made to provide as many of these connections as possible. Cul-de-sacs are prohibited except on TND Local Streets where topography, environmental protection, preservation of cultural resources or similar considerations prohibit the creation of street connections. In no case shall any dead-end street be greater than six-hundred (600) feet in length.

4. Gates and fences shall be prohibited across all public streets, public utility easements, alleys, private streets and drives.

5. Street jogs and offsets shall be permitted at a minimum of seventy-five (75) feet on TND Local streets only.

6. All street classifications shall be permitted:

   a. A minimum pavement width of twenty (20) feet, which shall not include on-street parking, when ten (10) foot wide lanes are used; or

   b. A minimum pavement width of twenty five (25) feet, which shall include parallel parking on one (1) side of a TND Local street, when nine (9) foot wide lanes are used.

7. Sidewalks shall be required as provided for in Section 9.04 (p).

8. When on-street angled parking is provided, Minimum Permitted Lane Widths shown in Table I shall be increased by two (2) feet; on-street angled parking shall have a minimum width of (16) feet.

9. On TND Local Streets, the permitted minimum centerline radius for streets with a design speed of 25 mph and no superelevation is one hundred fifty (150) feet.

10. On TND Local Streets, the permitted minimum centerline radius for streets with a design speed of 20 mph and no superelevation is ninety (90) feet.

11. On TND Local Streets, the permitted minimum centerline radius for streets with a design speed of less than 20 mph and no superelevation shall be determined by the minimum suggested radii found in the most current edition of A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials.

12. On streets with a design speed of 25 mph or less, street trees and street lights shall be located a distance greater than or equal to three (3) feet clear zone from the back of street curb at time of installation or planting.

13. On TND Local Streets, street grades approaching an intersection through vertical curves shall not exceed six percent (6%) for the last fifty (50) feet before the intersection.

## Table I

**Dimensional Regulations**

| | Maximum Design Speed | Minimum Permitted Lane Width | Minimum Permitted Curb Radius | Minimum Parallel Parking Width* |
|---|---|---|---|---|
| TND Arterial** | 35 mph | 11 feet | 30 feet | 8 feet |
| TND Major Collector** | 30 mph | 11 feet | 25 feet | 7 feet |
| TND Minor Collector** | 25 mph | 10 feet | 20 feet | 7 feet |
| TND Local Streets** | 25 mph | 9 feet* | 15 feet | 7 feet |

* When a curb and gutter is provided, on-street parallel parking may utilize gutter to meet minimum width.
**Nine foot lanes permitted only when utilized on a two-way street with on street parallel parking on one side.

**Sidewalk Requirements** (When provided)

| | Minimum Tree Planting and Street Furniture Zone Width | Minimum Sidewalk Clear Zone Width Adjacent to Commercial Lots*** | Minimum Sidewalk Clear Zone Width Adjacent to Other Lots |
|---|---|---|---|
| TND Arterial | 12 feet | 15 feet**** | 5 feet |
| TND Major Collector | 7 feet | 10 feet | 5 feet |
| TND Minor Collector | 7 feet | 10 feet | 5 feet |
| TND Local Streets | 7 feet | 10 feet | 5 feet |

***Includes Neighborhood Commercial, Village Commercial, and Community Commercial Lots.
****Five (5) feet of required sidewalk width adjacent to commercial uses may be used for outdoor dining.

***Street Type Name* Structure**

Street Type Names have the following structure:

**MI - 58 34**

Classification — Right of Way Width — Pavement Width

Classifications are abbreviated as follow:

| | |
|---|---|
| TND Arterial: | AT |
| TND Major Collector: | MJ |
| TND Minor Collector: | MI |
| TND Local Streets: | ST |

(p) Sidewalks

1. Sidewalks shall have minimum widths as identified in Table I.

2. Sidewalks shall form an interconnected network.

3. Sidewalks shall be provided on both sides of a TND Arterial, TND Major Collector, TND Minor Collector and TND Local, unless topographical conditions prohibit.

4. Sidewalks shall be provided on a minimum of one (1) side of cul-de-sacs Streets, unless topographic conditions prohibit.

5. Within Village Center and Community Mixed Use subareas, sidewalks shall be provided on both sides of the street.

6. Within Neighborhood subareas, sidewalks shall be provided adjacent to Townhome, Multifamily and Neighborhood Commercial Lots.

7. Where a traditional neighborhood development abuts an existing street, a sidewalk shall be provided where such development is adjacent to said street.

8. Sidewalk requirements may be waived where open space abuts a street if an accessible pedestrian path or trail is provided within two hundred (200) feet of said street, and links with required sidewalks at each end.

9. Sidewalks shall consist of two zones: a tree planting and street furniture zone and a sidewalk clear zone. The following regulations shall apply to all public sidewalks:

   a. Tree planting and street furniture zone requirements: The tree planting and street furniture zone shall be located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees, this zone may also be used for:

      (1) Bus shelters, utility and light poles, trash receptacles, fire hydrants, traffic signs, newspaper vending boxes, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility when adjacent to commercial lots.

      (2) Bus shelters, utility and light poles, traffic signs, and fire hydrants when adjacent to residential lots.

   b. Sidewalk clear zone requirements: Said zone shall be located immediately contiguous to the tree planting and street furniture zone, shall be continuous, and shall be subject to the minimum widths established in Table I. Said zone shall be landscaped except when adjacent to commercial lots, in which case it may hardscape. Said zone shall also be unobstructed for a minimum

height of eight (8) feet, by any permanent or nonpermanent element such as retail displays, outdoor dining, plantings, sculpture and similar elements.

10. Street tree planting requirements: Street trees are required and shall be planted in the ground a maximum of fifty (50) feet on center within the tree planting and street furniture zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of three (3) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of thirty-six (36) square feet.

11. Tree grates: Where tree grates are installed, they shall be a minimum of six (6) feet by six (6) feet, shall be a type approved by the City Manager or the City Manager's designee in accordance with the standards utilized by the City for placement of such objects in the public right-of-way, and shall be placed within the tree planting and street furniture zone. Where tree grates are not required or otherwise installed, tree-planting areas shall be planted with grass or evergreen ground cover with a maximum mature height of eighteen (18) inches.

12. Root barrier: A root barrier shall be provided between all street trees and the adjacent street curb and clear zones.

13. Awnings and canopies shall be located a minimum of eight (8) feet above the sidewalk and shall not encroach more than five (5) feet over the required sidewalk.

(q) Off Street Parking Lot Layout, Construction and Maintenance.

The parking lot requirements are as set forth in the Zoning Ordinance. The following additional regulations shall apply to TND Districts:

1. Continuous landscaped buffer strips shall be constructed along public sidewalks and public rights-of-way where parking is adjacent to such sidewalks or public rights-of-way, except at points of ingress and egress into the facility. Such landscaped buffer strips shall be a minimum of seven (7) feet in width and shall contain, in addition to grass and/or ground cover, trees planted a maximum of fifty (50) feet on center along the entire length.

2. All landscaped buffer strips along public sidewalks and public rights of way shall have a minimum of one (1) tree.

3. Newly planted trees shall be a minimum of two (2) inches in caliper as measured at a height three (3) feet above ground level, shall have a forty (40) foot minimum mature height and shall be drought-tolerant. Trees shall be planted a minimum of thirty (30) inches from any barrier curb so as to prevent injury to trees from vehicle bumpers.

4. Surface parking lots shall have a minimum landscaped area equal to at least ten percent (10%) of the paved area within said lot. In no case shall a parking lot owner be required to provide landscaped areas that exceed ten percent (10%) of the paved area.

5. In the event that landscaped areas are in the interior of a surface parking lot they shall be a minimum of six (6) feet in width and six (6) feet in length with a minimum planting area of thirty six (36) square feet.

6. A minimum of one (1) tree per eight (8) parking spaces shall be included in the required landscaped areas for surface parking lots. For the purposes of satisfying this requirement, trees located within the required landscape buffer strip may be counted, as may existing trees that are three (3) inches or more in caliper as measured at a height thirty six (36) inches above ground level, shall be considered to be equivalent to one (1) or more newly planted trees on the basis of one (1) tree for each three (3) inches in caliper.

7. In addition to trees, ground cover shall be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, mulch and other similar landscaping materials.

8. Shrubs shall be maintained at a maximum height of thirty (30) inches.

9. Barrier curbs shall be installed around the perimeter of surface parking lots and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and at points of ingress and egress into the facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way and landscape areas.

10. Barrier curbs shall be a minimum of six (6) inches in height and a minimum of six (6) inches in width and permanent in nature. Barrier curbs shall be concrete or stone. Such curbs shall be securely installed and maintained in good condition.

11. Where the end of a parking space abuts a landscaped area, barrier curbs may be placed in the parking space at a maximum of two (2) feet from the end of the parking space. This two-foot-wide area may have the pavement removed and be developed as part of the required landscaped area.

12. Where landscaped areas are located adjacent to vehicle overhangs, the trees shall be planted in line with the side stripes between parking spaces in order to avoid injury to trees by vehicle bumpers.

13. Internal parking deck lighting fixtures shall not be visible from any public right-of-way.

14. All commercial uses shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. Multifamily uses shall provide said

facilities at a ratio of at least one (1) bicycle/moped parking space for every five (5) multi-family units. No building that requires bicycle parking shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the tree planting and street furniture zone a maximum distance of one hundred (100) feet from the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock.

(r) Subarea Regulations.

1. All subareas shall be subject to the lot type and use regulations contained in this Subsection, Attachment B: Subarea Regulations and the development permission identified in the Master Plan.

2. The following subareas shall have the meanings as defined:

a. Neighborhood Subarea: The Neighborhood is a primarily residential area generally not exceeding a one-quarter (1/4) mile radius. Within the Neighborhood, the opportunity is provided for a small commercial area providing goods and services to the immediate Neighborhood and housing densities slightly higher than those found in the remainder of the Neighborhood.

(1) Blocks fronted by any lot type shall not exceed one thousand (1,000) feet in length without an intervening street except where topography, environmental protection, preservation of cultural resources or similar considerations prohibit the creation of block frontages less than one thousand (1,000) feet in length.

(2) At least seven and one-half percent (7.5%) of the total land of this subarea area shall be a park or plaza.

(3) Permitted lot types within this subarea are limited to Carriage, Cottage, Estate, Hillside, Multifamily, Neighborhood Commercial, and Townhome Lots.

b. Village Center Subarea: The Village Center provides an integrated mix of commercial and residential uses in keeping with the scale and character of nearby neighborhoods and providing goods and services that primarily serve these neighborhoods.

(1) Blocks shall not exceed six hundred (600) feet in length without an intervening street except where topography, environmental protection, preservation of cultural resources or similar considerations prohibit the creation of block frontages smaller than six hundred (600) feet in length.

(2) At least seven and one-half percent (7.5%) of the total land of this subarea area shall be a park or plaza.

(3) Permitted lot types within this subarea are limited to Village Commercial lots.

c. Community Mixed Use Subarea: The Community Mixed Use Subarea provides a moderately dense mix of uses and is usually located on arterials and highways and shall serve an area greater in size than the immediate area.

(1) Blocks shall not exceed six hundred (600) feet in length without an intervening street except where topography, environmental protection, preservation of cultural resources or similar considerations prohibit the creation of block frontages smaller than six hundred (600) feet in length.

(2) At least seven and one-half percent (7.5%) of the total land of this subarea area shall be a park or plaza.

(3) Permitted lot types within this subarea are limited to Community Commercial lots.

(s) Common Open Space.

1. Performance Criteria.

Common open space shall be subject to the following regulations:

a. Buildings and structures, with exception of public and private utility structures and those otherwise approved in Attachment B: Open Space Regulations, shall not exceed thirty-five (35) feet in height.

b. Public and private utility structures shall be permitted principal uses in all open spaces.

c. Active recreation area shall serve several subareas and:

(1) May Include the following uses and structures:

i. Golf facilities.

ii. Ball fields.

iii. Ball courts.

iv. Swimming pools.

v. Multi-use trails.

(2) Shall be defined at the edges by public streets, to the maximum extent possible.

d. Limited access areas shall protect sensitive areas of environmental and historic significance and:

(1) May Include the following uses and structures:

i. Trails.

ii. Parking to serve trails.

(2) Shall restrict access to all off-trail areas.

e. Parks shall provide passive recreation and gathering places and:

(1) May include the following uses and structures:

i. Picnic facilities, drinking fountains, benches and similar elements.

ii. Playgrounds.

iii. Kiosks.

(2) Shall be defined at the edges by public streets, to the maximum extent possible.

(3) Shall be accessible to property owners and residents.

(4) Shall have a landscape consisting of paths, trees, lawns, shrubs and other plant materials.

(5) Shall have no more than twenty percent (20%) of its area covered with impervious surfaces.

f. Plazas shall provide civic gathering spaces and:

(1) May include the following uses and structures:

i. Water Fountains.

ii. Picnic facilities, drinking fountains, benches and similar elements.

(2) Shall have a landscape consisting of durable pavement, trees and other plant materials.

g. Preserve areas shall protect and enhance areas of environmental and historic significance and may include the following uses:

(1) Camping sites.

(2) Multi-use trails.

(3) Hiking trails.

(4) Parking to serve trails.

2. Establishment and Maintenance Regulations.

Any common open space established by an adopted Master Plan or Subarea Master Plan shall be subject to the following:

a. Quality, Use and Improvement of Common Open Space

(1) Common open space shall be utilized for amenity, site protection or recreational purposes. Passive open space, active recreational open space and engineered functional elements authorized to be held in common shall be appropriate to the scale and character of the TND considering its size, developmental density, expected population, topography and other factors.

(2) Common open space may, subject to approval by the Planning Commission and City Council, consist of improved or unimproved land. All such land shall be classified into one of the five (5) categories of common open space as set forth in Section 9.04 (s) 1 c–g as to its intended type upon the Subarea Master Plan which includes the common open space, all site plans and all plats developed concurrently with the development of the Subarea Master Plan.

(3) As set forth in Section 9.04(c) 3 a 11, the Subarea Master Plan shall indicate which category will be the intended use for each tract of common open space located within the particular subarea of the development. In the case of improved recreational space, such plan shall indicate a proposed draft of the design and proposed types of facilities to be included in such spaces.

(4) Common open space may be put to any use which is consistent with the designated category set forth in Section 9.04 (s) 1 c–g

(5) Any change in the category of common open space designated on the Subarea Master Plan or any use outside the uses consistent with the designated category will require the approval of City Council.

b. Conveyance of Common Open Space

All land shown on the Master Plan or any Subarea Master Plan as common open space shall be conveyed under one of the following options:

(1) The City shall have the first and last offer of dedication of open space only in the event said land is to be conveyed to an entity other than the Association or any other non-profit community or owners association with authority to maintain the common open space. Any dedication so occurring in accordance with this paragraph shall take the form of fee simple ownership. The City may, but shall not be required to, accept common open space provided: (1) such land is accessible to the residents of the City; (2) there is no cost of acquisition other than the costs incidental to the transfer of ownership, such as title insurance; and (3) the City agrees to and has access to maintain such lands. Where the City accepts dedication of common open space that contains improvements, the City may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of said improvements.

(2) Open space may be conveyed to trustees provided in an indenture establishing an association, funded trust or similar organization meeting the requirements of Section 9.04(s)(2)(c) for the maintenance of the common open space within the planned development. The common open space shall be conveyed to the trust subject to CCRs to be approved by the Planning Commission which permit the common open space to be used for the category specified on the Subarea Master Plan, and which provide for maintenance of the common open space in a manner that assures its continuing use for its intended purposes.

(3) Where any land within TND district is proposed to be subdivided into residential lots and such site contains improved recreational open space, the recreational open space and all proposed improvements shall be completed and conveyed in the manner provided in Sections 9.04(s) 2 b 1 and Section 9.04 (s) 2 b 2 at the time of filing of the final plat. In the event said improvements are not completed and conveyed at the time of filing the final

plat, a bond must be posted with the City to cover the total cost of constructing said improvements.

(4) The common open space and any other association facilities may be controlled through the use of CCRs approved by the City pursuant to Section 9.04 (c) 3 b. Such agreements shall be in conformance with applicable State law, rules and regulations.

(5) The City may, but shall not be required to, accept easements for public use of any portion or portions of undeveloped open space land, title of which is to remain in ownership by the Association, provided:

i Such land is accessible to city residents;

ii There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and

iii A satisfactory maintenance agreement is reached between the developer, the Association and the City.

(6) The owner may transfer elements of common open space, as designated on the Master Plan or the Subarea Master Plan, to a private nonprofit organization acceptable to the City, which acceptance shall not be unreasonably withheld, among whose purposes it is to conserve open space and/or natural resources provided that:

i The organization is a bona fide conservation organization with perpetual existence;

ii The conveyance contains appropriate provisions for proper reverter and retransfer in the event that the organization becomes unwilling or unable to carry out its functions; and

iii A maintenance agreement acceptable to the City, which acceptance shall not be unreasonably withheld, is entered into by the developer and the organization.

c. Requirement for Maintenance Organization

In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission and City Council shall require that the landholder provide for and establish an organization such as the Association

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

d. Mandatory Provisions Governing Organization and Operation of Property Owners' Association or Maintenance Association

The common open space and associated facilities may be held in common ownership by the Association or maintenance association. Such an association shall be formed and operated under the following provisions:

(1) The developer shall provide a description of such association, including the bylaws and general responsibilities for maintaining the common open space.

(2) Such association shall be organized by the developer and shall be operated with a financial subsidy from the developer before the sale of any lots within the development.

(3) Membership in such association is automatic (mandatory) for all purchasers of property therein and their successors in title. The conditions and timing of transferring control of such association from developer to the property owners shall be identified.

(4) Such association shall be responsible for maintenance of insurance including but not limited to liability and property insurance and taxes on all open space, enforceable by liens placed by the City on the association. Such association may place liens on the property of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.

(5) The members of such association shall share equitably the cost of maintaining and developing such undivided open space. The allocation of such cost among members shall be defined within the association bylaws or other relevant governing documents.

(6) In the event of a proposed transfer of common open space using the methods permitted by Section 9.04 (s) 2 b by an association or of the assumption of maintenance of undivided open space land by the City, notice of such action shall be given to all property owners within the development, or, in circumstances where sub-

associations have been created in accordance with the CCRs, to such sub-association boards.

(7) Such association shall utilize adequate resources to administer common facilities and properly maintain the undivided open space.

(8) Such association may lease common open space to any other qualified person or corporation for operation and maintenance of common open space, but such lease agreement shall provide:

i That the residents and property owners of the development shall at all times have access to the common open space contained therein (except croplands during growing season or for individuals with leases with terms of three (3) days or less);

ii That the common open space to be leased shall be maintained for the purposes set forth in Section 9.04;

iii That the operation of common open space facilities may be for property owners only, or may open to the residents of the City, at the election of the developer and/or such association, as the case may be; and

iv That the lease shall be subject to approval of the Board of Directors of such association. Lease agreements with lease terms of one (1) year or longer shall be filed with the City, and, upon the City's request, shall be recorded in the County Register of Deeds Office within thirty (30) days of execution and a copy of the recorded lease shall be filed with the City.

e. Maintenance Standards

(1) The ultimate owner of the common open space (typically a property owners' association) shall be responsible for raising all monies required for operations, maintenance or physical improvements to the common open space through annual dues, special assessments, etc. The property owners' association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues, assessments, etc.

(2) In the event that the Association or any successor organization shall at any time after establishment of a development containing common open space, formal recreational improvements or engineered improvements, fail to maintain the common open space, formal recreational improvements or engineered improvements, in reasonable order and condition in accordance with the Master Plan or Subarea Master Plan, where applicable, and to the substantially identical quality of construction as what originally existed, the City may serve written notice upon the owner of record setting forth the manner in which the owner of record has failed to maintain the common open space, formal recreational improvements or engineered improvements, in reasonable condition as well as a recommendation about which measures may be undertaken to correct and cure such failure.

f. Failure of Maintenance Organization

In the event that the organization established to own and maintain common open space, formal recreational improvements or engineered improvements, or any successor organization shall at any time after the establishment of the TND fail to maintain the common open space, formal recreational improvements or engineered improvements, in reasonable order and condition in accordance with the adopted Master Plan or Subarea Master Plan, the City Manager or the City Manager's designee may serve written notice upon such organization and/or the owners or residents of the TND in accordance with Section 9.04 (s)(2)(e)(i). The owner, after receiving notice, shall have thirty (30) days from receipt to correct and cure any deficiencies. If the owner has continued to fail to maintain the common open space, then notice of a public hearing shall be served on the owner and residents and a public hearing shall be held. If, after the public hearing, it is determined that the Association has materially failed to diligently attempt to maintain the common open space, then the City shall have the right to call upon any public or private agency to maintain the common open space for such period of time as is reasonably necessary to rectify the common open space issues caused by failure to maintain, with such time period not to exceed one (1) year. If, after such time period, the City determines after notice to the original organization and a public hearing that the original organization lacks the capability to continue maintenance of common open space, the agency appointed under the provisions of this subsection may continue maintenance for periods not to exceed one (1) year at a time with a review of the original organization's or any successor organization's capability to resume maintenance of the common open space. The cost of such maintenance shall be assessed proportionately against the properties within the TND that have a right of enjoyment of the

common open space, and shall become a special assessment to the property tax or a lien on said properties. Such lien shall include an administrative fee to compensate the City for staff time which shall not exceed one hundred percent (100%) of the yearly Property Owners Association budget.

g. Assurance Involving the Provision of Common Open Space

The Planning Commission shall require adequate assurance, in a form and manner that it approves, that the common open space, formal recreational improvements or engineered improvements, shown on the Master Plan or Subarea Master Plan will be provided and developed. The following method of assurance is illustrative of the type of assurance which may be required: the City may require a Letter of Credit, corporate surety, or other acceptable financial guarantee in an amount sufficient to construct the common open space improvements shown on the approved Master Plan or Subarea Master Plan and posted at the time the final plat is filed at the register of deeds office.

(t) Carriage, Cottage, Estate, Hillside and Townhome Lot Type Regulations.

The following additional regulations shall apply to Carriage, Cottage, Estate, Hillside and Townhome Lots:

1. Permitted Principal Uses:

The following principal uses are permitted:

a. One-family dwellings.

b. Two-family dwellings, three-family dwellings and four-family dwellings.

2. Permitted Accessory Uses.

a. Any use customarily incidental to the permitted principal use.

b. Automobile parking.

c. Signs, as set forth in the Zoning Ordinance for Residential Districts.

3. Area, Height, Bulk and Placement Regulations:

a. Table II shall establish area, height, bulk and placement regulations for the indicated lot type. Unless indicated, all regulations contained in Table II apply to both principal buildings and outbuildings. Per Section 9.04 (c), these regulations may be further limited provided that:

(Ord. No. 27-08 Revised Effective 10/2/08)

(1) Lot widths fall between the established Minimum Lot Width and Maximum Lot Width;

(2) Lot depths fall between the established Minimum Lot Depth and Maximum Lot Depth;

(3) Lot sizes fall between the established Minimum Lot Size and Maximum Lot Size;

(4) Principal building heights fall between the established Minimum Principal Building Height and Maximum Principal Building Height;

(5) Outbuilding heights fall between the established Minimum Outbuilding Height and Maximum Outbuilding Height;

(6) Front setbacks fall between the established Minimum Front setback and Maximum Front setback;

(7) Minimum Rear Setbacks, Principal Building and Minimum Rear Setback, Outbuilding are no less than the distances established herein; and

(8) Minimum Side Setbacks are no less than the distances established herein.

b. All lots meeting the definition of "Lot, Corner" established in the Zoning Ordinance shall be permitted a Maximum Lot Width of five (5) feet greater than the distance contained herein or within Table II.

(Ord. No. 27-08 Revised Effective 10/2/08)

c. All lots located on cul-de-sacs shall be permitted a minimum lot frontage equal to one-fifth (0.2) times the permitted minimum lot width, but not less than twenty (20) feet, provided that the rear lot line is equal to or greater than the required minimum lot width and that all other regulations herein are met.

d. Porch requirements shall be determined within Table II.

(Ord. No. 27-08 Revised Effective 10/2/08)

e. Encroachment of porches and other building elements into the required Front and Rear Setbacks shall be determined within Table II.

(Ord No. 27-08 Revised Effective 10/2/08)

**Table II**

| | Hillside | Estate | Carriage | Cottage | Townhome |
|---|---|---|---|---|---|
| Min. Lot Width | 125 ft. | 75 ft. | 50 ft. | 30 ft. | 18 ft |
| Max. Lot Width | none | 124.99 ft. | 74.99 ft. | 49.99 ft. | 29.99 ft. |
| Min Lot Depth | 200 ft. | 125 ft. | 120 ft. | 110 ft. | 45 ft. |
| Max Lot Depth | none | 260 ft. | 225 ft. | 200 ft | 180 ft. |
| Min Lot Size | 25,000 sf. | 9,375 sf. | 6,000 sf. | 3,300 sf. | 810 sf. |
| Max Lot Size | none | 24,999 sf. | 9,374 sf. | 5,999 sf. | 3,299 sf. |
| Min. principal building height | 15 ft. | 24 ft. | 15 ft. | 15 ft. | 15 ft. |
| Max principal building height | 42 ft. | 42 ft. | 42 ft. | 42 ft. | 42 ft. |
| Min. *outbuilding* height | 14 ft. | 14 ft. | 14 ft. | 14 ft. | 14 ft. |
| Max. *outbuilding* height | Outbuilding height shall not exceed the lesser of the planned/constructed principal building height or 25 ft. | | | | |
| Min *Front setback* | 50 ft. | 20 ft. | 20 ft. | 10 ft. | 0 ft. |
| Max. *Front setback* | none | 50 ft. | 30 ft. | 20 ft. | 20 ft. |
| Min. Rear Setback, Principal Building | 20 ft. | 20 ft. | 20 ft. | 5 ft. | 5 ft. |
| Min. Rear Setback, *Outbuilding* | 20 ft. | 20 ft. | 5 ft. | 5 ft. | 0 ft. |
| Minimum Side Setback | 30 ft. | 15 ft. | 5 ft. | 0 ft, if 10 ft between buildings | 0 ft. or 10 ft. |

(u) Multifamily Lot Type Regulations.

The following additional regulations shall apply to Multifamily Lots.

1. Permitted Principal Uses:

The following principal uses are permitted:

a. Multiple-family dwellings.

b. Two-family dwellings, three-family dwellings, and four-family dwellings.

c. Townhouses.

d. Assisted-Care Living Facilities.

2. Permitted Accessory Uses.

a. Any use customarily incidental to the permitted principal use.

b. Automobile parking.

c. Signs, as set forth in the Zoning Ordinance for Residential Districts.

3. Area, Height, Bulk and Placement Regulations:

Table II shall establish area, height, bulk and placement regulations for Multifamily Lots. Unless indicated, all regulations contained in Table II apply to both principal buildings and outbuildings. Per Section 9.04(c), these regulations may be further limited provided that:

a. Lots located on cul-de-sacs shall provide not less than twenty (20) feet of street frontage;

b. Lot widths fall between the established Minimum Lot Width and Maximum Lot Width;

c. Lot depths fall between the established Minimum Lot Depth and Maximum Lot Depth;

d. Lot sizes fall between the established Minimum Lot Size and Maximum Lot Size;

e. Principal building heights fall between the established Minimum Principal Building Height and Maximum Principal Building Height;

f. Outbuilding heights fall between the established Minimum Outbuilding Height and Maximum Outbuilding Height;

g. Front setbacks fall between the established Minimum Front setback and Maximum Front setback;

h. Minimum Rear Setbacks, Principal Building and Minimum Rear Setback, Outbuilding are no less than the distances established herein; and

i. Minimum Side Setbacks are no less than the distances established herein.

**Table III**

| | Multifamily | Neighborhood Commercial | Village Commercial | Community Commercial |
|---|---|---|---|---|
| Min. Lot Width | 18 ft. | 18 ft. | 18 ft. | 18 ft. |
| Max. Lot Width | none | none | none | none |
| Min Lot Depth | 45 ft. | 45 ft. | 45 ft. | 45 ft. |
| Max Lot Depth | none | none | none | none |
| Min Lot Size | 810 sf | 810 sf | 810 sf | 810 sf |
| Max Lot Size | none | none | none | none |
| Min. principal building height | 18 ft. | 18 ft. | 18 ft. | 18 ft. |
| Max principal building height | 55 ft. | 42 ft. | 55 ft. | 55 ft. |
| Min. *outbuilding* height | 14 ft. | 14 ft. | 14 ft. | 14 ft. |
| Max. *outbuilding* height | Outbuilding height shall not exceed the lesser of the planned/constructed principal building height or 25 ft. | | | |
| Min *Front setback* | 0 ft. | 0 ft. | 0 ft. | 0 ft. |
| Max. *Front setback* | 15 ft. | 15 ft. | 15 ft. | 30 ft. |
| Min. Rear Setback, Principal Building | 5 ft. | 5 ft. | 5 ft. | 20 ft. |
| Min. Rear Setback, *Outbuilding* | 5 ft. | 5 ft. | 5 ft. | 5 ft. |
| Minimum Side Setback | 0 ft, if 10 ft between buildings | 0 ft, if 10 ft between buildings | 0 ft, if 10 ft between buildings | 0 ft, if 10 ft between buildings |

(v) Neighborhood Commercial Lot Type Regulations.

The following additional regulations shall apply to Neighborhood Commercial Lots:

1. The following principal uses are permitted:

a. Flexhouses.

b. Multiple-family dwellings.

c. Assisted-Care Living Facilities.

d. Restaurants, tea rooms, café, other places serving food or beverage, and similar uses, not to exceed eight thousand (8,000) square feet in floor area.

e. Small retail businesses not to exceed eight thousand (8,000) square feet in floor area, and whose primary purpose is to serve the surrounding residential neighborhood, including, but not limited to:

(1) Apparel and accessory stores.

(2) Book and stationary stores.

(3) Camera, photographic supply.

(4) Cloth shops and sundries.

(5) Computer, electronic and video sales and service.

(6) Florists and garden supply stores.

(7) Furniture and home furnishing stores.

(8) Gifts, novelty and souvenir shops.

(9) Hardware stores.

(10) Ice cream parlors.

(11) Luggage and leather goods stores.

(12) Music stores.

(13) Optical goods stores.

(14) Sporting good stores.

f. Service establishments not to exceed three thousand (3,000) square feet in floor area including, but not limited to:

(1) Barbershops.

(2) Beauty shops.

(3) Dry cleaning, not including self service laundromats.

(4) Shoe repair and shoe shine shops.

g. Open air business uses including, but not limited to:

(1) Rental services for bicycles.

(2) Retail sale of fruits, vegetables, plants and flowers.

(3) Seasonal ice skating rinks.

h. Office uses including but not limited to: executive, administrative, medical, professional, accounting, banking, writing, clerical, stenographic, drafting, graphics arts, sales and similar uses.

i. Veterinary clinics and small animal hospitals, provided there are no pens or runs outside a building.

2. Permitted Accessory Uses.

a. Any use customarily incidental to the permitted principal use.

b. Automobile parking.

c. Signs: The following signs, as defined by the Zoning Ordinance are permitted on Neighborhood Commercial Lots, provided that the total combined area of all signs shall not exceed one-quarter (0.25) square feet per linear foot of the front face of the building:

(1) Multi-occupancy facility signs;

(2) Wall signs; and

(3) Window signs.

3. Drive through facilities are permitted, subject to the regulations contained in Section 9.04(m)(6).

4. Area, Height, Bulk, and Placement Regulations:

Table III shall establish area, height, bulk and placement regulations for Neighborhood Commercial Lots. Unless indicated, all regulations

contained within the table apply to both principal buildings and outbuildings. Per Section 9.04(c), these regulations may be further defined by lot type provided that:

a. Lot widths fall between the established Minimum Lot Width and Maximum Lot Width;

b. Lot depths fall between the established Minimum Lot Depth and Maximum Lot Depth;

c. Lot sizes fall between the established Minimum Lot Size and Maximum Lot Size;

d. Principal building heights fall between the established Minimum Principal Building Height and Maximum Principal Building Height;

e. Outbuilding heights fall between the established Minimum Outbuilding Height and Maximum Outbuilding Height;

f. Front setbacks fall between the established Minimum front setback and Maximum front setback;

g. Minimum Rear Setbacks, Principal Building and Minimum Rear Setback, Outbuilding are no less than the distances established herein; and

h. Minimum Side Setbacks are no less than the distances established herein.

5. All buildings located on neighborhood commercial lots shall meet Storefront Character requirements.

(w) Village Commercial Lot Type Regulations.

The following additional regulations shall apply to Village Commercial Lots:

1. Permitted Principal Uses:

The following principal uses are permitted:

a. All Permitted Principal Uses permitted within the Neighborhood Commercial Lot Type.

b. Townhouses with no more than twelve (12) attached units.

c. Small retail businesses not to exceed eight thousand (8,000) square feet in floor area and whose primary purpose is to serve the surrounding residential neighborhood, including:

(1) Those included within the Neighborhood Commercial Lot Type.

(2) Retail liquor stores.

d. Medium-sized retail businesses not to exceed thirteen thousand (13,000) square feet in floor area and whose primary purpose is to serve the surrounding residential neighborhood, including:

(1) Those included within the Neighborhood Commercial Lot Type.

(2) Drugstores.

(3) Retail food stores.

e. Nightclubs, dance clubs, taverns, private clubs, lodges and similar uses not to exceed eight thousand (8,000) square feet in floor area. Nightclubs within this district shall not be subject to distance requirements otherwise required by the Zoning Ordinance.

f. Including but not limited to office, showroom and workshops of a dressmaker, baker, decorator, electrician, plumber, printer, upholsterer or an establishment doing photographic reproduction, laundering, dyeing, cleaning, radio or home appliance repair, and similar establishments that require a retail adjunct of not more objectionable character provided that the total combined floor area of such use does not exceed two thousand (2,000) square feet in floor area and provided that not more than five (5) persons shall be employed at any time.

g. Public schools and public libraries.

h. Enclosed theaters, assembly halls, concert halls, dance halls, bowling alleys, skating rinks or similar recreation uses or places of assembly.

i. Clinics, convalescent homes, assisted living facilities, but excluding animal hospitals and penal or correctional institutions.

j. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic or professional clubs, except where a principal activity thereof is a service customarily carried on as a business.

k. Family day care homes, childcare centers and private educational institutions.

l. Filling stations with a maximum of four (4) fueling dispenser structures and with a maximum of eight (8) fueling position spaces subject to the regulations contained in Section 9.04(i)(12).

m. Off-street parking lots, subject to the additional regulations set forth in Section 9.04 and the Zoning Ordinance.

2. Permitted Accessory Uses.

a. Any use customarily incidental to the permitted principal use.

b. Automobile parking.

c. Signs: The following signs, as defined by the Zoning Ordinance, are permitted on Village Commercial Lots, provided that the total combined area of all signs shall not exceed one-half (0.5) square feet per linear foot of the front face of the building:

(1) Multi-occupancy facility signs;

(2) Neon illuminated signs;

(3) Wall signs; and

(4) Window signs.

3. Drive through facilities are permitted, subject to the regulations contained in Section 9.04(m)(6).

4. Area, Height, Bulk and Placement Regulations:

Table III shall establish area, height, bulk and placement regulations for Village Commercial Lots. Unless indicated, all regulations contained within the table apply to both principal buildings and outbuildings. Per Section 9.04(c), these regulations may be further defined by lot type provided that:

a. Lot widths fall between the established Minimum Lot Width and Maximum Lot Width;

b. Lot depths fall between the established Minimum Lot Depth and Maximum Lot Depth;

c. Lot sizes fall between the established Minimum Lot Size and Maximum Lot Size;

d. Principal building heights fall between the established Minimum Principal Building Height and Maximum Principal Building Height;

e. Outbuilding heights fall between the established Minimum Outbuilding Height and Maximum Outbuilding Height;

f. Front setbacks fall between the established Minimum Front setback and Maximum Front setback;

g. Minimum Rear Setbacks, Principal Building and Minimum Rear Setback, Outbuilding are no less than the distances established herein; and

h. Minimum Side Setbacks are no less than the distances established herein.

5. Unless otherwise regulated in Attachment A: Lot Requirements, building height shall not include steeples, towers, cupolas or similar structures when located on a building entirely occupied by the following permitted principal uses:

a. Public schools and public libraries.

b. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic or professional clubs, except where a principal activity thereof is a service customarily carried on as a business.

(x) Community Commercial Lot Type Regulations.

The following additional regulations shall apply to Community Commercial Lots.

1. Permitted Principal Uses:

The following principal uses are permitted:

a. Flexhouses.

b. Multiple-family dwellings.

c. Assisted-Care Living Facilities.

d. Two-family dwellings, three-family dwellings and four-family dwellings.

e. Townhouses.

f. Any retail business, whose principal activity is the sale of new merchandise in an enclosed building.

g. Open air business use as follows:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(2) Retail sale of fruit and vegetables.

(3) Retail sale of automobiles, house trailers and boats.

(4) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, children's amusement park, theater or similar recreation uses.

(5) Rental services for bicycles, trailers, motor vehicles, or home improvement.

h. Office building uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting, graphic arts and sales.

i. Office, showroom and workshop of a plumber, electrician, decorator, dressmaker, tailor, baker, printer, upholsterer or an establishment doing photographic reproduction, laundering, dyeing, cleaning, radio or home appliance repair, and similar establishments that require a retail adjunct of no more objectionable character subject to the following provisions: not more than five (5) persons shall be employed at any time in the manufacturing or processing activities of such establishments.

j. Restaurant, tea room, cafe or other place serving food or beverage.

k. Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall, bowling alley, skating rink or similar recreation use or place of assembly.

l. Service establishments such as:

(1) Dry cleaning, not including self service laundromats.

(2) Shoe repair and shoe shine shops.

(3) Barber shops.

(4) Beauty shops.

m. Clinic, mental health clinic, but excluding animal hospital, penal or correctional institutions.

n. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic or professional club except where a principal activity thereof is a service customarily carried on as a business.

o. Filling stations subject to the regulations contained in Section 9.04(i)(12), off-street parking lot and general garage.

p. Public and semipublic uses, including any municipal, state or federal use; and public utility structures or uses (excluding equipment and material storage yards).

q. Commercial greenhouses or nurseries.

r. Hotels, motels or tourist homes.

s. Family day care homes, childcare centers, and private education institutions.

t. Drive through facilities are permitted subject to the regulations contained in Section 9.04(m)(6).

2. Permitted Accessory Uses:

a. Any use customarily incidental to permitted principal uses.

b. Automobile parking.

c. Signs: The following signs, as defined by the Zoning Ordinance, are permitted on Community Commercial Lots, provided that the total combined area of all signs shall not exceed one (1) square foot per linear foot of the front face of the building:

(1) Multi-occupancy facility signs;

(2) Neon illuminated signs;

(3) Wall signs; and

(4) Window signs.

3. Area, Height, Bulk and Placement Regulations:

Table III shall establish area, height, bulk and placement regulations for Community Commercial Lots. Unless indicated, all regulations contained within the table apply to both principal buildings and outbuildings. Per Section 9.04(c), these regulations may be further defined by lot type provided that:

a. Lot widths fall between the established Minimum Lot Width and Maximum Lot Width;

b. Lot depths fall between the established Minimum Lot Depth and Maximum Lot Depth;

c. Lot sizes fall between the established Minimum Lot Size and Maximum Lot Size;

d. Principal building heights fall between the established Minimum Principal Building Height and Maximum Principal Building Height;

e. Outbuilding heights fall between the established Minimum Outbuilding Height and Maximum Outbuilding Height;

f. Front setbacks fall between the established Minimum Front setback and Maximum Front setback;

g. Minimum Rear Setbacks, Principal Building and Minimum Rear Setback, Outbuilding are no less than the distances established herein; and

h. Minimum Side Setbacks are no less than the distances established herein.

4. Unless otherwise regulated in Table III, building height shall not include steeples, towers, cupolas or similar structures when located on a building entirely occupied by the following permitted principal uses:
(Ord. No. 27-08 Revised Effective 10/2/08)

a. Public schools and public libraries.

b. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic or professional clubs, except where a principal activity thereof is a service customarily carried on as a business.

(y) Storefront Regulations.

All buildings located within a "Storefront Area" as shown on the Master Plan and Subarea Master Plan shall provide a storefront character on the first floor adjacent to the sidewalk. All buildings, including parking decks, with a storefront character shall meet the following requirements:

1. Such area shall only be required on Neighborhood Commercial, Village Commercial and Community Commercial Lots.

2. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.

3. Fenestration shall be provided for a minimum of seventy-five (75%) percent of the length of the frontage:

   a. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk;

   b. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or

   c. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.

4. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. The glass portion of entrances may be counted towards fenestration requirements.

(Ord. No. 2-02 Revised Effective 1/17/02)

Section 9.05 PUD, Planned Unit Development Districts

(a) General Provisions

1. Intent and Purpose

The purpose of the planned unit development (PUD) district is to allow the creation of a more desirable environment within residential and commercial districts through the application of flexible and diversified land development techniques under a comprehensive plan and program that is professionally prepared. This procedure is intended to provide opportunities for more efficient utilization of land than would otherwise be the case under the conventional provisions of the Zoning Ordinance. In return, the PUD districts require a high standard for the protection and preservation of environmentally sensitive lands, well planned living, working and shopping environments and the timely provision of essential utilities and streets.

PUDs are intended to be the vehicle for the application of new techniques and technology to community development. The PUD is not intended as a mechanism for blanket reduction of setbacks below that allowed by the base zoning district of the PUD.

The objective of PUDs is to achieve excellence in physical, social and economic planning by including:

a. An orderly and creative arrangement of all land uses with respect to each other and to the entire community;

b. A planned integrated comprehensive transportation system providing for separation of pedestrian and vehicular traffic;

c. The provision of recreational facilities;

d. Efficient use of land resources and conservation of environmentally sensitive areas;

e. The provision of adequate and well-designed open space; and

f. The staging of development in a manner that can be accommodated by the timely provision of public utilities, facilities and services.

The Planning Commission shall evaluate applications for PUDs in accordance with these purposes and intents.

An important feature of the PUD concept is to give the developer reasonable assurance of ultimate approval before expending complete design monies while providing City officials with assurance that the project shall retain the character envisioned at the time of preliminary approval.

2. Consistency with the Comprehensive Plan and Area Master Plans

No PUD shall be approved unless all plans for development are found to be consistent with the then current version of the Comprehensive Plan for the City and any adopted special Master Plan for the area in which the development is proposed. The Planning Commission shall make a finding regarding the consistency of any proposed PUD, said report to include findings that the development:

a. Will be consistent with the currently effective Comprehensive Plan as well as any special Master Plan for the area;

b. Is likely to be compatible with development permitted under the general development provisions of the Zoning Ordinance; and

c. Will not significantly interfere with the use and enjoyment of other land in the vicinity.

3. Application of the District

A PUD overlay district may be applied over any residential, office or commercial zoning district established in Articles V through IX of the Zoning Ordinance.

4. Relation of Planned Unit Development Regulations to General Zoning, Subdivision or Other Regulations; Variations on Equal Satisfaction of Public Purposes

The PUD regulations that follow shall apply generally to the initiation and regulation of all PUD districts. Where there are conflicts between the special PUD regulations herein and general zoning, subdivision or other regulations or requirements, these regulations shall apply in PUD districts.

Where actions, designs or solutions proposed by the applicant are not literally in accordance with applicable PUD or general regulations, but the Planning Commission makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Planning Commission may make specific modification of the regulations in the particular case.

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

5. Jurisdiction of Planning Commission and Board of Zoning Appeals

Activities which require special exception permits under various provisions of this ordinance may be allowed within PUDs during the initial build-out of said developments provided that the locations, nature and extent of such activities are approved initially by the Planning Commission and by City Council as part of the Master Plan or any subsequent amendment thereto. Upon seventy five percent (75%) completion of the residential units within said development, the Board of Zoning Appeals may approve special exceptions or variances in the manner specified in Chapter 10 of the Zoning Ordinance within all residential PUDs. Within nonresidential PUD districts, the Planning Commission shall act on all special exceptions and variances.

6. Ownership and Division of Land

No tract of land may receive approval as a PUD unless such tract is under the unified control of a landholder. Unless otherwise provided as a condition of approval of a PUD, the landholder of an approved PUD may divide and transfer parts of such development.

The transferee shall complete each such unit and shall use and maintain it in strict conformance with the adopted Master Plan.

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

a. To proceed with the proposed development according to the regulations in effect when the map amendment creating the PUD district becomes effective and with such modifications as are set by City Council in the course of such action;

b. To provide bonds, dedications, guarantees, agreements, contracts and deed restrictions acceptable to City Council in the course of such action; and

c. To bind further successors in title to any commitments made under Section 9.05 (a)(6)(a) or Section 9.05 (a)(6)(b).

7. Staging of Development

The Planning Commission may elect to permit staging of the land development process within a PUD, in which case the following provisions shall apply:

a. Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent stages will have no adverse impact on the PUD or surrounding properties; and

b. Each stage of the development shall, at the time of approval of any site plan for any portion of that stage, be assured adequate public services to serve all development proposed for that stage.

(b) Administrative Procedure Governing Planned Unit Developments

1. Purpose and Intent

The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all PUDs provided for by this section.

2. Pre-application Conference

Prior to filing an application for approval of a PUD, the applicant shall confer with the City Manager or the City Manager's designee concerning policy and procedure relative to the application. The Community Development Director shall arrange a formal meeting at which the applicant or their representative shall meet with other staff persons who will be involved in reviewing and recommending action on the proposed plan of development.

(c) Application for Preliminary Approval

Application for preliminary approval shall be made by the landholder of the affected property or the landholder's authorized agent to the Community Development Department in accordance with such written general rules regarding general procedure, the form of application and the required information

as the Planning Commission may determine, provided they are consistent with the requirements set forth in Section 9.05 (d).

(d) Preliminary Master Plan of a Planned Unit Development

The Preliminary Master Plan for the proposed PUD shall be a general concept plan, which shall include the following:

1. Sufficient information to disclose:

   a. The location and size of the area involved.

   b. The existing topography of the area involved.

   c. Location of transportation routes including streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas.

   d. Location and approximate dimensions of structures, other than one- and two-family detached dwellings, including approximate height, bulk and the utilization of structures including activities and the number of living units.

   e. Estimated population density and extent of activities to be allocated to parts of the project.

   f. Reservations for public uses including schools, parks and other open spaces.

   g. Other major landscaping features.

   h. The general means of the disposition of sanitary wastes and storm water.

   i. The type and proposed use for any common open space included within the proposed development. Such information shall be sufficient to meet the requirements of Section 9.05 (s)(1).

   j. The ownership of all property proposed for incorporation within the PUD district. A copy of all deeds along with written documents signed by all property owners indicating willingness to abide by the approved Master Plan.

   k. The base zone district(s) proposed for inclusion within the PUD.

   l. A listing of land uses proposed for the development.

   (Note: In an effort to increase the marketability of nonresidential sites located within PUD districts, the applicant may submit a list of alternative land uses, other than the uses shown on the plan, for such sites. Any such listing may contain only land uses permitted within the

base zoning district(s) which the planned development district overlays and may be further limited.)

2. A tabulation of the land area to be devoted to various uses and activities and overall densities.

3. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property.

4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, drainage ways and common open space.

5. A staging schedule is required when it is proposed that the Final Master Plan will be submitted in stages.

If the application is deemed incomplete by City staff, a written request shall be made for further information. In such case the application shall be held in abeyance until deemed complete. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

(e) Planning Commission Action on Preliminary Master Plan Application for Planned Unit Development

The Planning Commission, shall take action on the Preliminary Master Plan application by any one of the following:

1. Approval;

2. Conditional approval, in which the Planning Commission expressly denotes modifications which must be a part of the Master Plan approval; or

3. Disapproval.

(f) Conditional Approval – Applicant's Response

When the Planning Commission's action is conditional approval, the Planning Commission shall specifically note in its' minutes the conditions or modifications which must be complied with in order that the proposed PUD Master Plan receive approval. The applicant may make a written response concurring with the required modifications, in which case the master PUD is deemed to have Planning Commission approval, at the date of receipt of said written concurrence. When the applicant makes a negative reply or does not reply within forty-five (45) days of the date of conditional approval, the PUD shall be deemed as disapproved unless such time limit is extended by a specific action of the Planning Commission upon a written request of the applicant. In the event of a

recommendation for disapproval, the applicant may, at the applicant's option, proceed to City Council with the request.

(g) Action by City Council

Upon completion of review of a Preliminary Master Plan, the Planning Commission shall forward its report and recommendations to City Council for action. Upon receipt of the Planning Commission's report, City Council shall consider such report and recommendations, the Master Plan and such other information as City Council may require. City Council shall hold such required hearings and otherwise proceed in the manner prescribed for consideration of an amendment to the Zoning Ordinance.

In any instance where City Council may act to approve a proposed development, which the Planning Commission has recommended for disapproval or conditionally approved, City Council shall provide specific guidance as to:

1. Overall design of the plan;

2. Any modifications required; and

3. Any additional information related to a condition of City Council, which may be required by the Planning Commission in order for it to determine substantial compliance between the preliminary and Final Master Plan.

(h) Planned Unit Development and the Official Zoning Map

Upon approval by City Council, the Community Development Department staff shall place the extent of the PUD district on the official zoning map identified by the ordinance number providing approval. Similarly in the instance of action by City Council, after receiving a recommendation from the Planning Commission abolishing or canceling the PUD, the Community Development Department staff shall remove the PUD district from the official zoning map.

(i) Addition of Land Uses Not Included Within An Approved Preliminary Master Plan or Listing of Alternative Uses Allowable Within the Base Zoning District

The proposed addition of any use not authorized within an approved preliminary plan and accompanying listing of alternative nonresidential land uses that is allowable within the base zoning district wherein such use is proposed may be added to the plan only when approved as provided herein. The Planning Commission shall hear all such proposed amendments. The Planning Commission's action on the request for change shall be in the form of a submission of a recommendation to City Council for amendment to the approved Master Plan. A report detailing the action recommended by the Planning Commission shall accompany the submission to City Council. City Council shall hold a public hearing for all residents and other interested parties prior to any final action on any amendment proposed hereunder.

(j) Approval of the Final Master Plan of the Planned Unit Development

The approval by City Council of the Preliminary Master Plan of the PUD shall authorize and form the basis for the Planning Commission's final approval of said development. Final approval by the Planning Commission of the PUD shall be subject to the procedures and requirements of this subsection.

1. Application for Final Approval

Following approval of a Preliminary Master Plan by City Council, the landholder shall make application to the Planning Commission for approval of Final Master Plans for all or a portion, provided the portion is consistent with the staging schedule approved with the Preliminary Master Plan of the proposed PUD. In the event the entire PUD is less than thirty (30) acres, the Planning Commission has the option of waiving the requirement for a Final Master Plan. No action shall be taken on any Final Master Plan for any portion of a PUD until the landholder demonstrates that all land included within the portion of the plan covered by the Final Master Plan is owned by the landholder and that any options have been closed.

The application for approval of Final Master Plans shall include all aspects of the Preliminary Master Plan application, the proposed Final Master Plan, other required drawings, specifications, covenants, easements and conditions and forms of bond as were set forth by the Planning Commission as part of the final development approval. Copies of legal documents required by the Planning Commission for dedication or reservation of common open space and/or for the creation of a nonprofit association shall also be submitted.

2. Final Approval of Stages

The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large PUD, in compliance with the staging plan approved as part of the Preliminary Master Plan.

3. Final Master Plan of a Planned Unit Development

The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, the following:

a. Final Master Plan drawings at a scale no smaller than one (1) inch to two hundred (200) feet indicating:

(1) The anticipated finished topography of the area involved. This does not need to be based upon field survey data.

(2) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the PUD and to and from existing thoroughfares. This plan shall specifically include: width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern.

(3) An off-street parking and loading plan indicating ground coverage of parking areas.

(4) Areas proposed to be conveyed, dedicated or reserved for parks, parkways and other public or semi-public open space uses including any improvements, which are to be deeded as part of any common use area. Such information shall include general designs indicating all intended uses, equipment and facilities as specified in Section 9.05 (v)(6)(d)(i).

(5) Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed PUD.

(6) Within nonresidential developments, a plan for each building site showing the approximate location of all buildings, structures and improvements and indicating the open spaces around buildings and structures. Within residential developments, typical building envelopes shall be shown.

(7) A plan for proposed utilities including sewers (both sanitary and storm), gas lines, water lines, fire hydrants and electric lines showing proposed connections to existing utility systems.

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

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

c. A tabulation of proposed densities to be allocated to various parts of the area to be developed.

d. Final drafts of all proposed covenants and grants of easement, which are proposed for filing with final plats. Such documents shall be in a form approved by the City's Legal Department.

e. Final drafts of all proposed documents creating a homeowner's association or similar organization created for the purpose of owning and maintaining any common open space of facilities associated therewith.

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

If the application is deemed incomplete by City staff, a written request shall be made for further information. In such case, the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

4. Action on Final Plan

In reviewing a Final Master Plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance (see Section 9.05 (k)) with the previously approved master plan. Secondly, all new information must be reviewed to determine its quality and compliance with all substantive requirements of this ordinance.

a. Review Procedure

(1) Application for final approval shall be made to the Planning Commission.

(2) The completed final plan must be submitted to the Community Development Department. Seven (7) copies of the plan and related documents shall initially be required for staff review. Additional copies shall be required for distribution to the Planning Commission.

(3) The Planning Commission may approve the final plan if it finds:

i. That the final plan meets the provisions for substantial compliance with the master plan set forth in Section 9.05 (k); and

ii. That the plan complies with all other standards for review which were not considered when the Preliminary Master Plan was approved.

5. Approval with Modification

Should the Planning Commission require any modification in the Final Master Plan or any portion thereof including covenants, etc., such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the Final Master Plan.

6. Filing of an Approved Final Master Plan

Upon formal action by the Planning Commission approving a Final Master Plan, or in the instance of conditional final approval, upon acceptance of the modifications as set forth in Section 9.05 (j)(5), said plan and all maps, covenants, and other portions thereof, shall be filed with the Community Development Department and other City departments as needed.

7. Disapproval

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

(k) Determination of Substantial Compliance

The Final Master Plan shall be deemed in substantial compliance with the Preliminary Master Plan provided modifications by the applicant do not involve changes which in the aggregate:

1. Violate any provisions of this section;

2. Vary the lot area requirement as submitted in the master plan by more than ten percent (10%);

3. Involve a reduction of more than five percent (5%) of the area shown on the master plan as reserved for common open space and/or usable open space;

4. Increase the floor area proposed in the master plan for nonresidential use by more than five percent (5%);

5. Increase the total ground area covered by buildings by more than two percent (2%); or

6. Involve any land use not specified on the approved master plan or the alternative list of uses for nonresidential sites.

In any instance wherein a Final Master Plan, including minor changes authorized under the provision of Section 9.05 (p) is found to not meet the test of substantial compliance as set forth herein, such plan may only be approved upon adoption of appropriate amendments to the adopted plan.

(l) Failure to Begin Planned Unit Development

If no actual construction has begun in the PUD within three (3) years from the date of approval of the Final Master Plan, or section thereof, said approval shall lapse and be of no further effect; however, the PUD overlay district remains in effect unless rescinded by City Council. No further developmental activity may take place until the existing master plan is reinstated to an active status or a revised master plan meeting all conditions of approval of the original plan is approved.

(m) Maintaining a Current Master Plan

Construction may take place only within such portion(s) of a PUD for which a current Final Master Plan is in effect. In spite of prior approvals, no action shall be taken in furtherance of any plan for a PUD for which a current Final Master Plan is not in effect. In any instance where the approval of such plans may have lapsed due to noncommencement of actual construction (see Section 9.05 (l)) the following actions may be taken:

1. Reinstatement of Previously Approved Master Plan

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

2. Amending a Lapsed Master Plan

In the event that actual construction may not have begun, approval of the Master Plan shall have lapsed and revisions and/or alterations are proposed that exceed the minor site modifications authorized by Section 9.05 (p) and thus would require amendment of the plan, such action may be accomplished only with the approval of a new master plan.

3. Rescinding of Previously Approved Master Plan

The Final Master Plan may be rescinded by City Council upon receiving a recommendation by the Planning Commission. If the Final Master Plan is rescinded, the zoning reverts back to the zoning designation in effect before the PUD was approved.

(n) Enforcement of the Development Schedule

The construction and provision of all common open spaces and public and recreational facilities which are shown on the Final Master Plan must proceed at no slower a rate than the construction of dwelling units or other structures of a commercial nature. From time to time, the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units

or other commercial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then either or both of the following actions may be taken:

1. The Planning Commission shall cease to approve any additional final plats; and/or

2. The City shall discontinue issuance of building permits.

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

(o) Building Permits and Use and Occupancy Permits

Building permits and use and occupancy permits shall be issued for uses, buildings and other structures in PUDs in accordance with this section; otherwise, permits and certificates shall be issued in accordance with the other applicable provisions of the Zoning ordinance.

1. Site plans

Site plans shall be required.

2. Building Permits

A building permit shall be issued for structures, buildings, activities or uses only in strict compliance with the adopted Final Master Plan of the particular PUD, including the conditions of approval. No building permit shall be issued for the area included in a PUD until the Final Master Plan has been adopted and the final plat recorded.

3. Use and Occupancy Permits

A use and occupancy permit may be issued only when the Community Development Department determines that the structure, building, activity or use as a part of a PUD conforms with the adopted Final Master Plan, including the conditions of its approval.

(p) Minor Site Modifications to an Adopted Final Planned Unit Master Plan

Minor modifications in the terms and conditions of the adopted Final Master Plan may be made from time to time as provided in this subsection. Any proposed modification that is not permitted under these provisions may be approved only as an amendment to the adopted Final Master Plan.

1. Minor Modifications During Construction

The Director of Community Development may approve minor modifications in the location, siting and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the Final Master Plan was approved, so long as no modification violates the basic policy and concept or bulk and open space regulations of the PUD as presented in the master plan. The total of such modifications approved by the Director of Community Development shall never in the aggregate result in:

a. Any increase in the number of residential units;

b. An increase of more than ten (10) percent in the floor area proposed for nonresidential use of a commercial nature;

c. An increase of more than ten (10) percent in the total ground area covered by buildings; or

d. A reduction of more than four (4) percent in the area set aside for common open space.

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

2. Subjects Not Included for Modification

The proposed addition of any use not approved in the Final Master Plan as well as any increases in the number of dwelling units permitted, building height, decreases in the parking requirements and vision clearance area are not subjects for adjustments by City staff. Any proposed modifications of any of the above may be made only as amendments to the adopted Final Master Plan.

3. Minimum Adjustments Only

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

a. Practical Difficulties or Unnecessary Hardship

That strict application of the provisions of Section 9.05 would result in practical difficulties or unnecessary hardships.

b. Extraordinary Circumstances

That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances or conditions do not apply generally to other land, buildings or uses in the same district.

c. Not Detrimental

That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.

d. Health or Safety Not Adversely Affected

That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.

e. Maintains Intent of Section 9.05 and the Master Plan

That such adjustment is within the intent and purpose of Section 9.05 and will not adversely affect the community objectives of the comprehensive plan.

(q) Amendments in an Approved Final Planned Unit Master Plan During the Period of Initial Construction

During the period of actual development or construction of any PUD, (or when developed in stages of any portion of the total development) the provisions of this subsection shall apply to all proposed modifications which exceed the minor adjustments permitted by Section 9.05 (p). Once a PUD, or portion thereof, has seventy-five percent (75%) of the residential units completed, any further changes or alterations shall be governed by the provisions of Section 9.05 (r).

All proposed additions of uses not approved in the Final Master Plan as well as any decreases in the number of parking spaces or vision clearance area shall be subject to these provisions. In addition all minor modifications which exceed the cumulative changes in the ground coverage ratio, etc., permitted under Section 9.05(p) shall be governed by the provisions of this subsection.

1. Addition of Uses Not Authorized in the Approved Master Plan But Allowable Within the Base Zoning District

The proposed addition of any use not authorized within an approved master plan and listing of alternative nonresidential land uses but allowable within the base zoning district wherein such use is proposed, may be added to the plan only when approved as provided herein. The Planning Commission shall hear the proposed amendment and shall forward its recommendation to City Council for action. City Council shall hold a public hearing for all residents and other interested parties prior to any final action on any amendment proposed hereunder.

2. Addition of Residential Density, Floor Area of Nonresidential Uses and All Other Changes (Other Than Changes in Use) Not Authorized in the Approved Master Plan but Allowable Within the Base Zoning District

All proposed additions other than the additions of uses governed by Section 9.05(q)(1), including the addition of residential density or nonresidential use area which exceed the minor changes permitted under Section 9.05(p), and were not authorized in the approved Final Master Plan, but are allowable within the base zoning district, shall be considered as provided, herein.

All amendments to an approved Master Plan proposed under this subsection shall first be presented to the Planning Commission for a recommendation. The Planning Commission shall hear the proposed amendment and shall forward its recommendation to City Council for action. City Council shall hold a public hearing for all residents and other interested parties prior to any final action on any amendment proposed hereunder. Should City Council concur in the proposed amendment to the Final Master Plan, the Planning Commission may adopt said amendment only with an amended preliminary plan as a basis for such action.

(r) Control of Planned Unit Development Following Completion

1. Changes in the Use of Land or Bulk of Structures Within a Planned Development After Completion

After completion of seventy-five percent (75%) of the residential units in a PUD or an approved phase of a PUD, the use of land and the construction, modification or alteration of any buildings or structures within the planned development will be governed by the approved Final Master Plan, to the extent that such provisions are applicable, rather than by any other provisions of the Zoning Ordinance. In any instance where a change in the completed development is proposed, the Planning Commission shall review the Final Master Plan and shall provide an evaluation of the proposed change. Such evaluation shall as a minimum indicate the Planning Commission's findings concerning consistency of the proposed change with the approved Master Plan and impact upon the continued successful operation of such development relative to its original purpose and intent. The Planning Commission shall approve or disapprove the proposed change based upon the Commission's findings or make a recommendation to City Council, as provided for in Section 9.05(r)(1)(a)–(d). No changes may be made in the Final Master Plan unless such are required for the continued successful functioning of the planned development or unless such are required by changes in conditions that have occurred since the final plan was adopted or by changes in the development policy of the community. Changes may be made in the approved Final Master Plan only upon application to the appropriate agency under the procedure below:

a. Any uses not authorized by the approved Final Master Plan, but allowable as a permitted use, a use permitted with supplemental provisions or a special exception in the base zoning district within which the planned development is located, may be added to the recorded Final Master Plan under the procedures provided by this ordinance for the approval of variances and special exceptions within a PUD district. (See Section 9.05(a)(5)).

b. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Master Plan.

c. Changes in the use of common open space may be authorized by an amendment to the final Master Plan provided that no amendment approved hereunder may act to abrogate or annul any covenant which provides for the use, operation or continuance of the common open space.

d. All other changes in the Final Master Plan must be made by City Council, under the procedures authorized by the Zoning Ordinance for amendment of the zoning map.

e. No changes in the Final Master Plan that are approved under this subsection are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

3. Resubdivision of a Planned Unit Development after Completion

A PUD may be subdivided and resubdivided for purpose of sale or lease after the certificate of completion has been issued under the procedures set forth below:

a. If the subdivision or resubdivision of planned development will create a new lot line, the applicant shall make application to the Planning Commission for the approval of a subdivision or resubdivision. The Planning Commission may approve the subdivision or resubdivision of each section of the subdivided or resubdivided planned development if it meets the provisions of Section 9.05 governing density, common open space and dimensional requirements.

b. All sections of a subdivided or resubdivided planned development are to be controlled by the Final Master Plan rather than by the provisions of the Zoning Ordinance that otherwise would be applicable.

c. The owners or lessees of a subdivided or resubdivided planned development may jointly make application for a special exception or for an amendment to the adopted Final Master Plan.

(s) Common Open Space

Any common open space established by an adopted Final Master Plan for a PUD shall be subject to the following:

1. Quality, Use and Improvement of Common Open Space

a. Common open space shall be utilized for amenity, site protection or recreational purposes. Passive open space, active recreational open space and engineered functional elements authorized to be held in common shall be appropriate to the scale and character of the PUD considering its size, developmental density, expected population, topography and other factors.

b. Common open space may not be put to any use not specified in the approved Final Master Plan, unless such plan has been amended by action of City Council upon recommendation of the Planning Commission to specifically allow the change of use. No matter how authorized, no change may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants against any use so permitted are expressly reserved.

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c. Common open space may, subject to approval by the Planning Commission and City Council, consist of improved or unimproved land. All such land shall be designated as to its intended use upon the Final Master Plan, all site plans and all plats.

d. The Final Master Plan shall indicate the intended use of all common open space located within the development. In the case of improved recreational space, such plan shall indicate in detail the design of such spaces along with a listing of all recreational facilities and equipment proposed for location within these spaces.

2. <u>Conveyance of Common Open Space</u>

All land shown on the Final Master Plans as common open space shall be conveyed under one of the following options:

a. The City shall have the first and last offer of dedication of open space in the event said land is to be conveyed. Dedication shall take the form of fee simple ownership. The City may, but shall not be required to, accept open space provided: (i) such land is accessible to the residents of the City; (ii) there is no cost of

acquisition other than the costs incidental to the transfer of ownership, such as title insurance; and (iii) the City agrees to and has access to maintain such lands. Where the City accepts dedication of common open space that contains improvements, the City may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of said improvements.

b. Open space may be conveyed to trustees provided in an indenture establishing an association, funded trust or similar organization meeting the requirements of Section 9.05(s)(3) for the maintenance of the common open space within the planned development. The common open space shall be conveyed to the trust subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the Final Master Plan, and which provide for maintenance of the common open space in a manner that assures its continuing use for its intended purposes.

c. Where any land within an approved PUD district is proposed to be subdivided into residential lots and such site contains improved recreational open space, the recreational open space and all proposed improvements shall be completed and conveyed in the manner provided in Sections 9.05(s)(2)(a) and 9.05(s)(2)(b) at the time of filing of the final plat. In the event said improvements are not completed and conveyed at the time of filing the final plat, a bond must be posted with the City to cover the total cost of constructing said improvements.

d. The common open space and association facilities may be controlled through the use of condominium agreements approved by the City. Such agreements shall be in conformance with applicable State law, rules and regulations. All open space land shall be held as a "common element."

e. The City may, but shall not be required to, accept easements for public use of any portion or portions of undeveloped open space land, title of which is to remain in ownership by a condominium or homeowners' association, provided:

(1) Such land is accessible to city residents;

(2) There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and

(3) A satisfactory maintenance agreement is reached between the developer, condominium association and the City.

f. With the permission of the City, an owner may transfer elements to a private nonprofit organization among whose purposes it is to conserve open space and/or natural resources provided that:

(1) The organization is acceptable to the City and is a bona fide conservation organization with perpetual existence;

(2) The conveyance contains appropriate provisions for proper reverter and retransfer in the event that the organization becomes unwilling or unable to carry out its functions; and

(3) A maintenance agreement acceptable to the City is entered into by the developer and the organization.

3. Requirement for Maintenance Organization

In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission and City Council shall require that the landholder provide for and establish an organization for the ownership and maintenance of any common open space and that such organization shall continue in perpetuity, shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space.

4. Mandatory Provisions Governing Organization and Operation of Homeowners' Association or Maintenance Association

The open space and associated facilities may be held in common ownership by a homeowners' association or maintenance association. The association shall be formed and operated under the following provisions:

a. The developer shall provide a description of the association, including the bylaws and methods for maintaining the open space.

b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer before the sale of any lots within the development.

c. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors in title. The conditions and timing of transferring control of the association from developer to the homeowners shall be identified.

d. The association shall be responsible for maintenance of insurance, including but not limited to liability and property insurance, and taxes on all open space, enforceable by liens

placed by the City on the association. The association may place liens on the property of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.

e. The members of the association shall share equitably the cost of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.

f. In the event of a proposed transfer within the methods here permitted of open space land by the homeowners' association or of the assumption of maintenance of undivided open space land by the City, notice of such action shall be given to all property owners within the development.

g. The association shall have or hire adequate staff to administer common facilities and properly maintain the undivided open space.

h. The homeowners' association may lease open space lands to any other qualified person or corporation for operation and maintenance of open space lands, but such lease agreement shall provide:

(1) That the residents and property owners of the development shall at all times have access to the open space contained therein (except croplands during growing season);

(2) That the undivided open space to be leased shall be maintained for the purposes set forth in Section 9.05;

(3) That the operation of open space facilities may be for residents and property owners only, or may open to the residents of the City, at the election of the developer and/or the homeowners' association, as the case may be; and

(4) That the lease shall be subject to approval of the Board of Directors of the homeowners' association and any transfer or assignment of the lease shall be further subject to approval by the City. Lease agreements so entered upon shall be recorded with the County Register of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the City.

5. Maintenance Standards

a. The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open

space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

b. In the event that the association or any successor organization shall at any time after establishment of a development containing common open space, formal recreational improvements or engineered improvements fail to maintain the undivided open space, formal recreational improvements or engineered improvements in reasonable order and condition in accordance with the Master Plan, and to the same physical state of quality as originally constructed, the City may serve written notice upon the owner of record setting forth the manner in which the owner of record has failed to maintain the undivided open space, formal recreational improvements or engineered improvements in reasonable condition.

6. Failure of Maintenance Organization

In the event that the organization established to own and maintain common open space, formal recreational improvements or engineered improvements, or any successor organization shall at any time after the establishment of the PUD fail to maintain the common open space, formal recreational improvements or engineered improvements in reasonable order and condition in accordance with the adopted Master Plan, the City Manager or the City Manager's designee may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the City shall call upon any public or private agency to maintain the common open space, formal recreational improvements or engineered improvements for a period of one (1) year. When the City determines that the original organization does not have the capability to continue maintenance of common open space, formal recreational improvements or engineered improvements, the agency appointed under the provisions of this subsection may continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, formal recreational improvements or engineered improvements, and shall become a special assessment to the property tax or a lien on said properties. Such lien shall include an administrative fee to compensate the City for staff time which shall not exceed one hundred percent (100%) of the yearly Property Owners Association budget.

7. Assurance Involving the Provision of Common Open Space

The Planning Commission shall require adequate assurance, in a form and manner that it approves, that the common open space, formal recreational improvements or engineered improvements shown on the Final Master Plan will be provided and developed. The following

methods of assurance are illustrative of the types of assurances required. They may be used singly, in combination or in conjunction with other similar methods:

a. The City may accept a Letter of Credit, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown on the approved Master Plan or final plat. This surety is to be presented with the final subdivision plat for the lots served by the open space.

b. The title to the land shown as common open space may be put in escrow. The escrow agreement to provide that the land is to be held in escrow until the Planning Commission has certified to the escrow agent that the planned development has been completed, at which time the common open space is to be conveyed as provided in Section 9.05(s)(2). The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instance the Planning Commission is to certify completion of each stage of the PUD to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space that is conveyed is to be of the same proportions to the total open space provided on the Final Master Plan as the dwelling units that have been built are to the total number of dwelling units which are allowable by the approved Master Plan.

8. Timing for Construction of Common Open Space Improvements

In general, the construction and provision of all common open spaces and public and recreational facilities that are shown on the Master Plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development with the development schedule. If the Planning Commission finds that the rate of construction of dwelling units or commercial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may cease to approve additional final plats and/or the City may discontinue issuance of building permits.

(t) Minimum Performance Standards

In addition to satisfying all other applicable provisions of Section 9.05, approval of a Master Plan shall be based upon a demonstration that the following design and development objectives have been satisfied.

1. Protection of Cultural and Environmentally Sensitive Areas

Approval of a PUD district shall be based upon a demonstration that the proposed Master Plan will result in greater protection and preservation of cultural or environmentally sensitive areas than would otherwise result

under provisions of the base zoning district. Areas to be protected may include undisturbed hillsides in excess of twenty percent (20%) slope, ridgetops and viewsheds, designated wetlands and all floodplain areas along streams, major drains and sinkholes as well as all sites of paleontological, prehistoric, historic and/or archeological significance, to specifically include any properties listed on the National Register of Historic Places.

2. Adequate Streets, Utilities and Drainage

Approval of a PUD district shall be based upon a demonstration that off-site streets, utilities and drainage features will be of adequate capacity to serve the proposed development in a manner that maintains the integrity and operational capacity of these networks to standards equal to or greater than current levels of operation. As a part of a proposal for a PUD district a property owner may offer to improve or otherwise provide adequate facilities to support the proposed intensity of development. All Final Master Plans shall comply with the then current version of the adopted Major Thoroughfare Plan.

3. Coordinated Vehicular Access

Approval of a PUD district shall be based upon a demonstration that the internal traffic circulation system will be adequate to support the operational needs of the development itself in a manner that maintains the integrity and operational capacity of the community's major street network to standards equal to or greater than current levels of operation.

(u) General Development Standards

The following provisions shall be applicable as indicated to all PUDs.

1. Relationship to Other Requirements

Unless otherwise specified in Section 9.05, all requirements and standards established by other provisions of the Zoning Ordinance shall apply to the development and use of properties located within any PUD district. In a case of conflict between the provisions of Section 9.05 and any other provision of the Zoning Ordinance, the provisions of Section 9.05 shall apply within PUD districts.

2. Landscaping and Buffering

Within any PUD, landscaping and buffering shall be provided which meets or exceeds the purposes and intents for such established in Sections 11.03, 13.04 and 13.02. It is intended, however, that within PUD districts, alternative means may be employed to achieve an equal level of protection to that resulting from strict application of the provisions of Sections 11.03, 13.04 and 13.02. Section 9.05 is intended to permit and encourage the use of flexible techniques to achieve a transitional character through site design that minimizes the harmful

impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

3. Parking, Loading and Access

All PUDs shall be subject to the provisions of Article XI, Off-Street Parking and Loading Requirements provided that the Planning Commission may permit a variance from off-street parking and loading requirements in approving a site plan.

4. Neighborhood Relationship

A PUD shall be harmonious and not conflict with surrounding residential neighborhoods. The development shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding residential area and provide a satisfactory relationship of land use with the surrounding residential area, making use of landscaping, screening, open space and the placement of buildings to achieve this end.

5. Architectural Compatibility

All buildings located within any nonresidential PUD shall be designed utilizing a unified overall design concept so as to be architecturally compatible with one another. Examples of architectural features which may be important for ensuring compatibility include building bulk, height, roof slopes, building orientation, overhangs, exterior materials and facades of buildings which front public streets.

6. Application of Supplemental Provisions

In general, the provisions of Article I Section 1.02, Article III Section 3.11 through 3.19, Article XI Sections 11.01 through 11.04, and Article XIV shall apply within any residential PUD district in a like manner as within a similar development located within any base district. Provided, however, that modifications within these standards may be recommended by the Planning Commission and approved by City Council as part of the Master Plan. Any modification approved herein shall provide facilities or standards of design that equal or exceed the specific requirements established in Article I Section 1.02, Article III Section 3.11 through 3.19, Article XI Sections 11.01 through 11.04, and Article XIV.

(v) Residential Development Standards

1. Minimum Size of Residential Planned Unit Development Districts

No residential PUD may contain less than the minimum area, as stipulated herein, unless City Council, upon the recommendation of the Planning Commission, finds that a tract containing less than this minimum is suitable as a PUD by virtue of its historical character, unique

scenic qualities, ecological or topographic features. Whenever a residential PUD is proposed to be located within two (2) or more zoning districts with different required minimum areas, the largest required minimum area shall control.

| Base Zoning District | Minimum Gross Area for Formation of Residential Planned Unit Development District |
|---|---|
| R-1 | 10 Acres |
| R-2 or R-4-A | 8 Acres |
| R-3, R-4-B, R-4-C | 5 Acres |

2. Uses Permitted

The uses permitted within any portion of a residential PUD district shall be restricted to those uses and activities permitted within the base zone district which the planned unit district overlays. Provided, however, that within any district where multi-family dwellings are permitted one and two-family dwellings shall also be permitted.

a. Basic Density Calculations

The overall residential density of a Master Plan shall be established by application of the following table to the respective land area within each underlying district classification. A maximum density shall be assigned to each residential component of the residential PUD, as provided in Section 9.05(v)(2), and made part of the Master Plan.

| Base Zoning District | Dwelling Units per Gross Acre |
|---|---|
| RG-1 | .5 |
| R-1-A | 2.5 |
| R-1-A/B | 3.5 |
| R-1-B | 4.5 |
| R-1-C | 5.5 |
| R-2 | 10.0 |
| R-3 | 15.0 |
| R-4-A | 19.0 |
| R-4-B | 23.0 |
| R-4-C | 32.0 |

b. Assignment of Density

Within any residential PUD district, the total density permitted according to the calculation presented in Section 9.05(v)(3)(a) shall be assigned within the residential PUD district, as follows:

(1) The applicant may select a single zoning district or a series of districts to which density is to be assigned.

(2) The district classification assigned to each phase shall be noted on the Master Plan, each final site plan and all associated subdivision plats.

(3) The maximum density permitted within any portion of the PUD district shall be determined by the district classification assigned to each phase or portion of the plan.

4. Minimum Lot Sizes

a. Interior Lots Occupied by One- and Two-family Detached Dwellings

Unless otherwise stipulated in the approved Master Plan, the minimum size of residential lots occupied by one- and two-family dwellings located entirely within the interior portion of a residential PUD district may be as provided in Table 1, (below).

b. Peripheral Lots

Unless otherwise stipulated in the approved Master Plan, lots within an residential PUD district which abut a boundary of a base residential district shall along all points where such district(s) abut contain at least seventy-five percent (75%) of the minimum lot area and ninety percent (90%) of the lot width required by the adjoining base zoning districts(s).

c. Lots Occupied by One- and Two-Family Attached and Multi-family Dwellings

The size of lots occupied by attached one- and two-family and multi-family dwellings as well as the size and location of open spaces associated therewith shall be as approved within the Master Plan.

5. Bulk and Yard Provisions

The provisions of Section 9.05(v)(5) shall apply to the uses indicated when located within any residential PUD.

a. Bulk Provisions Applicable to All Residential Uses

The following bulk and yard provisions shall apply to all residential uses located within any PUD district.

(1) Maximum Building Height

The building height provisions established for the base zoning district wherein the residential PUD is located shall apply to all buildings unless a building is located

within two hundred (200) feet of the perimeter of the PUD abutting a R-1 or R-2 district, then the maximum height is thirty five (35) feet.

(2) Maximum Floor Area to Lot Area

Principal structures shall be limited to the area of the "Floor Area to Lot Area" as specified in Table 1, below. With the exception of accessory uses permitted in required yards, all portions of the lot beyond the maximum building envelope shall remain open and unobstructed.

b. Minimum Setback

The spacing of buildings and the open spaces associated therewith shall be controlled by the "Minimum Setback" standards established in Table 1 (below).

c. Bulk and Yard Provisions Applicable to All Uses Other Than Residential

For all uses and activities other than residential activities located within any residential PUD, the bulk and yard provisions established for the base zoning district wherein such use is to be located shall apply.

d. Access

PUDs, or sections or parts or phases thereof, containing more than two hundred (200) dwelling units must have a second full means of access which shall afford an alternative means of safe entry to and egress from the development. This second means of access shall be provided either by full access to a public through road or street, other than that on which the primary access is located, or by full access to another point along the primary access road, provided that at each access point a route exiting to another through road or street is available in either direction.

TABLE 1

DENSITY AND BULK CRITERIA STANDARDS FOR
LOTS WITHIN RESIDENTIAL PLANNED UNIT DEVELOPMENTS

| ZONE DISTRICT | RG-1 | R-1-A | R-1-A/B | R-1-B | R-1-C | R-2 | R-3 | R-4-A | R-4-B | R-4-C |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
| I. Minimum Lot Size | | | | | | | | | | |
| With public water, but w/o public sewer | 200,000 S.F. | 2 ac. | 2 ac. | 2 ac. | 2 ac. | N/A | N/A | N/A | N/A | N/A |
| With both public water and sewer | 100,000 | 10,000 | 10,000 | 8,000 | 7,000 | 4,000[3] | N/A | N/A | N/A | N/A |
| | | | | | | | | | | |
| II. Minimum Lot Frontage | | | | | | | | | | |
| On street | 30 | 30 | 30 | 30 | 30 | 30 | 50 | 50 | 50 | 50 |
| On cul-de-sac | 30 | 30 | 30 | 30 | 30 | 30 | N/A | N/A | N/A | N/A |
| | | | | | | | | | | |
| III. Maximum Floor Area to Lot Area | 15% | 20% | 25% | 30% | 30% | 30% | 30% | 35% | 40% | 60% |
| | | | | | | | | | | |
| IV. Minimum Setback | | | | | | | | | | |
| To off-site street | 50 | 30 | 30 | 30 | 30 | 25 | 25 | 25 | 25 | 25 |
| To tract boundary | 50 | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) |
| To internal side lot line | 35 | 10 | 10 | 5 | 5(2) | 5(2) | (2) | (2) | (2) | (2) |
| | | | | | | | | | | |

(1) Same as abutting zone
(2) May be reduced to zero (0) where party wall is used. Buildings to be separated as required by fire regulations.
(3) Minimum lot size per unit.

6. Open Space Requirements

a. General

Within any residential PUD open space shall be provided which is adequate to:

(1) Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses;

(2) Assure adequate space, light and air along with visual and acoustical privacy;

(3) Assure protection of cultural and environmentally sensitive areas; and

(4) Provide space for recreation and enjoyment of the residents.

b. Use of Common Open Space

All open space shown on a Master Plan of any residential PUD shall be indicated as to its intended use. In this regard, common open space may consist of the following:

(1) Cultural and environmental open space.

(2) Improved recreational open space

c. Cultural and Environmental Open Space

Except for those portions of a residential PUD required for the installation of streets and utilities, the following areas may be designated as environmental open space and no development may take place thereon.

(1) Natural slopes of twenty percent (20%) or greater;

(2) Areas classified as Floodplain Districts in Section 9.08 of the Zoning Ordinance and located as determined from field run surveys;

(3) Streams, creeks and major drainage ways (specifically including all "blue line" streams);

(4) Areas classified as wetlands;

(5) Sites of paleontological, prehistoric, historic and/or archeological significance, specifically including all sites of historic or prehistoric human activity such as, but not

restricted to, buildings, stone walls, mounds, forts, earthworks, burial grounds, structures, villages, mines, caves and all locations which are or may be sources of paleontological remains;

(6) All areas which present geological hazards, specifically including those within geologically unstable and karst formations (including sink holes); and

(7) Areas presenting environmentally or ecologically unique resources, including the habitat of any and all threatened or endangered species of plants or animals.

d. Improved Recreational Open Space

In addition to the environmental open space required by Section 9.05(v)(6)(c), open space designed to meet the active and passive recreational needs of the resident population of any residential PUD shall be provided. A minimum of five percent (5%) of the gross area of every residential PUD shall be devoted to improved recreational open space. These areas shall meet the requirements set forth herein:

(1) Plan to Reflect Anticipated Needs of Resident Population

A recreation plan shall be developed and presented with the Final Master Plan for the proposed residential PUD. This plan shall indicate the general demographic characteristics of the anticipated population being targeted by the proposed development. The plan shall identify specific recreational needs associated with the expected future population and shall indicate the manner in which the proposed recreation facilities will fulfill the anticipated needs. In making its evaluation of the adequacy of the facilities proposed within any development the Planning Commission and City Council shall utilize published standards and criteria developed by the National Park and Recreation Association and other recognized authorities in the field of recreation.

These facilities may be devoted to either: (1) shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of the intended resident clientele; or (2) shared general use recreation facilities which are available to all residents of the proposed development.

(2) Recreational Equipment

All recreational equipment provided within any shared general use recreation space shall be durable commercial grade equipment which shall meet all Consumer Product Safety Commission Safety Guidelines, as well as, the ASTM F1487-93, Public Use Playground Standard.

(3) Recreation Facilities

The following land areas and facilities shall, subject to compliance with the stipulated conditions, qualify as shared general use recreation space. Construction details of all improvements shall be shown on all final Master Plans. Such facilities will be bonded prior to filing of final subdivision plats.

i. Mini-Parks and Tot Lots

Mini-parks and tot lots are specialized facilities that serve a concentrated or limited population or specific age group, such as very young children or senior citizens, within areas that are in immediate walking distance (i.e. 1/4 mile) of their residences. The minimum total area of a mini-park is one-half (1/2) acre with a minimum dimension of one hundred (100) feet. The individual pieces of playground equipment shall be specified on the site plan. All recreational equipment provided shall meet or exceed the requirements of Section 9.05(v)(6)(d)(ii).

ii. Neighborhood Parks

Neighborhood parks are intended as areas of intense active recreational activities geared to the needs of school age and older children and adults. The minimum area included within a neighborhood park shall be five (5) acres. In general, such space shall be linked to all dwelling units within the PUD by a continuous pedestrian circulation system of sidewalks and/or trails. Neighborhood parks shall be designed to serve the population within a one-half (1/2) mile radius. Recreation facilities shall include areas and facilities for field games and crafts along with areas for skating, picnicking and similar activities. All recreational equipment provided shall meet or exceed the requirements of Section 9.05(v)(6)(d)(ii).

iii. Recreational Buildings

Recreational open space may be comprised of the area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities, excluding a golf course.

iv. Pedestrian Open Space System

The total area contained in a continuous open space pedestrian system, consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility or commercial use may be included as recreational open space. This system is intended to provide intradevelopment linkage of all elements of the improved recreational open space through a network that is divorced from roads and streets. The minimum width of all portions of this system is fifteen (15) feet with a paved surface of five (5) feet.

v. Specialized Facilities

A golf course may be used to satisfy a maximum of fifty percent (50%) of the shared general use recreation space requirement, provided that the access meets the standards for "shared general use recreational space". Swimming pools, tennis courts and similar facilities principally intended to serve an adult population may be substituted for other recreational facilities within developments marketed to a totally adult population.

(w) Nonresidential Development Standards

1. Uses Permitted

a. General

In general, the uses and activities permitted within the underlying base commercial or mixed-use zoning district (including R-3, O-1, O-2, B-1, B-2, B-3 and UB-2) may be permitted within commercial PUDs that overlay those districts. Provided, however, that such uses may be further restricted as provided in Section 9.05(w)(2).

Where actions, designs or solutions proposed by the applicant are not literally in accord with applicable PUD or general regulations, but the Planning Commission makes a finding in the particular

case that public purposes are satisfied to an equivalent or greater degree, the Planning Commission may make specific modification of the regulations in the particular case.

b. Findings of Appropriateness

Due to the unique ability of the PUD process to tailor individual developments so as to achieve balanced and reasonable use of the land while maintaining an assured measure of protection for surrounding property owners, it is necessary that limited discretion be afforded to the Planning Commission and City Council in the process of selecting uses within particular developments. In this regard, it is necessary that the uses permitted within a particular development establish and maintain a high degree of compatibility with the immediately surrounding area. To this end, the selection of uses permitted within each individual commercial PUD will be guided by the following:

(1) The use provisions established for the base district which the commercial PUD overlays;

(2) The appropriateness of each use given the intended function of each commercial PUD;

(3) The unique nature of the property surrounding each development; and

(4) Consistency with any adopted area Master Plan that may be applicable to the proposed site.

This process may result in limitations, restrictions or the prohibition of particular uses permitted within a base zoning district from a commercial PUD which overlays that district.

c. Uses Permitted to Be Noted on Master Plan

Uses permitted within any commercial PUD along with the approved list of alternative land uses shall be indicated on the Master Plan. Any limitation of use made part of the approved Master Plan shall be noted along with the uses permitted.

2. Location and Required Area of Commercial Planned Unit Development

a. Review of Adopted Comprehensive Plan Required

In no event shall the location, composition and extent of a proposed commercial PUD be approved unless such proposed development is consistent with the actions and policies regarding land development adopted by the Planning Commission.

b. Impact Study for Commercial Planned Unit Development

The Planning Commission may require an Impact Study for any proposed commercial PUD. The Impact Study will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the area, to limit the extent of convenience districts serving a particular residential area; to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes; to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The impact study, if required, shall be provided by the landholder.

c. Required Area

The minimum area required for a commercial PUD shall be five (5) acres.

3. General Development Standards - Bulk, Height and Building Spacing Requirements

a. Building Coverage Ratio

Individual buildings located within a commercial PUD district may exceed the maximum lot coverage ratio established for the base zoning district wherein the commercial PUD is located. However, in no instance shall the aggregate site coverage of all buildings located within the commercial PUD district exceed the coverage provisions established for the base zoning district in which such site is located. When more than one underlying base zoning district exists within a commercial PUD, building coverage ratios shall be calculated on a pro-rata basis. If land uses are proposed to be redistributed across the boundaries of underlying zoning districts, maximum floor areas shall be assigned to each component of the Master Plan and recorded by plat or equivalent instrument with the first phase of the Final Master Plan.

b. Maximum Building Height

The building height provisions established for the base zoning wherein the commercial PUD is located shall apply to all buildings unless a building is located within two hundred (200) feet of the perimeter of the PUD abutting a R-1 or R-2 district, then the maximum height is thirty five (35) feet.

c. Building Spacing and Yards

(1) Provisions Applicable Along Residential District Boundaries

Along all portions of a district boundary where a commercial PUD adjoins residentially zoned land not included within the PUD district, all buildings (measured from the site boundary to the nearest building line) shall be a minimum of thirty (30) feet.

To assist in preventing the transmission of light and noise from within a commercial PUD into any abutting residential district, screening shall be required where a commercial PUD abuts or is contiguous to any residential district, without an intervening public street, but with or without an intervening alley or other public way. There shall be provided within the commercial PUD, but not within an alley or other public way, continuous screening along the extent of the boundary of the said districts. Such screening shall be of wood, brick or decorative block with landscaping to soften the effect, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as provided herein, shall be not less than six (6) feet in height, shall be provided from the grade of the property upward, and shall be permanently maintained.

(2) Provisions Applicable Along all Other District Boundaries

Unless otherwise specified in the approved Master Plan for the commercial PUD, all development located along district boundaries shall provide minimum yards and building separations specified for the base zoning district.

(3) Provisions Applicable to Internal Portions of a Commercial Planned Unit Development District

The minimum yard requirements of the base district shall apply within commercial PUD districts. However, the Planning Commission may approve a reduction in setbacks if it is determined that the development will not substantially injure the value of adjoining or abutting property, will not materially endanger the public health or safety, and will be in harmony with the area in which it is to be located and in general conformity with proposed plans for the development of the City of Oak Ridge. If reduced setbacks are approved there must be a recorded plat noting the approved setbacks. Minimum

building separation shall be as provided herein. In cases where a building wall is not located directly adjacent to an interior side or rear lot line that is not adjacent to an alley, a yard with a minimum width or depth from the lot line of fifteen (15) feet or the distance required by applicable building and fire codes shall be provided.

d. Outdoor Storage or Activities

Unless otherwise specified in the approved Master Plan for the commercial PUD, all outdoor storage facilities and outdoor sales activities are prohibited in any commercial PUD district. This provision shall not be construed to exclude seasonal displays and short-term charitable events of no more than ninety (90) days duration.

e. Landscaping Provisions

The provisions of Article XIII shall apply fully within all commercial PUD districts. In particular, off-street parking areas, service areas for loading and unloading other than passenger vehicles, and areas for storage and collection of refuse and garbage shall be screened.

f. Architectural Compatibility

All buildings located within any nonresidential PUD shall be designed utilizing a unified overall design concept so as to be architecturally compatible with one another. Examples of architectural features which may be important for ensuring compatibility include building bulk, height, roof slopes, building orientation, overhangs, exterior materials and facades of buildings which front public streets.

(Ord. No. 1-02 Revised Effective 1/17/02)

Section 9.06 FIR, Federal Industry and Research

Purpose

The Federal Industry and Research District Classification is established for the United States Government Oak Ridge Reservation and operations within its boundaries. Whenever land is transferred from the United States Government Oak Ridge Reservation to the City of Oak Ridge or a private owner for purposes not directly related to the mission of the United States Department of Energy, the City of Oak Ridge Regional Planning Commission shall study and make recommendations to City Council concerning the appropriate zoning district designation. Upon receipt of such recommendation, the City Council shall, after public hearings as required by law, adopt an ordinance establishing the zoning district classification as other than FIR.

(Ord No. 10-02 Revised Effective 6/13/02)

Section 9.07 Floodplain Regulations

(a) Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(b) Findings of Fact

1. The City of Oak Ridge Mayor and City Council wish to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

2. Areas of Oak Ridge are subject to periodic water inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(c) Statement of Purpose

The floodplain regulations are established to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(d) Objectives

The objectives of this ordinance are:

1. To protect human life, health and property;

2. To minimize expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that property is in a floodable area; and

8. To maintain eligibility for participation in the National Flood Insurance Program.

(e) Definitions

Unless specifically defined below, words or phrases used in Section 9.07 and Section 9.08 shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

1. Accessory Structure:

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

a. Accessory structures shall not be used for human habitation.

b. Accessory structures shall be designed to have low flood damage potential.

c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

2. Act:

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

3. Addition (to an existing building):

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered New Construction.

4. Appeal:

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

5. Area of Shallow Flooding:

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident (Such flooding is characterized by ponding or sheet flow).

6. Area of Special Flood-related Erosion Hazard:

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

7. Area of Special Flood Hazard:

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

8. Base Flood:

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

9. Basement:

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

10. Breakaway Wall:

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

11. Building:

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure").

12. Development:

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

13. Elevated Building:

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

14. Emergency Flood Insurance Program or Emergency Program:

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

15. Erosion:

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

16. Exception:

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

17. Existing Construction:

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

18. Existing Manufactured Home Park or Subdivision:

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

19. Existing Structures: See Existing Construction

20. Expansion to an Existing Manufactured Home Park or Subdivision:

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

21. Flood or Flooding:

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters;

b. The unusual and rapid accumulation or runoff of surface waters from any source.

22. Flood Elevation Determination:

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

23. Flood Elevation Study:

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

24. Flood Hazard Boundary Map (FHBM):

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

25. Flood Insurance Rate Map (FIRM):

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

26. Flood Insurance Study:

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

27. Floodplain or Flood-prone Area:

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

28. Floodplain Management:

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

29. Flood Protection System:

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

30. Floodproofing:

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

31. Flood-related Erosion:

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

32. Flood-related Erosion Area or Flood-related Erosion Prone Area:

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the

composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

33. Flood-related Erosion Area Management:

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

34. Floodway:

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

35. Floor:

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

36. Freeboard:

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

37. Functionally Dependent Use:

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

38. Highest Adjacent Grade:

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

39. Historic Structure:

"Historic Structure" means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior, or

(2) Directly by the Secretary of the Interior.

40. Levee:

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

41. Levee System:

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

42. Lowest Floor:

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

43. Manufactured Home:

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.

44. Manufactured Home Park or Subdivision:

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

45. Map:

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

46. Mean Sea Level:

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

47. National Geodetic Vertical Datum (NGVD):

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

48. New Construction:

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

49. New Manufactured Home Park or Subdivision:

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

50. North American Vertical Datum (NAVD):

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

51. 100-year Flood: See Base Flood

52. Person:

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

53. Recreational Vehicle:

"Recreational Vehicle" means a vehicle which is:

a. Built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

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

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

54. Regulatory Floodway:

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

55. Riverine:

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

56. Special Hazard Area:

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

57. Start of Construction:

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

58. State Coordinating Agency:

"State Coordinating Agency" means the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

59. Structure:

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

60. Substantial Damage:

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

61. Substantial Improvement:

"Substantial Improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the Start of Construction of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

62. Substantially Improved Existing Manufactured Home Parks or Subdivisions:

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

63. Variance:

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

64. Violation:

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

65. Water Surface Elevation:

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

(f) General Provisions

1. This Ordinance shall apply to all areas within the incorporated area of Oak Ridge, Tennessee.

2. The Areas of Special Flood Hazard identified on the Anderson County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS), effective date May 4, 2009, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47001C0214F, 0217F, 0218F, 0219F, 0236F, 0238F, 0239F, 0277F, 0281F, 0282F, 0302F, 0310F, effective date January 17, 2007 and Panel Numbers 47001C0230G, 02237G and 0245G, effective date May 4, 2009; and the Roane County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47145C0039F, 0110F, 0120F, 0130F, and 0260F, effective date September 28, 2007, and Community Panel Numbers 47145C0140G and 47145C0145G, effective date November 18, 2009; and any subsequent amendments or revisions thereto, along with all supporting technical data, are adopted by reference and declared to be part of this Ordinance. These areas shall be incorporated into the City of Oak Ridge, Tennessee Zoning Map. If any discrepancies occur between the City of Oak Ridge, Tennessee Zoning Map and the FEMA Flood Maps, the FEMA Flood Maps shall prevail.

(Ord. No. 15-09 Revised Effective 9/24/09)
(Ord. No. 3-09 Revised Effective 3/19/09)

3. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activity. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations. In the interpretation and application of this Ordinance, all provisions shall be: considered as minimum requirements; liberally construed in favor of the

governing body, and; deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

4. This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

5. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Oak Ridge, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

6. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Oak Ridge, Tennessee from taking such other lawful actions to prevent or remedy any violation.

(g) Development Regulations

The City Manager or the City Manager's duly authorized designee is hereby appointed as the Administrator to implement the provisions of this Ordinance. Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

   a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to the highest adjacent grade when applicable under this Ordinance.

   b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where base flood elevations are available, or to the highest adjacent grade when applicable under this Ordinance.

   c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 9.07(g).

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(h) Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process.

Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 9.07(g).

6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 9.07(g).

7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 9.07(g).

8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 9.07(e). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 9.07(g).

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Community Development Department and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

11. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(i) Flood Hazard Reduction, General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "New Construction" as contained in this Ordinance; and,

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

(j) Flood Hazard Reduction, Specific Standards

These provisions shall apply to all Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than two (2) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 9.07(j).

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 9.07(e)). All applicable data including

elevations or flood proofing certifications shall be recorded as set forth in Section 9.07(g).

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when base flood elevation (BFE) data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 9.07(e)). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 9.07(g).

   Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 9.07(g).

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

   a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

      (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

      (2) The bottom of all openings shall be no higher than one foot above the finish grade; and

      (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

   b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 9.07(j).

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than two (2) foot above the level of the base flood elevation; or,

(2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Section 9.07(j)(4).

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed on identified flood hazard sites must either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

(3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

(k) Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in Section 9.07(f)(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions in Section 9.07.

(l) Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Section 9.07(f)(2) where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that

the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 9.07(j).

(m) Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Section 9.07(f)(2), where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Section 9.07(g), then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the applicable provisions of Section 9.07. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing buildings shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 9.07(j) and "Elevated Buildings."

(n) Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Section 9.07(f)(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (l'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be

elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 9.07(j) and "Elevated Buildings."

2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 9.07(g).

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(o) Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Section 9.07(f)(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Sections 9.07(g), (h), and (i) shall apply.

(p) Standards for Unmapped Streams

Located within Oak Ridge Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Sections 9.07(g) and (h).

(q) Variance Procedures

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Oak Ridge, Tennessee.

1. The City of Oak Ridge Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.

2. Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in Section 9.07, and:

   a. The danger that materials may be swept onto other property to the injury of others;

   b. The danger to life and property due to flooding or erosion;

   c. The susceptibility of the proposed facility and its contents to flood damage;

   d. The importance of the services provided by the proposed facility to the community;

   e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

   f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

   g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

   j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

6. Conditions for Variances

a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

b. Variances shall only be issued upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; or (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

d. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(r) Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

(Ord. No. 18-06 Revised Effective 11/30/06)

Section 9.08 F, Floodway Districts; Floodway Fringe Area

(a) General Provisions

The provisions of Section 9.07, titled "Floodplain Regulations," are incorporated in their entirety as if fully set forth herein verbatim and shall be applicable to all areas in the Floodway District and the Floodway Fringe Area.

(b) Floodway District Designation

The area designated and shown in the "F, Floodway District" shall be as shown on the Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM), and shall be that portion of the area of those maps designated "Floodway" or equivalent according to the map legends, together with the data in the Flood Insurance Study (FIS), Anderson

County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective November 18, 2009, and any subsequent amendments or revisions, shall be used for the purpose of identifying the Floodway.

(Ord. No. 15-09 Revised Effective 9/24/09)
(Ord. No. 3-09 Revised Effective 3/19/09)

The area thus described is zoned "F, Floodway District" without regard to boundary lines of lots or parcels of land and without affecting or changing in any way the zoning classification of the remaining portions of such blocks or parcels of land lying outside the Floodway District.

1. Permitted Principal Uses

The following permitted principal uses are allowed provided compliance with the provisions contained in Section 9.07 are met:

a. Open-type uses, such as loading and unloading areas, parking lots, and gardens, auxiliary to uses permitted in any adjoining districts.

b. Open-type public and private recreational facilities such as public parks, golf courses, and driving ranges, drive-in theaters and boat docks.

c. General agricultural uses including farming, grazing, livestock raising, gardening, and nurseries as permitted in any adjoining districts.

d. Utilities, road and railroad bridges, electric and other transmission lines.

e. Any other uses customarily accessory or incidental to the above uses.

(c) Floodway Fringe Area

The Floodway Fringe Area is those areas lying outside the Floodway Districts, but within the 100 Year Floodplain, as outlined in the Federal Emergency Management Agency Flood Insurance Study (FIS) for Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective November 18, 2009, and any subsequent amendments or revisions and as shown on the Federal Emergency Management Agency Flood Maps as referenced above. Although not a separate district, Floodway Fringe Areas are so indicated on the Zoning Map and serve not to restrict development but to advise potential users within said areas of the flood risks and performance criteria referenced in Section 9.07.

(Ord No. 15-09 Revised Effective 9/24/09)
(Ord. No. 3-09 Revised Effective 3/19/09)

Section 9.09 Manhattan District Overlay (MDO)

(a) **Purpose Statement (Intent).** The MDO was created to improve the way development in the older core neighborhoods is regulated. This overlay district will promote, preserve and protect the health and general welfare of the residents and property within the original core neighborhoods and encourage respect for the existing built environment. The intent is to help maintain the general quality and appearance of the neighborhoods; to promote a more cohesive look to the neighborhoods; to stabilize and improve property values; to reduce conflicts between new construction and existing homes; and to accomplish the redevelopment or rehabilitation of deteriorated neighborhoods.

(b) **Applicability.** The MDO shall apply to all residentially zoned properties within the boundaries identified on the official Zoning Maps of Oak Ridge. However, this shall not apply to special exceptions within the MDO district.

(Ord. No. 27-08 Revised Effective 10/2/08)

(c) **Permit/Procedural/Approval Requirements.** In the MDO, the setback reductions of the base zoning district may be approved by the City Manager or the City Manager's designee. However, setback reductions shall not encroach upon prescribed easements or easements implied by existing utilities. In site specific cases, the applicant may seek exception by requesting that an Easement Encroachment Form be approved by the City. However, if the applicant requests that the setbacks be further reduced, the applicant may proceed with a request for a variance to the Board of Zoning Appeals (BZA). A survey of the subject property showing all relevant information shall be submitted. Please note in some instances, foundation surveys may be required.

(d) **Overlay Criteria.** All applicable rules and regulations (standards for density, lot size, height, etc.) for the base zoning district shall apply.

1. All principal buildings or additions or structures or accessory buildings located within the MDO shall conform to the following setback and bulk regulation:

   a. All principal buildings or additions or structures or accessory buildings shall not be closer than five (5) feet to a side lot line. Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall not be required to meet the side setback requirements of the principal building. Such appurtenances may be constructed in the required side yard without approval of the Board of Zoning Appeals provided they are constructed no closer than five (5) to a side lot line.

   (Ord. No.6-10 Revised Effective 5/13/10)

   b. All principal buildings or additions or structures or accessory buildings shall not be closer than five (5) feet to the front lot line as long as the principal building is facing a public street or six (6) feet from the minimum lot width.

   (Ord. No.6-10 Revised Effective 5/13/10)

c. All principal buildings or additions or structures or accessory buildings shall not be closer than five (5) feet to a rear lot line.

d. All accessory buildings shall not be closer than five (5) feet to a rear lot line and not be placed in the required front yard.

(Ord. No. 17-09 Revised Effective 10/22/09)

e. Allowable floor area to lot ratios shall not exceed 35%. The floor area shall be determined by the entire footprint of the ground floor which includes all areas under roof.

(Ord. No. 27-08 Revised Effective 10/2/08)

2. **Carports.** A carport may occupy the required front, side, or rear yards, in accordance with the following conditions:

a. A carport shall in no case be closer than five (5) feet from a front lot line or six (6) feet to a side or rear lot line unless a variance is granted by the Board of Zoning Appeals as provided for hereafter.

b. Any accessory building or structure or wall developed as part of the carport shall be separated at least three (3) feet from the main structure wall of the principal building and in no case shall be closer than five (5) feet to the front lot line or closer than six (6) feet from a side or rear lot line.

(Ord. No. 11-05 Revised Effective 12/01/05)

**Section 9.10 IND-2 Industrial Manhattan District Overlay (IMDO)**

(a) Purpose Statement (Intent). The Industrial Manhattan District Overlay (IMDO) was created to utilize the broad extent of industrial buildings constructed as part of the federal government's war effort and subsequent processing and research activities in facilities that were never envisioned for reuse and redevelopment by the private sector. These buildings have remained under the auspices of the federal government or within the mission of the Department of Energy until the recent past. These buildings were constructed without typical reference to zoning and subdivision regulations. Now, through the transfer of property, these buildings have been turned over to private individuals or corporations. The IMDO is developed in an effort toward industrial sustainability and to further the private utilization of structures that are physically capable of housing current industrial activities. These structures are typically located within property owned at one time by the Department of Energy, but may exist outside the historic DOE Federal Reservation. This overlay district will promote, preserve, and protect the health and general welfare of employees and property within the original industrial areas and encourage respect for the existing built environment. The intent is to help maintain the general quality and appearance of our industrial areas; stabilize and improve property values; and utilize industrial spaces that remain viable.

(b) Applicability. The IMDO shall apply to all IND-2 industrial zoned properties within the boundaries identified on the official zoning maps of Oak Ridge.

(c) Permit/Procedural/Approval Requirements. Setback reductions shall not encroach upon prescribed easements or easements implied by existing utilities. In site-specific cases, the applicant may seek exception by requesting that the City approve an Easement Encroachment Form. A survey of the subject property showing all relevant information shall be submitted.

(d) Overlay Criteria. All applicable rules and regulations (standards for density, lot size, height, etc.) for the base zone district shall apply. In the event the parcel abuts a residentially zoned district, the base zone district's setback requirements shall apply to the abutting lot line.

1. All existing principal buildings, additions, structures, or accessory buildings located within the IMDO shall conform to the following setback and bulk regulations:

a. Compliance of the building setbacks as identified for the base zone IND-2 district is strongly encouraged. In the event standard setbacks for the front, side, or rear of a building cannot be met, the setbacks shall be in compliance with fire and building codes as determined by the Building Code Official designated by the City Manager.

b. The minimum number of parking spaces shall meet the requirements identified for the IND-2 base zone district. However, the minimum number of spaces may be met off-site within the general walking vicinity of the principal building. A legal instrument must be filed in the Register of Deeds office encumbering these off-site parking facilities.

c. Allowable floor area to lot ratios shall be determined by the IND-2 base zone district. The entire footprint of the ground floor, which includes all areas under roof, shall determine the floor area.

d. All other performance criteria shall meet the requirements identified for the IND-2 base zone district. However, compliance may be met off-site within the general vicinity of the principal building. In the event an applicant achieves minimum performance criteria offsite on a privately held lot of record, a legal instrument must be filed in the register of deeds office encumbering the property on which the performance criteria is met in perpetuity. In the event an applicant achieves minimum performance criteria offsite on a private lot held in common, a property owners association must be chartered with the State of Tennessee, Covenants, Conditions and Restrictions (CC&Rs) must be recorded in the Register of Deeds office. The recording information for the Property Owners Association and the CC&Rs shall be referenced on the recorded plat creating a buildable lot within the IMDO.

(e) General Compliance. These regulations shall not apply to a vacant tract of land or construction of a new principal building. In these instances, the requirements of the IND-2 base zone district shall apply.

(Ord. No. 18-10 Revised Effective 12/23/10)

## ARTICLE X
## Nonconforming Buildings and Uses

**Section 10.01 Purpose**
**Section 10.02 Type "A" Nonconformance**
**Section 10.03 Type "B" Nonconformance**
**Section 10.04 Type "C" Nonconformance**
**Section 10.05 Type "D" Nonconformance**
**Section 10.06 Industrial, Commercial or Other Business Establishments**

Section 10.01 Purpose

It is the intent of this Code to recognize that the elimination as expeditiously as is reasonable of existing structures or uses that are not in conformity with the provisions of this code is as much a subject of health, safety, and welfare, as is the prevention of the establishment of new uses that would violate the provisions of this code. It is also the intent of this code to so administer the elimination of nonconforming uses or structures as to avoid any unreasonable invasion of established private property rights.

The City Manager or the City Manager's authorized representative shall identify and classify each nonconformance either as Type "A", Type "B", Type "C", or Type "D" or any combination of these.

Section 10.02 Type "A" Nonconformance

A use that does not conform to the provisions of this Code for the Zoning District in which it is located and which is conducted within a building.

Any Type "A" Nonconformance existing at the time of enactment or amendment of these Regulations which makes the use a Type "A" Nonconformance, may be maintained in good condition and continued from the date of such enactment or amendment for a period not to exceed ten (10) years, but may not be:

(a) Changed to another nonconforming use.

(b) Re-established after discontinuance for three (3) months.

(c) Extended or enlarged.

(d) Re-established after damage exceeding 50 percent of the assessed value immediately prior to the damage of the building occupied by such use.

Section 10.03 Type "B" Nonconformance

A use that does not conform to the provisions of this Code for the Zoning District in which it is located and that is situated on open land.

Any Type "B" Nonconformance, other than those situated in a street right-of-way, existing at the time of enactment, or amendment of these regulations which makes the use a Type "B" Nonconformance, may be continued for a period not to exceed three (3) years from the date of such enactment of amendment. Any Type "B" Nonconformance which

is situated in a street right-of-way may be continued for a period not to exceed six (6) months from the date of enactment or amendment of these regulations which makes the use a Type "B" Nonconformance.

Section 10.04 Type "C" Nonconformance

A building or structure that does not conform to regulations contained in Article I Section 1.02, Article III, Article XI Section 11.01 through 11.04, and Article XIV.

Any Type "C" Nonconformance existing at the time of enactment or amendment of this ordinance which makes the use a Type "C" Nonconformance may be continued but may not be altered, extended, or enlarged, unless such alteration, extension or enlargement conforms, in the opinion of the Board of Zoning Appeals, as nearly as is reasonable to the provisions of this ordinance, provided in no instance shall an alteration, extension or enlargement be approved within six feet of a side property line or within one-half of the minimum setback requirements for front or rear property lines. However, addition to the principal dwelling unit of a roof overhang not to exceed 24 inches measured horizontally shall be considered a reasonable conformance to the provisions of the ordinance and shall not require Board of Zoning Appeals approval.

Any building existing as of April 11, 1988 and not subject to the provisions of the preceding paragraph, and that is in violation of the front, side, or rear setback requirements of this code, may be considered a Type "C" Nonconformance and may be continued, but may not be altered, extended or enlarged, except that routine maintenance shall be permitted. To qualify hereunder, the property owner shall make written application to the City Manager or his designee and shall present satisfactory evidence that the structure is in conformance with all applicable building and safety code requirements. Such application shall include a site plan and be accompanied with satisfactory evidence of the date such improvements were completed. The burden and expense of providing such evidence shall be upon the property owner, and upon so doing, the City Manager shall provide the owner a letter that the property is a lawful Type "C" Nonconformance hereunder; provided that no such structure may exist within six feet of a side property line or within one-half of the minimum setback requirements for front or rear property lines.

(Ord. No. 6-91 Revised Effective 3/14/91)

Section 10.05 Type "D" Nonconformance

A use not conforming to the UB-2, Unified General Business District regulations of this code and which is located either within a building or upon open land in such district.

Any Type "D" Nonconformance existing at the time of enactment or amendment of these regulations may be continued for a period not to exceed five (5) years from the date of enactment or amendment of these regulations.

Section 10.06 Industrial, Commercial or Other Business Establishments

(a) Use. In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of the City, or where such land area is covered by zoning restrictions of the City and such zoning

restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business.

(b) Expansion. Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(c) Reconstruction. Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located.

(d) Application. The provisions of this section apply only to land owned and in use by such affected business, and do not operate to permit expansion of an existing industry or business through the acquisition of additional land.

(Ord. No. 20-99 Revised Effective 8/26/99)

## ARTICLE XI
## Off Street Parking and Loading Requirements

**Section 11.01 Vehicle Access Control**
**Section 11.02 Required Off-Street Parking**
**Section 11.03 Off-Street Parking Lot Layout, Construction and Maintenance**
**Section 11.04 Off-Street Service Areas**

Section 11.01 Vehicle Access Control

In order to promote the safety of motorists and pedestrians, to minimize traffic congestion and conflict by reducing the points of contact, to assure safe access by emergency vehicles, and to promote the general welfare by preserving the traffic carrying capacity of arterial, secondary and minor roads, the following regulations shall apply.

(a) Arterial Roads

For the purposes of this section, the following roads shall be designated as arterial roads:

1. Bethel Valley Road from the intersection with South Illinois Avenue to 7,500 feet west of Scarboro Road/Pumphouse Road.

(Ord. No. 9-00 Revised Effective 4/20/00)

2. Briarcliff Avenue from Deerfield Lane to Laboratory Road.

3. Bus Terminal Road from Emory Valley Road to Laboratory Road.

4. Edgemoor Road (SR 170) from South Illinois Avenue (SR 62) to Melton Lake Drive.

(Ord. No. 9-00 Revised Effective 4/20/00)

5. Emory Valley Road from Lafayette Drive to Melton Lake Drive.

6. Fairbanks Road from Emory Valley Road to Oak Ridge Turnpike (S.R. 95).

7. North Illinois Avenue and South Illinois Avenue (SR 62) from the northern boundary of the City to the southern boundary of the City.

(Ord. No. 9-00 Revised Effective 4/20/00)

8. Laboratory Road from Lafayette Drive to Oak Ridge Turnpike (S.R. 95).

9. Lafayette Drive from Oak Ridge Turnpike (S.R. 95) to South Illinois Avenue (S.R. 62).

10. Melton Lake Drive from Oak Ridge Turnpike (S.R. 95) to Edgemoor Road (S.R. 170).

11. Oak Ridge Turnpike (S.R. 95) from the western to the eastern boundaries of the city.

12. Rutgers Avenue from Oak Ridge Turnpike (S.R. 95) to South Illinois Avenue (S.R. 62).

13. Scarboro Road from South Illinois Avenue (S.R. 62) to Bethel Valley Road.

14. South Tulane Avenue from Oak Ridge Turnpike (S.R. 95) to South Illinois Avenue (S.R. 62).

15. East Tulsa Road from South Illinois Avenue (S.R. 62) to Tuskegee Drive.

16. Tuskegee Drive from South Illinois Avenue (S.R. 62) to Tulsa/ East Tulsa Roads past Wiltshire Drive to the Oak Ridge Turnpike.

17. Tulsa Road from South Illinois Avenue to East Tulsa/Tuskegee Drive

18. Raccoon Road from South Illinois Avenue to Oak Ridge Turnpike.

19. Robertsville Road from Oak Ridge Turnpike to Jefferson Avenue.

20. Jefferson Avenue from Oak Ridge Turnpike to Robertsville Road.

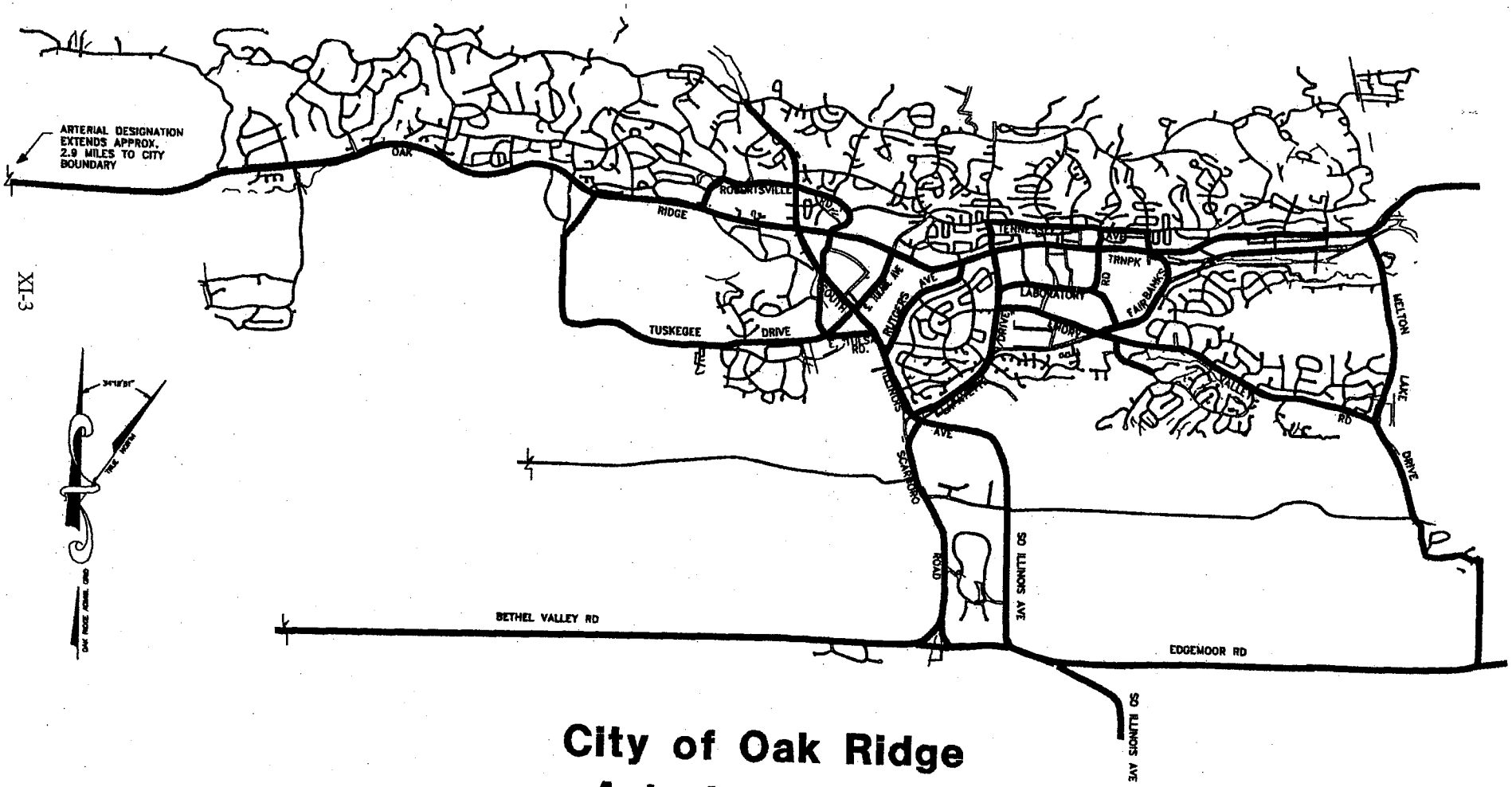
21. New York Avenue from Oak Ridge Turnpike to West Tennessee Avenue.

22. West Tennessee Avenue from New York Avenue to Kentucky Avenue and East Tennessee Avenue from Kentucky Avenue to Florida Avenue.

23. Florida Avenue from Oak Ridge Turnpike to East Tennessee Avenue.

24. Georgia Avenue from Oak Ridge Turnpike to East Tennessee Avenue.

(Ord. No. 3-97 Revised Effective 2/27/97)




# City of Oak Ridge
# Arterial Roads

2/25/2000
ARTERIAL_1.DWG

(b) General Conditions/Requirements

1. Submission of Plan for Approval

The location and design of driveways and/or accesses providing vehicular access from arterial, secondary and minor roads to any existing lot or lots proposed for creation by the subdivision of property in all zoning districts shall be specified in an access plan submitted by the applicant to the City Manager or the City Manager's designee for review and approval provided, however, that access to arterial roads shall be subject to approval by City Council. No curbs or rights-of-way shall be cut, paved or otherwise altered until written approval of the access plan has been secured from the City Manager or the City Manager's designee and any other governmental agency owning or controlling the road right-of-way.

2. Traffic Impact Study

The City Manager or the City Manager's designee may require a traffic impact study by a qualified registered professional engineer to assess the traffic impacts of a proposed access to the adjoining and nearby public roadways and intersections when the expected number of trips generated by the proposed building or land use exceeds an estimated 1,000 vehicle trips per day.

Unless otherwise specified by the City Manager or the City Manager's designee, the study shall address trip generation and directional distribution, traffic assignment to roadways and access locations, 24 hour and peak hour traffic forecasting (non-site and on-site), capacity analysis and level of service for adjoining roadways and nearby intersections before and after the proposed development, and recommendations for roadway improvements and traffic control modifications. All traffic data used in the study shall be consistent with land use and density data as referenced in Trip Generation, Fourth Edition, 1987, published by the Institute of Transportation Engineers, or the latest subsequent edition; current City and State traffic counts for surrounding public roadways; and the marketing study for the proposed building or land use.

(Ord. No. 7-90 Revised Effective 3/22/90)

3. Approval for Specific Land Use

The approval of any access hereunder shall be approval of access for the land use(s) specified in the access plan and any change in such land use(s) that would increase traffic and impact the safe and efficient flow of traffic shall require a new approval of access.

4. Expiration of Approval

Any access approved hereunder shall be constructed within eighteen (18) months of approval or such approval shall terminate.

5. Bond Requirements

Prior to the issuing of written approval of the access plan, the applicant may be required to provide a cash deposit, bond, certified check or other form of security acceptable to the City sufficient to complete access, roadway and traffic control improvements on the public right-of-way as specified in the approved plan. The City Manager or the City Manager's designee shall set the amount and time of the bond, based on the estimated cost of the plan. Within thirty (30) days of the completion and acceptance of all provisions of the approved Plan, cash deposits, or unexpended or unobligated funds thereof shall be refunded, or other legal arrangements terminated.

6. Prohibition of Unsafe Access

Notwithstanding any other provisions of this Code to the contrary, any access may be denied which would constitute a threat or danger to the public and/or affect the safe and efficient flow of traffic when judged by commonly accepted and applied traffic engineering principles.

(Ord. No. 7-90 Revised Effective 3/22/90)

(c) Access Plan

An access plan is required for each building or use of land. Such an access plan may be submitted by the applicant as a part of the off-street parking lot site plan, or in the case of issuance of a residential building permit, such information may be included on the site or plot plan. Such plan shall specify the intended use(s) of the property.

1. For Commercial, Industrial, Office, Institutional and Apartment Complex Projects - The access plan, minimally drawn to a scale of 1 inch equals 50 feet, shall be submitted to the City Manager or his designee. The plan shall denote the location of the driveway on the lot and length of all property lines abutting the public road; distances from intersections (centerline of intersection to centerline of driveway); areas proposed for roadway construction on the right-of-way including the width and length of driveways and deceleration lanes, radius of curves, typical pavement section, type of concrete curbs and any relocation of sidewalks; location of existing overhead and underground utilities, hydrants and drainage structures and any proposed relocations; road improvements proposed for dedication to the City and specific actions to be taken by the contractor to maintain safe driving conditions during roadway construction.

2. For Residential Housing - The access plan for residential use exclusive of apartment complexes shall include the following information: proposed location of driveway on the lot from the side property line, length of all property lines abutting public streets, length and width of driveway from edge of public street pavement and location of existing overhead and on-grade utilities, hydrants and drainage structures.

(d) Design Criteria

The following minimum standards shall apply in the design of driveways to arterial roads and other public roads:

1. Number of Driveways Permitted

Access to an arterial, secondary or minor road shall be provided to any lot either by means of a marginal frontage road, shared access easement, or direct accessway.

(Ord. No. 7-90 Revised Effective 3/22/90)

Arterial Roads

Where the use of marginal frontage roads or the provision of common access easements to serve multiple lots with different ownership is unavailable or deemed unnecessary, there shall be no more than one driveway to any one arterial roadway from any lot with less than 300 feet of frontage on that roadway.

Lots having between 300 feet and 600 feet of frontage on any arterial roadway may have a second driveway to that roadway provided that, in the opinion of the City Manager or the City Manager's designee, an additional driveway is justified based on trip generation or topography and that the impact to traffic on the roadway is minimal.

Lots having more than 600 feet of frontage to any one arterial roadway may have more than two driveways provided that, in the opinion of the City Manager or the City Manager's designee, additional driveways are justified based on trip generation or topography and that the impact to traffic on the roadway is minimal.

All driveways serving the same lot shall be a minimum of 200 feet apart, measured from the centerline to centerline of the two driveways.

Secondary and Minor Roads

There shall be no more than one driveway to a secondary or minor road from any lot with 100 feet or less of frontage on that roadway except for duplex (two unit) residential units which shall be permitted no more than two (2) driveways on the lot.

Lots having between 100 feet and 300 feet of frontage shall have no more than two (2) driveways to that road which shall be a minimum fifty (50) feet apart measured from the centerline to centerline of the two driveways.

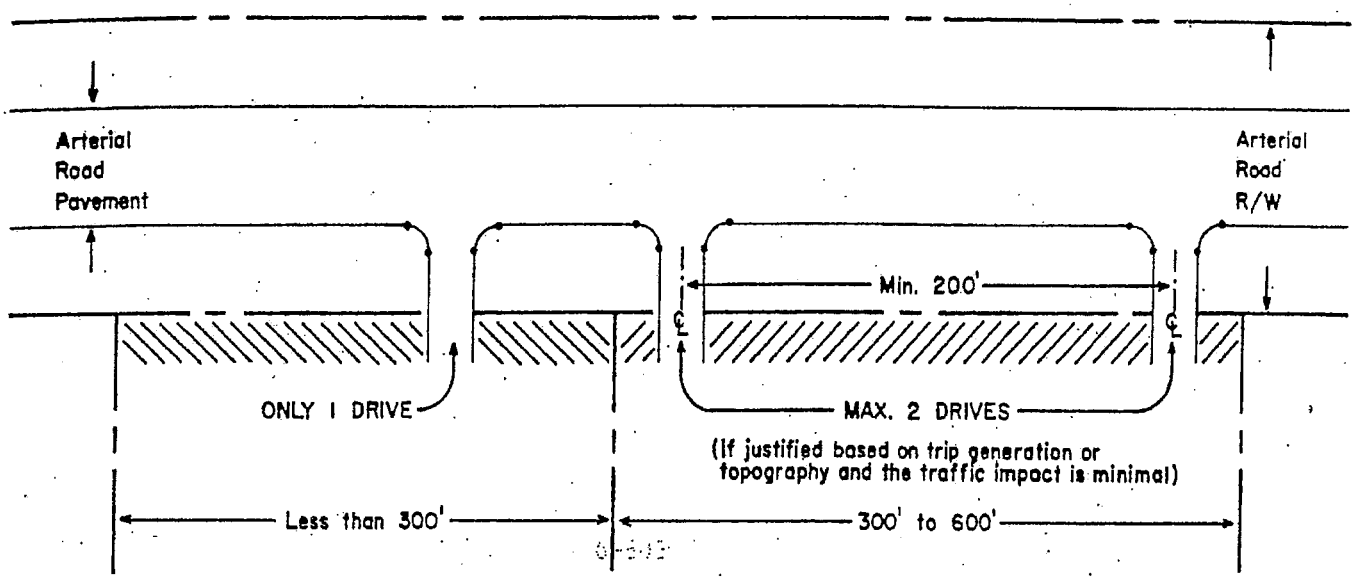
Lots having more than 300 feet of frontage to any secondary or minor road may have more than two driveways provided that, in the opinion of the City Manager or the City Manager's designee, additional driveways are justified based on trip generation or topography and that the impact to traffic on the roadway is minimal.

(Ord. No. 7-90 Revised Effective 3/22/90)

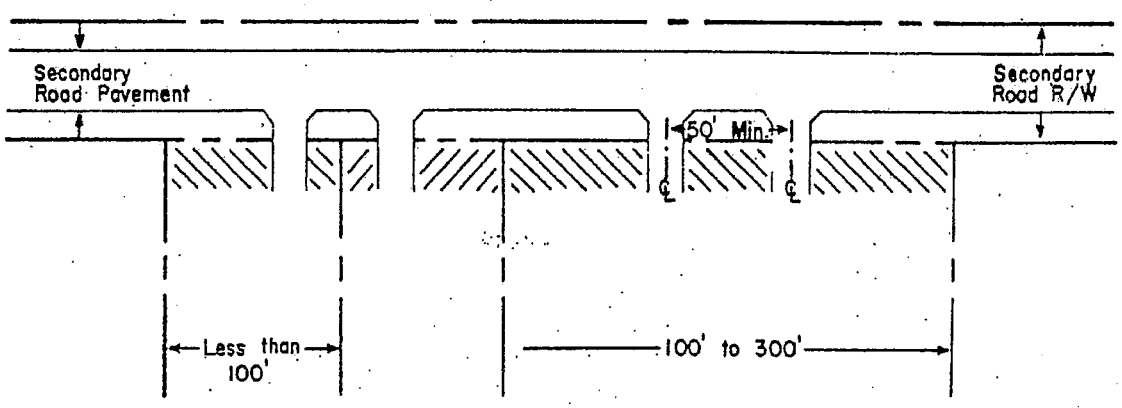
DESIGN CRITERIA

NUMBER OF DRIVEWAYS

11.01 (d) (1)




ARTERIAL ROADS




SECONDARY & MINOR ROADS

2. Minimum Distance from Intersection

No driveway to an arterial road shall be established within one hundred and twenty-five (125) feet of an intersecting road. On secondary and minor roads, no driveway shall be established within thirty (30) feet of an intersecting road. Measurements shall be made along the edge of the pavement from the nearest point of tangency of the curve of the intersecting road pavement to the nearest point of radius return of the driveway.

3. Minimum Distance Between Driveways on Separate Lots

No two driveways serving separate lots on an arterial road shall be less than two hundred and fifty (250) feet apart.

On secondary and minor roads and in all zoning districts except one-family residential and R-2, two-, three-, four-family Residential, no two driveways serving separate lots shall be less than twenty (20) feet apart. The distance between driveways shall be measured from the nearest point of the radius return of the two driveways.

The minimum separation distance may be reduced provided that, in the opinion of the City Manager or the City Manager's designee, using commonly accepted and applied traffic engineering principles, the following conditions exist:

a. Where the use of marginal frontage roads or shared access easements are not feasible or possible;

b. Where exceptional topographic constraints or unusual site conditions at the driveway location (such as in-place utility or drainage features) would make application of the standard exceptionally and/or practically difficult or unduly harsh;

c. Where application of this article would conflict with other sections of this article;

d. Where such reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

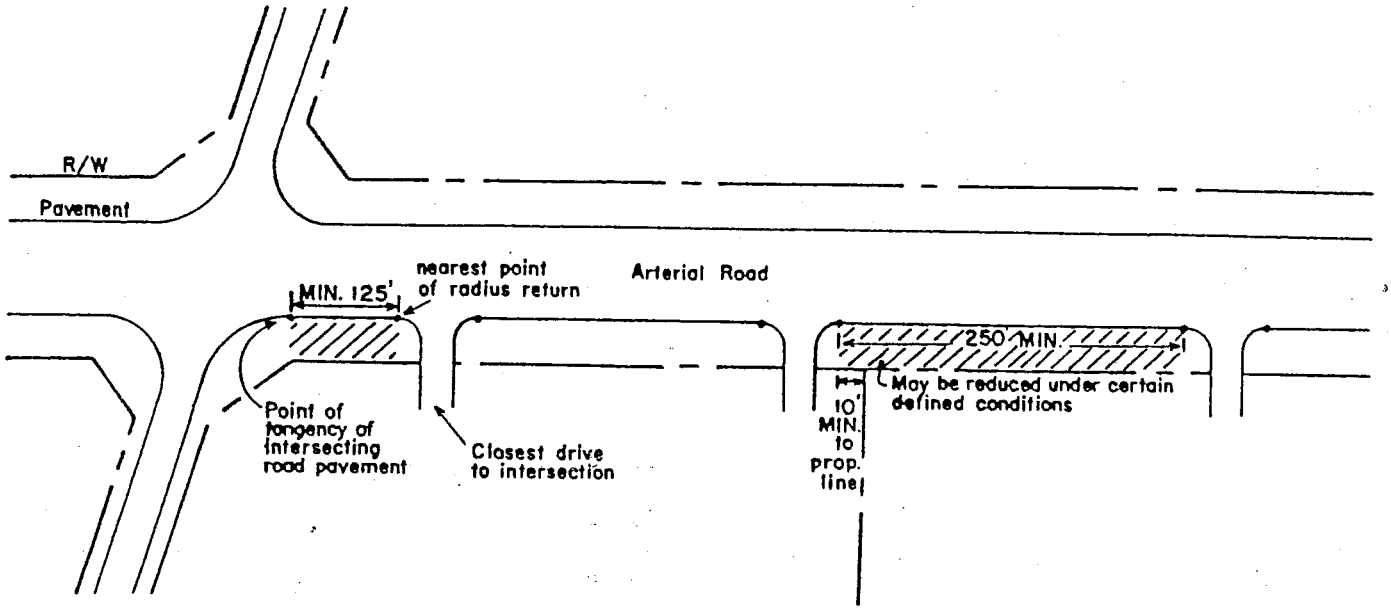
(Ord. No. 7-90 Revised Effective 3/22/90)

4. Minimum Distance from Property Line

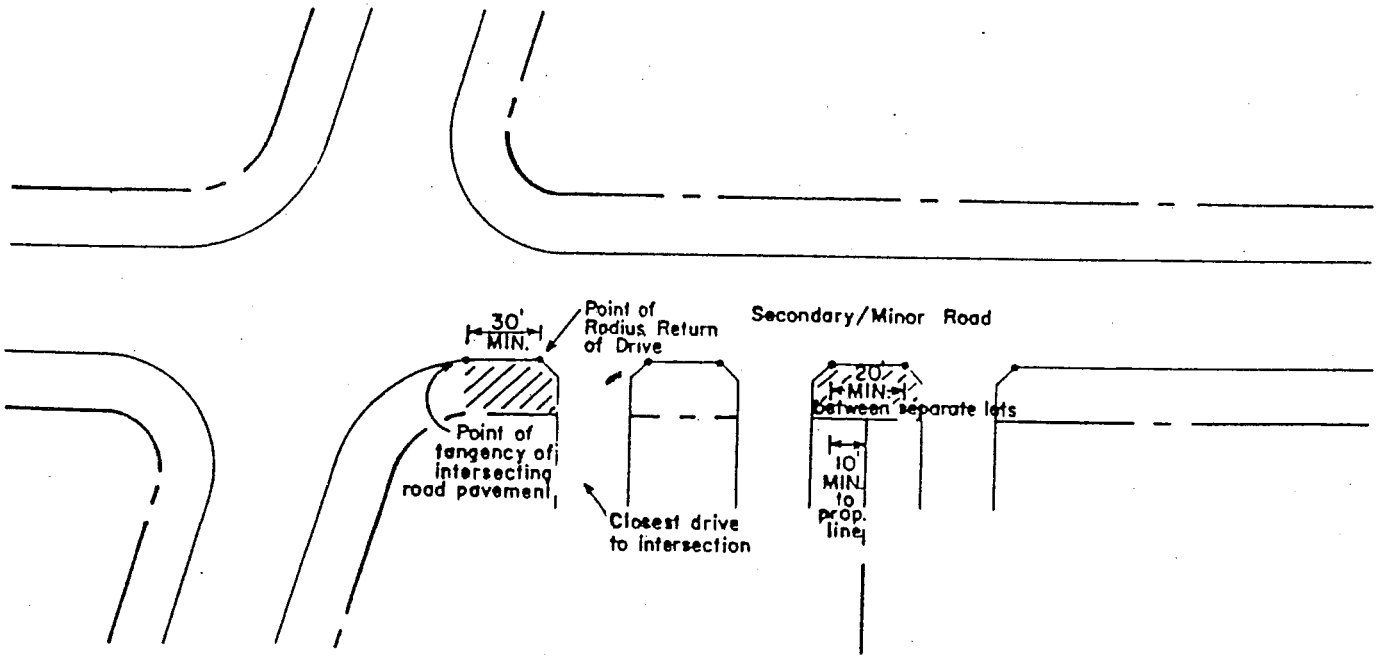
No driveway, other than a shared driveway as authorized under Subsection 8., Shared Access Easements, below, shall be allowed within ten (10) feet of the intersection of a straight line projection of any side or rear lot line and the nearest point of radius return of the driveway, except for single or double parking spaces for use in R-1 and R-2 residential zoning districts.

(Ord. No. 6019 Revised Effective 5/13/10)

DESIGN CRITERIA
MINIMUM DISTANCE FROM INTERSECTION
11.01 (d) (2)
MINIMUM DISTANCE BETWEEN DRIVEWAYS ON SEPARATE LOTS
11.01 (d) (3)
MINIMUM DISTANCE FROM PROPERTY LINE
11.01 (d) (4)




ARTERIAL ROADS




SECONDARY & MINOR ROADS

5. Deceleration Lanes

Approval of a driveway to an arterial road may be conditioned upon construction of a deceleration lane. Such lanes may be required in conjunction with each driveway to secondary and minor roads where a proposed building or land use will increase traffic volumes on the existing road to a total in excess of 3,000 vehicles daily. The deceleration lane, a minimum of twelve (12) feet in width, shall be constructed to City standards with the length measured from the centerline of the driveway according to the following criteria:

| | Minimum Deceleration Lane | |
|---|---|---|
| Posted Speed Limit | Length of Taper | Total Length |
| 35 mph or less | 125' | 200' |
| 40 to 45 mph | 150' | 250' |
| 50 to 55 mph | 175' | 300' |

The minimum dimensions of the deceleration lane may be reduced, provided that, in the opinion of the City Manager or the City Manager's designee, using commonly accepted and applied traffic engineering principles, the following conditions exist:

a. Where exceptional topographic constraints or unusual site conditions at the driveway location such as in-place utility or drainage features which would make strict application of the standard exceptionally and/or practically difficult or unduly harsh.

b. Where such reduction would not constitute a threat or danger to the safe and efficient flow of traffic.

(Ord. No. 7-90 Revised Effective 3/22/90)

6. Left Turn Storage Lane

Approval of a driveway to an arterial road which does not have an exclusive left turn storage lane may be conditioned upon construction of a left turn storage lane. Such lanes may be required in conjunction with each driveway to secondary and minor roads where a proposed land use will increase traffic volume on the existing road to a total in excess of 3,000 vehicles daily. The left turn storage lane, a minimum of twelve (12) feet in width, shall be constructed to City standards with the minimum storage length established according to the following criteria:

| Projected Peak Hour Left Turning Movements (Vehicles) | Minimum Storage Length Required |
|---|---|
| Less than 30 | No requirement |
| 30 – 59 | 25' |
| 60 – 89 | 50' |
| 90 – 119 | 75' |
| 120 – 149 | 100' |
| 150 – 179 | 125' |
| 180 – 209 | 150' |
| Above 210 | Prorated using above lengths as guideline |

Each left turn storage lane shall be required to have sufficient paved approach and transition return tapers constructed to City standards in accordance with commonly accepted and applied traffic engineering principles.

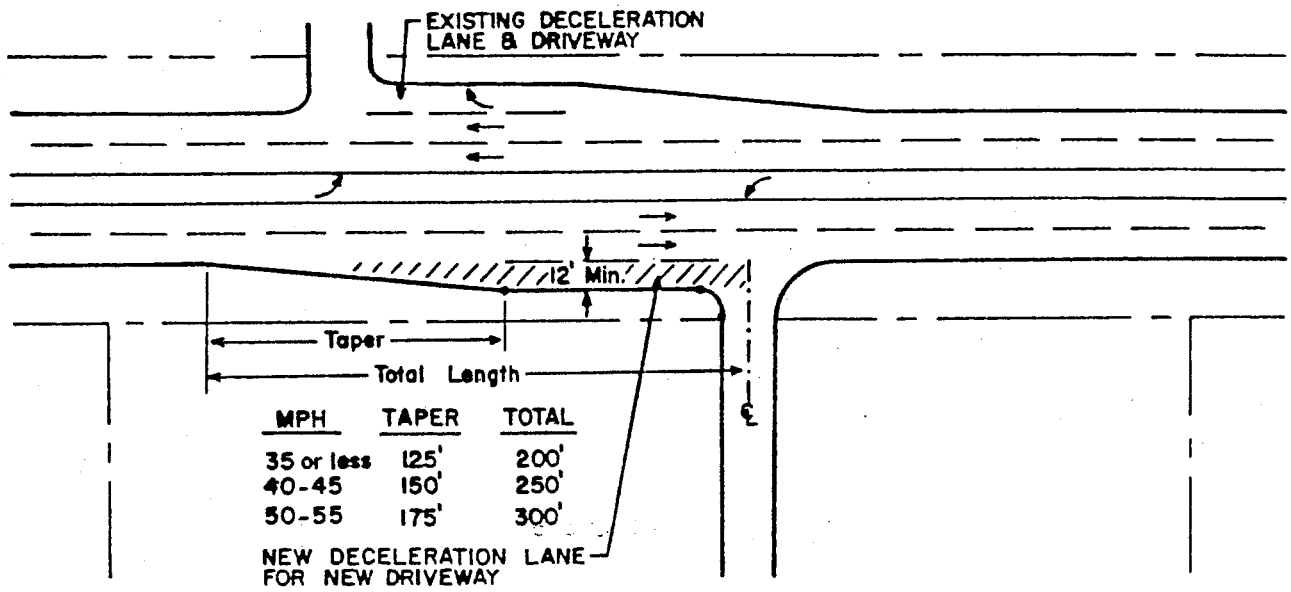
Any vehicle trip generation and directional distribution data submitted shall be consistent with traffic data for similar projects as referenced in Trip Generation, Fourth Edition, 1987, published by the Institute of Transportation Engineers, or the latest subsequent edition.

(Ord. No. 7-90 Revised Effective 3/22/90)

DESIGN CRITERIA

DECELERATION LANES

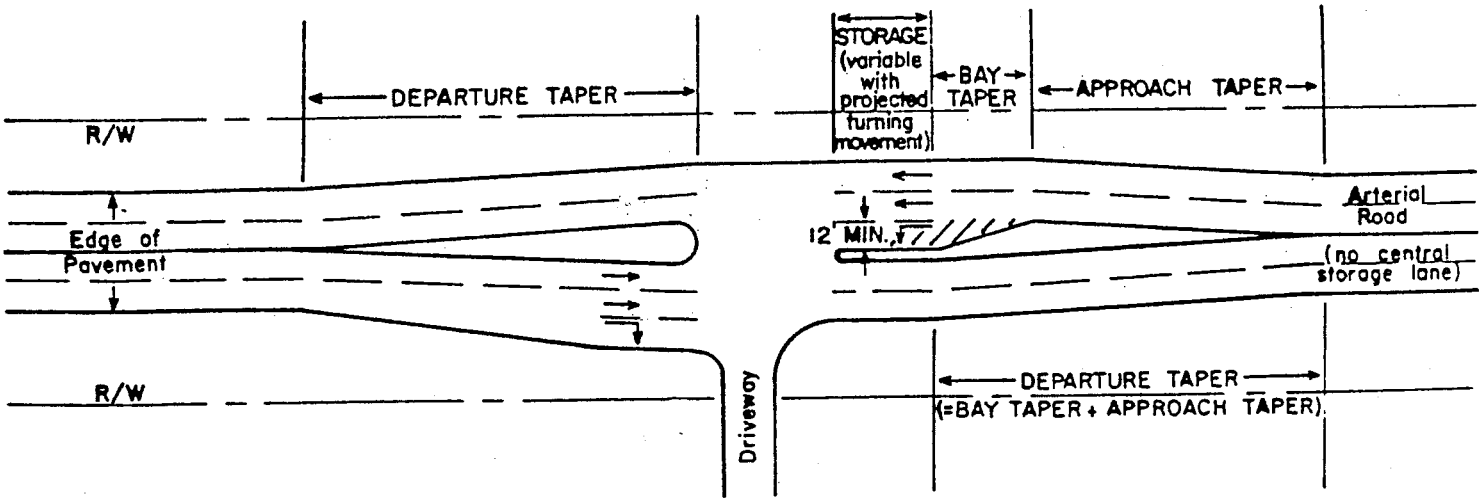
11.01 (d) (5)




DESIGN CRITERIA

LEFT TURN STORAGE LANES

11.01 (d) (6)



7. Marginal Frontage Roads

Marginal frontage roads to driveways, 24 feet in width for two 12-foot traveling lanes, may be required in all zoning districts, except one-family residential, R-2, two-, three-, four-family residential. Such marginal frontage roads shall be located on the public right-of-way adjacent and parallel to the full length of contiguous through roads and/or on private property which may be dedicated as future public right-of-way. Such marginal frontage roads shall be constructed to City standards and in a manner so as to be separated at least 20 feet from the existing roadway except at permitted driveway entrances or where otherwise specified by the City Manager or the City Manager's designee. The length of the driveway from the through road to a marginal frontage road shall be a minimum of 25 feet between the edge of pavement of the two roads. The following conditions shall be used in determining the requirement for a marginal frontage road:

a. Where a proposed or anticipated future subdivision of property will or may create three or more lots of less than two acres each with frontage to an arterial road, or

b. In any other situation where, considering commonly accepted and applied traffic safety principles, such is necessary to ensure the safe and efficient flow of traffic.

8. Shared Access Easements

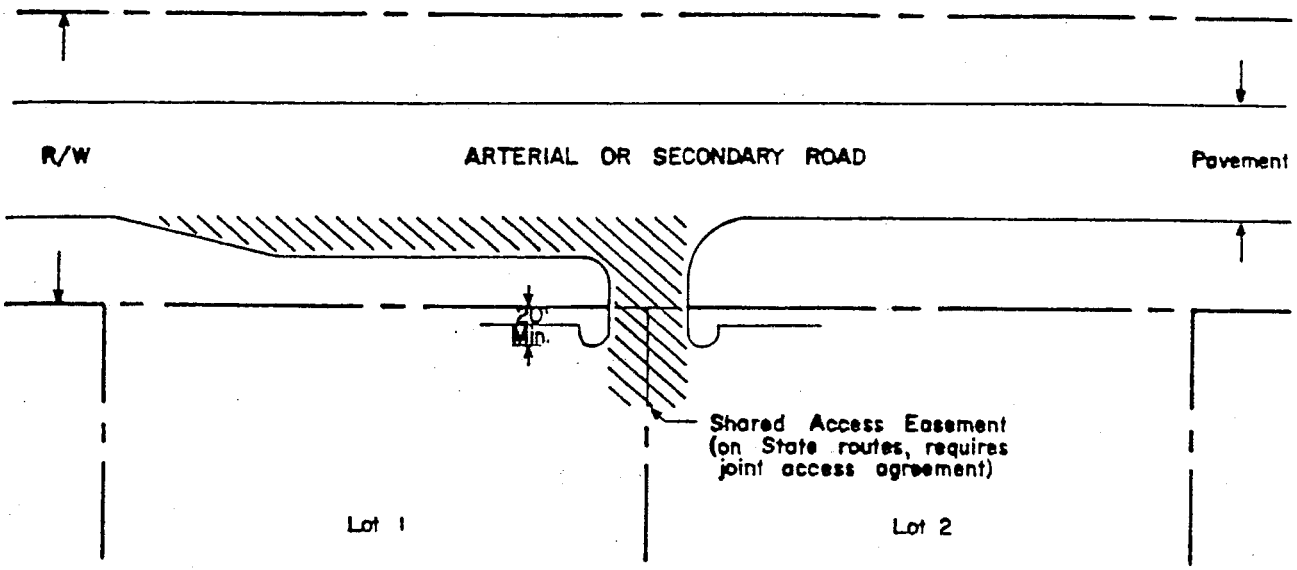
In the resubdivision of property, the Planning Commission may require the formal establishment of private driveway easements or may impose other conditions that require multiple lots or parcels to have shared vehicle access locations to arterial, secondary and minor roads where, in accordance with commonly accepted and applicable traffic engineering principles, such is necessary to provide for the safe and efficient flow of traffic upon such streets.

(Ord. No. 7-90 Revised Effective 3/22/90)

DESIGN CRITERIA

SHARED ACCESS EASEMENTS

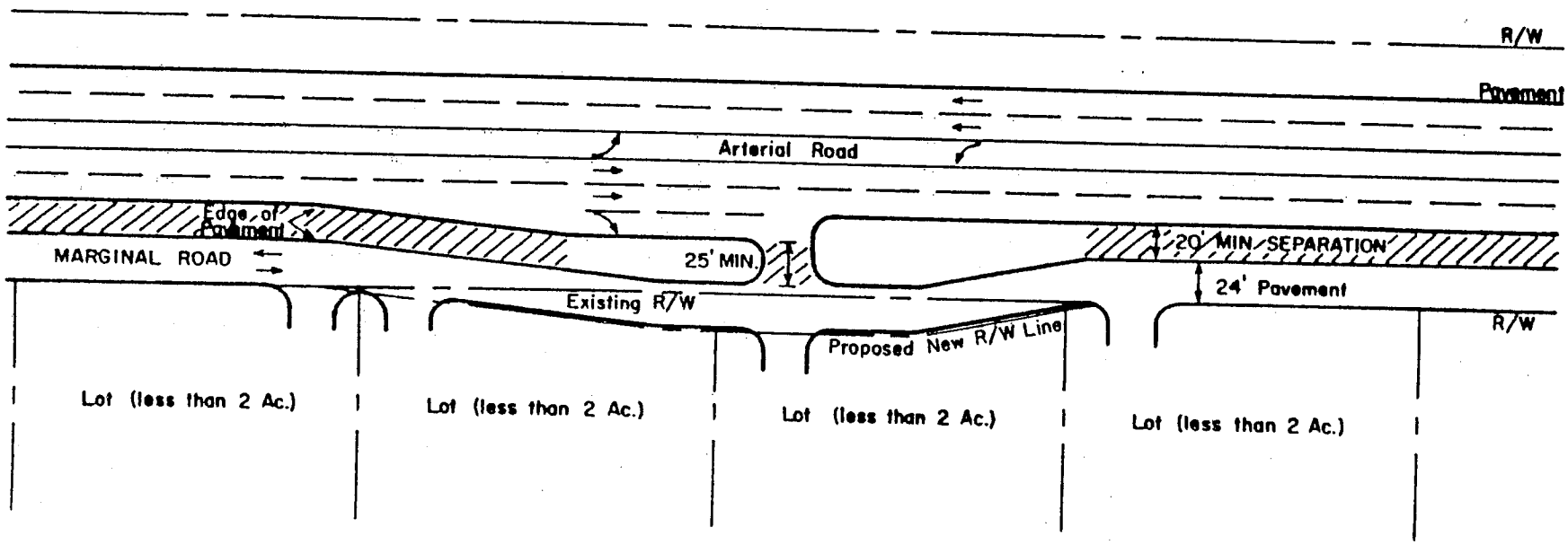
11.01(d) (8)



DESIGN CRITERIA

MARGINAL FRONTAGE ROADS

11.01 (d) (7)



9. Driveways - Minimum Length/Restrictions

All driveways for commercial, industrial, office, institutional and apartment complexes must extend a minimum of 20 feet into the property from the lot line abutting the public road before the edge of the driveway may be intersected by a parking lot space, aisle, or drive. The minimum length of this restricted driveway may be extended where, in the opinion of the City Manager or the City Manager's designee, anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for longer, controlled storage lanes.

10. Boulevard-Type Driveways

Boulevard-type driveways in which ingress and egress lanes are separated by a minimum six-inch raised concrete curb median may exceed the maximum two-way width provided the individual ingress or egress lane does not exceed the limits of one-way access width and the median does not exceed 14 feet in width.

11. Driveways - Width Requirements

The width of driveways, measured at the nearest points of the radius return, shall meet the following requirements:

| Use | Driveway Width | |
|---|---|---|
| | Minimum | Maximum |
| Residential (to Individual Dwelling Units) | 10 ft. | 20 ft. |
| Office, Commercial, Institutional, Apartment Complex | | |
| One-Way Traffic | 15 ft. | 20 ft. |
| Two-Way Traffic | 25 ft. | 30 ft. |
| Industrial | | |
| One-Way Traffic | 15 ft. | 25 ft. |
| Two-Way Traffic | 25 ft. | 40 ft. |

(Ord. No. 7-90 Revised Effective 3/22/90)

Driveways to commercial, office, or institutional developments may exceed the maximum width stated herein, provided that, in the opinion of the City Manager or the City Manager's designee, (1) the need to provide safer turning movements for truck traffic to or from such property and/or (2) the number of trips generated to or from such property justifies the need for additional access width.

12. Radius of Driveway Curve

The radius of curve connecting the edge of the deceleration or acceleration lane or through-traffic lane and edge of driveway shall meet the following requirements:

| Use | Radius of Curve Minimum | Radius of Curve Maximum |
|---|---|---|
| Office, Commercial, Institutional, Apartment Complexes: | | |
| To Arterial Roads | 15 ft. | 25 ft. |
| Secondary and Minor Roads | 10 ft. | 20 ft. |
| Industrial | | |
| To Arterial Roads | 20 ft. | 30 ft. |
| Secondary and Minor Roads | 15 ft. | 25 ft. |
| Residential, except Apartment Complexes | 0 ft. | 5 ft. |

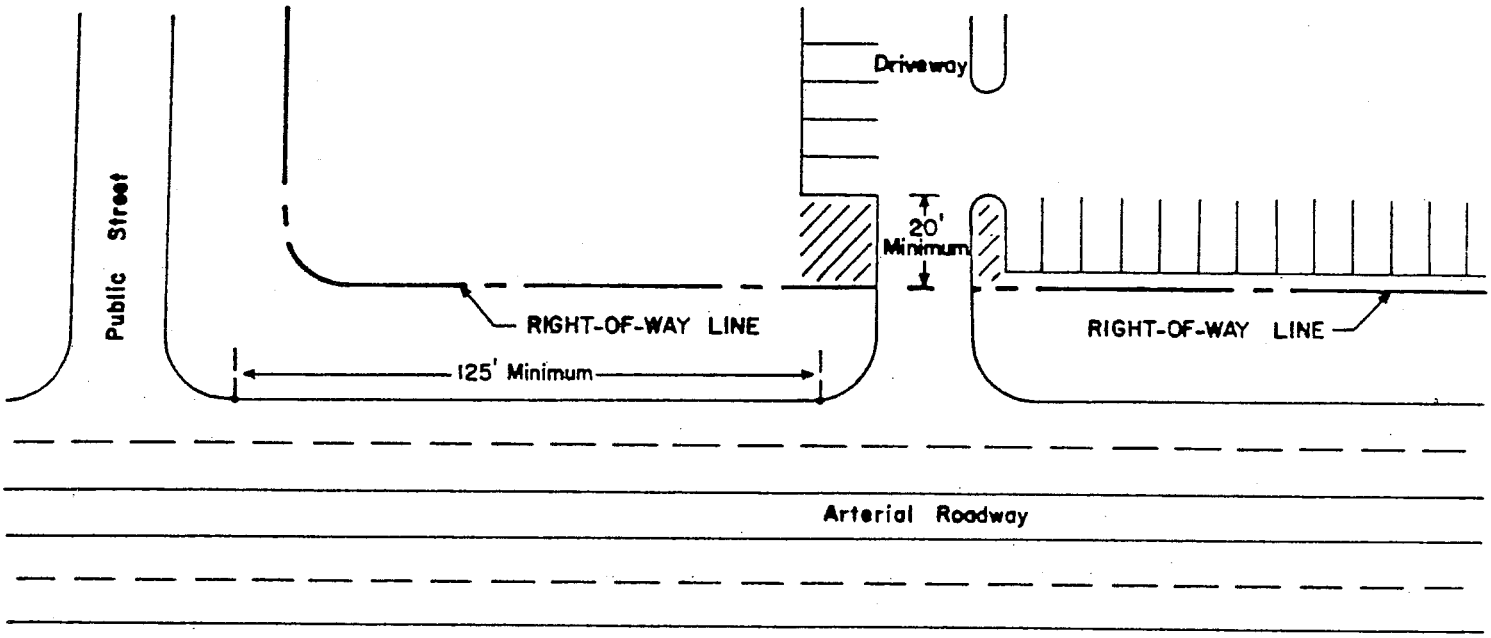
The radius of the driveway curve to residential, commercial, office, or institutional developments may exceed the maximum length stated herein, provided that, in the opinion of the City Manager or the City Manager's designee, (1) the need to provide safer turning movements for automobile and truck traffic to or from such property and/or (2) the number of trips generated to or from such property justifies the need for additional radius length.

(Ord. No. 7-90 Revised Effective 3/22/90)
(Ord. No. 4-91 Revised Effective 2/28/91)

DESIGN CRITERIA

DRIVEWAYS - MINIMUM LENGTH

11.01 (d) (9)



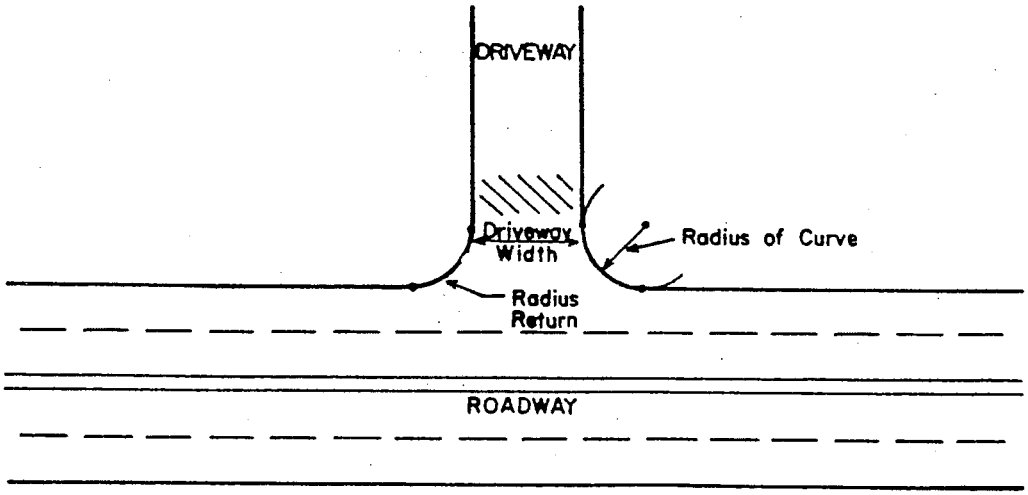

DESIGN CRITERIA

DRIVEWAY - WIDTH REQUIREMENT

11.01 (d) (11)

RADIUS OF DRIVEWAY CURVE

11.01 (d) (12)



13. Pavement Markings, Signage

Driveways with more than one ingress or egress lane shall have the pavement surface marked with center lines, lane lines, channelizing lines, stop lines, and symbol arrows plus traffic control signage in accordance with the requirements of the Manual on Uniform Traffic Control Devices, Tennessee Department of Transportation, Traffic Engineering Division, January 1979, or subsequent revisions.

(Ord. No. 7-90 Revised Effective 3/22/90)

Section 11.02 Required Off-Street Parking

(a) Required Compliance

Off-street parking shall be provided for all buildings and land uses erected or established after enactment of these regulations in accordance with the standards of this section. No building or land use shall be occupied or established until the City Manager issues a Certificate of Occupancy which certifies that all provisions of this section of the Ordinance are satisfied.

(Ord. No. 25-93 Revised Effective 9/30/93)

(b) Permitted Uses of Parking Lots

The required off-street parking shall be for the use of occupants, employees, visitors and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles in such parking areas is prohibited.

(Ord. No. 10-91 Revised Effective 4/04/91)

(c) Location Convenient to Building/Use

Off-street parking shall be conveniently located to serve the buildings and uses, to be located on the same lot or within three hundred (300) feet of any building or use it is intended to serve of less than 50,000 square feet or within 500 feet of any building or use greater than 50,000 square feet but less than 100,000 square feet, or within 750 feet of any building or use greater than 100,000 square feet. The distance shall be measured from the nearest entrance point of the building or use to the nearest space of the off-street parking lot.

(d) Residential Parking

Residential off-street parking shall consist of a parking strip, driveway, garage, stall, or combinations thereof and shall be located on the lot it is intended to serve. There shall be vehicular access from each parking area to the public street. Such access shall meet the requirements of Article XI of this Ordinance.

(e) Reserved.

(f) Number of Parking Spaces Required

Unless otherwise provided in this section, the minimum number of parking spaces required for each use shall be determined in accordance with the following standards. Requirements of fractions of a space shall be rounded up to the next whole space.

1. Commercial Uses.

| | | |
|---|---|---|
| a. | Beauty parlor or barber shops. | 2 per barber or beauty shop chair. |
| b. | Exhibition halls, assembly halls and conference centers without fixed seats | 1 per one hundred fifty (150) square feet of usable floor area. |

(Ord. No. 20-90 Revised Effective 8/30/90)

| | | |
|---|---|---|
| c. | Furniture and appliance; warehousing; racquetball courts/clubs; household equipment repair shops; showroom of a plumber, decorator, electrical, or similar trade; motor vehicle sales. | 1 per eight hundred (800) square feet of usable floor area exclusive occupied in processing of usable floor area or manufacturing; for requirements, see industrial establishments below |
| d. | Hotels, motels, tourist homes and bed and breakfast establishments | 1 per guest bedroom |
| e. | Restaurants, on-premise food, beverages or refreshments. | 1 per one hundred fifty (150) square feet of usable floor area. For each drive-in window, a storage lane adequate in length for five vehicles to approach the window and a storage lane adequate in length for three vehicles between the window and the right-of-way at the exit to the public street. |
| f. | Retail stores except as otherwise specified herein. | 1 per two hundred fifty (250) square feet of usable floor area. For each drive-in window, a storage lane adequate in length for three vehicles to approach the window and a storage lane adequate in length for two vehicles between the window and the right-of-way at the exit to the public street |

(Ord. No. 3-99 Revised Effective 3/11/99)

| | | |
|---|---|---|
| g. | Shopping Centers. | 4.5 spaces per thousand square feet of usable floor area. |

(Ord. No. 3-99 Revised Effective 3/11/99)

| | | |
|---|---|---|
| h. | Theaters, Auditoriums, Churches, Mortuaries | 1 per four (4) seats in the principal meeting or assembly room(s). |

2. Industrial Uses.

| | | |
|---|---|---|
| a. | Industrial establishments including manufacturing, research and testing laboratories, and similar or allied work | 3 per 4 employees, computed on the basis of greatest number of persons employed at any one shift during the day or night, during the day or night, <u>or</u> 1 per 667 square feet of usable area, whichever is greater. |

3. Office Uses.

| | | |
|---|---|---|
| a. | Business and professional offices of accountants, government, lawyers, engineers, banks, information processing, real estate, veterinarian and similar or allied professions. | 1 per two hundred fifty (250) square feet of usable floor area. For each drive-in window or drive-in teller station, a storage lane adequate in length for three vehicles to approach the window and a storage lane adequate in length for two vehicles between the window and the right-of-way at the exit to the public street. |
| b. | Professional offices of doctors and dentists and similar or allied medical professions. | 1 per one hundred fifty (150) square feet of usable floor area. |

4. Public and Quasi-Public Uses.

| | | |
|---|---|---|
| a. | Colleges, private educational institution. | 1 per one (1) full-time equivalent teacher, administrator or other employee, and 1 per three (3) full-time equivalent students. |

(Ord No. 20-90 Revised Effective 8/30/90)

| | | |
|---|---|---|
| b. | Elementary schools, Junior High Schools, and child care centers. | 1 per one (1) teacher, administrator or other employee, computed on the basis of the greatest number of persons employed on any shift during the day or night. |
| c. | High Schools. | 1 per one (1) teacher, administrator or other employee and 1 per ten (10) students, computed on the basis of the greatest number of persons employed or in attendance on any shift during the day or night. |
| d. | Hospitals. | 1 per three (3) beds, plus one space per each 2 employees, computed on the basis of greatest number of persons employed on any shift during the day and night. |

5. Recreational Uses.

| | | |
|---|---|---|
| a. | Bowling alleys. | 3 per alley. |
| b. | Golf course. | 4 per hole. |
| c. | Parks. | 3 spaces per acre for all parks except neighborhood parks. No parking spaces required for neighborhood parks. |

(Ord. No. 3-99 Revised Effective 3/11/99)

| | | |
|---|---|---|
| d. | Stadiums, ballfields and sports arenas. | 1 per five (5) seats. |
| e. | Swimming pools, excluding private pools serving a single-family residence. | 1 per one hundred fifty (150) square feet of water surface area |
| f. | Tennis Courts. | 2 per court. |

(Ord. No. 20-90 Revised Effective 8/30/90)

6. Residential Uses.

| | | |
|---|---|---|
| a. | Residential Use, including apartment complexes and mobile home parks. | 2 per dwelling unit. In exceptional cases such as occupancy by persons with reduced ownership of vehicles, this may be reduced by the Board of Zoning Appeals, but not to less than 1 per dwelling unit. |
| b. | Convents, homes for elderly, nursing homes, temporary and permanent group care facilities. | 1 per three (3) beds, plus one space per employee, computed on the basis of greatest number of persons employed on one shift day or night. |
| c. | Temporary and permanent group care facilities for residents under 17 years old. | 1 space per employee, computed on the basis of greatest number of persons employed on any one shift day or night. |

7. Mixed-Use Development.

a. The minimum number of spaces required shall be calculated by adding together the parking requirements for each use on the lot.

b. In order to avoid unreasonable and excessive parking requirements in a mixed-use development, the owner may provide a parking study, prepared by a qualified registered professional engineer, addressing the size, functional relationships and peak parking demand (hourly, daily and seasonal) for each land use as well as identifying actual parking demand for similar type mixed use projects already in existence. Upon review and approval by the City Manager or the City Manager's designee, a combined parking space requirement may be established for the mixed use development in lieu of requirements described above in subsection a.

(Ord. No. 20-90 Revised Effective 8/30/90)

(g) <u>Accessible Parking Spaces for Disabled Drivers</u>

All off-street parking lots are required to provide accessible parking space for disabled drivers, sized in accordance with Section 11.03(f)(5). The required number of accessible parking spaces for disabled drivers shall be based on the total spaces required for the building or use. Accessible parking spaces for disabled drivers shall be placed within the parking lot layout at locations near entrance(s) of the building or use with convenient access to the building via curb ramps or similar

means. Each accessible parking space for a disabled driver shall be marked and maintained with the stylized wheelchair symbol designated by Tennessee Code Annotated §55-21-105. The required marking may be by a sign on a pole. Signs designating disabled parking shall indicate that unauthorized or improperly parked vehicles may be towed and the driver fined two hundred dollars ($200). Signs designating disabled parking shall also provide the name and telephone number of the towing company or the name and telephone number of the property owner, lessee or agent in control of the property. The following table shall be used in computing the required number of accessible parking spaces for disabled drivers:

| Total Spaces Required for Building or Use | Minimum Number to be Reserved for Disabled Drivers |
|---|---|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| over 500 | 10 plus 1 for each 100 spaces over 500 spaces |

(Ord. No. 19-10 Revised Effective 12/23/10)

(h) Interpretation of Space Requirements

For uses not specifically mentioned herein, off-street parking space requirements shall be interpreted by the City Manager or the City Manager's designee; except that in zones requiring site review by the Planning Commission, such interpretation shall be made by the Planning Commission. In making such determinations, the City Manager and Planning Commission shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and other commonly accepted and applied traffic engineering principles.

(i) Expansion of Existing Buildings/Uses

Any area designated as required off-street parking shall not be reduced below the required number of spaces for the use or changed to any other use unless and until equal parking facilities are provided elsewhere, in conformance with the requirements of this ordinance.

(Ord. No. 20-90 Revised Effective 8/30/90)

Except for single-family or duplex residential dwelling units, whenever a use requiring off-street parking is expanded, the following standards shall apply:

1. For uses with off-street parking based on floor area, the new total usable floor area shall be used as the basis to establish the total number of spaces, and additional spaces shall be provided to bring the number up to the new total.

2. For uses with standards based on the number of seats, number of employees, number of beds, or other basis, the total number of spaces required by the expanded use shall be computed and additional spaces shall be provided to bring the number up to the new total.

(j) Shared Parking Lots

Two or more adjoining buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual buildings or uses computed separately.

(k) Use of Publicly Owned Parking Lots

Where off-street parking lot spaces in permanent public ownership and operation exist in excess numbers than are necessary to fulfill the requirements of this code for the existing buildings and uses, the excess number of parking spaces may be prorated to the buildings or uses within two hundred (200) feet, as measured in paragraph (c) above. Upon certification by the City Manager or the City Manager's designee that excess off-street public parking exists, the Board of Zoning Appeals may grant a reduction in the minimum number of off-street parking spaces required for any new building or new use with such reduction not to exceed the number of excess spaces certified by the City Manager or the City Manager's designee; except that in zones requiring site review by the Planning Commission, such exception shall be considered by the Planning Commission and may be granted by the Planning Commission, subject to the same certification by the City Manager or the City Manager's designee.

(Ord. No. 20-90 Revised Effective 8/30/90)

(l) Parking Garages

Parking garage structures shall be required to meet all area, height, bulk and setback regulations for a permitted principal use in the zoning district in which the facility will be located. In addition, the structure shall comply with standard off-street parking lot buffer strip setback requirements as specified in Section 11.03 (g) 2 of this ordinance.

(m) Reduction in Parking Space Requirements - For Non-Conflicting Uses

In cases where an off-street parking lot can serve two or more uses and peak operating hours do not conflict, and where the combined uses require 100 or more parking spaces, the Board of Zoning Appeals may grant a reduction of up to thirty percent (30%) of the minimum number or total parking spaces required for both uses; except that in zones requiring site review by the Planning Commission, such

exception shall be considered by the Planning Commission and may be granted by the Planning Commission, under the same conditions and requirements.

(n) Reduction of Existing Parking Lot Spaces for Provision of Landscaped Areas

In cases where the owner of an existing parking lot voluntarily elects to comply with the requirements of buffer strips, and/or traffic islands required of new parking lots as set forth in Section 11.03 of this Ordinance, and the provision of such landscaped areas would result in the parking lot becoming out of compliance with the minimum requirements for parking spaces, a reduction in the minimum number of required parking spaces not to exceed 10% may be approved by the City Manager or the City Manager's designee to allow for the installation of such improvements.

(o) Preservation of Existing Significant Vegetation

The retention of existing significant vegetation is encouraged in the design of new and expanded off-street parking lots. A reduction in the minimum number of required parking spaces not to exceed 10% may be approved by the City Manager or the City Manager's designee, provided the owner shall be required to design such parking lot for the continued growth of significant vegetation, and to erect suitable barriers to protect such vegetation during construction. Location and placement of such barriers shall be subject to review and approval by the City Manager or the City Manager's designee. The owner shall maintain and/or replace such plantings as necessary after completion of the parking lot.

(Ord. No. 20-90 Revised Effective 8/30/90)

Section 11.03 Off-Street Parking Lot Layout, Construction and Maintenance

Whenever there is a requirement to build an off-street parking lot, such parking lot shall be designed, constructed, and maintained in accordance with the following regulations:

(a) Site Plan

Prior to the issuance of any permit for construction of a building or use requiring off-street parking to accommodate ten (10) or more vehicles, a site plan shall be submitted to the City Manager or the City Manager's designee for review and approval; except that in zones requiring site review by the Planning Commission, such approval shall be granted by the Planning Commission. The site plan shall show the property lines and the existing and proposed layout and dimensions of the parking lot on the lot/parcel with all major buildings and required zoning setbacks, structures, doorways, loading and unloading areas, trash containment areas, location of all underground and overhead utilities, existing and proposed contours and storm drainage features, as well as other information as deemed necessary by the City Manager or the City Manager's designee.

(b) Permit for Parking Lot Construction

No off-street parking lot shall be cleared, graded, constructed or expanded prior to the issuance of a grading permit. The issuance of a grading permit under the

Erosion Control and Storm Water Management Ordinance (Section 9-400 of the City Code of Ordinances) shall constitute approval to initiate such work. The overlay of an existing hard surface parking lot with a dustless and durable material shall be exempt from the provisions stated herein; provided that any modifications to an existing parking lot which changes the space layout or configuration shall be reviewed and approved by the City Manager or the City Manager's designee prior to initiating work.

(c) Access to Public Streets

Ingress and egress to the parking lot from the public street shall be provided pursuant to the standards specified in Article XI, Off Street Parking and Loading Requirements of this Ordinance. Parking spaces for commercial, industrial, office, institutional and apartment complex projects shall be provided with adequate aisles or turnaround areas so that all vehicles may enter public streets by forward motion. No parking area or maneuvering space shall be located in the public right-of-way.

(d) Safe Line of Sight

Notwithstanding any other provisions of this Ordinance, no earthen berm, hedge, fence, wall, screen planting, sign or other obstruction to vision shall be allowed that will interfere with a safe line of sight needed for traffic safety.

(e) Reserved.

(f) Design Criteria

Plans for the layout of off-street parking lots and garages shall follow design standards in accordance with the Transportation and Traffic Engineering Handbook, Second Edition, 1982, published by the Institute of Transportation Engineers, or the latest subsequent edition, and the Manual on Uniform Traffic Control Devices. In addition, the following minimum standards shall apply in the design of all parking lots:

1. Unrestricted Movement

Except for residential use or for attendant parking, each parking space shall be arranged so that any vehicle may enter or leave without moving another vehicle.

2. Drainage

The off-street parking lot shall be constructed, sloped and drained to carry surface water in accordance with provisions of the Erosion Control and Storm Water Management Ordinance. If a portion of the surface area of the parking lot is to serve and fulfill storm water detention requirements, such detention areas shall be located in the aisles of the parking lot and shall provide for a maximum storage height for storm water not to exceed 8 inches.

3. Materials Specifications

The surface of the off-street parking lot (interior access drives, aisles, spaces, service delivery drives and vehicle access drives to public streets), for all uses except for single-family and duplex residential uses, shall be constructed of a plant mix asphalt or concrete paving and maintained in such a manner that no dust will result from continuous use. Pervious pavers or pavement may be approved by the City in cases where such use is appropriate.

(Ord. No. 3-99 Revised Effective 3/11/99)

4. Lighting

The height, type of fixtures and spacing of outdoor lighting (luminaires) in parking lots shall be arranged in a manner so as to prevent light spillover into adjacent or nearby residential zoning districts and glare that may interfere with the safe use of public rights-of-way. The City Manager or the City Manager's designee may require a lighting plan to show the distribution and intensity levels of illumination for each exterior fixture on the surrounding area. See Section 13.02(h) for additional requirements on lighting.

5. *Minimum Parking Lot Dimensions.*

Depending on the angle (degree) of the parking spaces, the following minimum dimensions and spacing requirements shall apply to the parking lot layout (in feet):

Minimum Parking Dimensions (in feet)*
Parking Angle P °

| Dimension | On Diagram | 0° | 30° | 45° | 60° | 75° | 90° |
|---|---|---|---|---|---|---|---|
| Space width, Standard | A | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 | 9.0 |
| Space width, Disabled Driver (Access Aisle Width for Disabled Driver) | B | 8 | 8 | 8 | 8 | 8 | 8 |
| ((Access Aisle Width for Disabled Driver Van Access)) | | (5) | (5) | (5) | (5) | (5) | (5) |
| | | ((8)) | ((8)) | ((8)) | ((8)) | ((8)) | ((8)) |
| Space width, Parallel to Aisle | C | 9.0 | 18.0 | 12.7 | 10.4 | 9.3 | 9.0 |
| Space Length | D | 22.0 | 34.0 | 27.5 | 23.7 | 20.9 | 18.5 |
| Aisle Width – One-Way Traffic except for 90° angle | E | 12.0 | 11.0 | 12.0 | 16.0 | 23.0 | 26.0 |
| Module, Wall to Interior Space | F | 30.0 | 41.0 | 48.0 | 55.0 | 62.0 | 63.0 |
| Module, Interior to Interior Spaces | G | 30.0 | 38.0 | 45.0 | 53.0 | 61.0 | 63.0 |
| Module, Interior to Edge of Curb | H | 30.0 | 40.0 | 46.0 | 53.2 | 59.5 | 60.5 |
| Interior Access Drives | | | | | | | |
| One Way | I | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 | 14.0 |
| Two Way | | 24.0 | 24.0 | 24.0 | 24.0 | 24.0 | 24.0 |
| Bumper Overhang (Typical) | J | ----- | 2.0 | 2.0 | 2.3 | 2.5 | 2.5 |

a. If there are no less than four (4) parking spaces designated with the wheelchair disabled sign, then at least one (1) of the parking spaces shall be van accessible. If more than four (4) spaces are designated as disabled parking spaces, then at least two (2) spaces per eight (8) disabled parking spaces shall be van accessible.

b. The access aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share a common access aisle.

c. Van accessible parking spaces shall have an additional sign marked "Van Accessible – Priority for Wheelchair User" mounted below the sign marked with the stylized wheelchair symbol. The van accessible parking

spaces may have an additional sign marked "Priority Should Be Given to Disabled Van Access. Other Disabled Vehicles Should Use Only If No Other Available Disabled Spaces" mounted below other required signs. Van accessible parking spaces are not restricted to disabled van access; provided, that disabled vehicles other than vans should not use van accessible parking spaces when another accessible disabled parking space is available.

(Ord. No. 19-10 Revised Effective 12/23/10)

Section 11.04 Off-Street Service Areas

(a) Loading/Unloading Areas

1. Required

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, warehousing, goods, display, a department store, a wholesale store, a supermarket, a hotel, a hospital, a mortuary, a laundry, or other uses similarly involving the receipt or distribution of vehicles or materials of merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading vehicles adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or the off-street parking lot.

2. Design/Number

Such loading and unloading space shall have a minimum width of twelve (12) feet by fifty five (55) feet with a fourteen (14) foot vertical height clearance above the finished grade. Such space shall be located in designated areas separate from internal drives and regular off-street parking lot spaces, unless the applicant can demonstrate to the satisfaction of the City Manager or the City Manager's authorized representative that the scale, operating hours, or other characteristics of the proposed use or uses do not require such separation. The City Manager will provide written notice to owners of adjacent residential property of a request to waive the requirement for separate loading and unloading space(s) and provide said residential property owners five (5) days within which to comment. A minimum number of loading spaces shall be provided according to the following table:

| Gross Floor Area in Square Feet | Minimum Loading/Unloading Spaces Required in Terms of Square Feet of Gross Floor Area |
|---|---|
| 0 – 40,000 | One space |
| 40,000 – 100,000 | Two (2) spaces |
| 100,000 – 400,000 | Two (2) spaces plus one space for each 75,000 square feet of excess over 100,000 square feet or any fraction thereof |
| Over 400,000 | Six (6) spaces plus one space for each 90,000 square feet of excess over 400,000 square feet or any fraction thereof |

(Ord. No. 20-90 Revised Effective 8/30/90)
(Ord. No. 6-10 Revised Effective 5/13/10)

# ARTICLE XII
## Performance Standards

**Section 12.01 Purpose, Intent and General Standards**
**Section 12.02 Smoke**
**Section 12.03 Dust and Particulate Matter**
**Section 12.04 Noise**
**Section 12.05 Light**
**Section 12.06 Glare and Heat**
**Section 12.07 Odor**
**Section 12.08 Gases**
**Section 12.09 Electromagnetic Radiation**
**Section 12.10 Vibration**
**Section 12.11 Toxic Matter**
**Section 12.12 Fire and Explosive Material**
**Section 12.13 Radioactive Materials**
**Section 12.14 Uses Required to Submit a Risk Management Plan Under the U.S. Clean Air Act Section 112(r)**

Section 12.01 Purpose, Intent, and General Standards

(a) Purpose. The primary purpose of this Article is to ensure that industrial, research and other business activities are good neighbors to adjoining properties by controlling the emission of noise, odors, glare, vibration, smoke, dust, liquid wastes, radiation, and similar pollutants and that they are maintained with proper appearance from streets and adjoining properties. Accordingly, this Article states the performance standards and conditions with which the City expects the construction and operation of industrial, research, and other business activities to comply. In many cases, the relation of a prospective use to all these standards cannot be judged properly at the time a building permit is issued or some of type of approval for development is granted. In such cases, the recipient of the permit or approval should note that these performance standards, like all other provisions of this Ordinance, are continuing obligations, and that all industrial, research, and other business uses will be expected to operate in compliance with these standards. When any use or building or other structure is extended, enlarged, or reconstructed, the applicable performance standards shall apply to such extended, enlarged, reconstructed portions of such use of building or other structure. Any land use that fails to comply with these standards will be in violation of this Ordinance.

(b) Intent. Federal and State environmental regulations may also apply to one or more of the features governed by the standards in this Article. It is not the intent of this Article to supersede or replace those Federal or State regulations. Rather, the intent is for the standards of this Article to supplement and complement any applicable Federal and State regulations. If any standard herein conflicts with an applicable Federal or State standard, then the Federal or State Standard shall control.

(c) General standards and measures for compliance.

All uses shall be conducted so as to preclude any nuisance, hazard, or commonly-recognized offensive condition or characteristics of the use, including the creation or emission on other properties of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, toxic matter, fire, explosions, electrical disturbance, heat, glare, or excessive night illumination. At any time before or after a building is used or occupied, the City Manager or the City Manager's authorized representative may require that adequate control measures be provided in accordance with the requirements or standards of the appropriate local, state or federal government agency responsible for regulating that condition or pollutant, in order to protect the public health, safety, comfort, convenience, and general welfare from any such nuisance, hazard, condition, or pollutant.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.02 Smoke

Smoke emissions shall not exceed the maximum limits established by the State of Tennessee.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.03 Dust and Particulate Matter

The quantity of airborne dust and particulate matter shall not exceed maximum limits established by the State of Tennessee.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.04 Noise

Intensity. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses: (For the purposes of this Section, uses separated by a railroad will be considered adjacent.)

(Ord. No. 18-99 Revised Effective 8/26/99)

(a) Adjacent Uses

Decibel Level

| | $L_{50}$ | $L_{10}$ | 7a.m. – 10p.m. Maximum Limit | $L_{50}$ | $L_{10}$ | 10p.m.-7a.m. Maximum Limit |
|---|---|---|---|---|---|---|
| Residential | 65dBA | 70dBA | 80dBA | 55dBA | 60dBA | 75dBA |

| | $L_{50}$ | $L_{10}$ | 7a.m. – 12 midnight Maximum Limit | $L_{50}$ | $L_{10}$ | 12 midnight – 7a.m. Maximum Limit |
|---|---|---|---|---|---|---|
| Business | 70dBA | 75dBA | 80dBA | 70dBA | 75dBA | 80dBA |
| Industrial | 75dBA | NA | 80dBA | 75dBA | NA | 80dBA |

(b) Definitions

1. "$L_{10}$" means the sound level, expressed in dBA, which is exceeded ten percent (10%) of the time for a one-hour survey.

2. "$L_{50}$" means the sound level, expressed in dBA, which is exceeded fifty percent (50%) of the time for a one-hour survey.

3. Sound pressure level, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure.

4. The reference pressure shall be 20 micronewtons per square meter.

(c) Measurement procedures

1. All measurements shall be made from the lot boundary.

2. All measurements shall be made outdoors.

3. Measurements shall be made at least three (3) feet off the ground or surface and away from natural or artificial structures which would prevent an accurate measurement.

4. Measurements shall be made using the A-weighting and fast response characteristics of the sound measuring device as approved by the American National Standards Institute.

5. Measurements shall be made using a microphone, which is protected from ambient conditions, which would prevent an accurate measurement.

6. A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements.

(Ord. No. 18-99 Revised Effective 8/26/99)

7. All sound level measuring devices must meet Type 0, I, II, or S specifications approved by the American National Standards Institute.

(d) Noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.05 Light

Exterior lighting, except for overhead street lighting and warning, emergency, or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways, or on the surrounding area. The installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals, shall be unlawful. It shall also be unlawful to produce by any means a reflection of any light, either natural or man-made in such a manner as to create any light, brightness or glare which may be hazardous or confused with warning signals, emergency signals or traffic signals.

(Ord. No. 7-84 Revised Effective 4/5/84)

Section 12.06 Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except in IND-3, Industrial districts where flare stacks or other devices, representing the minimum practicable sources of hear and/or glare, are a safe and essential aspect of an industrial process or operation.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.07 Odor

The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard to persons of ordinary sensibilities beyond lot lines is prohibited.

Section 12.08 Gases

Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, corrosive, or in excess of any applicable maximum limits established by State or Federal regulations.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.09 Electromagnetic Radiation

Applicable rules and regulations in regard to propagation of electro-magnetic radiation of the Federal Communications Commission are hereby made a part of this code, and shall be on file in the Office of the City Manager or the City Manager's authorized representative.

Section 12.10 Vibration

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

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.11 Toxic Matter

No emission that would be demonstrably injurious to human health, animals, or plant life, at or beyond the lot line will be permitted. Where an industrial use could produce such omission as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.12 Fire and Explosive Hazard

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exteriors and protected throughout by an automatic fire extinguishing system.

All activities involving the use, storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.13 Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with State and Federal regulations.

(Ord. No. 18-99 Revised Effective 8/26/99)

Section 12.14 Uses Required to Submit A Risk Management Plan Under the U.S. Clean Air Act Section 112(r)

New uses established after adoption of this section with regulated substances above threshold quantity, as defined in Section 112(r) of the U.S. Clean Air Act, will be required to have a setback no less than 500 feet from any property line adjacent to a non-industrial use or zoning district. This setback applies only to the bulk storage or processing location of the regulated substance, not to ancillary use locations with smaller volumes.

(Ord. No. 18-99 Revised Effective 8/26/99)

# ARTICLE XIII
## Landscaping and Design Standards

**(Ord. No. 03-15 Revised Effective 4/28/05)**

**Section 13.01 Introduction**
**Section 13.02 Design Review Standards**
**Section 13.03 Alternative Procedures**
**Section 13.04 A Design Review Checklist**
**Section 13.05 References**

### Section 13.01 Introduction

Oak Ridge's environment is an important asset in seeking to attract residents, businesses and employment opportunities. Its natural environment sets a demanding standard; the lakes and rolling hillsides provide an unparalleled setting for places to live, shop and work. The purpose of this article is to communicate a set of design standards for new development or the redevelopment of existing properties in the City aimed at ensuring that Oak Ridge lives up to its residents' aspirations.

(a) Basis for the Standards

1. To promote qualities in the environment that sustain the community's economic well-being;

2. To foster the community's attractiveness and functional utility as a place to live and work;

3. To preserve the community's heritage by maintaining the integrity of areas enjoying discernable character contributing to this heritage;

4. To safeguard public investment in the community; and

5. To establish a level of community expectations.

The standards which follow translate these purposes into criteria for design. This article also outlines the process which applicants must follow to seek approval of their projects by the Oak Ridge Municipal Planning Commission (Planning Commission) and city staff.

(b) Actions Subject To Design Review

Development, which includes any buildings, structures or physical improvements or changes to land, is subject to design review if:

1. Site plan approval is required under Article XVI, Section 16.11 for the following non-residential uses or residential uses with more than four (4) attached housing units:

   a. Sites which are currently vacant and the site is considered new construction on a legal lot of record or a lease area

   b. Any addition attached to an existing structure totaling

50% of the ground floor area.

(Ord. No. 17-09 Revised Effective 10/22/09)

c. Any modification where the estimated cost of the improvement exceeds 75% of the total assessed value of the structure(s) as set forth in the most current Anderson or Roane County tax records. However, IND-1, IND-2, and IND-3 are exempt from this subsection.

(Ord. No. 17-09 Revised Effective 10/22/09)

d. Any newly-constructed detached building on an existing legal lot of record with existing building(s). If the new building totals 50% or more of the ground floor area of the existing largest building, then the entire site shall be brought into compliance with the current regulations. If the new building total is less than 50% of the ground floor area of the existing largest building, then only the new building and all its associated performance criteria shall meet the requirements as specified. However, IND-1, IND-2, and IND-3 are exempt from this subsection.

(Ord. No. 17-09 Revised Effective 10/22/09)

e. Change or expansion in the off-street parking layout of an existing building on legal lot(s) of record. If the change or expansion results in a twenty-five percent (25%) or more increase in spaces then the entire parking lot shall be brought into compliance with the current regulations.

(Ord. No. 20-10 Revised Effective 12/23/10)

2. The development is a public building or improvement to a public building which the City may regulate. (Any other government entity is strongly encouraged to comply.)

(c) Purpose Of This Article

This Article explains the goals and standards which the Planning Commission and city staff will apply in reviewing proposals. It does not reproduce all of the specific requirements stated in the Zoning Ordinance, Subdivision Regulations, or other applicable development standards and regulations. Applicants are advised to consult all such documents prior to preparing plans.

The Article also is not intended to discourage applicants from submitting plans which are in the spirit of the standards, but not their letter, particularly if departures hold merit for a particular site or circumstance. In such instances, the Planning Commission may decide to make exceptions from its standards as referenced in Section 13.03. The burden of demonstrating that the plan is appropriate falls upon the applicant. Consideration will also be given to using material of existing and historical buildings.

Design review will occur in parallel with other reviews of a project mandated by current requirements, with consistent materials used for all reviews. The Design Review Process is described step by step in Section 13.04 of this Article.

(d) Goals For Community Appearance And Character

These provide the basis for the specific standards included in this Article.

1. Natural Character

Oak Ridge's natural character should be preserved and enhanced with new development. Especially important are retaining mature trees and vegetation, maintaining topography, preserving important scenic views to the lakes and mountains and other natural features, and ensuring that new buildings sit within a generously landscaped setting.

2. Compatibility

New buildings should be compatible with their neighbors, assuming that the neighboring structures are a credit to the community. That does not imply uniformity of architectural style; rather a sympathetic response to the height, scale, materials, color, site location and other aspects of nearby structures.

3. Orderly Public Realm

The city's character is largely formed by the appearance of its important streets. How public and private elements of the streetscape relate to each other provides a sense of order -- public roadways, shoulders and medians, utility lines, and traffic signage in relationship to private landscaping, parking areas, building facades and signage. Scrutiny of what can be seen from public ways should be most intense, while less visible private areas of sites should be more at the property owner's discretion.

4. Signage

Private signage and advertising should not detract from the sense of continuous landscape. The principal purpose of on-site signage is to identify establishments, and to direct those seeking to visit them safely and efficiently to their destination.

5. Residential Privacy

The sense of privacy of residential areas should be protected, especially from nuisances created by adjacent uses, such as noise, traffic, high lighting levels, and uncontrolled access. Within residential areas, there should be privacy of individual units.

6. History

References to Oak Ridge's past -- both its natural and developmental history -- should be preserved wherever possible.

7. Utilitarian Elements

Utilitarian elements should be masked or located out of public view. These include mechanical equipment on buildings, transformers, meters, refuse stations, electric wiring and service areas.

## Section 13.02 Design Review Standards

(a) Site Layout

1. Site Coverage

Sites should not be covered completely with impermeable surfaces, which prevent percolation of water back into the soil and can cause erosion, street flooding, or overloading of storm sewer systems. A minimum of twenty percent (20%) of the site shall be devoted to permeable surfaces, such as landscaped areas. This will also ensure that buildings are set in a strong landscape.

2. Entries and Curb Cuts

Entries to sites from public streets should be clear, controlled and safe. Continuous curb cuts confuse circulation of automobiles as well as destroying the pedestrian environment, and reduce opportunities for landscaping. The Oak Ridge Zoning Ordinance establishes specific standards for the location and design of curb cuts and site entries.

The number and width of curb cuts along a property should be the minimum necessary for effective on and off-site traffic circulation. Combined or shared entries between properties are encouraged. If two (2) or more entries are needed, a one-way system should be considered to reduce curb cut area and maximize parking area.

Greater detail pertaining to the design of ingress/egress points is contained in Article XI of the Oak Ridge Zoning Ordinance.

3. Traffic Circulation

Interior vehicular traffic circulation within individual large lots should be well-defined, utilizing landscaped areas. Areas defined for internal vehicular traffic circulation should, where possible, be separated from defined pedestrian ways.

(b) Grading, Drainage, And Topsoil Preservation

1. Overland Drainage and Detention

The rate of post-development runoff at site boundaries shall not exceed pre-development rates of runoff. This information is further detailed in the Erosion Control and Storm Water Management Ordinance.

Landscaped retention/detention areas should be created, where possible, to collect runoff from paved areas. Such areas should be treated as visual amenities for the site, and not as utilitarian or unkempt areas. If retention is chosen, then the area will be considered an amenity and is not required to meet the Nuisance Screening Requirements. If detention is chosen, then the areas will be considered a service area and shall be landscaped according to Nuisance Screening requirements.

2. Topsoil Stabilization

Topsoil should be saved during construction and then placed over landscaped areas to ensure survival of plantings.

(c) Preservation Of Existing Trees And Site Features

In an effort to retain existing natural surroundings, mature trees and natural vegetation should be retained where possible.

1. Protection of Vegetation Surroundings Specified for Retention

Mature trees and vegetation, which are to be retained, should not have the ground elevation altered, and disturbance of ground surface should be minimized within the drip line of mature trees. A protection barrier shall be constructed which denies access of construction activities under the drip line of the trees/vegetation.

2. Retention of Site Features

A natural setting is one of Oak Ridge's attractive qualities. Streams, wetlands, large rock outcrops, stands of native vegetation, rock walls, cemeteries and other notable natural features must be located on the site plan and preserved wherever possible.

Bands of trees, when present along side and rear lot lines, shall be maintained as an effective screen and wind buffer, provided drainage swales and utility easements are not present.

Existing significant vegetation may be considered to meet the planting and screening requirements provided that it meets the minimum performance standards set forth in this article.

(Ord. No.6-10 Revised Effective 5/13/10)

(d) Architectural Character

1. Compatibility With Surroundings

Building forms should be tailored to fit within the existing topography and site features as much as possible. In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. While architectural style may vary, buildings of a proposed development should be compatible with surrounding buildings with regard to massing, scale, proportion of openings, roof types, types of windows or fenestration, and degree of detail.

The use of materials and colors compatible with buildings adjacent to a site is encouraged where adjacent buildings conform to this ordinance.

The uses of certain materials as the primary exterior building material are prohibited in all commercial, office, and multifamily residential (residential with

more than four (4) attached housing units) zones. These materials include: vinyl siding (vinyl siding not less than 40 mil is allowed), metal siding, and standard concrete block. Neon lights used as accents are also prohibited. Standing seam metal roofs may be allowed. Consideration will be given to prohibited building materials when being placed on additions to existing structures to maintain continuity. (Note: Consideration will also be given to additional buildings on the same lot and not just building additions.) Full chroma colors shall not be used, except as accents.

(Ord. No. 17-09 Revised Effective 10/22/09)

Along the major arterial roads, such as Oak Ridge Turnpike and Illinois Avenue, certain façade materials are encouraged to create a unified appearance, particularly brick, stone, and EIFS (Exterior Insulation and Finished Systems).

2. Adapting Prototypical Designs

National "standard" designs should be adapted to reflect the Oak Ridge context, by careful siting, use of compatible materials, colors and landscaping of the site so that it blends with its surroundings.

3. Relationship to Streets

Buildings should be oriented such that their main entrances are visible from streets.

Façades along streets should be treated in a manner which enhances interest. Displays or windows with active interior uses are encouraged; blank or undifferentiated facades are discouraged.

"Stage-set" façades on the street are discouraged. Acceptable materials and colors of the street face shall continue on the sides and rear of structures, when visible from a street. This shall include parapet walls. For example, if a building has a parapet wall on the front façade then it shallcontinue on the sides and rear of the building.

(Ord. No.6-10 Revised Effective 5/13/10)

Building service areas or loading areas within commercial, office, industrial, and multifamily residential (residential with more than four (4) attached housing units) zoning districts shall not be visible from streets; they shall be located away from streets and/or adequately screened. Screening shall meet criteria identified in Section 13.02 (g) 3 b. of this Article.

(Ord. No.6-10 Revised Effective 5/13/10)

Mechanical equipment on roofs or sides of buildings shall not be visible from streets. Adequate screening shall be provided.

Landscaping with generous planting should define the street edge and entries of a development, as well as building entries.

4. Underground Power

All utility service to individual structures should be underground in accordance with the City of Oak Ridge Electric Department regulations.

(e) Parking Configurations

1. Efficiency of Parking Areas

To allow space for landscaping and site improvements without significantly reducing the potential number of parking spaces on a site, efficient configuration of entries, circulation, and layout is encouraged.

2. Reduction in Apparent Size and Visibility of Parking Areas

Site arrangements which minimize the amount of parking between the street and buildings are encouraged. To the extent possible, parking areas should be split between the front and back of a lot, or along the side of a building to reduce the paving at the street face.

Where possible, parking areas should be set two (2) to three (3) feet below streets or surrounding areas, or be partially hidden by landscaped berms, which are encouraged, to reduce the visibility of parked cars.

To mitigate the visual impacts of parking areas, a minimum of ten percent (10%) of the paved area within a site shall be landscaped within and immediately adjacent to the paved parking area. This is the Required Landscaped Area.

Lines of parking spaces should have a limited run: there shall be no more than fifteen (15) contiguous parking spaces between landscaped islands within all commercial zones. The Planning Commission may consider alternative plans for large commercial parking areas provided the following issues are addressed:

- A detailed landscaping plan is presented which meets the permeable surface requirement, square footage requirements and site tree requirement.
- Alternative proposal requests must be clearly stated in written form.
- Spirit and intent of requirement must be met.

Retention of existing trees located in parking areas is strongly encouraged. Tree wells may be used, if necessary, to allow for changes in grade while protecting the tree.

All required landscape areas within parking areas shall be protected by curbs. There shall be curbs or bumper stops provided so as to prevent any vehicle from blocking or overhanging walkways, or damaging plant material in adjacent landscape areas.

(Ord. No.6-10 Revised Effective 5/13/10)

The minimum width of a landscaped zone is five (5) feet, excluding curb dimensions. Such islands have raised concrete curbs six (6) inches high, shall extend across the end of the aisle, and be shaped to accommodate vehicular turning movements. As an alternative to distributing landscaping throughout parking areas, pooling of landscaped areas to create more significant landscape zones may be considered, provided that these zones break up the appearance of pavement effectively. Additionally, 80% of all islands shall have at least one (1) tree planted.

(Ord. No.6-10 Revised Effective 5/13/10)

The minimum area of a landscaped zone is 75 square feet.

For every 200 square feet of required landscape area, one (1) tree shall be planted.

In no instance shall pavement on any site be closer than five (5) feet from a side or rear lot line, with the exception of a joint access easement.

3. Design of Parking Configuration Within IND-1, IND-2, and IND-3 Districts

Within Industrial Districts, parking areas shall have no more than twenty (20) contiguous parking spaces without an intervening landscape island. Service/delivery areas are to be exempted from the parking configuration requirements. The ratio of Required Landscaped Area per square foot of paved area is eight percent (8%). Basic plantings around the foundation of the building are strongly encouraged and at all entrances into the site. For every 200 square feet of landscaped area, one (1) tree must be planted.

4. Fitting Parking Areas to Site Topography

On sloping sites, lines of parking spaces should run parallel to contours with planted medians taking up excessive slope. Paved areas should not exceed a five percent (5%) slope.

Detention of runoff within parking areas or in adjacent landscaped areas is encouraged. Runoff from parking areas should not sheet onto public streets or sidewalks.

5. Compliance of Existing Sites

An alternative proposal may be presented in the event an existing site crosses the threshold for compliance of Design Review as referenced in Section 13.01 (b): "Actions Subject to Design Review". Meeting the minimum requirements of these provisions may be difficult due to site limitations, loss of necessary parking spaces, limitations due to the size of lot or configuration of building design. In these instances, an alternative proposal may be presented to the Planning Commission by the applicant, which meets the requirements of Section 13.01 (c) of this Article. However, continuous compliance of the entire site once the initial site review process is completed is mandatory.

(Ord. No. 20-10 Revised Effective 12/23/10)

6. Pedestrian Circulation

For parking lots with parking spaces in excess of 100 spaces, pedestrian entrances into the structure shall be clearly marked. A sidewalk with a minimum width of 10 feet or scale suitable to size of the structure should be provided for adequate pedestrian protection (this area should be reasonably clear for pedestrian traffic). Pedestrian crosswalks protected by traffic calming devices shall be installed across travel lanes immediately adjacent to the entrance of commercial structures to ensure safe access into established entrances. If a pedestrian sidewalk is present at an adjacent public/private street then connectivity from the entrance to the sidewalk should be provided.

(f) Landscape

1. Landscape Areas

Landscape beds, which meet the ten percent (10%) Required Landscaped Area as referenced in section 13.02 (e) 2, should be located along the public boundaries of the site, within parking areas, and around buildings, and at building entries to create a sense of the buildings set in natural surroundings. Such landscape areas shall be comprised of grass and/or a combination of grass with mulch or decorative landscape elements; however, the landscape areas shall not be more than fifty percent (50%) mulch or decorative landscape elements. All sides of a building visible from streets shall have foundation plantings. Planting beds should be consolidated into areas large enough to give a natural character to a site, rather than distributed in thin ribbons. These areas shall be clearly delineated on the site plan with square footages provided.

Areas with natural vegetation should be preserved along property boundaries.

(Ord. No. 20-10 Revised Effective 12/23/10)

2. Streetscape

A consistent landscape treatment along streets enhances the appearance of the public domain, and provides an attractive unified setting for variations among individual developments. Landscaped areas should dominate the frontage of any site, where entries are the only interruptions.

A streetscape area shall be ten (10) feet in depth behind property lines adjacent to the full boundary of all lot lines adjacent to a public or private street. Street trees shall be located within the streetscape areas.

If trees are planted in sidewalk zones, a protective grate or planted zone must be provided to allow water to reach the roots, with minimum dimensions of five (5) feet by five (5) feet.

Trees shall be planted along streets at least 40 feet on center with relatively even spacing. If frontages exceed a multiple of 40 feet, an additional tree should be planted along the street, for example, a frontage of 50 feet should contain two

trees, a frontage of 130 feet should have four trees. Areas for curb cuts shall not be included in the street frontage for purposes of this paragraph.

(Ord. No. 17-09 Revised Effective 10/22/09)

All streetscape trees located in Industrial (IND-1, IND-2, IND-3) Districts shall be 60 feet on center. Areas for curb cuts shall not be included in the street frontage for purposes of this paragraph.

(Ord. No. 17-09 Revised Effective 10/22/09)

In the event there is no interference with utility lines then the street tree needs to be a canopy tree. To provide a consistent effect along other streets, examples of desirable street tree species are Sugar Maple, Willow Oak, and Red Maple. If power lines or other utilities are present city staff will consider alternative species. All invasive non-native species and invasive exotic pest plants as identified by the Tennessee Exotic Pest Plant Council should be avoided.[1] In additional, such plantings shall not obstruct the view of the flow of traffic.

(Ord. No.6-10 Revised Effective 5/13/10)

In an effort to minimize the visual impact of parking areas in commercial, office, and multifamily residential (residential with more than four (4) attached housing units) zoning districts, shrub rows shall be planted within the Streetscape area at a minimum height of three (3) feeet high along the boundaries of any parking area visible from public streets. Species used shall be evergreen or have dense branching qualities, which provide an effective visual screen in all seasons. Consideration may be given to shrubs with 30-inch height in certain locations, based on species.

(Ord. No.6-10 Revised Effective 5/13/10)

3. Plant Materials

Oak Ridge displays a robust ecosystem, with a variety of native plant materials. The use of these hardy and attractive native species in developments is encouraged.

Plant materials should be installed at a reasonable size, to provide a sense of presence and to mitigate microclimate impacts caused by development.

Street trees need to be large enough when installed to have some presence while allowing views to sites and branching above pedestrians walking along the sidewalk. Trees along public/private streets shall be a minimum of two (2) - two and one-half (2½)-inch caliper.

Within a site, deciduous canopy trees shall be two (2) - two and one-half (2½) inch caliper; evergreen trees shall be five (5) feet – six (6) feet in height and heavy sheared; deciduous ornamental trees shall have a minimum caliper of at

1 See the Tennessee Invasive Exotic Plant List, the List of Ecologically Desirable Trees and Shrubs Suitable for Landscaping in Oak Ridge prepared by the Environmental Quality Advisory Board of the City of Oak Ridge, and the current edition of Architectural Graphic Standards.

least one (1) inch. No more than 50% of site trees may be comprised of ornamental trees.

Consideration will be given on a site-by-site basis for various species to be used for street trees in areas where there are height limitations, such as power lines, electric poles, etc. which act as deterrents to growth.

Upright shrubs should be at least three (3) feet high. Consideration will be given to shrubs with 30-inch heights in certain locations, based on species. Spreading shrubs should have a minimum spread of 18 inches.

Grass areas shall be of sod or established lawn at the time of issuance of a Certificate of Occupancy permit. Sod is encouraged on steep slopes and areas visible from the street or public parking areas.

(Ord. No.6-10 Revised Effective 5/13/10)

All landscape zones and plantings installed by the developer shall be in compliance with all planting notes. Size and species identified in the planting list shall be as specified unless otherwise approved by Planning staff prior to installation.

All species and size of species shall be in conformance with the American Standard for Nursery Stock developed by the American Association of Nurserymen, Inc.

All materials specified within the approved plan shall be planted prior to the issuance of a Certificate of Occupancy permit; however, the City Manager or the City Manager's designee may authorize an extension of such plantings for a period not to exceed nine (9) months to permit plantings during a season with more favorable weather conditions to ensure long term, healthy plant life.

(Ord. No.6-10 Revised Effective 5/13/10)

4. Maintenance

a. Following the construction or modification of any development the design of which is approved pursuant to this Article, the development shall be maintained in accordance with the following standards:

(1) Building and appurtenances, including signs, shall be cleaned and painted or repaired so as to maintain an attractive appearance.

(2) Illuminated elements of buildings and signs shall be replaced as required to maintain the effect for which designed.

(3) Landscape or plant materials which are dead or deteriorated shall be replaced to the same specifications on the originally approved site plan. Plantings shall be kept watered, fed, cultivated, and pruned to give a healthy appearance during all seasons. Excessive pruning of site and street trees is strictly prohibited (No Topping). Plant materials or existing significant vegetation

shall be kept trimmed so as not to obstruct any sidewalk, pedestrian way, vehicular aisle, and/or safe line of sight at the access, adjacent property line or overhead public utility. Maintenance shall include, but may not be limited to, mowing, removal of litter, weeding, replacement of dead plant material and necessary pruning.

(Ord. No.6-10 Revised Effective 5/13/10)

(4) In all O-1 and O-2 Office Districts and B-2, UB-2 and B-3 Commercial Districts, either a permanent irrigation system shall be installed or a maintenance bond shall be posted for the first year from the date of the issuance of the Certificate of Occupancy or all lots on which impervious surfaces, excluding structures, exceeds 7,500 square feet, the irrigation system shall be designed to provide total water coverage to all required planting beds. A plumbing permit must be obtained prior to beginning any installation. In the event a moratorium on water usage is declared this requirement will be suspended for the length of the moratorium.

(5) Parking areas shall be kept in an orderly state, properly marked, and clear of litter and debris.

b. Failure to comply with the requirements of this article after a notice of noncompliance has been issued by the City Manager or the City Manager's designee with a stated time frame for compliance shall be deemed a violation of the Oak Ridge Zoning Ordinance and shall be subject to the sanctions set forth in Article XVI, as well as to the revocation of any permit, license, certificate or other approval initially issued by the City as a basis for construction and/or occupancy of the development on which the violation has occurred.

(g) Screening

1. Conditions for Screening

Screening requirements vary by their purpose. Two (2) types of screening conditions are distinguished:

Required transitions between zone districts and associated land uses such as Residential and Commercial or Industrial; Nuisance screening for service and loading areas, dumpsters, materials storage areas, utility boxes, detention ponds, etc.

2. Performance Criteria

Screens are intended to provide visual and physical separation of conflicting uses, and should be designed to fit within their surroundings, not dominate the view. The width of the screen and amount of landscaping material required are designed to minimize or eliminate the adverse effects of noise, odor and safety

issues, as well as nuisances such as dirt, litter, glare from lights, signs, buildings and parking areas.

Screens should not block access to any above ground pad mounted transformer, and should provide 15 feet of clear access to the transformer doors.

Screens should not impede or divert the flow of water in any drainage way.

The maximum height for fences is six (6) feet, except for tennis courts, which may be taller, and screening of service areas shall be at least six (6) feet and no more than eight (8) feet. (For any other fence greater than six (6) feet in height the applicant shall seek approval by the Oak Ridge Board of Zoning Appeals.)

It is the intent of this requirement to allow flexibility through the manipulation of distance, plant material type and density of plantings. This criteria allows great latitude while simultaneously providing substantial protection against conflicts with adjacent uses.

3. Design Standards

Design standards vary according to the function of the screen, as follows:

a. Transitional Screening

Transitional screening is required, for example, where commercial, office or industrial zone districts and associated land uses abut residential zoning districts, where multi-family residential zoning districts adjoin single family residential zoning districts; or within Planned Unit Developments with similar disparities.

(Ord. No.6-10 Revised Effective 5/13/10)

To determine the type of transitional screen required, the following procedure shall be followed:

Identify the existing zoning designation.

Identify the zoning of all adjoining uses.

Determine the transitional screen requirement for the side and rear lot lines of the subject parcels by referring to Figure 13.04 (a-b). The screen requirement is found by locating the existing zoning in the left-hand column. Each adjacent zone district is identified across the top of the figure. Where the row for the zone district intersects the column for an adjacent zone the letter identifying the required screen is given.

Each transitional screen (A through F) is illustrated in Sections 13.04(c)-1a through 13.04(c)-1f. Each screen has a minimum amount of landscaping required which is based on plantings per 100 linear feet of land. The developer may meet the transitional screen requirement by providing any one of the screens shown under a specified type (A, B,

etc.). The numbers in the multiplier column are used to adjust the number of plants required when the amount of land is either increased or decreased.

Where areas adjoining residential zones are likely to be used for truck loading, storage or driveways, the transitional zone shall provide protection through use of earth berms or solid masonry materials.

Where lighted parking areas are located adjacent to residential zones, lighting should be designed to minimize illumination across the boundary, and the transitional buffer must screen headlights.

b. Buffers – Opposite Residential Zoning Districts

A buffer strip shall be required around the entire outer perimeter of the off-street parking lot when such parking lot abuts any residentially zoned property or is located across the street from a residentially zoned property. Such buffer strips, at initial installation, shall provide a visual barrier of the parking lot from the abutting residentially zoned property. Screening materials to provide the visual barrier may include a wall, fence, landscaped earthen berm, planted vegetation or any appropriate combination of these elements. Consideration may be given to non-residential properties across the street from residentially zoned properties when a major arterial street separates the properties. In this instance, the minimum buffer width may be reduced to ten (10) feet, which is equivalent to the minimum width of the required streetscape area. Such instances could include lack of visibility of parking lot area from residentially zoned properties and/or large rights-of-way widths associated with major arterial streets.

(Ord. No. 6-10 Revised Effective 5/13/10)

c. Nuisance Screening

Nuisance screening is required where certain land uses have been deemed to represent a nuisance or annoyance to neighboring property owners or the general public. Common characteristics of site nuisances include unsightliness, strong odor, and/or disturbing sounds. Nuisance screening shall apply to any property or portion thereof to be used for the functions identified below.
To reinforce the sense of natural surroundings and a consistent streetscape, all auto service functions such as areas to store cars while they are being repaired, auto or truck outdoor work areas, truck loading docks, and garage door areas in commercial or retail areas shall be screened from public view. Garage doors facing public streets are expressly prohibited in commercial or retail areas.

Garbage collection areas shall be enclosed by a fence of wood and/or masonry construction on all four (4) sides, with doors to remove containers. Dumpster enclosures are encouraged to match the building material of the associated structure. Chain link fence shall not be used as a dumpster screen. Where dumpsters are enclosed, the screening shall be

at least two (2) feet taller than the dumpster. Where topography may expose interiors of garbage collection areas to view, screening shall be correspondingly taller. Landscape plantings are required around three sides of all dumpster screens to soften the wood or masonry fence. Garbage collection areas shall have a concrete apron.

Water meters, gas meters, electric meters, and ground-mounted air conditioning or mechanical units should be hidden from public view by screening.

In the event a large service area is proposed which is visible from a street with a mixture of nuisance issues, a single screen may be created which prevents the public's view from the site as opposed to individual screens per nuisance.

Screening requirements may be relaxed where areas are located so they are not visible from public streets or adjacent properties.

Existing plant material which meets the requirements of this Ordinance, may be counted as contributing to the total screening requirements. This would include existing fence rows and hedges.

d. Suggested Plant Materials for Screening

Evergreen plants are recommended for effective year-round screening. Suggested evergreen trees and shrubs include: Arborvitae, Hetzi Juniper, White Pine, and Yew. Suggested broadleaf evergreen shrubs include: Red-Tipped Photinia, Leatherleaf Viburnum (Semi-Evergreen), and Holly (Notably Foster Holly).

Ornamental shrubs and trees may also be used for screening, preferably in combination with evergreen plantings or fencing. Suggested ornamental shrubs include: Red-Tipped Photinia, Willowood Viburnum, upright Hollies, and large flowering shrubs. Suggested ornamental tree species include: Flowering Crab, Dogwood, Magnolia, and Purple Leaf Plum.

All invasive non-native species and invasive exotic pest plants as identified by the Tennessee Exotic Pest Plant Council should be avoided.[2]

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[2] See the Tennessee Invasive Exotic Plant List, the List of Ecologically Desirable Trees and Shrubs Suitable for Landscaping in Oak Ridge prepared by the Environmental Quality Advisory Board of the City of Oak Ridge, and the current edition of Architectural Graphic Standards.

| Zone District / ADJACENT ZONE DISTRICT | Single-Family and Duplex | Multi-Family | Neighborhood Business (B-1) | Community Business (B-3, UB-2, B-2) | Office Institutional (O-1, O-2) | Business Park (IND-1) | General Industrial (IND-2, IND-3) | Public | Park | School (E) |
|---|---|---|---|---|---|---|---|---|---|---|
| Multi-Family Residential | B | • | B | C | B | C | F | A | A | A |
| Neighborhood Business (B-1) | C | B | • | • | A | C | D | A | B | C |
| Community Business (B-3, UB-2, B-2) | D | C | • | • | B | B | C | B | D | D |
| Office Institutional (O-1, O-2) | C | B | A | B | • | C | D | • | B | C |
| Business Park (IND-1) | D | C | C | B | C | • | • | C | D | E |
| General Industrial (IND-2 & IND-3) | F | F | D | C | D | • | • | C | D | F |
| Public | B | A | A | B | • | C | C | • | B | C |
| Park | © | B | • | • | • | • | • | • | • | • |
| School (E) | C | B | C | D | C | E | F | C | • | • |

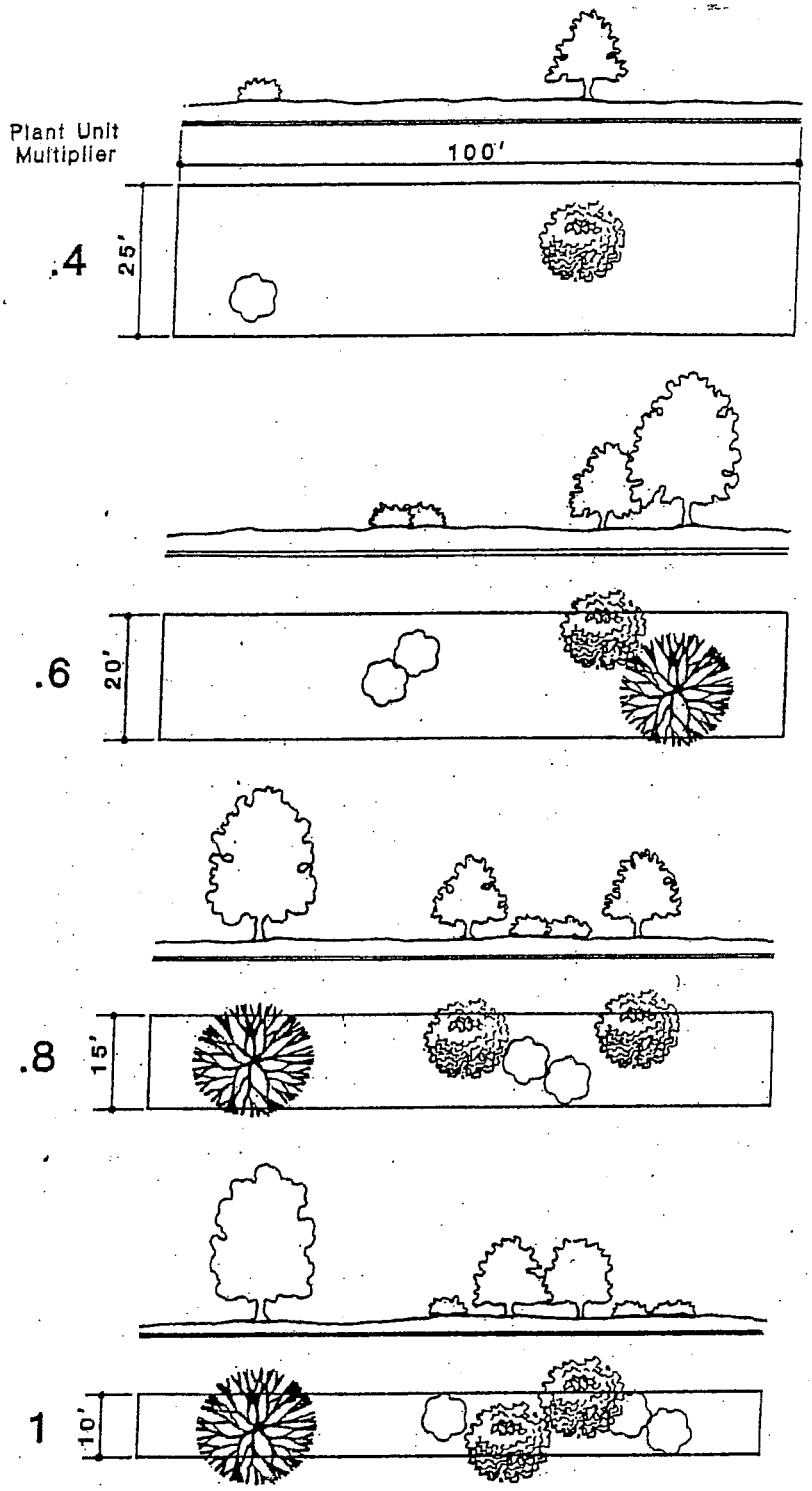
• No Transitional Screen Required
© For Active Recreation Areas (e.g. ballfields)

Figure 13.04 (a-b)

In addition to the above buffer requirements, when non-residential uses abut residential uses, buffers shall be a minimum of 20 feet with solid evergreen plantings on 20-foot offset centers.

(Ord. No. 6-10 Revised Effective 5/13/10)

# BUFFER A




REQUIRED PLANT UNITS/ 100'

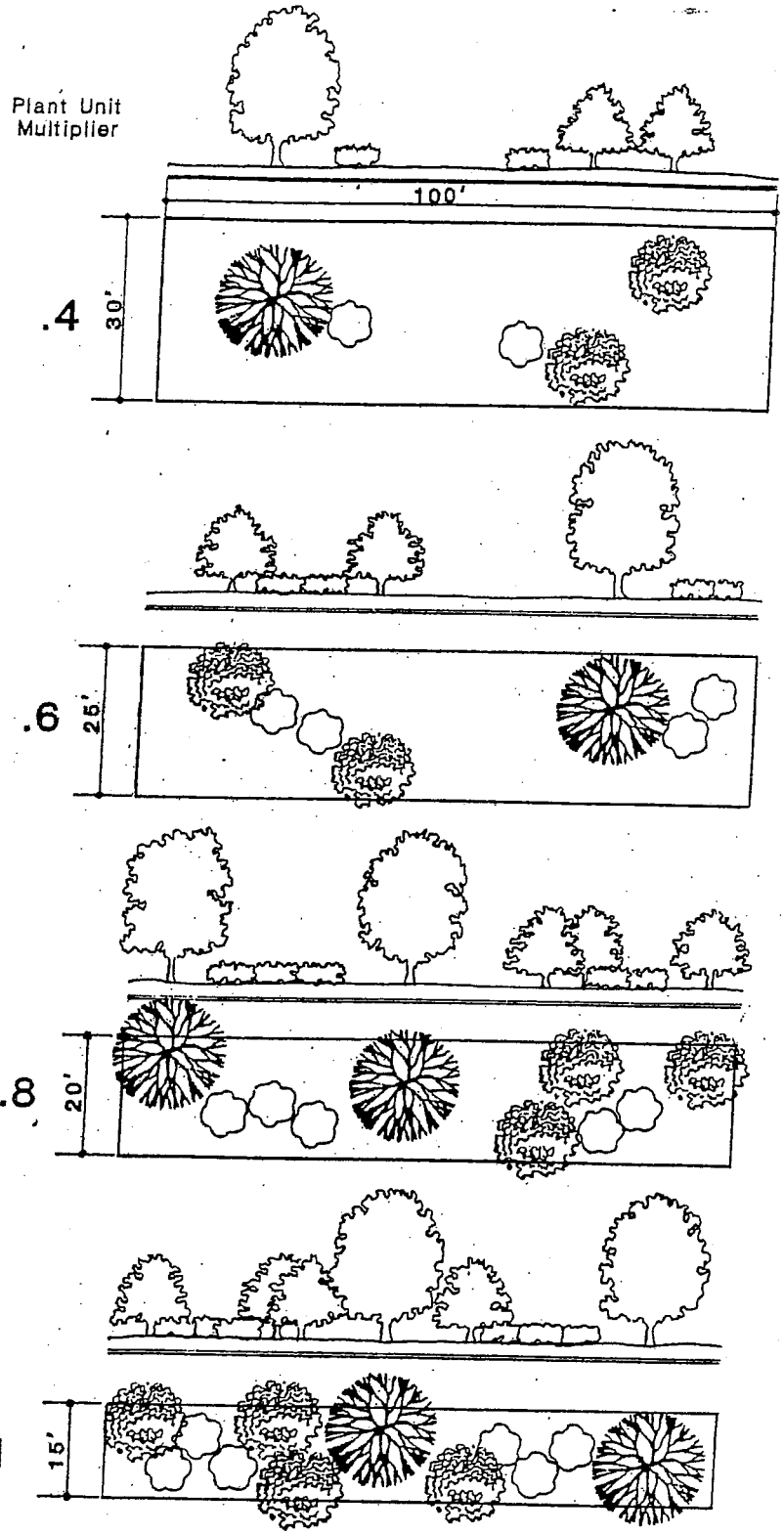
1 Canopy Trees

2 Understory Trees

3 Shrubs

Evergreens/Conifers

# BUFFER B




REQUIRED PLANT UNITS/ 100'

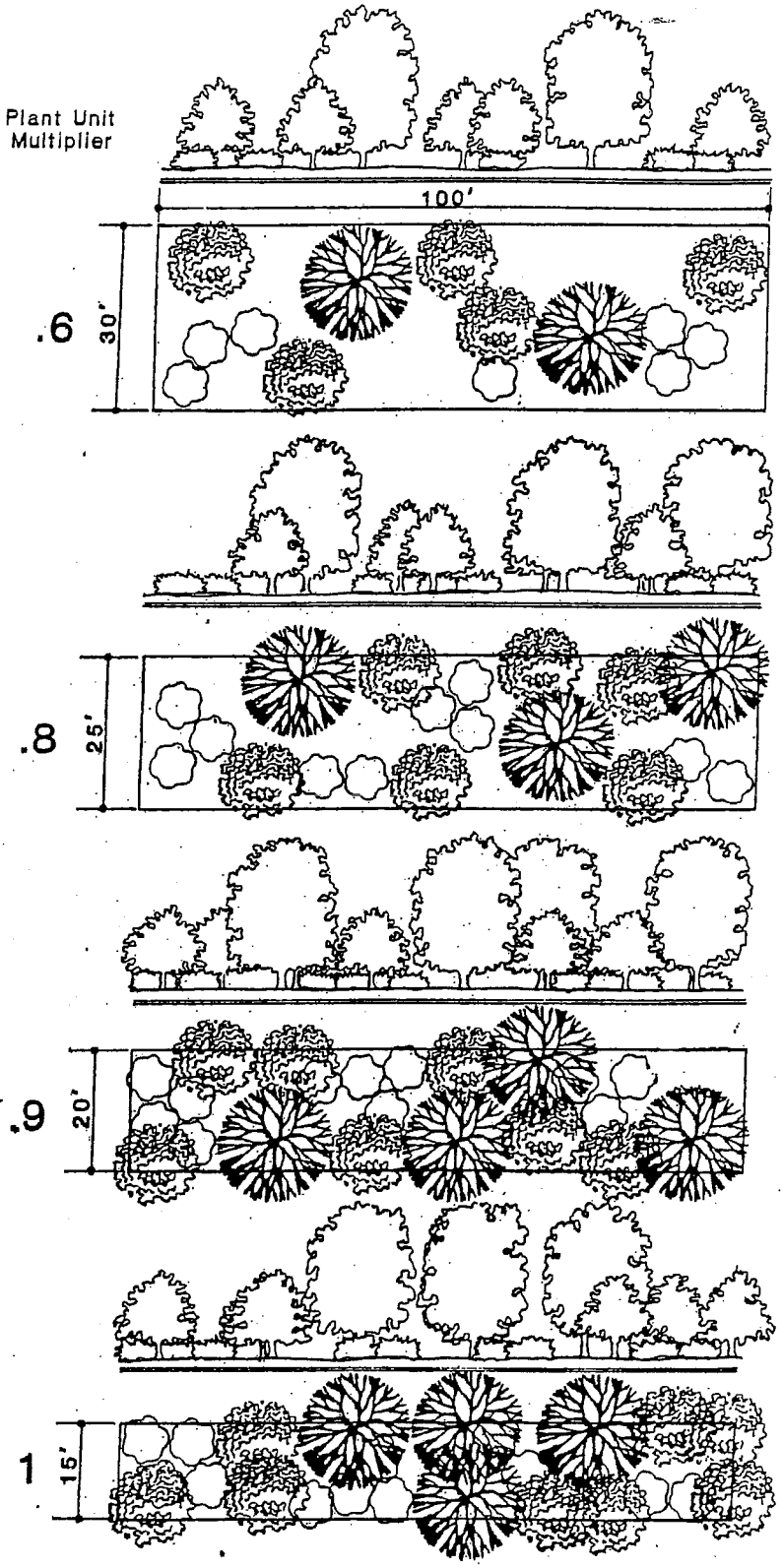
2 Canopy Trees

4 Understory Trees

6 Shrubs

Evergreens/Conifers

# BUFFER C




REQUIRED PLANT UNITS/ 100'

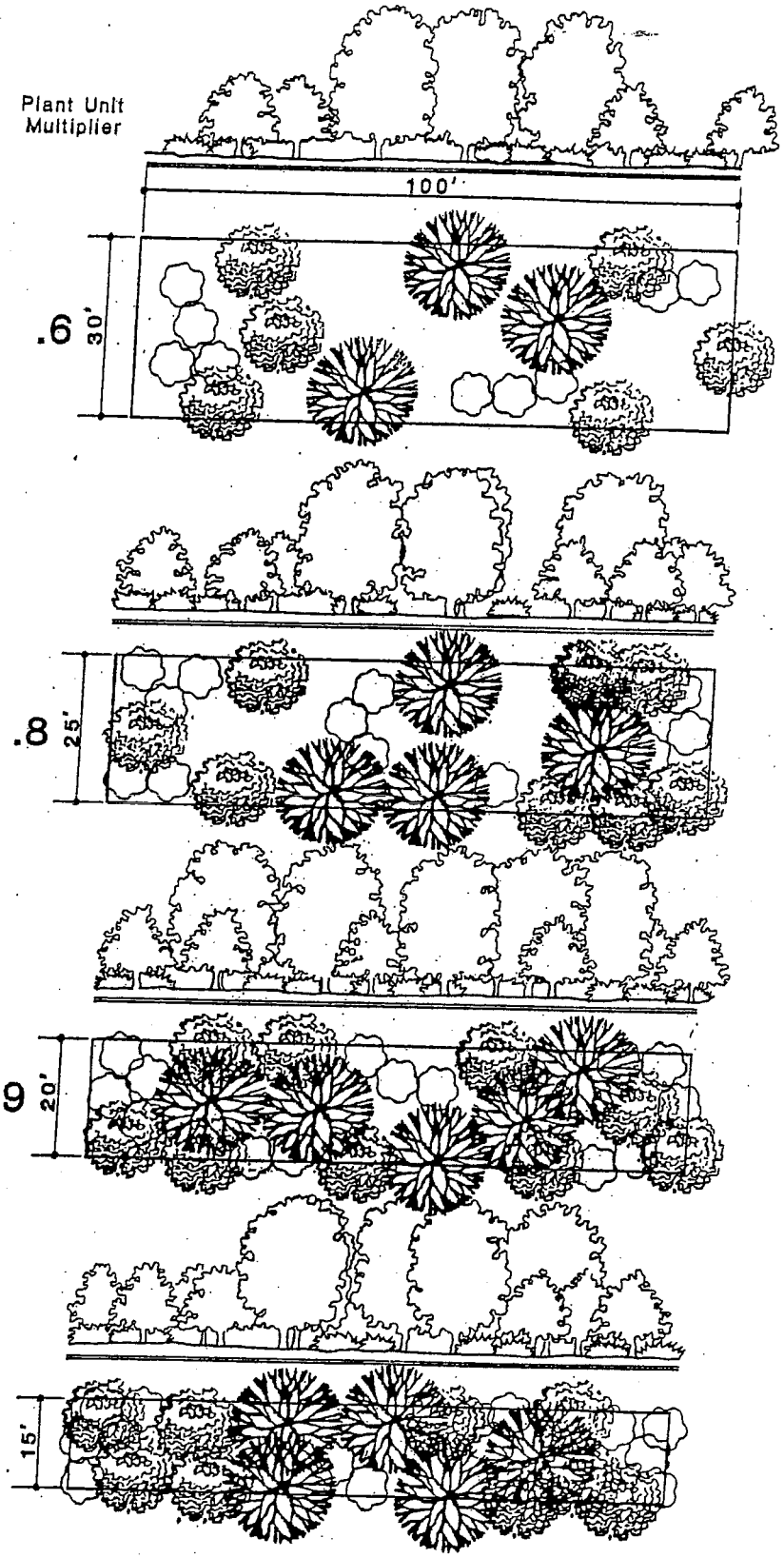
4 Canopy Trees

8 Understory Trees

12 Shrubs

Evergreens/Conifers

# BUFFER D




REQUIRED PLANT UNITS/ 100'

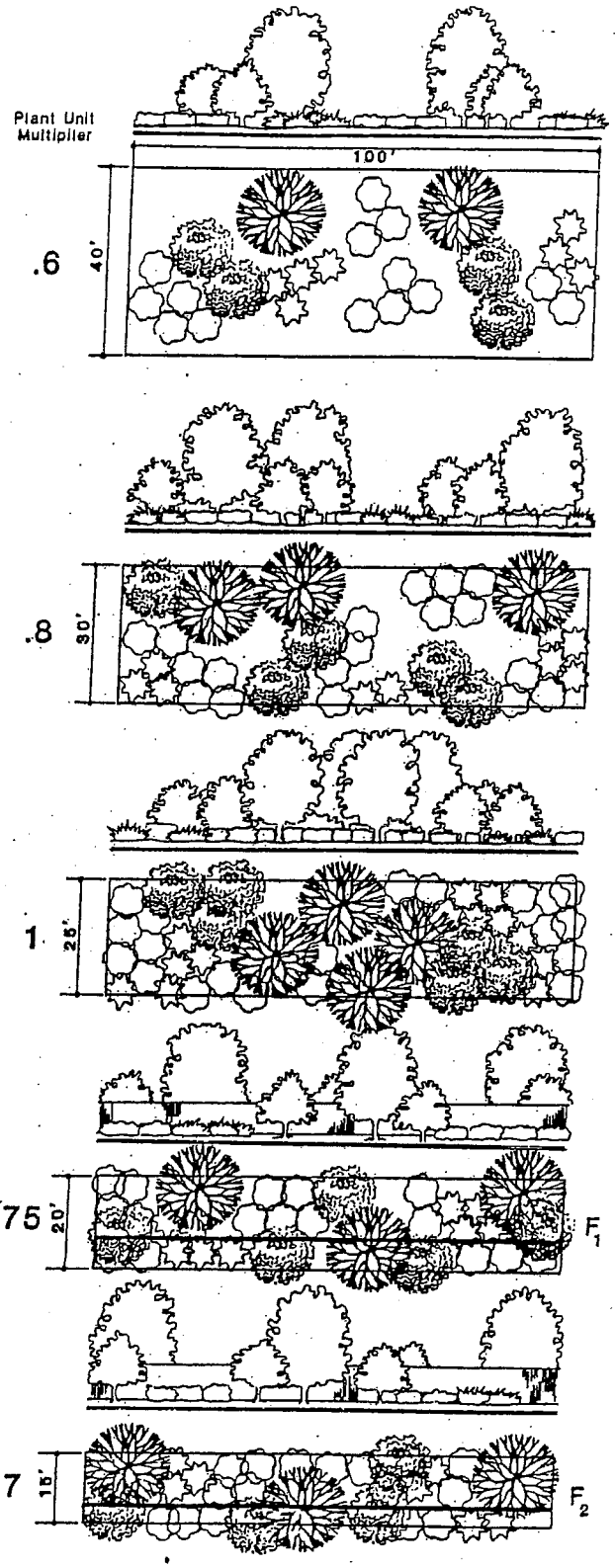
5 Canopy Trees

10 Understory Trees

15 Shrubs

Evergreens/Conifers

# BUFFER E




REQUIRED PLANT UNITS/ 100'

4 Canopy Trees

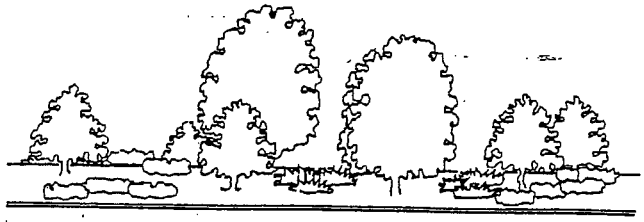
6 Understory Trees

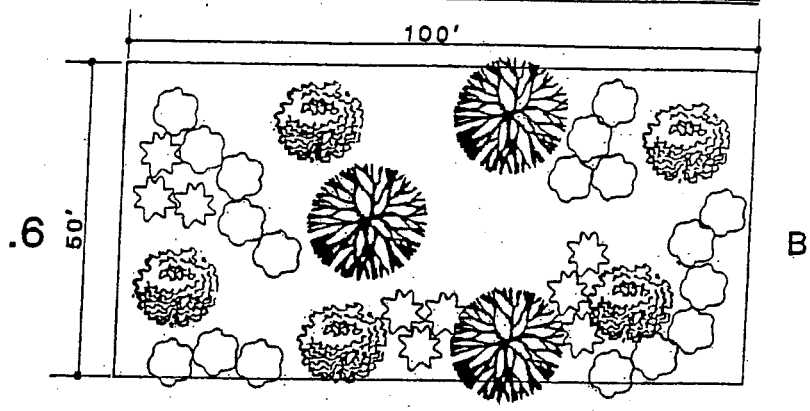
24 Shrubs

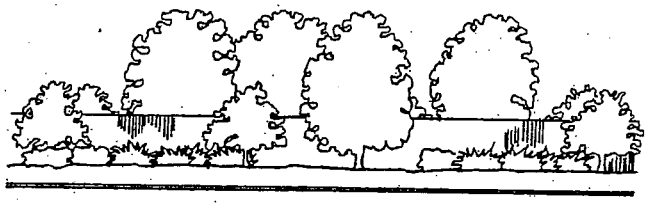
12 Evergreens/Conifers

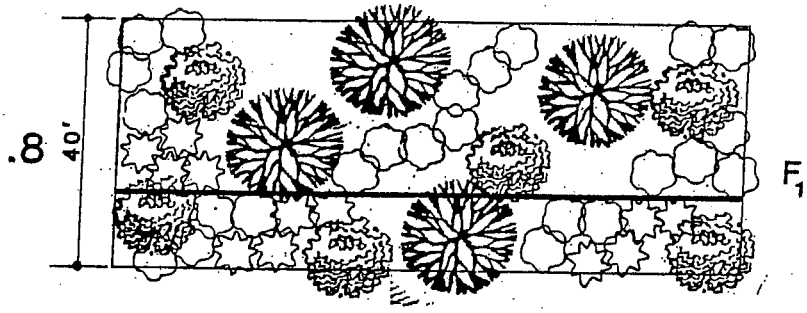
# BUFFER F

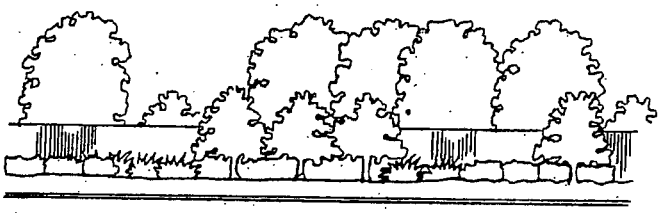
Plant Unit Multiplier

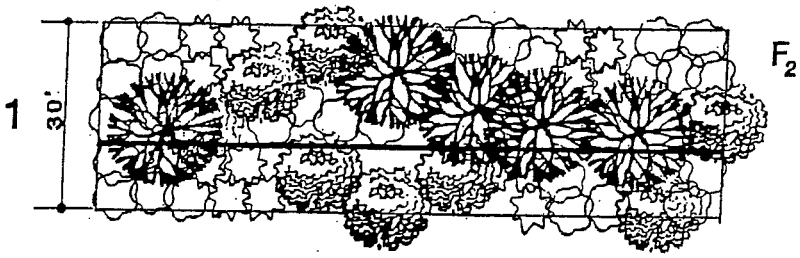









REQUIRED PLANT UNITS/ 100'

5 Canopy Trees

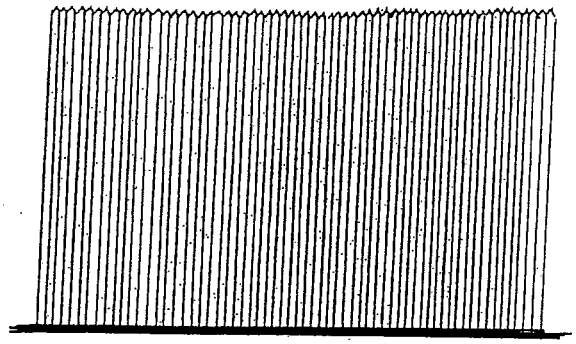
8 Understory Trees

30 Shrubs

15 Evergreens/Conifers

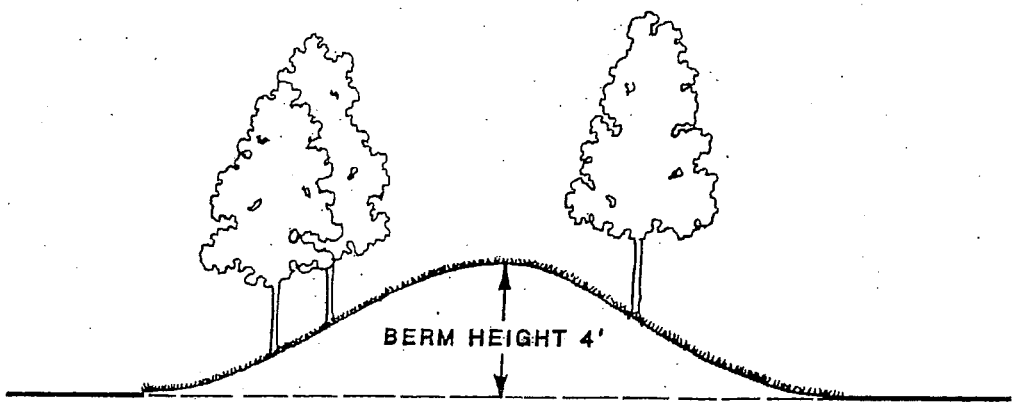
# FENCES

| SYMBOL | HEIGHT |
|---|---|
| $F_1$ | 6' |
| $F_2$ | 8' |



Wood Stockade or
Similar Solid Wood Structure

# BERM




| SYMBOL | MATERIAL |
|---|---|
| B | EARTH |

e. Minimum Plant Size

Canopy Tree: 2-2½ inch caliper
Deciduous Ornamental Trees: 1-inch caliper
Evergreen Trees: 5 – 6 feet (height), heavy sheared,
Deciduous Shrubs: 24 inches (height)
Evergreen Shrubs: 18 inches (height)

f. Landscaping Requirements for Towers

All fences and/or other related equipment located at the base of the tower shall be screened by either a ten (10)-foot-deep landscape yard with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. Such trees used to meet the buffer requirement shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet. Such shrubs shall be fast growing, shall be a minimum of four and one-half (4½) feet high at the time of planting and shall be capable of reaching a height of at least eight (8) feet at maturity. Towers not visible from the view of the public are exempt from this provision.

(h) Lighting

It is the intent of this subsection to establish outdoor lighting requirements that reduce the negative effects of lighting, but at the same time address the need for adequate lighting for safety and visibility concerns. The intent is also to prevent any light shine or glare so as to create a traffic safety hazard or nuisances on any adjacent properties, rights-of-way, access easements or driveways. For the purpose of this subsection, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility. All lighting shall comply with the International Dark Sky Association (IDA) standards to prevent light pollution.

(Ord. No.6-10 Revised Effective 5/13/10)

1. <u>Design Criteria</u>

To reduce adverse impacts on adjacent sites, lighting should be carefully located and its intensity should be the minimum necessary for safety. Lighting should efficiently illuminate only its target area.

Lighting levels should be as even as possible.

Lighting should focus downward and/or otherwise be shielded to prevent upward light distribution.

Warm lighting colors are preferred; blue-white color is discouraged.

Lighting should be scaled in proportion to its associated building or activity.

Unless specified elsewhere in this ordinance, all wall lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding

the bulb shall protrude from the light box/housing. Dark Sky Certified Lighting is required; however, a different lighting style could be used if it can be shown that a different lighting style would be equivalent to, or better than, these requirements. For the purpose of this subsection, Dark Sky Lighting is defined as energy efficient and fully shielded lighting that directs the light downward rather than upward, to prevent sky glow and other forms of light pollution. All Dark Sky Lighting shall have a Fixture Seal of Approval (FSA). The FSA provides assurance that the lighting is an IDA approved dark sky friendly product.

Lights located under canopies, such as gasoline service stations, bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than these requirements.

All electrical lines servicing all lights shall be underground.

(Ord. No.6-10 Revised Effective 5/13/10)

2. Site and Parking Area Lighting

Site or parking area lighting shall not cast light beyond property boundaries. Where necessary, cut-off devices shall be used to avoid illuminating adjacent sites. Lighting that would otherwise cast a glare or cause a nuisance to adjacent residential properties, rights-of-way, access easements, or driveways shall be obscured in some acceptable manner.

In office zone districts and multifamily residential uses (residential with more than four (4) attached housing units), the maximum lighting height shall be 24 feet. In all commercial zone districts the maximum lighting height shall be 30 feet. Lighting fixtures should be compatible in style with associated buildings. For non-residential uses in residential districts the maximum height shall be 24 feet.

All pole lights shall be directed toward the ground. no portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing. Dark Sky Certified Lighting is required; however, a different lighting style could be used if it can be shown that a different lighting style would be equivalent to, or better than, these requirements.

Building mounted lighting for outdoor parking facilities shall be expressly prohibited.

(Ord. No.6-10 Revised Effective 5/13/10)

(i) Signage

The overall objective of the sign standards is to ensure that signage does not detract from the sense that the Oak Ridge environment is a continuous landscape. The emphasis is on using signage for identification purposes, not predominately for advertising.

Article XIV of the Oak Ridge Zoning Ordinance sets down in detail the signs that are permitted in each zone and those that are not permitted. It covers both temporary and permanent signs, and should be consulted for specific requirements. The information pertains to permanent on-site signs that are accessory to uses located on a site, and which therefore will be reviewed as part of the Design Review Process.

Section 13.03 Alternative Procedures.

Alternatives to the provisions established within this Article may be granted only by the Planning Commission subject to the following procedures, conditions, and stipulations:

1. No alternative may be granted from any provision unless a specific finding is made that the resulting condition will meet the original intent of the provision for which the variance is being sought.

2. No alternative may be granted from any provision unless the applicant presents specific and detailed information as to the nature of the relief being requested and the alternative means proposed whereby the original intent of the particular provision will be accomplished.

3. Any alternative from any provision of these regulations shall be noted in the minutes of the meeting where such action is taken along with detailed findings that such alternative:

   a. Is necessitated by conditions unique to the site in question.

   b. Provides equal or greater protection of the public interest than the original requirement or standard from which variance is requested.

   c. Meets or exceeds the intent of the original provision contained within these regulations.

4. An alternative may be granted by the Planning Commission if the applicant demonstrates an inability to assure growth of trees on site due to unique soils, topography, excessive amounts of rock or limitations due to size of lot or configuration of building design. The Planning Commission may allow the applicant to provide the required number of site and/or street trees in a public area. If permitted by seasonal timing the developer may choose to plant off-site. The species and location must be approved by the City Manager or the City Manager's designee, covered by the bonding procedure and insured. If weather does not permit planting, or if the applicant requests and approval is granted by the Planning Commission during the site plan review process, a payment in lieu of planting may be made at the time of issuance of a building permit.

   This money will be placed in a Tree Bank fund, which is limited to the cost of landscaping and planting improvements on public property and public right-of-way. A cost of $50 per caliper inch will be required. Annual planting programs will be carried out by the mutual agreement of the Oak Ridge Parks and Recreation Director, the Director of Public Works and the Community Development Director.

This provision is not designed to allow the applicant to avoid the minimum site requirements, but rather is an effort to provide an alternative measure to insure the growth and vitality of all plantings.

Section 13.04 A Design Review Checklist

The checklist indicates items which must be addressed in the application for design approval. The items may be dealt with in drawings and exhibits which accompany the application, and note how the design standards have been met.

(a) Site Layout

1. Include all necessary information in the site plan.

2. Submit photographs of adjacent buildings and show their location on the site plan.

3. Calculate percentage of site devoted to permeable surfaces.

4. Note distances between curb cuts and their width.

(b) Grading, Drainage and Topsoil Preservation

1. Show existing and proposed topography at two (2)-foot intervals.

2. Estimate the amounts of material to be exported or imported to and from the site.

3. Calculate runoff and plan detention.

(c) Preservation of Existing Trees and Site Features

1. Note existing trees and vegetation areas.

2. Note special site features, with plan for their protection.

3. Show important views across the site to lakes or landmarks.

(d) Architectural Character

1. Show building elevation with materials noted and colors referenced.

2. For prototype designs, indicate how they have been adapted to Oak Ridge setting.

3. Note location of building service areas, with screening provided.

4. Note location of exterior mechanical equipment, with plans for screening.

(e) Parking Configurations

1. Note capacity of parking areas, lane and bay widths on plans.

2. Show directions of movement.

3. Show runoff locations and detention areas.

4. Make and note computation of landscaped areas within parking areas.

(f) Landscape

1. Note location, size and species of all planting on plans.

2. Note conformance of plans to minimum landscape standards.

(g) Screening

1. Show location of all screening on plans, along with designs for screening and materials.

2. Note how screening plans conform to design standards.

(h) Pedestrian Circulation

1. Indicate location of sidewalks along street and pedestrian connections to sidewalks.

2. Locate pedestrian areas on adjacent sites and indicate how connections have been made to them.

(i) Lighting

1. Locate lighting sources and illustrate design of standards.

2. Calculate lighting levels and evenness ratio.

3. Indicate any special provisions to shield light from adjacent properties.

(j) Signage

1. Locate any project identification signs, major accessory business signs, directional signs or project directory signs on plans.

Section 13.05 References

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# ARTICLE XIV
# SIGN REGULATIONS

**Section 14.01 Application of Regulations to Signs**
**Section 14.02 Purpose**
**Section 14.03 Matrix**
**Section 14.04 Definitions**
**Section 14.05 General Requirements**
**Section 14.06 Signs Allowed in All Districts (Exempt Signs)**
**Section 14.07 Signs for Residential Districts**
**Section 14.08 Signs for Medical Campus Districts**
**Section 14.09 Signs for Education Districts**
**Section 14.10 Signs for Office-Institutional Districts**
**Section 14.11 Signs for Neighborhood Business Districts**
**Section 14.12 Signs for Community Business Districts**
**Section 14.13 Signs for Business Park and General Industrial Districts**
**Section 14.14 Non-Conforming Signs**
**Section 14.15 Prohibited Signs**
**Section 14.16 Illumination of Signs**
**Section 14.17 General Maintenance of Signs**
**Section 14.18 Permits and Fees**
**Section 14.19 Administration and Penalties**
**Section 14.20 Severability**

## SECTION 14.01. APPLICATION OF REGULATIONS TO SIGNS.

All signs within Oak Ridge shall be hereafter erected, constructed, or maintained in accordance with the provision of the sections below and applicable sections of the Oak Ridge building codes and only those signs that are permitted by these regulations shall be permitted within the City of Oak Ridge. A sign permit is required for all permitted signs.

## SECTION 14.02. PURPOSE.

The purpose of this article is to provide sign standards and regulations which allow for the legitimate needs for identification of residential, office, commercial, industrial and other activities while at the same time to maintain and enhance the environment; promote signs which do not unduly detract from the overall character and aesthetics of the community; encourage signs which are compatible with adjacent land uses; provide for a reasonable system of control of signs; promote effective use of signs as a means of communication and economic growth through the regulation of such things as size, location, design, and illumination of signs; and to advance the safety and welfare of the community as it relates to signs.

If any portion of this article is found to be in conflict with any other provision of any City codes, such as zoning, building, fire, safety, or health ordinance, the provision that establishes the higher standard shall prevail.

**SECTION 14.03. MATRIX.** The following matrix will be used in determining sign districts:

| ZONING DISTRICT | SIGN DISTRICT |
|---|---|
| R-1-A, R-1-B, R-1-A/B, R-1-C, R-2, R-4-A, R-4-B, R-4-C, RG-1, G, P | RESIDENTIAL |
| E | EDUCATION |
| O-1, O-2, R-3 | OFFICE-INSTITUTIONAL |
| B-1 | NEIGHBORHOOD BUSINESS |
| B-2, B-3, UB-2 | COMMUNITY BUSINESS |
| IND-1, IND-2, IND-3, FIR | BUSINESS PARK AND GENERAL INDUSTRIAL |
| *Those properties as shown on the Medical Campus District Map | MEDICAL CAMPUS ' |

**SECTION 14.04. DEFINITIONS.**

**Signs:** Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or visually attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

*Note:* This definition shall not include festival or holiday decorations, the noncommercial use of a flag, emblem, insignia, or other display of any nation or political subdivision, traffic, safety or similar regulatory devices; legal notices; signs or tablets which are primarily memorials; emblems of religious institutions that are attached to buildings; or flags or similar emblems of political, civic, philanthropic, educational, or religious organizations.

**Abandoned Sign:** A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed; or a permitted temporary sign for which the permit has expired.

**Advertising Sign:** A sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

**Animated (Moving) Sign:** Any sign or permanent structure that uses movement, projection, or change of lighting or other electrical impulses to depict action or create a special effect. Variable display signs, beacons and electronic moving message boards are animated signs under this article.

**Awning, Canopy or Marquee Sign:** A non-illuminated sign that is mounted, painted, or attached to an awning, canopy, or marquee.

**Banners, Pennants, Festoons, and Balloons:** Any sign of cloth, paper, fabric or other flexible material that is mounted by a pole, enclosed in a frame, or otherwise mounted to allow movement caused by wind which, with or without insignia, attracts the attention of the general public to a location or business. Festoons shall include, but are not limited to, a string of ribbons, tinsel, or pinwheels. Flags are not banners under this article.

**Billboard (Outdoor Advertising Display Sign):** A sign that is affixed to or erected upon a free-standing framework that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Note: This type of sign is also commonly referred to as an off-premise sign. Any sign that is not an on-premise sign, as defined herein, shall be an off-premises sign.

**Business Sign:** A sign which directs attention to a business or profession conducted, or a commodity or service, sold, offered, or manufactured, or to an entertainment on the premises upon which the sign is located, or to which it is affixed.

**Changeable Copy Sign (Readerboard)**: A sign containing letters or numbers that can be changed at will to display different messages. Electronic moving message board signs are not changeable copy signs under this article.

**Channel Letters**: Letters comprised of a U-shaped aluminum channel, with plastic front faces. Letters can be lighted with neon or Light Emitting Diodes (LED). Neon letters can be left open without faces (open faced neon letters).

(Ord. No. 12-04 Revised Effective 5/14/04)

**Civic Sign:** A sign that identifies a nonprofit institution or organization on whose premises it is located, and which contains (a) the name of the institution or organization; (b) the name(s) of the person(s) connected with it; and/or (c) greetings, announcements of events or activities occurring at the institution, or similar messages.

**Community Bulletin Board Sign:** A publicly owned sign whose contents shall be in the nature of a directory listing several religious, educational, charitable, philanthropic, civic or professional organizations.

**Community Identification Sign:** A publicly-owned sign that states the logo, trademark, or other identifying symbol; address; or combination of the name, symbol, and address which communicates the identity of the city.

**Construction Sign:** A temporary sign located on the premises during the period of construction identifying the names of the architects, engineers, contractors, subcontractors, financial supporters and/or others associated with the construction and development of the project.

**Dilapidated Sign:** A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

**Directional Sign:** A sign whose message is exclusively limited to guiding the circulation and flow of vehicular and/or pedestrian traffic on the site such as signs that convey enter/entrance, exit, one-way, and drive-thru.

**Directory Sign:** A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site direction.

**Entry Sign:** A type of a ground sign that is non-illuminated, reflective or indirectly illuminated, with the exception of Light Emitting diodes (LED) lit channel letters or halo lit LED letters, limited to a symbol and/or name identifying the development or site, and a numeric display of the site street address located at the main entrance. Such signs shall only apply to those sites with

five (5) or more buildings, five (5) or more lots, or are located in a contiguous campus environment.

(Ord. No. 12-04 Revised Effective 5/14/04)

**Exempt Sign:** Any sign which is exempt from the permit requirements established herein, pursuant to Section 14.06 of this article.

**Flag:** Any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a governmental, commercial or non-commercial entity.

(1) Commercial flag sign means any flag, which displays a commercial name, message, logo or symbol.
(2) Decorative flag means any flag which displays any holiday, season, design, or the like which does not include any commercial name, message, logo or symbol.
(3) Non-commercial/governmental/civic flag means any flag displaying a name, message, logo or symbol of any recognized governmental, religious, civic or non-profit agency.

**Flashing Sign:** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, changes in the degree of light intensity, an externally mounted intermittent light source, or reflective metal strips.

**Front Face:**
The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front façade. If a structure located on a corner parcel contains more than one (1) primary entrance on more than one (1) side, the longer side with a primary entrance shall be considered the front façade. (*See Display 1. Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities*)

**Ground Sign:** Any sign, other than a pole sign, which is independent of any other structure and in which the entire bottom of the sign is in contact with the ground or there is no more than thirty (30) inches clearance from the bottom of the sign to the ground below with the top of the sign not exceeding eight (8) feet from ground level; provided, however, that up to forty-eight (48) inches clearance from the bottom of the sign to the ground below shall be allowed for signs located in parking areas or immediately adjacent to parking areas.

(Ord No. 11-06 Revised Effective 8/03/06)

**Halo Letters**: A type of a ground sign that is non-illuminated, reflective or indirectly illuminated, with the exception of Light Emitting Diodes (LED) lit channel letters or halo lit LED letters, limited to a symbol and/or name identifying the development or site, and a numeric display of the site street address located at the main entrance. Such signs shall only apply to those sites with five (5) or more buildings, five (5) or more lots, or are located in a contiguous campus environment.

(Ord. No. 12-04 Revised Effective 5/14/04)

**Hanging Sign:** A freestanding sign supported by the extended arm of a single post, with the overall height of the sign face not exceeding eight (8) feet from ground level.

(Ord No. 8-05 Revised Effective 6/30/05)

**Height of Sign:** The vertical distance from normal grade to the highest point of the sign. Any berming, filling, or excavating solely for the purpose of locating the sign shall be included as a

part of the sign height. Note: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest point of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public/private street, normal grade shall be construed as the grade of the adjacent public/private street.

(Ord. No. 12-04 Revised Effective 5/14/04)

**Identification Sign:** A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development or establishment on the premises where it is located and which sets forth no other advertisement.

**Illegal Sign:** Any of the following: (1) a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use; (2) a nonconforming sign whose use has ceased because the business it identifies is no longer conducted on the premises; (3) a nonconforming sign for which the amortization period has expired; (4) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of fifty percent (50%) or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; or (6) a sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.

**Illuminated Sign:**

1. Direct: A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

2. Indirect: Illumination of a sign that is affected by a source of light not contained within the sign itself and is not visible elsewhere on the plot or parcel where said illumination occurs.

**Inflatable Sign:** Any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, included but not limited to a pressure greater than atmospheric pressure.

**Instructional (Informative) Sign:** Any on-premise sign containing no other message, copy, announcement, or decoration other than instruction or direction to the general public. Such signs include but are not limited to the following: identifying rest rooms, public telephones, walkways, entrance and exit drives, freight entrances and traffic direction.

**Moving Copy Sign:** A sign which incorporates an electronically or mechanically generated changeable copy message within the sign frame, but which does not incorporate any mechanical movement of the sign itself or any use of pulsating or undulating copy message.

**Multi-Occupancy Facility:** A development including, but not limited to, shopping centers and office complexes, consisting of two (2) or more separate establishments with separate exterior entrances sharing a common or connected building, and common or connected parking areas, or common pedestrian access and common or connected parking areas.

(Ord. No. 11-06 Revised Effective 8/03/06)

**Neon Sign:** An illuminated sign containing a glass tube filled with neon or phosphors which is bent to form letters, symbols or other shapes.

**Nonconforming Sign:** A sign lawfully erected and maintained prior to the adopting of this article that does not conform with the requirements of this article.

**Obsolete Sign:** Any sign which identifies or advertises any product, accommodation, service, or business which is no longer available to the public at the location indicated on the sign.

**Official Sign:** A sign whose content denotes an official program authorized or recognized by the City Manager or his/her designee to meet a public objective. Such signs shall include, but not be limited to, public notices, neighborhood watch programs, etc.

**Off-Premise Sign:** A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

**On-Premise Sign:** Any sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

**Painted Wall Sign:** Any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

**Pennant:** See definition of "banners, pennants, festoons, and balloons".

**Pole Sign:** A sign that is mounted on a freestanding support so that the bottom edge of the sign face is six (6) feet or more above grade.

**Political Sign**: Temporary signs announcing and urging voter support for a particular election issue, political party or candidate for public office.

**Portable Sign:** Any sign, by design or construction, intended to be easily and readily relocated, and not permanently affixed to the ground, a frame, a building or other structure. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure with or without wheels.

**Projecting Sign:** A sign wholly or partly projecting out from a building face or wall, generally at right angles to the building.

**Real Estate Marketing Sign:** A temporary sign that relates to the sale, rental, lease or marketing of property or buildings or to construction activities on or about which the sign is located.

**Roof Sign:** Any sign erected or maintained in whole or part upon or attached to a sloped or flat roof of a building or upon a false front or rooflike facade.

**Sign Administrator:** The person designated by the City Manager as the staff member assigned to oversee the enforcement and interpretation of this sign article or said staff's designee.

**Snipe Sign:** Any sign that is tacked, nailed, posted, pasted, glued, or otherwise affixed to trees, utility poles, stakes, fences or other objects, where the message appearing thereon is not applicable to the present use of the premises upon which the sign is located.

**Supergraphics:** Any mosaic, mural, painting or graphic art or combination thereof which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message. Supergraphics are exempt.

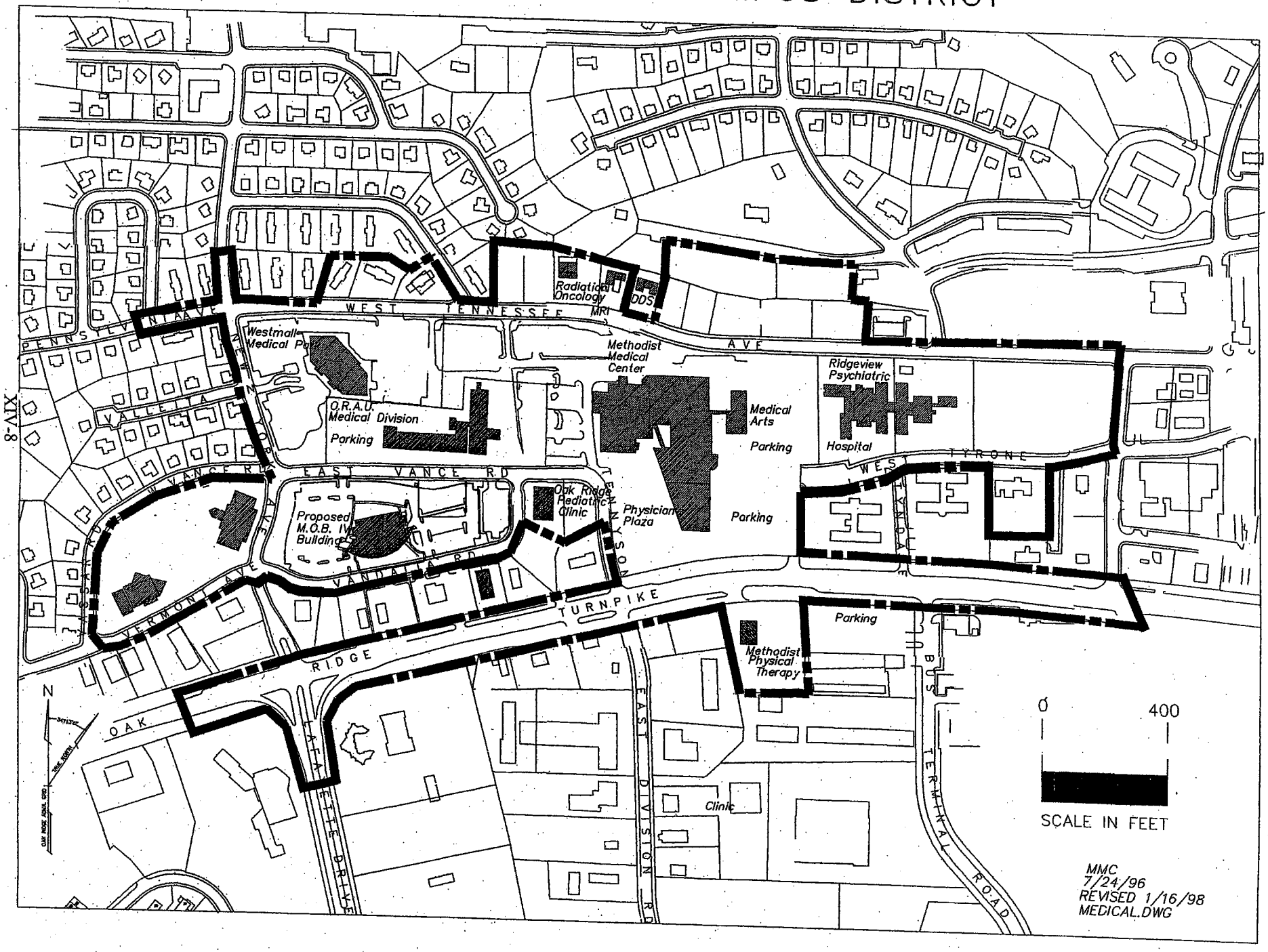
**Surface Display Area:** The entire area within a continuous perimeter enclosing the extreme limits of the sign display which includes the writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate this design from the background against which it is placed, excluding the necessary supporting framework or bracing that is clearly incidental to the display itself. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than twenty four (24) inches apart. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face. (See Display 2- Geometric Area Calculations)

**Temporary Signs:** A sign including, but not limited to, placards, banners, pennants, posters, or other outdoor advertising displays not intended to be permanently displayed.

**Wall Sign:** A sign containing letters and/or graphics, installed flat against the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, has no connection to the ground, and does not project more than twelve (12) inches from such building or structure.

**Window Sign:** A sign posted, placed, affixed or painted on the interior of a window or door of a building exposed to public view. For the purpose of this Article, a temporary sign placed on the interior of a window for viewing from the exterior shall not be counted as a sign.

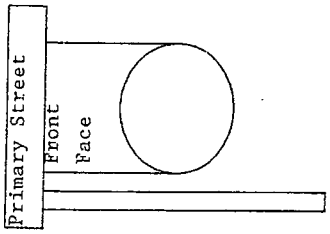
# MEDICAL CAMPUS DISTRICT



**Display 1. Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities.**

Single Occupancy Facilities

a.

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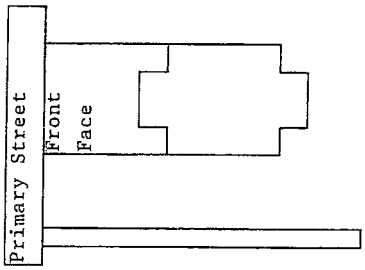


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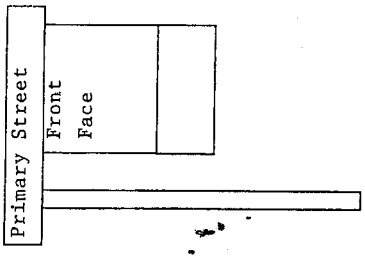


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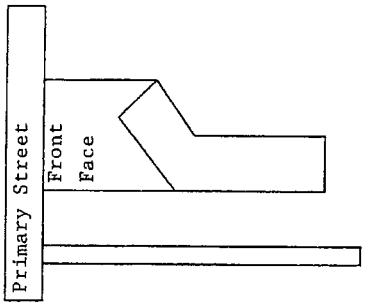
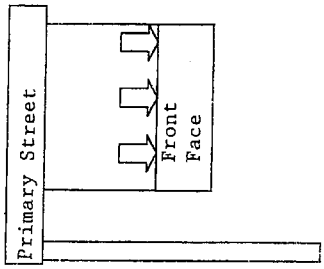



Multi-Occupancy Buildings and Facilities

e.

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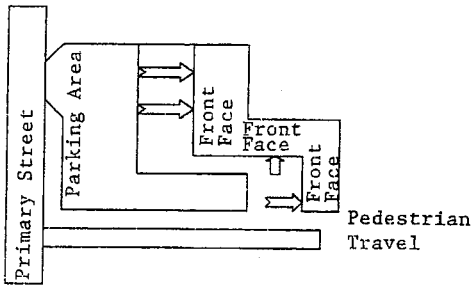


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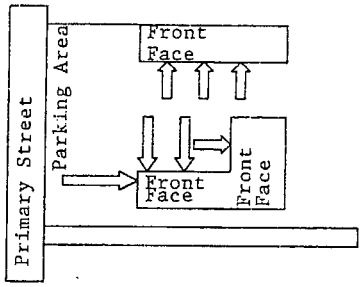


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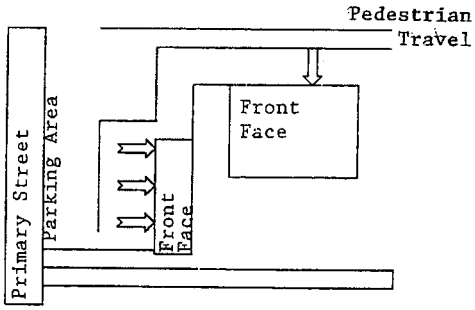
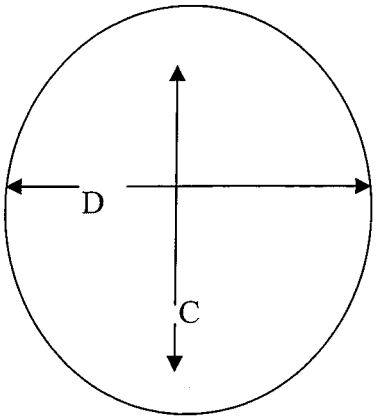
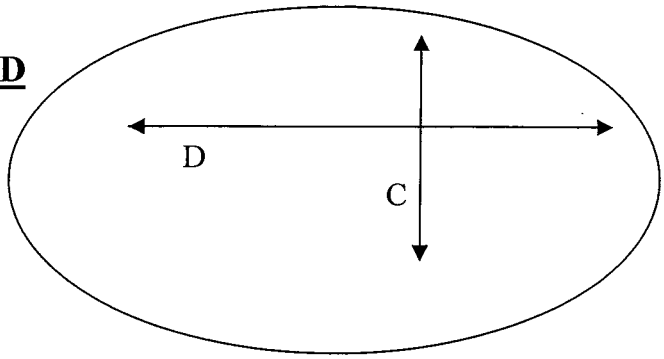


## Display 2. GEOMETRIC AREA CALCULATIONS

### ELLIPSE




$$A = \frac{\Pi \times C \times D}{4}$$

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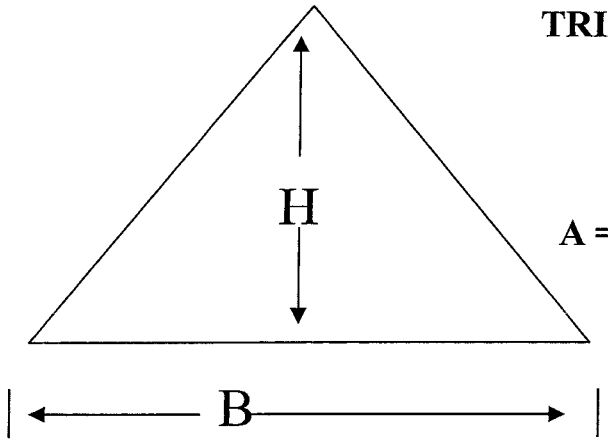
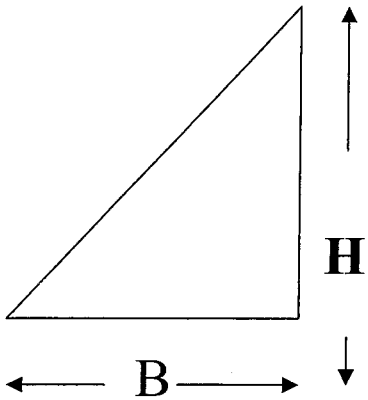
### TRIANGLE




$$A = \frac{B \times H}{2}$$

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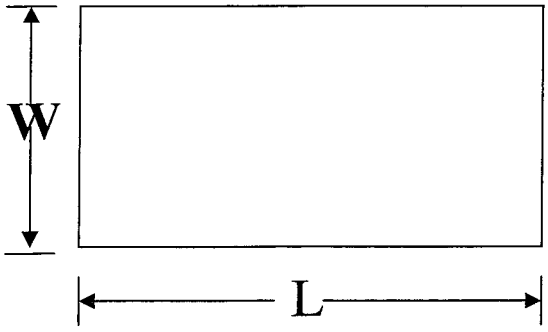
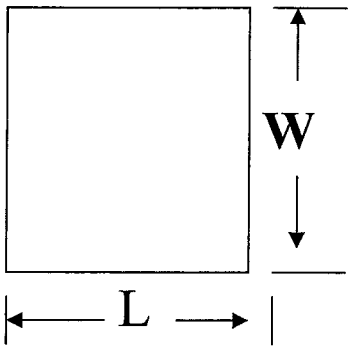
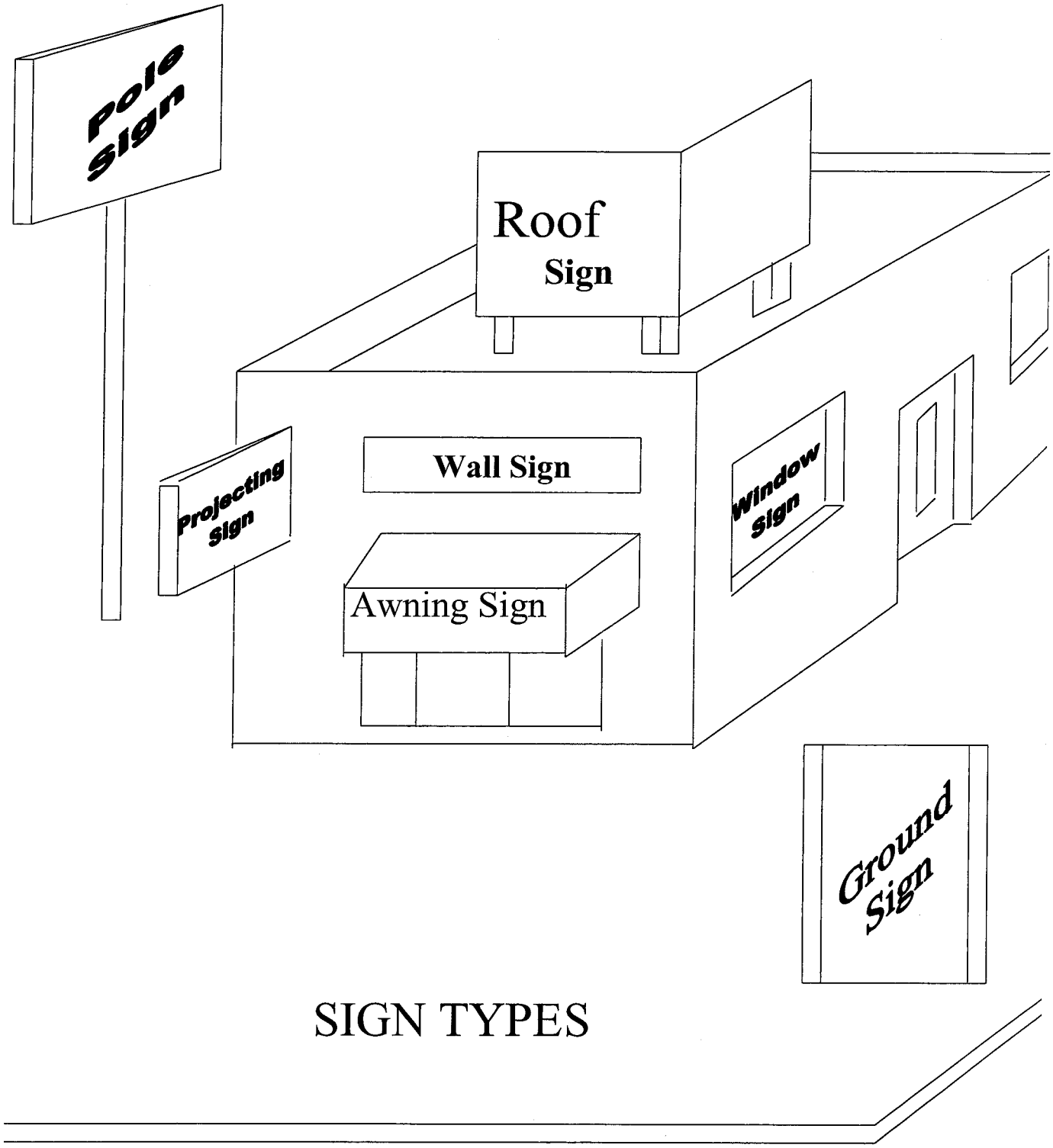
### RECTANGLE

$$A = L \times W$$



**Display 3. Illustration of Sign Types**



**SECTION 14.05. GENERAL REQUIREMENTS.**

1. No sign shall constitute a traffic hazard. No sign shall be erected along any street or at any intersection in such a manner as to obstruct free and clear vision or to create a hazard by blocking a safe line of sight as defined in the City Code of Ordinance, Sections 20-35 and 20-36, or as hereafter amended. At corner lots, ground or pole identification signs shall be located a minimum of thirty five (35) feet from the intersection of the edge of an road's right-of-way; or in the case where the right-of-way line is determined by a radius, thirty five (35) feet from the midpoint of that radius.

2. In the event more than one (1) ground and/or pole sign is allowed on a single parcel, the ground and/or pole signs shall be located a minimum of one hundred (100) feet apart from each other.

(Ord. No. 6-10 Revised Effective 5/13/10)

3. Temporary signs shall be allowed in all commercial office, and industrial districts only for temporary special events and are not to be displayed for more than fifteen (15) consecutive days or three (3) days after the end of the event, whichever is less. Special events shall include, but not be limited to, grand openings; business closings; and special promotional events such as seasonal sales. Only one (1) permit shall be issued for a given place of business during any four (4) month period. Temporary signs shall be non-illuminated and shall not exceed thirty-two (32) square feet of surface display area. No such signs shall be snipe signs.

(Ord. No. 20-03 Revised Effective 10/16/03)

4. Temporary signs, as defined in this article, shall be allowed in all other zoning districts only for special events such as, but not limited to, art and cultural events; recreation and sporting events; city, county or state sponsored events; and appertaining to campaigns, drives or events of civic, philanthropic, educational or religious organizations. This section shall also apply to all non-profit organizations in all zoning districts. Permits for such signs shall not exceed thirty (30) consecutive days. Such signs shall be allowed to be displayed the week prior to the individual special event and removed two (2) days after cessation of the individual special event. Signs may be interchanged to advertise individual activities throughout the thirty (30) day period. Temporary signs shall be non-illuminated and shall not exceed thirty-two (32) square feet of surface display area. One (1) temporary sign on-site and three (3) temporary off-site signs for special scheduled recreation and sporting events shall be allowed. Off-site signs shall not be placed within any public rights-of-way unless written permission is granted by the City and shall be removed the Monday following the scheduled event. Only one (1) permit shall be issued for a given place of business during any four (4) month period. Temporary signs for athletic facilities/fields are defined in Section 14.07.

(Ord. No. 20-03 Revised Effective 10/16/03)

5. The Sign Administrator shall determine the type, style and content of publicly owned community signs, and is responsible for their construction, placement and maintenance. One (1) non-illuminated or indirectly illuminated community bulletin board or community identification sign shall be allowed at the principal entrances of the City. Such signs shall not exceed one hundred and twenty (120) square feet of surface display area and shall not be higher than twenty (20) feet above ground level. Each organization is limited to three (3) square feet in size.

(Ord. No. 12-04 Revised Effective 5/14/04)

6. Commercial flags, which includes the company's name, insignia, emblem, or logo on a flag, smaller than forty (40) square feet are allowed and shall not be counted against the maximum signage allowed. However if the commercial flag is larger than forty (40) square feet then it shall count against the maximum signage allowed. Flags are limited to a maximum of three

(3) flags per lot, only one of which shall include the company's name, insignia, emblem or logo.

(Ord. No. 20-03 Revised Effective 10/16/03)

**SECTION 14.06. SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS).**
The following signs shall be allowed in all zoning districts, provided that the following requirements are met or exceeded. A sign permit shall not be required for the following:

1. Official public notices and/or official signs posted by public officers in the performance of their duties. Official signs such as those designating a neighborhood watch service program shall be non-illuminated and shall not exceed three (3) square feet of surface display area.

2. No sign shall be allowed in the public rights-of-way, except for public signs which are erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information; signs which direct or regulate pedestrian or vehicular traffic and which comply with the Manual of Uniform Traffic Control Devices; and informational signs of a public utility regarding its poles, lines, pipes or facilities.

3. Flags or emblems of the United States, the state of Tennessee, or their political divisions.

4. Freestanding political signs supporting a candidate for election or a position on an issue which is the subject of a referendum, provided that: they do not exceed sixteen (16) square feet of surface display area and eight (8) feet in height above ground level; signs not to be erected more than thirty (30) days prior to the election to which the campaign pertains; signs must be taken down no more than five (5) days after the election to which the campaign pertains; not allowed to be snipe signs or to be placed on traffic signs, street name signs, sidewalks, subdivision entrance signs or parks; signs shall be allowed within the rights-of-way provided that the signs shall be located a minimum of fifteen (15) feet from the edge of pavement along arterial streets, not to be located in traffic islands or so as not to be located in areas which obstruct visibility pursuant to City Code of Ordinances, Sections 20-35 and 20-36, or as hereafter amended; and must meet the provisions set forth in Tennessee Code Annotated. A freestanding sign designed to be viewed from two (2) different directions shall be considered as one (1) sign, provided that the two (2) sign faces are parallel (back-to-back), mounted on the same support structures, and neither side exceeds 16 (sixteen) square feet. For all two-sided signs not mounted parallel (back-to-back), the total surface display area shall not exceed 16 (sixteen) square feet.

(Ord. No. 20-03 Revised Effective 10/16/03)

5. Address signs, not more than one (1) for each street frontage of each principal use on a lot and none exceeding seventy-two (72) square inches of surface display area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate emergency identification for public service employees.

6. Decals, numerals, names, addresses, hours, credit card information, etc., attached to the doors or windows of the principal building and all of which occupy a total area of two (2) square feet or less.

7. Construction signs are allowed only during the construction and development phase of the project, and must be maintained and removed ten (10) days after issuance of a Certificate of

Occupancy. A sign announcing an intended use of the premises in the immediate future may include only the project name, the nature of development (for example, professional office, apartments, condominiums, etc.), the name of the owner or agent, and one telephone number. Such sign shall be allowed pursuant to the issuance of a building permit and/or site review by City staff. Such sign shall be removed upon issuance of a Certificate of Occupancy for the project and prior to the issuance of a sign permit for the permanent signage.

(Ord. No. 8-05 Revised Effective 6/30/05)

8. Real estate marketing signs provided that only one (1) non-illuminated sign per lot except where the lot fronts two (2) or more streets, one (1) additional sign per lot per street frontage shall be allowed; the total surface display area not to exceed thirty-two (32) square feet for non-residential (commercial and industrial zoning districts), sixteen (16) square feet for office-institutional zoning districts and six (6) square feet for residential zoning districts; shall not be over eight (8) feet in height measured from the ground level; may remain on the property the length of the sale and shall be removed ten (10) business days after the sale; and sign shall be maintained in good condition. A freestanding sign designed to be viewed from two (2) different directions shall be considered as one (1) sign, provided that the two (2) sign faces are parallel (back-to-back), mounted on the same support structures, and neither side exceeds 16 (sixteen) square feet. For all two-sided signs not mounted parallel (back-to-back), the total surface display area shall not exceed 16 (sixteen) square feet.

   Signs for advertising open houses, including directional signs, shall be allowed three (3) days prior to the open house and removed the day after the open house. Note: Off-site directional signs are only allowed for the advertising of an open house and not for the sale of the house or place of business.

   (Ord No. 20-03 Revised Effective 10/16/03)
   (Ord. No. 18-09 Revised Effective 10/22/09)

9. Subdivision Off-Site Directional Signs. The purpose of this subsection is to provide a uniform coordinated method of offering developers a means of providing directional signs to residential projects while minimizing confusion among prospective purchasers who wish to inspect subdivisions, and promoting traffic safety and reducing the visual blight of sign proliferation. Permits for temporary signs in the public right-of-way are allowed on a limited basis during periods of new construction activity. Directional signs may only be used to direct traffic to subdivisions that are less than seventy-five percent (75%) complete. Residential subdivisions not located on a state highway shall be allowed to place either one (1) two-sided ground sign or two (2) one-sided ground signs not to exceed thirty-two (32) square feet and not over eight (8) feet in height within the right-of-way of the nearest arterial street. Staff may issue a sign permit for a period of twenty-four (24) months. The Oak Ridge Municipal Planning Commission may grant extensions in twelve (12) month increments up until seventy-five percent (75%) build out of the subdivision or formal street acceptance, whichever is first.

   This type of sign is allowed as follows:

   a. All temporary signs shall be constructed and designed of materials durable enough to withstand the elements to which the sign is to be subjected.

   b. No sign shall be illuminated, painted with light reflecting paint, or have moving parts.

c. No sign shall be located in the clear sight triangle or obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, or fire hydrant, or otherwise create a hazard.

d. Signs in the right-of-way may not be posted on center medians, trees, utility poles, or other utility structures located in the right-of-way.

e. Signs must have a sign permit prior to placement.

f. If a temporary sign becomes a nuisance, or is not maintained, the sign may be subject to removal.

g. Signs may not impair the integrity or character of the area in which it is located.

h. Signs may not display any symbol or words that would likely be mistaken for an official traffic control sign.

i. The sign display shall be limited to the name of the subdivision, directional instructions, and directional arrows.

j. The person responsible for any sign shall be the owner of the subdivision being advertised.

(Ord. No. 18-09 Revised Effective 10/22/09)

## SECTION 14.07. SIGNS FOR RESIDENTIAL DISTRICTS

**1. Types, Size and Location of Signs Allowed:**

**a. Subdivision or Multifamily Development Entry Sign**

(1) One (1) ground entry sign with either two (2) sides or two (2) one-sided signs on each side of the entrance shall be allowed at each principal entrance. Such sign(s) shall be permanent and can be either indirectly illuminated or non-illuminated, with the exception of Light Emitting Diodes (LED) lit channel letters or halo lit LED letters. Each sign face shall not exceed thirty-two (32) square feet of surface display area.

(Ord. No. 12-04 Revised Effective 5/14/04)

(2) The top of the entry sign shall be no higher than eight (8) feet above ground level. (See definition for *Height of Sign*)

(3) The developer or owner of land or property upon which the entry sign is located shall:

(a) Make provision for the establishment of a homeowners' association for the joint ownership and maintenance of the sign; or

(b) If no homeowners' association is provided for, the developer shall prepare an alternative proposal for ownership and maintenance of the sign(s), which shall be approved by the Planning Commission at the time of the final plat submittal.

**b. Multi-family Identification Sign**

One (1) Identification Sign, which is a permanent, indirectly illuminated or non-

illuminated, wall sign announcing the identification of a multifamily dwelling shall be allowed per multifamily building. Such sign shall not exceed ten (10) square feet in surface display area.

**c. Signs for Athletic Facilities/Fields**

(1) Temporary signs for recreation and sporting events shall be allowed provided that the following criteria is met: temporary non-illuminated signs shall be allowed to remain for the length of the athletic season for which they are the primary users and/or scheduled times for use of the facility/fields but not to exceed four (4) consecutive months; a maximum of twenty (20) signs per athletic field shall be allowed; and a sign permit is required for each athletic field. Outdoor athletic fields with permanent seating for more than 5,000 persons shall be allowed a maximum of thirty (30) temporary signs per field. All signs covered for each sign permit shall be uniform in general design (size, color, and lettering). Individual temporary signs shall not exceed thirty-two (32) square feet of surface display area. Such temporary signs shall be installed inside of the park so not to be visible from public rights-of-way and must be maintained by the owner(s) of such signs.

(Ord. No. 12-04 Revised Effective 5/14/04)

(2) Sponsored scoreboards shall be allowed in athletic fields provided that the scoreboard(s) shall not exceed eighty (80) square feet in area and the advertising area is not to exceed thirty percent (30%) of the front face of the scoreboard. Outdoor athletic fields with permanent seating for more than 5,000 persons shall be allowed up to two (2) scoreboards of any size; however, in no event shall the advertising area on such scoreboard exceed fifty percent (50%) of the front face of the scoreboard. All sponsored scoreboards shall be permanently oriented toward the athletic field for visibility by attendees.

(Ord. No. 17-07 Revised Effective 8/30/07)

(3) Incidental signs, where the intent is to provide the public with information and in no way relates to a commercial activity, may be located throughout publicly owned parks and athletic facilities/fields. Incidental signs shall be allowed to identify appurtenances such as amenities and features in the parks and/or athletic facilities/fields that are secondary to the principal use of the parcel on which it is placed. These amenities and features may include, but are not limited to, The Friendship Bell, Secret City Commemorative Walk, Children's Globe, walking trails, greenways, and names of individual fields. Permanent incidental signs for publicly owned parks and athletic facilities/fields shall be allowed provided that the following criteria are met:

(a) The sign shall be freestanding, unless otherwise stated.

(b) The incidental sign for publicly owned parks amenities and passive areas shall not exceed 12 square feet of surface display area and the signs for active play areas and athletic field/facilities shall not exceed eighteen (18) square feet of surface display area.

(c) The top of the sign for publicy owned parks amenities and passive areas and active play areas and athletic fields/facilities shall be no higher than five (5) feet from ground level. (See definition for *Height of Sign*).

(d) Only one sign per athletic field shall be allowed.

(e) In the event multiple fields are located in a complex setting, one ground sign shall be allowed designating the name of the complex. The ground sign for the complex shall not exceed thirty-two (32) square feet of surface display area and shall be no higher than eight (8) feet from ground level. Each athletic field shall be allowed one (1) incidental sign.

(f) In the event there is a freestanding enclosed building/structure, such as the Rowing Finish Line Tower, then a single sign shall be allowed but shall not exceed thirty-two (32) square feet of surface display area and shall be no higher than eight (8) feet from ground level; or two (2) signs shall be allowed (either one ground sign and one wall sign, or two wall signs) provided that the total of the two signs shall not exceed thirty-two (32) square feet of surface display area.

(Ord. No. 11-06 Revised Effective 8/03/06)

**d. Signs for non-residential uses in residential districts**

(1) One (1) indirectly illuminated or non-illuminated ground sign or hanging sign shall be allowed per principal building. Such sign can be changeable copy readerboards, which shall be an integral part of the ground sign. Such sign shall not exceed thirty-two (32) square feet, except changeable copy readerboards (double sided) surface display area can be thirty-two (32) square feet excluding the name of the non-residential use. Those letters are not to exceed eighteen inches (18") in height. Surface display area of the changeable copy readerboards may be internally illuminated. The top of the ground sign shall be no higher than eight (8) feet from ground level. When a principal building has frontage on more than one (1) public/private street, one (1) additional ground or wall sign shall be allowed. In the event an additional sign is allowed, the additional sign shall not be located on the same street as the first sign. Additional signs shall not count against the maximum signage allowed.

(Ord. No. 8-05 Revised Effective 6/30/05)

(2) One (1) indirectly illuminated or non-illuminated wall sign shall also be allowed per principal building provided that the following requirements are met: the area of the wall sign is not to exceed two (2) square feet per linear foot of the front face of the principal building to which it is attached, as per *Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities;* wall signs shall be placed flat against the principal building; the name and/or logo located on an awning shall be considered part of the wall sign; and wall signs shall not project above the apparent roofline or cornice.

(Ord. No. 20-03 Revised Effective 10/16/03)

(3) Multi-Occupancy Facility Signs. In the event of two (2) principal uses (for example, church and school) one (1) additional ground sign shall be allowed for the second use. Such signs shall be at least five hundred (500) feet apart.

(4) Non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet, the height of the sign shall be no higher than four (4) feet above ground level and are limited to a maximum of five (5) signs. Directional signs shall not count against the maximum signage allowed.

**SECTION 14.08. SIGNS FOR MEDICAL CAMPUS DISTRICTS.**

The following section applies to those properties as designated on the Medical Campus District Map. The purpose of a designated Medical Campus Sign District is to acknowledge the need for a specific program of signs of a wayfinding nature in potentially urgent and/or life-threatening situations.

The objective is to provide clear, concise and uniform directional guidance to a variety of facilities within the campus; many of which provide urgent and/or emergency medical care and are therefore necessary for the health, safety and welfare of the public.

1. **Signs Allowed in Medical Campus Districts**
   a. Primary Facility/Campus Directional Signs - signs providing basic directional information to destinations within the campus boundary. Legends shall be restricted to functional destination names (Emergency, Day Surgery, Visitor Parking, etc.) rather than named commercial destinations (Dr. Jones' Office, etc.).

   b. Secondary Campus Directional Signs - signs, located within the campus boundary, downstream in the message hierarchy from the Primary Directional Signs, providing more detailed directional information (e.g.: Visitor Parking vs. Staff Parking, etc.).

   c. Site Identification Signs - a sign, located as close as practical to the vehicular entrance of a stand-alone site (medical office, clinic, etc.). The sign may display the operational name of the facility (XYZ Surgery Associates, P.C., etc). The sign must include the street address of the facility (numerals and name - 1234 Main Street).

   d. Building Exterior Identification Sign - wall mounted signs, as identified above, which display the functional name of the facility.

   e. Miscellaneous Campus Signs - signs, primarily located on the site, which convey specific circulation information (parking areas), pedestrian and/or accessible pathway directional information (walkways) or regulatory messages (accessible parking, one way, etc.).

2. **Locations, Sizes and Quantities Allowed in Medical Campus Districts**
   Locations, sizes and quantities of the sign types discussed above are to be determined as identified in the Wayfinding Signs Size and Location Guidelines, explained hereinafter.

3. **Approvals**
   Each wayfinding program, sign type, location or series of locations, along with the display design and message inventory, shall be submitted to, reviewed and approved by the City Manager, or his/her designee, prior to the filing of an application for a sign permit. Location of signs shall also be noted on site plans. In the case of a new or expanded district, the initial comprehensive package of signs shall also be submitted to, reviewed, and approved by the Oak Ridge Planning Commission.

4. **Wayfinding Signs Size and Location Guidelines**
   a. **Graphics**
      (1) Typography shall be restricted to sans-serif elements from one (1) of the following type family groups: Highway Gothic, Frutiger, Helvetica, Futura or Univers. Legends shall consist of initial upper case and lower case letterforms. Uniform display of the chosen typography and case-usage throughout the program is required.

      (2) No more than six (6) destination legends indicating one (1) direction, nor three (3) destination legends indicating two (2) directions shall appear as a single display.

(3) Display of directional signs shall be "negative", i.e. light color letterforms and graphic devices on a dark color background.

(4) Light/dark contrast between the images and background shall be a minimum of seventy percent (70%), regardless of reflectance value.

(5) Arrowforms shall conform to either the standard arrow as shown in the *Manual on Uniform Traffic Control Devices* or the universally available "barbed arrow". In either case, uniform display of a common arrowform throughout the program is required.

(6) Illumination and/or reflective graphic elements are encouraged, in descending order of preference as follows:

(a) External "wash" illumination and reflective legends/graphics.

(b) Reflective legends/graphics.

(c) External "wash" illumination w/non-reflective legends/graphics.

(d) Non-reflective legends/graphics.

(e) Internal illumination (cabinets or individual letterforms) is restricted to Campus Roadway Directory and/or Building Exterior Identification elements.

**b. Locations and Sizes**

(1) Wherever possible signs shall be located directly outside the roadway right-of-way line. Sign location shall be based on viewing distance and geometry, given a five (5) degree horizontal half-cone of vision from the viewpoint.

(2) Quantities shall be based on an established overall message sequence and across-campus preferred routes; displaying the required information only at the location where a turning or identification decision must be made.

(3) Letterform size shall be based on a ratio of one (1) inch of cap-height for each thirty (30) feet of viewing distance (e.g.: 100 feet of viewing distance equals a cap-height of 3.33 inches; rounded up to a 4 inch cap-height), which reflects a standing still up to approximately twenty five (25) miles-per-hour posted speed. For each ten (10) mile-per-hour incremental increase of posted speed, the cap-height should be increased by one (1) inch.

(4) Panel horizontal size shall be determined by the longest line of required legend, at the correct type size of the viewing distance, plus fifteen percent (15%) (e.g.: at the correct size, legend length equals 4.75 feet, adding 15% equals 5.46 feet; rounded up to 5.5 feet).

(5) Arrowforms shall be at least equal to in vertical dimension and/or no more than 1.5 times greater than the vertical dimension of the written legend it supports.

(6) Panel bottoms for all post-mounted directional sign elements shall be no closer to the immediately adjacent finished grade than eight (8) feet. Over walkways, the bottom

must be no closer than ten (10) feet above the walkway. In no case will post-mounted directional sign panels have a height greater than fifteen (15) feet above the above-referenced finished grade.

**SECTION 14.09. SIGNS FOR EDUCATION DISTRICTS.**

One (1) ground sign shall be allowed per principal building. In addition, one (1) wall sign shall also be allowed per principal building. When a principal building takes vehicular access from more than one (1) public/private street, or has two (2) accesses from the same public/private street and the second access is five hundred (500) feet or more from the first access, measured along the street from the centerline to centerline of each access drive, one (1) additional ground sign shall be allowed at the second access. When an additional ground sign is allowed, the total surface display area of the additional ground sign shall not exceed thirty-two (32) square feet and the top of the ground sign shall be no higher than eight (8) feet from ground level.

(Ord. No. 12-04 Revised Effective 5/14/04)

1. **Types, Size and Location of Signs Allowed:**
   a. **Ground signs**
      (1) One (1) indirectly illuminated or non-illuminated ground sign shall be allowed per principal building. Such sign(s) shall not exceed thirty-two (32) square feet, except changeable copy readerboards (double sided) surface display area can be thirty-two (32) square feet excluding the name of the school. School name letters are not to exceed eighteen inches (18") in height. Surface display area of the changeable copy readerboards may be internally illuminated.

      (Ord. No. 12-04 Revised Effective 5/14/04)

      (2) The top of the ground sign shall be no higher than eight (8) feet from ground level. (See definition for *Height of Sign)*

   b. **Wall Signs**
      (1) One (1) indirectly illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the front face of the building to which it is attached, as per *Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities.*

      (2) Wall signs shall be placed flat against the building.

      (3) The name and/or logo located on an awning shall be considered part of the wall sign.

      (4) Wall signs shall not project above the apparent roofline or cornice.

   c. **Multi-Occupancy Facility Signs**
      In the event of two (2) principal uses (for example, church and school) one (1) additional ground sign shall be allowed for the second use. Such signs shall be at least five hundred (500) feet apart.

   d. **Directional Signs**
      Non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet, the height of the sign shall be no higher than four (4) feet above ground level and are limited to a maximum of five (5) signs. Directional signs shall not count against the maximum signage allowed.

      (Ord. No. 20-03 Revised Effective 10/16/03)

**e. Signs for Athletic Facilities/Fields**

Sponsored scoreboards shall be allowed for outdoor athletic facilities/fields with permanent seating for more than three hundred (300) persons provided the scoreboard does not exceed two hundred twenty-five (225) square feet in surface display area with the advertising area not to exceed thirty percent (30%) of the surface display area of the scoreboard.

(Ord. No. 12-06 Revised Effective 8/03/06)

**f. Pole Signs**

For school facilities with a student population greater than one thousand (1,000), one (1) indirectly or directly illuminated or non-illuminated pole sign shall be allowed. The pole sign may be either a changeable copy sign (readerboard) or a moving copy sign. The surface display area of the pole sign shall not exceed sixty (60) square feet. The top of the pole sign shall be no higher than fifteen (15) feet from ground level.

(Ord. No. 20-09 Revised Effective12/24/09)

## SECTION 14.10. SIGNS FOR OFFICE-INSTITUTIONAL DISTRICTS.

**1. Types, Size and Location of Signs Allowed:**

One (1) ground sign shall be allowed per principal building except as noted in Subsection E below. In addition, one (1) wall or window sign per principal building shall be allowed. The total combined area of all signs shall not exceed two (2) square feet per linear foot of the front face of the principal building. In the event of multi-tenant occupancies, the owner shall determine what portion of each tenant's allowable sign area shall be allotted to the allowable ground sign(s).

**a. Ground Signs**

(1) One (1) illuminated or non-illuminated ground sign not to exceed thirty-two (32) square feet of surface display area shall be allowed except as noted below.

(2) The top of the ground sign shall be no higher than eight (8) feet from ground level. (See definition for *Height of Sign)*

(3) Ground signs can either be changeable copy readerboards or moving copy sign, and either shall be an integral part of the ground sign. The moving copy sign shall not exceed one (1) line of moving copy. In no instance shall the combination of the changeable copy readerboard or moving copy sign display area and the ground sign surface display area exceed thirty-two (32) square feet, nor shall the combination exceed the height limitation of eight (8) feet.

(4) When a principal building takes vehicular access from more than one (1) public/private street, or has two (2) accesses from the same public/private street and the second access is five hundred (500) feet or more from the first access, measured along the public/private street from centerline to centerline of each access drive, one (1) additional ground sign may be allowed at the additional access, provided that:

(a) Such sign(s) shall be located at or near the access to such street; and,

(b) No other signs except directional signs, as permitted in Section 14.10(d) below, shall be allowed at or near the access to such street.

(Ord. No. 12-04 Revised Effective 5/14/04)

**b. Wall Signs**

(1) One (1) indirectly illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the front face of the building to which it is attached, as per *Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities*. Single story multi-occupancy facilities shall be allowed, one (1) indirectly illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of that portion of the front face which the tenant leases.

(2) Wall signs shall be placed flat against the building.

(3) In the event the name and/or logo are located on an awning(s), the square footage shall be deducted from the allowable square footage for a wall sign.

(4) Wall signs shall not project above the apparent roofline or cornice.

**c. Window Signs**

(1) One (1) indirectly illuminated or non-illuminated sign shall be allowed per principal building in which the permanent window copy, painted or otherwise attached to the window surface, shall be limited in area to twenty five percent (25%) of the total surface area of that window.

(2) The provisions stated above shall not restrict the reasonable application upon a window surface of lettering or decals giving the address, hours of business, entrance or exit information, professional or security information, and credit cards which are accepted; nor shall the surface area of such lettering or decals be included in the overall computation of allowable sign area.

**d. Directional Signs**

Illuminated or non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet and the height of the sign area shall be no higher than four (4) feet above ground level. Directional signs shall not count against the maximum signage allowed.

**e. Identification Signs**

For office and institutional buildings having 35,000 or more square feet of usable floor area, one (1) or more ground identification signs shall be allowed in lieu of any wall or window signs. Such ground identification signs shall be allowed per fifty (50) square feet of front face or per entrance, whichever is less. Such ground identification sign shall not exceed eight (8) feet in height nor ten (10) square feet in surface display area; shall be located at or near the street entrances; and shall not obstruct any safe line-of-sight for traffic.

**f. Development Entry Signs**

For developments that include five or more buildings or five or more lots, one (1) ground entry sign with either two (2) sides or two (2) one-sided signs on each side of the entrance shall be allowed at each principal entrance. Such sign(s) shall be permanent and can be either indirectly illuminated or non-illuminated, with the exception of Light Emitting Diodes (LED) lit channel letters or halo lit LED letters. Each sign face shall not exceed thirty-two (32) square feet of surface display area and the top of the sign shall be no higher than eight (8) feet above ground level.

(Ord. No. 12-04 Revised Effective 5/14/04)

**SECTION 14.11. SIGNS FOR NEIGHBORHOOD BUSINESS DISTRICTS.**
One (1) ground sign shall be allowed per principal building. In addition, one (1) wall or window sign per front face shall be allowed. The total combined area of all signs shall not exceed two (2) square feet per linear foot of the front face of the building. All establishments that have a current beer permit shall also meet the requirements of City Code Section 4-307.

1. **Types, Size and Location of Signs Allowed:**
   a. **Ground Signs**
      (1) One (1) indirectly illuminated or non-illuminated ground sign or hanging sign not to exceed thirty-two (32) square feet in surface display area shall be allowed.
      (Ord. No. 8-05 Revised Effective 6/30/05)

      (2) The top of the ground sign shall be no higher than eight (8) feet from ground level. (See definition for *Height of Sign*)

      (3) One indirectly or non-illuminated ground sign shall be allowed per principal building. Double-sided changeable copy readerboards shall be allowed and shall be an integral part of the ground sign. In no instance shall the combination of the changeable copy readerboards surface display area and the ground sign surface display area exceed thirty-two (32) square feet, except changeable copy readerboards (double sided) surface display area can be thirty-two (32) square feet excluding the name of the business, provided that such letters for the name of the business do not to exceed eighteen inches (18") in height, nor shall the combination exceed the height limitation of eight (8) feet. Surface display area of the changeable copy readerboards may be internally illuminated.
      (Ord. No. 12-04 Revised Effective 5/14/04)

   b. **Wall Signs**
      (1) One (1) illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the wall to which it is attached, as per *Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities.*

      (2) Wall signs shall be placed flat against the building.

      (3) In the event the name and/or logo are located on an awning(s), the square footage shall be deducted from the allowable square footage for a wall sign.

      (4) Wall signs shall not project above the apparent roof line or cornice.

   c. **Window Signs**
      (1) One (1) illuminated or non-illuminated sign shall be allowed per principal building in which the permanent window copy, painted or otherwise attached to the window surface, shall be limited in area to twenty-five percent (25%) of the total surface area of that window.

      (2) The provisions stated above shall not restrict the reasonable application upon a window surface of lettering or decals giving the address, hours of business, entrance or exit information, professional or security information, and credit cards which are accepted; nor shall the surface area of such lettering or decals be included in the overall computation of allowable sign area.

**d. Multi-Occupancy Facility Signs**

Each principal building shall be allowed one (1) ground sign. In the event of single story multi-occupancy facility, each establishment within the principal building shall be allowed one (1) indirectly illuminated or non-illuminated wall sign, with an area not to exceed two (2) square feet per linear foot of that portion of the front face which the tenant leases. The property owner shall determine what proportion of each tenant's allowable sign area shall be allotted to the ground sign.

**SECTION 14.12. SIGNS FOR COMMUNITY BUSINESS DISTRICTS.**

Either one (1) pole sign or one (1) ground sign shall be allowed per principal building. In addition, one (1) wall or window sign per front face shall be allowed. Roof signs shall only be permitted on lots with building grades fifty percent (50%) or more below grade of the adjacent street with Board of Zoning Appeals approval. The total combined area of all signs for single story facilities shall not exceed two (2) square feet per linear foot of the front face of the principal building. The total combined area of all signs for two (2) story facilities shall not exceed 2.5 square feet per linear foot of the front face of the principal building. When a principal building has frontage on more than one (1) public/private street, one (1) additional ground, pole or wall sign shall be allowed for each additional public/private street to which the principal building has frontage. (Additional frontages which are functional elements of loading, storage, and dumpsters are not entitled to additional signs.) In the event additional signs are allowed, such signs shall be located at the midpoints of the principal building. Additional signs shall not count against the maximum signage allowed. All establishments that have a current beer permit shall also meet the requirements of City Code Section 8-807.

(Ord. No. 11-06 Revised Effective 8/03/06)

**1. Types, Size and Location of Signs Allowed:**

**a. Pole Signs**

(1) One (1) illuminated or non-illuminated pole sign shall be allowed per principal building. Such sign shall not exceed eighty (80) square feet of surface display area.

(2) The top of the pole sign shall be no higher than twenty (20) feet from ground level. (See definition for *Height of Sign*)

(3) Pole signs can be either changeable copy readerboards or moving copy sign, and either shall be an integral part of the pole sign. In no instance shall the combination of the changeable copy readerboards or moving copy sign surface display area and the pole sign surface display area exceed eighty (80) square feet nor shall the combination exceed the height limitation of twenty (20) feet. The changeable copy readerboard must be affixed to and be an integral part of the pole sign.

**b. Ground Signs**

(1) One (1) illuminated or non-illuminated ground sign shall be allowed per principal building. Such sign shall not exceed one hundred (100) square feet in surface display area.

(2) The top of the ground sign shall be no higher than eight (8) feet from ground level. (See definition for *Height of Sign*)

(3) Ground signs can either be changeable copy readerboards or moving copy sign, and either shall be an integral part of the ground sign. In no instance shall the combination of the changeable copy readerboards or moving copy sign surface display area and the ground sign surface display area exceed one hundred (100) square feet, nor shall the combination exceed the height limitation of eight (8) feet.

**c. Wall Signs**

(1) One (1) illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the wall to which it is attached as per Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities. In the event the tenant is located on the corner lot of two (2) public/private streets, one (1) additional wall sign shall be allowed provided that the overall signage does not exceed two (2) square feet per linear foot of the leasable front face wall.

(Ord. No. 11-06 Revised Effective 8/03/06)

(2) Wall signs shall be placed flat against the principal building or parallel to the building on a canopy and may only face public/private streets or parking areas which are part of the development.

(Ord. No. 20-03 Revised Effective 10/16/03)

(3) In the event the name and/or logo are located on an awning, the square footage shall be deducted from the allowable square footage for signs.

(4) Wall signs shall not project above the apparent roofline or cornice.

**d. Window Signs**

(1) When visible from a public/public street, one (1) illuminated or non-illuminated sign shall be allowed per principal building in which the permanent window copy, painted or otherwise attached to the window surface, shall be limited in area to twenty-five percent (25%) of the total surface area of that window.

(Ord. No. 12-04 Revised Effective 5/14/04)

(2) The provisions stated above shall not restrict the reasonable application upon a window surface of lettering or decals giving the address, hours of business, entrance or exit information, professional or security information, and credit cards which are accepted; nor shall the surface area of such lettering or decals be included in the overall computation of allowable sign area.

**e. Roof Signs**

With Board of Zoning Appeals approval, one illuminated or non-illuminated sign shall be allowed per principal building with an area not to exceed two (2) square feet per linear foot of the roof to which it is attached and no portion of the sign shall be higher than five (5) feet above the apparent roof line or cornice. In the event of a single story multi-occupancy facility, each licensed business within the principal building shall be allowed one illuminated or non-illuminated roof sign, with an area not to exceed two (2) square feet per linear foot of that portion of which the tenant leases.

**f. Multi-Occupancy Facility Signs**

Each principal building shall be allowed one (1) ground or pole sign. In the event of a single or two (2) story multi-occupancy facility, each licensed business within the principal building

shall be allowed one (1) illuminated or non-illuminated wall sign, with an area not to exceed two (2) square feet per linear foot of that portion of the building face which the tenant leases. The property owner shall determine what proportion of each tenant's allowable sign area shall be allotted to the ground or pole sign.

(Ord. No. 11-06 Revised Effective 8/03/06)

**g. Directional Signs**

Illuminated or non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet and the height of the sign area shall be no higher than four (4) feet above ground level. Directional signs shall not count against the maximum signage allowed. Each sign may also bear the businesses' name, logo or trademark.

**h. Development Entry Signs**

For developments that include five or more buildings or five or more lots, one (1) ground entry sign with either two (2) sides or two (2) one-sided signs on each side of the entrance shall be allowed at each principal entrance. Such sign(s) shall be permanent and can be either indirectly illuminated or non-illuminated with the exception of Light Emitting Dioeds (LED) lit channel letters or halo lit LED letters. Each sign face shall not exceed thirty-two (32) square feet of surface display area and the top of the sign shall be no higher than eight (8) feet above ground level.

(Ord. No. 12-04 Revised Effective 5/14/04)

**SECTION 14.13. SIGNS FOR BUSINESS PARK AND GENERAL INDUSTRIAL DISTRICTS.**
One (1) ground sign shall be allowed per principal building. In addition, one (1) wall sign per front face shall be allowed. The total area of all signs shall not exceed two (2) square feet per linear foot of the front face of the principal building.

**1. Types, Size and Location of Signs Allowed:**

**a. Ground Signs**

(1) One (1) illuminated or non-illuminated ground sign not to exceed forty (40) square feet in surface display area shall be allowed except as noted below.

(2) The top of the ground sign shall be no higher than eight (8) feet above ground level. (See definition for *Height of Sign*)

(3) Number of Signs Allowed. When a principal building has frontage on more than one (1) public/private street, one of which exceeds three hundred (300) feet, one (1) additional ground or wall sign shall be allowed for each public/private street to which the principal building has frontage. In the event additional signs are allowed, such signs shall be located at the midpoints of the principal building. Additional signs shall not count against the maximum signage allowed.

(Ord. No. 12-04 Revised Effective 5/14/04)

**b. Wall Signs**

(1) One (1) illuminated or non-illuminated sign, with an area not to exceed two (2) square feet per linear foot of the wall to which it is attached as per *Display 1 Illustrations of Single Occupancy and Multi-Occupancy Buildings and Facilities.*

(2) Wall signs shall be placed flat against the main building or parallel to the building on an awning and may only face public/private streets or parking areas which are part of the development.

(Ord. No. 12-04 Revised Effective 5/14/04)

(3) In the event the name and/or logo are located on an awning, the square footage shall be deducted from the allowable square footage for signs.

(4) Wall signs shall not project above the apparent roofline or cornice.

**c. Multi-Occupancy Facility Signs**
Each principal building shall be allowed one (1) ground sign. In addition, each establishment within the principal building shall be allowed one (1) wall sign. The total combined area of all signs shall not exceed two (2) square feet per linear foot of front face of the principal building. The owner shall determine what proportion of each tenant's allowable sign area shall be allotted to the ground sign.

**d. Development Entry Signs**
For developments that include five (5) or more buildings or five (5) or more lots, one (1) ground entry sign with either two (2) sides or two (2) one-sided signs on each side of the entrance shall be allowed at each principal entrance. Such sign(s) shall be permanent and can be either indirectly illuminated or non-illuminated with the exception of Light Emitting Diodes (LED) lit channel letters or halo lit LED letters. Each sign face shall not exceed thirty-two (32) square feet of surface display area and the top of the sign shall be no higher than eight (8) feet above ground level.

(Ord. No. 12-04 Revised Effective 5/14/04)

**e. Directional Signs**
Illuminated or non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet and the height of the sign area shall be no greater than four (4) feet above ground level. Directional signs shall not count against the maximum signage allowed. Each sign may also bear the businesses' name, logo or trademark.

**f. Identification Signs**
For office and institutional buildings having 35,000 or more square feet of usable floor area, one (1) or more ground identification signs shall be allowed in lieu of any wall signs. Such ground identification signs shall be allowed per fifty (50) square feet of front face or per entrance, whichever is less. Such ground identification sign shall not exceed eight (8) feet in height nor ten (10) square feet in surface display area; shall be located at or near the street entrances; and shall not obstruct any safe line-of-sight for traffic.

## SECTION 14.14. NON-CONFORMING SIGNS.

Signs which were legally in existence prior to the adoption of this article, which do not conform to the provisions of this article, are declared non-conforming signs.

1. **General Non-Conforming Sign Provisions.** Subject to the exceptions hereinafter set forth, nothing shall prohibit the operation, repair, reinforcement or maintenance of a preexisting non-conforming sign after the effective date of this article, provided that non-conforming signs shall not be:

   a. Changed to or replaced with another non-conforming sign.

b. Structurally altered as to extend their useful life.

c. Expanded.

d. Relocated.

e. Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.

f. Such repair, reinforcement or maintenance shall not in any way increase the degree of non-conformity of such sign. Nothing in this article shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Sign Administrator. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the current market value of the existing sign structure.

g. Discontinuance or abandonment. Abandonment or obsolescence after one (1) year of a non-conforming sign shall terminate immediately the right to maintain such a sign.

**2. Reserved.**

**SECTION 14.15. PROHIBITED SIGNS.** All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with the aforementioned sections or any other City ordinances are prohibited. Such signs include, but are not limited to:

1. Signs visible from a public right-of-way where by reason of the position, shape, intensity or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop" or "danger" or otherwise that may interfere with, mislead or confuse traffic.

2. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to portable, moving (animated), flashing, inflatable and revolving signs; provided however, that temporary signs specifically allowed under this article shall be exempt from this prohibition.

3. Flashing signs or signs that contain reflective materials, which present a hazard or danger to traffic or the general public.

4. Signs on public property, other than those erected at the direction or with the permission of a public authority having jurisdiction.

5. Signs which contain works or pictures of an obscene, indecent, or immoral character, which could offend public morals or decency.

6. Beacon lights.

7. Signs which are structurally unsound or which are rendered structurally sound by guy wires or unapproved facing or bracing.

8. Signs attached to, suspended from or painted on any vehicle(s) and/or trailer(s), which is parked on or visible from any street or public right-of-way and which is left stationary shall not be

allowed. This shall not apply to those signs which are required to be affixed to service vehicles by the requirements of federal, state, or local regulations; nor is this prohibition to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business.

**SECTION 14.16. ILLUMINATION OF SIGNS.** Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zoning districts.

1. Signs may be illuminated by a direct or indirect source of light, as per district regulations, provided the indirect light source is shaded, shielded or directed so that no direct rays or glare emanating from the light source are visible from any public right-of-way or abutting property.

2. No sign shall have blinking, flashing, or fluttering lights or other illuminating device, which has a changing light intensity, brightness or color.

3. Neon signs shall be allowed so long as they conform to all district regulations. Fluorescent tubes, which are typically used as a source of internal illumination, shall be shielded or diffused.

4. No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.

5. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.

**SECTION 14.17. GENERAL MAINTENANCE OF SIGNS.** All signs constructed or placed within the City of Oak Ridge must comply with all current building codes adopted by the City of Oak Ridge. An electrical permit must be obtained for installation of any sign requiring electrical service or connection.

1. **Inspections.** The Sign Administrator shall make inspections periodically for each permanent business sign displayed in the City to ensure compliance with the provisions of this article.

2. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

3. **Removal of Sign.** Any sign outside of the City's right-of-way or located on public property which is defaced; has internal illumination exposed; or whose face, frame and/or supports are chipped, peeling or otherwise damaged shall be deemed in disrepair. The Sign Administrator shall give thirty (30) days written notice for the removal of any permanent sign erected or maintained in violation of this article. Upon failure to comply with this notice, the Sign Administrator shall remove or cause to be removed the sign with the cost of such action charged to the responsible party or shall be issued a summons into City Court. The Sign Administrator and/or building inspectors without notice may remove temporary signs erected or maintained in violation of this article. The Sign Administrator and/or building inspectors shall be allowed to remove any sign that presents an immediate threat to the safety of the general public and there is no attempt by the owner(s) to correct the situation. Any removal of such signs shall be at the expense of the property owner. The property owner shall be determined by the most recent property tax roll listing.

4. **Obsolete and Abandoned Signs.**
   a. Discontinuance or abandonment. Whenever the normal business activity of an occupant using a premises to which a preexisting sign is attached or related thereto has been

discontinued for a period of sixty (60) days or longer, such discontinuance shall be considered an abandonment of said sign. All electricity for the sign shall be turned off immediately. After a period of one (1) year, the property owner shall be responsible for removing, altering or replacing the sign face with a blank sign face. The City Manager may grant an extension in one (1) year increments to waive the requirement of replacing the sign with a blank face for a period not to exceed two (2) years.

b. Obsolete or abandoned signs which are defaced; have internal illumination exposed; or whose frame and/or supports are chipped, peeling or otherwise damaged are prohibited and shall be removed by the owner of the property, the agent, or person having the beneficial use of the building or site upon which such sign or sign structure is erected within thirty (30) days after written notification from the Sign Administrator.

c. In the event of non-compliance with the aforesaid terms and provisions, the Sign Administrator may proceed to have the sign owner and/or lessee brought into City Court for a hearing.

**SECTION 14.18. PERMITS AND FEES.**

1. **Permits and Fee Requirements.**
   a. All signs permitted under this article, including existing signs, shall require a sign permit except those identified as exempt signs in Section 14.06.

   b. No signs shall be erected, altered or relocated without a sign permit, except as otherwise provide herein. Electrical permits as required shall be obtained at the same time as the sign permit.

2. **Applications.** The sign permit application shall contain the following information: the name, address and telephone number of the sign owner and/or the sign erector; address and zoning district of the property to which the sign is to be attached or erected; scaled drawing showing the design, location, materials, finishes and colors of the proposed sign and the existing signs; and such other pertinent information as may be required to ensure compliance with this article and requirements of the City. Applications shall be on forms provided by the City of Oak Ridge.

3. **Fees.**
   a. The permit fee (non-refundable fee) for each sign allowed under the requirements of the article shall be based on the Building Permit Fee Schedule. Business or industrial sites allowed more than one (1) sign shall obtain a permit for each sign or submit as sign package. Annual sign permit renewals shall not be required, provided no changes are undertaken other than cleaning, repainting or other normal maintenance. The application fee for a sign permit shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained.

   b. For any sign with internal or external lighting, including ground lighting, the City shall require an electrical permit and inspections pursuant to the provisions of the Electrical Code as adopted by the City of Oak Ridge.

   c. These fees shall not be levied against signs classified as civic signs, real estate signs, and exempt signs as defined in Section 14.06.

   d. These fees shall not be levied against public schools and non-profit organizations as defined

by the state (or can provide verification of non-profit status). Such waiver of fees for signs does not relieve the applicant from the responsibilities of meeting the sign requirements; acquiring all required permits; or prohibit the City from conducting all appropriate inspections.

4. **Nullification.** A sign permit shall become null and void if (1) the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit; and (2) the sign varies in any respect from the approved design or location.

5. **Permit Exceptions.** The general maintenance such as repainting, cleaning and other normal maintenance to prolong the life of a sign as originally approved shall not be considered as creating a sign and, therefore, shall not require a sign permit.

**SECTION 14.19. ADMINISTRATION AND PENALTIES.**

1. **Enforcement.** The Sign Administrator is hereby authorized and directed to enforce all of the provisions of this article. Upon presentation of proper credentials, the Sign Administrator may enter at reasonable times any building, structure or premises in the City of Oak Ridge to perform any duty imposed upon him/her by this article.

2. **Sign Appeals.** The Board of Zoning Appeals (BZA) shall not grant a variance for signs unless it makes findings based upon evidence presented to it as follows:

   a. The particular physical surrounding shape, topographical or locational conditions of the specific property or structure involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this article were carried out; and

   b. The conditions upon which the petition for a variance is based would not be applicable; generally, to other property, or structure in the same general area; and

   c. The variance will not authorize signs, sign structures, or other sign related activities other than those permitted by this article; and

   d. Financial returns only, shall not be considered as a basis for granting a variance; and

   e. The alleged difficulty or hardship has not been created by any person having an interest in the sign, sign structure, or property after the effective date of this article; and

   f. That granting the variance requested will not confer on this applicant any special privilege that is denied by this article to other lands, structures, signs, sign structure, or buildings similarly situated; and

   g. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure for sign purposes; and

   h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area which the sign is located; and

   i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the

area.

3. **Prohibited Signs.** Under no circumstances shall the Board of Zoning Appeals allow a sign or sign structure, which is prohibited under the terms of this article, or any sign or sign structure expressly or by implication prohibited by the terms of this article.

4. **Conditions and Restrictions by the Board of Zoning Appeals.** The Board of Zoning Appeals may impose such conditions and restrictions upon the property, sign, or sign structure as may be necessary to comply with the provisions set out in the aforementioned standards, to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this article. The Board of Zoning Appeals may establish expiration dates as a condition or as a part of the variances.

5. **Variance Appeals.** Any person, including any agency of the City of Oak Ridge government aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by writ of certiorari to a court of appropriate jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final and subject to review only for illegality or want of jurisdiction.

6. **Penalties.** Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars ($50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where any matter in violation of this article shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

**SECTION 14.20. SEVERABILITY.** If any section or provision of this article were declared by a court of appropriate jurisdiction to be invalid, such decision shall not affect the validity of the article as a whole, or any part thereof, other than the part so declared to be invalid.

(Ord. No. 8-03 Revised Effective 2/13/03)

| SUMMARY OF SIGN REGULATIONS<br>(Consult Text for Details) | | | | |
|---|---|---|---|---|
| ZONE | TYPES OF SIGNS ALLOWED | ILLUMINATION | MAXIMUM SIGN AREA | MAXIMUM SIGN HEIGHT |
| SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS) (Section 14.06) | Official Signs | Non-Illuminated | 3 Square Feet | - |
| | Political Signs | Non-Illuminated | 16 Square Feet | - |
| | Address Signs | Non-Illuminated | 72 Square Inches | - |
| | Decals, numerals, names, addresses | Non-Illuminated | 2 Square Feet | - |
| | Construction Signs (Temporary Signs) | Non-Illuminated | 32 Square Feet | - |
| | Real Estate Marketing Signs | Non-Illuminated | 32 Square Feet (Commercial Zoning Districts) | 8 Feet |
| | | | 16 Square Feet (Office-Institutional Zoning Districts) | 8 Feet |
| | | | 6 Square Feet (Residential Zoning Districts) | 8 Feet |
| RESIDENTIAL DISTRICTS (Section 14.07) | Subdivision or Multifamily Development Entry Signs | Indirectly Illuminated or Non-Illuminated w/the exception of Light Emitting Diodes (LED)-lit channel letters or halo-lit LED letters | 32 Square Feet | 8 Feet |
| | Multi-family Identification Sign (Wall Sign) | Indirectly Illuminated or Non-Illuminated | 10 Square Feet | - |
| | Home Occupation identification Sign | Non-Illuminated | 2 Square Feet | Has to be placed flat against the wall |
| | Signs for Athletic Facilities/Fields | Non-Illuminated | 32 Square Feet | - |
| | Signs for Non-Residential Uses in Residential Districts | Indirectly Illuminated or Non-Illuminated<br>Changeable Copy * Surface display area of the changeable copy readerboard may be internally illuminated | 32 Square Feet (Ground Sign)<br>2 sq. ft. per linear foot of the front face of the principal building (Wall Sign) | 8 Feet (Ground Sign) |
| EDUCATION DISTRICTS (Section 14.09) | Ground Signs | Indirectly Illuminated or Non-Illuminated<br>(Surface display area of the changeable copy readerboard may be internally illuminated) | 32 Square Feet | 8 Feet |
| | Wall Signs | Indirectly Illuminated or Non-Illuminated | 2 sq. ft. per linear foot of the front face of the principal building | - |
| | Pole Signs (for schools with a student population greater than 1,000) | Indirectly or directly illuminated (can be either a changeable copy readerboard or moving copy sign) | 60 Square Feet | 15 Feet |
| OFFICE-INSTITUTIONAL DISTRICTS (Section 14.10) | Ground Signs | Illuminated or Non-Illuminated | 32 Square Feet | 8 Feet |
| | Wall Signs | Indirectly Illuminated or Non-Illuminated | 2 sq. ft. per linear foot of the front face of the principal building (Wall Sign) | - |
| | Window Signs | Indirectly Illuminated or Non-Illuminated | 25% of the total surface area of the window to which it is attached | - |

| | | | | |
|---|---|---|---|---|
| | Directional Signs | Illuminated or Non-Illuminated | 4 Square Feet | 4 Feet |
| | Identification Signs | Illuminated or Non-Illuminated | 10 Square Feet | 8 Feet |
| | Development Entry Signs | Indirectly Illuminated or Non-Illuminated *with the exception of Light Emitting Diode (LED) –lit channel letters or halo lit LED letters | 32 Square Feet | 8 Feet |
| NEIGHBORHOOD BUSINESS DISTRICTS (Section 14.11) | Ground Signs | Indirectly Illuminated or Non-Illuminated *Surface display area of the changeable copy readerboard may be internally illuminated | 32 Square Feet | 8 Feet |
| | Wall Signs | Illuminated or Non-Illuminated | 2 sq. ft. per linear foot of the wall to which it is attached (Wall Sign) | - |
| | Window Signs | Illuminated or Non-Illuminated | 25% of the total surface area of the window to which it is attached | - |
| COMMUNITY BUSINESS DISTRICTS (Section 14.12) | Pole Signs | Illuminated or Non-Illuminated | 80 Square Feet | 20 Feet |
| | Ground Signs | Illuminated or Non-Illuminated | 100 Square Feet | 8 Feet |
| | Wall Signs | Illuminated or Non-Illuminated | 2 sq. ft. per linear foot of the wall to which it is attached (Wall Sign) | - |
| | Window Signs | Illuminated or Non-Illuminated | 25% of the total surface area of the window to which it is attached | - |
| | Roof Signs | Illuminated or Non-Illuminated | 2 sq. ft. per linear foot of the roof to which it is attached | 5 Feet |
| | Directional Signs | Illuminated or Non-Illuminated | 4 Square Feet | 8 Feet |
| | Development Entry Signs | Indirectly Illuminated or Non-Illuminated *with the exception of Light Emitting Diode (LED) –lit channel letters or halo lit LED letters | 32 Square Feet | 8 Feet |
| BUSINESS PARK AND GENERAL INDUSTRIAL DISTRICTS (Section 14.13) | Ground Signs | Illuminated or Non-Illuminated | 40 Square Feet | 8 Feet |
| | Wall Signs | Illuminated or Non-Illuminated | 2 sq. ft. per linear foot of the wall to which it is attached (Wall Sign) | - |
| | Development Entry Signs | Indirectly Illuminated or Non-Illuminated *with the exception of Light Emitting Diode (LED) –lit channel letters or halo lit LED letters | 32 Square Feet | 8 Feet |
| | Directional Signs | Illuminated or Non-Illuminated | 4 Square Feet | 4 Feet |
| | Identification signs | Illuminated or Non-Illuminated | 10 Square Feet | 8 Feet |

(Ord. No. 12-04 Revised Effective 5/14/04)
(Ord. No. 20-09 Revised Effective 12/24/09)



(Ord. No. 12-04 Revised Effective 5/14/04)
(Ord No. 20-09 Revised Effective 12/24/09)

# ARTICLE XV
# SCHEDULE OF REGULATIONS

Sec. 15.01 **Summary, Building and Lot Size Requirements**

SUMMARY, BUILDING AND LOT SIZE REQUIREMENTS

| | Minimum Setback Dimensions | | | Maximum Usable Floor Area | Minimum Size of Lot | Maximum Height in Feet | Maximum Height in Stories |
|---|---|---|---|---|---|---|---|
| | Front | Side | Rear | | | | |
| RG-1 Residential, Open Space & Reserved | 50' | 50' | Rear-50' (Exception- All accessory buildings shall be a minimum of 100' from the front lot line) *Excludes uses customarily incidental to the single family detached dwelling as identified in Section 5.01 (c) 4. Permitted Accessory Uses, all other accessory buildings are to be 100' from the front lot line | 10% | 200,000 square feet 300' minimum lot width | 40' | Deleted |
| R-1-A Single-Family Residential | 30' | 20'/20' | 40' | 20% | 20,000 square feet 120' minimum lot width | 40' | Deleted |
| R-1-B Single-Family Residential | 30' | Sides - total of 30' (12'/18' minimums) | 35' | 25% | 14,000 square feet 100' minimum lot width | 40' | Deleted |
| R-1-A/B One-Family Residential | 30' | (total two sides 35') 15' | 45' | 20% | 14,000 square feet 90 feet in width | 35 | 2 ½ |
| R-1-C Single-Family Residential | 25' | Sides-total of 20' (8'/12' minimums) | 30' | 30% | 8,000 square feet 70' minimum lot width | 40' | Deleted |
| R-2 Low Density Residential | 20' | 8' | 25' | 30% for permitted use/60 % for special exceptions | 8,000 SF for single family detached and duplexes and 4,000 SF for each additional unit 45' minimum lot width | 40' | Deleted |
| R-3 Medium Residential | 25' | 10' for <3 stores, +10' for each addt'l story but not to exceed 50' | 30' | 30% for permitted use/60 % for special exceptions | 3,600 SF for each dwelling unit and not to exceed 12 units per acre | 55' | Deleted |
| R-4-A Multiple Family | 25' | 12' or that of adjacent zone, whichever is greater | 30' | 6 dwelling units per acre | 44,000 square feet | 35 | 2 |
| R-4-B Multiple Family | 25' | Least one side: 12' except 22' for 3-story or that of the adjacent zone, whichever is more | 30' | 30% | 44,000 square feet. Minimum size of district = 3 acres, except where contiguous to lands already zoned R-4-A, R-4-B, R-4-C. | 36 | 3 |

| | Minimum Setback Dimensions | | | Maximum Usable Floor Area | Minimum Size of Lot | Maximum Height in Feet | Maximum Height in Stories |
|---|---|---|---|---|---|---|---|
| Districts | Front | Side | Rear | | | | |
| R-4-C<br>Multiple Family | 25' | | | | | 120 | -- |
| R-4<br>High Density Residential | 25' | 12'+5' on each side per floor over 2 stories with a maximum of 50' | 12'+10' per floor over 2 stories with a maximum of 50' | 50% | A minimum of 1,850 SF per dwelling unit and not to exceed 24 units per acre | No Limit | Deleted |
| O-1<br>Office | 30' | 15' | 30' | 60% | --- | 36 | 3 |
| O-2<br>Office | 30' | 15' | 30' | 80% | --- | -- | -- |
| P<br>Parking | None | None | None | Per Acre – 50 sq. feet | --- | -- | -- |
| B-1<br>Neighborhood Business | 35' | Side: 15'<br>Side at Street Corner: 30' | 20' | 35% | --- | 27 | 2 ½ |
| B-2<br>General Business | 20' | -- | -- | 100% | --- | -- | -- |
| B-3<br>Roadside Business | 30' | 30' | 30' | 50% | --- | 20 | 1 |
| UB-2<br>Unified General Business | (District Setbacks) | | | 80% | --- | 35 | 3 |
| | 30' | 30' | 30' | | | | |
| IND-1<br>Industrial | 30' | 25' | -- | 50% | --- | 40 | 3 |
| IND-2<br>Industrial | 30' | (Total of 2 sides-50')<br>25' | 25' | 60% | --- | -- | -- |
| IND-3<br>Industrial | 30' | 25' | 25' | 60% | --- | -- | -- |
| E<br>Education and Research | 30' | 15' | 30' | 80% | --- | -- | -- |

Sec. 15.02 **Summary of Sign Regulations**

SUMMARY OF SIGN REGULATIONS

(Consult Text for Details)

| ZONE | TYPES OF SIGNS ALLOWED | ILLUMINATION | SIGN AREA LIMIT (SQ. FT.) | SIGN HT. LIMIT (FT.) |
|---|---|---|---|---|
| All Zones | House Numbers. | Non-, Indirect | 2' | Not stated |
| | Election Signs | Not stated | 32' | Not stated |
| | Parking & Traffic Signs | Non- | 4' | 4' |
| | Home Occupation & Professional | Non- | 2' | Not applicable |
| | Official Signs | Non- | 3' | Not stated |
| | Temporary Construction Signs | Non- | 32' | 8' |
| | Community Bulletin Board Sign | Non- | 90' | 20' |
| | Community Identification Sign | Non-, Indirect | 90' | 20' |
| | Directional Signs | Non-, Indirect | 32' | 15' |
| Residential | Real Estate Marketing Sign | Non- | 6' (12 mo limit can be ext.) | Not stated |
| | Subdivision or Multi-Family Entry Sign | Non-, Indirect | 32' | 5' |
| | Identification (Multi-Family Wall Sign) | Non-, Indirect | 10' | Not stated |
| Education Public Park | Real Estate Marketing Sign | Non- | 32' (12 mo limit can be ext.) | 8' |
| | Temporary Special Event Sign | Non- | 18' (30 day – 3 per yr limit) | Not stated |
| | Ground Sign | Non-, Indirect | 32' | 15' |
| | Changeable Copy Readerboard & Moving Copy Sign (for structures above 50,000 sq. ft.) as integral parts of ground sign | Non-, Indirect | (Included as part of limit above) | |
| | Wall, Roof | Non-, Indirect | 2 sq. ft. per 1 ft. of the surface to which it is attached | Not higher than 5' above the apparent roof line |
| | Window | Non-, Indirect | 25% of window surface | Non applicable |
| | Multi-Occupancy Facility Sign – As per above regulations | | | |
| Office/ Institutional | Real Estate Marketing Sign | Non- | 32' (12 mo limit can be ext.) | 8' |
| | Temporary Special Event Sign | Non- | 18' (30 day – 3 per yr limit) | Not stated |
| | Ground | Direct | 32' | 15' |
| | Changeable Copy Readerboard & Moving Copy Sign as integral parts of ground sign | Direct | (Included as part of limit above) | |
| | Wall, Roof | Non-,Indirect | 2 sq. ft. per 1 ft. of the surface to which it is attached | Not higher than 5' above the apparent roof line |
| | Window | Non-,Indirect | 25% of the window surface | Not applicable |
| | Multi-Occupancy Facility Sign – As per above regulations | | | |
| Neighborhood Business | Real Estate Marketing Sign | Non- | 32' (12 mo limit can be ext.) | 8' |
| | Temporary Special Event Sign | Non- | 18' (30 day – 3 per yr limit) | Not stated |
| | Festoon | Non- | (30 day – 1 per yr limit) | Not stated |
| | Ground | Non-, direct | 50' | 15' |
| | Wall, Roof | Direct | 2 sq. ft. per 1 ft. of the surface to which it is attached | Not higher than 5' above the apparent roof line |
| | Window | Direct | 25% of the window surface | Not applicable |
| | Multi-Occupancy Facility Sign – As per above regulations | | | |

| ZONE | TYPES OF SIGNS ALLOWED | ILLUMINATION | SIGN AREA LIMIT (SQ. FT.) | SIGN HT. LIMIT (FT.) |
|---|---|---|---|---|
| Community Business | Real Estate Marketing Sign | Non- | 32'<br>(12 mo limit can be ext.) | 8' |
| | Temporary Special Event Sign | Non- | 18'<br>(30 day – 3 per yr limit) | Not stated |
| | Festoon | Non- | (30 day – 1 per yr limit) | Not stated |
| | Ground | Direct | 90' | 20' |
| | Changeable Copy Readerboard & Moving Copy Signs as integral parts of ground sign | Direct | (included as part of limit above) | |
| | Wall, Roof | Direct | 2 sq. ft. per 1 ft. of the surface to which it is attached | Not higher than 5' above the apparent roof line |
| | Window | Direct | 25% of the window surface | Not applicable |
| | Multi-Occupancy Facility Sign – As per above regulations except for sign area limit | Direct | 114' for facilities with more than 10 businesses<br>150' for facilities with 20 or more businesses | |
| Business Park<br>General Industrial | Real Estate Marketing Sign | Non- | 32'<br>(12 mo limit can be ext.) | 8' |
| | Temporary Special Event Sign | Non- | 18'<br>(30 day – 3 per yr limit) | Not stated |
| | Development Entry Sign (2 allowed) | Non-,Indirect | 40' | 5' |
| | Ground | Non-,Indirect | 40' | 5' |
| | Changeable Copy Readerboard & Moving Copy Signs as integral parts of ground sign | Non-,Indirect | (Included as part of limit above) | |
| | Wall, Roof | Direct | 2 sq. ft. per 1 ft. of the surface to which it is attached | Not higher than 5' above the apparent roof line |
| | Window | Direct | 25% of the window surface | Not applicable |
| | Multi-Occupancy Facility Sign – As per above regulations | | | |

Sec. 15.03 **Summary of Residential Districts Uses.**

RESIDENTIAL DISTRICTS
SUMMARY TABLE

| SECTION | ZONING DISTRICT | PERMITTED USES | SPECIAL EXCEPTIONS |
|---|---|---|---|
| 5.01 | RG-1 | **Permitted Principal Uses:**<br>1. Single family detached dwelling<br>2. Operations that are accepted practice of agricultural and horticulture science, research and education, including general purpose farms, truck gardening, and plant nurseries<br>3. Operations that are accepted practice of forestry and wildlife science, research and education<br>4. Fairs, festivals, exhibitions or recreational activities and ancillary structures at facilities or on lands owned by the City or other not-for-profit organizations<br>5. Public, non-profit & community facilities; recreation areas and uses and ancillary structures; community centers; libraries & museums<br>6. Municipal uses, state or federal uses, public utility building, telephone exchange, transformer station and electric transmission towers<br>7. Greenhouse or nursery<br>**Permitted Accessory Uses:**<br>1. Shop, maintenance, offices and other buildings and structures that are necessary to serve the use of forestry and commercial nurseries<br>2. Home occupation as defined in Article II Definitions and meets the requirements of Section 3.11.<br>3. Barn and private equine stables<br>4. Any use customarily incidental to the above permitted principal uses | **Special Exceptions Requiring Board of Zoning Appeals Approval:**<br>1. Private and public educational institutions<br>2. Mining and quarrying<br>3. Family day care home, group day care homes, and adult day care facility<br>4. Telecommunication towers<br>5. Commercial equine stable<br>6. Stock, dairy, and poultry farms (Animal husbandry)<br>7. Cemetery<br>8. Golf courses<br>9. Bed and breakfasts (residence)<br>10. Commercial kennels<br>11. Religious institutions |
| 5.03 | R-1-A<br>R-1-B<br>R-1-C | **Permitted Principal Uses:**<br>1. Single family detached dwelling.<br>2. Municipal uses, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers<br>**Permitted Accessory Uses:**<br>1. Home occupation as defined in Article II and meets the requirements of Section 3.11<br>2. Any use customarily incidental to the above permitted principal use | **Special Exceptions Requiring Board of Zoning Appeals Approval:**<br>1. Religious institutions<br>2. Family day care home, group day care homes, and adult day care facility<br>3. Private and public educational institutions<br>4. Public, non-profit & community facilities; recreation areas and uses and ancillary structures; community centers; libraries & museums<br>5. Non-profit recreational and community swimming pools |
| 5.04 | R-2 | **Permitted Principal Uses:**<br>1. Single family detached dwelling<br>2. Duplex<br>3. Single family attached dwellings with no more than four (4) contiguous units<br>4. Municipal uses, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers<br>**Permitted Accessory Uses:**<br>1. Home occupation as defined in Article II and meets the requirements of Section 3.11<br>2. Any use customarily incidental to the above permitted principal use | **Special Exceptions Requiring Board of Zoning Appeals Approval:**<br>1. Religious institutions<br>2. Family day care home, group day care homes, and adult day care facility<br>3. Private and public educational institutions<br>4. Public, non-profit & community facilities; recreation areas and uses and ancillary structures; community centers; libraries & museums<br>5. Permanent and transient group care facilities |

| SECTION | ZONING DISTRICT | PERMITTED USES | SPECIAL EXCEPTIONS |
|---|---|---|---|
| 5.05 | R-3 | **Permitted Principal Uses:**<br>**1.** Duplex<br>**2.** Single family attached dwellings with no more than 8 contiguous units<br>**3.** Public, non-profit & community facilities; recreation areas and uses and ancillary structures; community centers; libraries & museums<br>**4.** Business and professional offices<br>**5.** Hospital, clinic, mental health clinic, and related medical office uses<br>**6.** Animal hospitals/clinics<br>**7.** Buildings and meeting rooms which are associated with charitable, philanthropic, civic, or professional clubs<br>**8.** Assisted living facilities, independent living facilities, nursing homes and retirement centers<br>**9.** Municipal uses, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers<br>**10.** Religious institutions<br>**11.** Private and public educational institutions<br>**12.** Bed and Breakfast- Inn<br>**Permitted Accessory Uses:**<br>**1.** Any use customarily incidental to the permitted principal uses, including office uses having to do with the management and administration of any permitted principal use<br>**2.** Home occupations as defined in Article II and meets the requirements of Section 3.11 | **Special Exceptions Requiring Board of Zoning Appeals Approval:**<br>**1.** Cemetery<br>**2.** Family day care home, group day care homes, and adult day care facility<br>**3.** Permanent and transient group care facilities |
| 5.06 | R-4 | **Permitted Principal Uses:**<br>**1.** Multiple-family dwelling<br>2. **Assisted-care living facilities, independent living facilities, nursing homes and retirement centers**<br>3. **Public, non-profit & community facilities; recreation areas and uses and ancillary structures; community centers; libraries & museums**<br>**4.** Hotel or motel<br>**5.** Business and professional offices<br>**6.** Hospital, clinic, mental health clinic, and related medical office uses<br>**7.** Animal hospitals/clinics<br>**8.** Buildings and meeting rooms which are associated with charitable, philanthropic, civic, or professional clubs<br>**9.** Municipal uses, state or federal uses, public utility building, telephone exchange, transformer station, and electrical transmission towers<br>**10.** Religious institutions<br>**11.** Private and public educational institutions<br>12. **Bed and Breakfast- Inn**<br>Permitted Accessory Uses:<br>**1.** Any use customarily incidental to the above permitted principal uses<br>**2.** Home occupation as defined in Article II and meets the requirements of Section 3.11 | **Special Exceptions Requiring Board of Zoning Appeals Approval:**<br>**1.** Family day care home, group day care homes, and adult day care facility<br>2. **Permanent and transient group care facilities** |

(Ord. No. 27-08 Revised Effective 10/2/08)

## ARTICLE XVI
## Administration and Enforcement


**Section 16.01 Establishment of Administrative Officer**
**Section 16.02 Duties and Limitations of the City Manager or Authorized Representative**
**Section 16.03 Zoning Compliance Permit Required**
**Section 16.04 Fees**
**Section 16.05 Certificate of Occupancy**
**Section 16.06 Effect of Code on Nonconforming Uses**
**Section 16.07 Creation of Board of Zoning Appeals**
**Section 16.08 Procedure of the Board of Zoning Appeals**
**Section 16.09 Appeals, How Taken**
**Section 16.10 Powers of the Board of Zoning Appeals**
**Section 16.11 Site Review**
**Section 16.12 Uses Requiring Planning Commission Approval**
**Section 16.13 Uses Requiring Administrative Approval**
**Section 16.14 Exemptions From Site Plan Review**
**Section 16.15 Site Plan Submission by Owner/Developer**
**Section 16.16 Reviews and Performance Standards**
**Section 16.17 Approval by City**
**Section 16.18 Time of Validity of Approved Site Plans**
**Section 16.19 Inspection and Supervision During Installation**
**Section 16.20 Buildings and Uses to Comply With Site Plans; Certificate of Compliance**


Section 16.01 Establishment of Administrative Officer

The provisions of this code shall be administered by the Oak Ridge City Manager or the City Manger's authorized representative.

Section 16.02 Duties and Limitations of the City Manager or the City Manager's Authorized Representative

The City Manager or the City Manager's authorized representative shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this code.

It shall be unlawful for the City Manager or the City Manager's authorized representative to approve any plans or issue a zoning compliance permit for any filling and leveling, excavating or construction until he has inspected such plans in detail and found them in conformity with this code. To this end, the City Manager or the City Manager's authorized representative shall require that every application for a zoning compliance permit for filling and leveling, excavation, construction, moving, alteration, or change in the type of use or type of occupancy, shall be accompanied by written statements and plans or plats drawn to scale showing all applicable features of the proposed project as required in Article XIII Section 13.07 and Article XVI Sections 16.11 through 16.15 in sufficient detail to enable the City Manager or the City Manager's authorized representative to ascertain whether the proposed work or use is in conformity with this code.

If the proposed filling and leveling, excavation, construction or moving or alteration, or use of land as set forth in the application are in conformity with the provisions of this code, the City Manager or the City Manager's authorized representative shall issue a zoning compliance permit. If any application for such permit is not approved, the City Manager or the City Manager's authorized representative shall state in writing on an appropriate denial form the cause for such disapproval.

The City Manager or the City Manager's authorized representative may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the City Manager or the City Manager's authorized representative may on such preliminary submittal take the formal action of denial and referral to the Board of Appeals. However, issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this code.

However, the City Manager or the City Manager's authorized representative is under no circumstance permitted to grant exceptions to the actual meaning or any clause, order, or regulation contained in this code to any person making application to excavate, construct, move, alter, or use either buildings, structures or land.

However, the City Manager or the City Manager's authorized representative is under no circumstance permitted to make changes in this code or to vary the terms of this code in carrying out his duties as City Manager, except for the correction of typographic or numbering errors in the ordinance, which said corrections may be made by the City Manager with the concurrence of the City Attorney.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.03 Zoning Compliance Permit Required

It shall be unlawful to commence the filling and leveling, excavation for or the construction of any building or other structure, including an accessory structure, or to commence the moving, alteration, or repair of any structure, including accessory structures which change land use, encloses previously open structures, adds new structures, or adds dimensions to existing structures, costing more than one hundred dollars ($100.00) or exceeding one hundred (100) square feet in area, until the City Manager or the City Manager's authorized representative has issued for such work a Zoning Compliance Permit including a statement of his opinion that plans, specifications, and intended use of such structure does in all respects conform to the provisions of this code. Also, it shall be unlawful to change the type of use or type of occupancy of any building, or to extend any use of any lot on which there is a nonconforming use, until the City Manager or the City Manager's authorized representative has issued for such intended us a Zoning Compliance Permit including a statement of his opinion that the proposed use does in all respects conform to the provisions of this code. Any repair, alteration, construction, removal, filling and leveling, excavation, or change of use must conform to the regulations for the district in which the structure or land is located; and the fact that in some instances a Zoning Compliance Permit need not be secured in no way relaxes such requirement. Application for a Zoning Compliance Permit shall be made not less than thirty (30) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the City Manager or the City Manager's authorized representative. Any Zoning

Compliance Permit issued under the provisions of this code shall be valid only for a period of six (6) months following the date of issuance thereof. When the City Manager or the City Manager's authorized representative receives an application for a Zoning Compliance Permit which requires Board of Appeals Permit, such application shall be conveyed the City Manager or the City Manager's authorized representative to the Board of Appeals. At the time a Zoning Compliance Permit is issued by the City Manager or the City Manager's authorized representative, the applicant shall also obtain a placard stating that a Zoning Compliance Permit has been issued. This placard shall be conspicuously posted throughout the period of construction by the applicant on the premises for which the Zoning Compliance Permit is issued.

Section 16.04 Fees

A schedule of fees for permits issued under the provisions of this Code may be established by the Mayor and Council of the City of Oak Ridge.

Section 16.05 Certificate of Occupancy

No building or structure or use for which a zoning compliance permit has been issued shall be used or occupied following completion of construction until the City Manager or the City Manager's authorized representative has, after final inspection, issued a certificate of compliance indicating his opinion that all the provisions of the Zoning Code are being complied with, and issued a certificate of occupancy indicating his opinion that all provisions of the Building Code are being complied with.

However, the issuance of a certificate of compliance or certificate of occupancy shall in no case be construed as waiving any provisions of this code.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.06 Effect of Code on Nonconforming Uses

The enactment of this code shall not be construed to alter any legal right or status of either the City of Oak Ridge or any member of the public which existed prior to the enactment of this code, regarding non-conforming uses, or any other matter dealt with in this code to which the existence or nonexistence of a use or practice at the effective date of these regulations is relevant. In such matters, the effective date of Ordinance No. 2, being the original zoning ordinance of the City of Oak Ride, shall be controlling.

Section 16.07 Creation of Board of Zoning Appeals

The Oak Ridge City Council hereby establishes a Board of Zoning Appeals of five members. The City Council shall appoint the members of said Board. The term of office of Board of Zoning Appeals members shall be for five (5) years excepting that the first five members appointed shall be for terms as follows:

One member shall be appointed for one (1) year; a second member shall be appointed for two (2) years; a third member shall be appointed for three (3) years; a fourth member shall be appointed for four (4) years; and a fifth member shall be appointed for five (5) years.

Section 16.08 Procedure of the Board of Zoning Appeals

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The Board shall adopt rules of procedure and shall keep records of appeals and the action thereon, which shall be a public record.

Section 16.09 Appeals, How Taken

All appeals to the Board of Zoning Appeals including administrative reviews, special exceptions, and variances, shall be filed through the Office of the City Manager or the City Manager's authorized representative. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer, department or board affected by any grant or withholding of a Zoning Compliance Permit or by any other decision of the City Manager or other administrative officer based in whole or in part on provisions of this Code. The Board of Zoning Appeals shall act only on appeals for administrative review, interpretation, exception, variance, special permit, or where it is alleged by the appellant that there is error in an order, requirement, decision or refusal made by the City Manager or any other administrative official in the carrying out or enforcement of any provisions of the Code. Such appeal shall be taken by filing with the City Manager or the City Manager's authorized representative a "Notice of Appeal to the Board of Zoning Appeals." Forms for appeal will be provided for this purpose by the office of the City Manager or the City Manager's authorized representative. Upon the filing of an appeal, the City Manager or the City Manager's authorized representative shall schedule the appeal for a hearing at the first regular meeting of the Board after a fifteen-day public notice of the time, date, and place of the hearing and shall thereon give such public notice. The City Manager or the City Manager's authorized representative shall further send written notice of the appeal to the occupants and property owners, as shown on the City tax roll, of all properties that abut any lot line of appellant's property. Such notice shall be mailed at least 15 days prior to the date of the hearing and shall identify the appellant(s) and appellant's property, shall briefly describe the nature of the appeal, and shall provide the date, time, and place of the hearing. Nothing herein shall require additional public or individual notice if a hearing is continued from its initially scheduled date. At the hearing of an appeal, any person or party may appear in person or by agent or by attorney. The Board shall make a decision on the appeal within a reasonable time. Nothing herein shall prohibit the Board from calling or approving a special meeting to hear an appeal provided no such hearing may be held until after the giving of all notices required herein.

(Ord. No. 21-91 Revised Effective 9/05/91)

Section 16.10 Power of the Board of Zoning Appeals

(a) Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal, made by the City Manager or any other administrative official in carrying out or in enforcing any provision or this code.

(b) Special Exceptions:

1. The Board of Zoning Appeals shall hear and decide, in accordance with the provisions of this ordinance, request for special exceptions, interpretation of the Zoning Map, and for decisions on other special questions as controlled by Section 13-7-205, Tennessee Code

2. General requirements are hereby established which shall apply to all applications for special exceptions, and specific standards listed shall apply to the issuance of a special exception as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a special exception as may be deemed necessary to preserve and promote the character of the district in which it is located and/or surrounding properties; reduce or minimize the injurious effect of such special exceptions; serves the interest of the general public; and further promote the purpose of this code. The Board may establish dates for the expiration of any special exceptions as a condition of approval.

3. A special exception may be granted provided the Board finds that the request:

   a. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

   b. Will not adversely affect other property in the area in which it is located.

   c. Is within the provision of "Special Exception" as set forth in this ordinance.

   d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located.

(Ord. No. 27-08 Revised Effective 10/2/08)

(c) Variance:

To authorize, upon an appeal, a variance from the strict application of the provisions of this code, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of a regulation enacted under this code would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property, provided such relief may be granted without substantially substantial detriment to the public good and without impairing the intent and purpose of this code. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building structure, or use it as it may deem reasonable in furtherance of the purpose of this code.

(d) Conditional Accessory Uses

In addition to the requirements established for accessory uses generally and to the general standards set out in Section 16.10, for review and approval of special exceptions, the specific standards set out below for individual accessory uses and activities shall be met as part of the conditions for issuing the use permit. Upon issuance of any permit for a special exception allowed by this section, such use or activity shall be continuously subject to compliance with the conditions herein established for such use as well as to any operational standard or criteria established by the Board of Zoning Appeals for purposes of assuring continuous compliance with:

(1) Limitations imposed upon such use by virtue of its being classified as "accessory" to a principal use or activity.

(2) The specific standards established herein for the particular use.

(Ord. No. 27-08 Revised Effective 10/2/08)

(e) Enforcement of Conditions

Any change in use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions which violate the terms and conditions established by the Board at the time of issuance of the special exception permit shall constitute grounds for revocation of such permit.

(Ord. No. 27-08 Revised Effective 10/2/08)

Section 16.11 Site Review

(a) Purpose

In order to promote careful and systematic review of future development within the community, to ensure compliance with all applicable zoning ordinance requirements and other engineering and development related ordinances and standards and to promote the general health, safety and welfare of the community, the following site plan review regulations shall apply.

(Ord. No. 25-93 Revised Effective 9/30/93)

(b) Grading Plans and Grading Permits

1. Grading Plans

Grading Plans shall include the following information:

a. Existing Contours
b. Finished Contours
c. Erosion Control/Storm Water Management Plan
d. Proposed Detention
e. Proposed Location of Structures
f. Proposed Location of Parking
g. Proposed Location of Storage/Loading Areas
h. Proposed Street Location and Street Access
i. Location of Existing Utilities
j. Proposed Location of Utilities
k. Reclamation Plan

2. Grading Permits

A grading permit is required of all properties prior to initiating movement of any material as referenced in Section 9-406 of the City's Erosion Control & Storm Water Management Ordinance.

a. For residential uses, including single-family detached or up to four (4) attached housing units, a grading permit may be approved by staff.

b. For all non-residential uses which meet the following criteria, staff may issue a grading permit following submittal and approval of a grading plan:

   i. The lot is located within a platted subdivision recorded in the appropriate Register of Deeds Office.
   ii. The lot is ten (10) acres or less.
   iii. The lot meets all applicable provisions of the City's Erosion Control and Storm Water Management Ordinance.

c. For all other properties, an approved site plan shall be required prior to initiating any grading on a site for any non-residential use or residential use with more than four (4) attached housing units. A grading permit will be issued only after submittal and approval of a site plan as referenced in Section 16.12 or 16.13 of this ordinance. Following approval of a site plan, a grading permit may be obtained simultaneously with a building permit or singly without a building permit.

The Planning Commission, on a case-by-case basis, may make exceptions to this provision in the event a lot is designated for removal of fill material or placement of fill material associated with the construction of a road with the public right-of-way. The applicant shall submit a letter requesting exception to this provision. The Planning Commission may authorize the City Manager or the City Manager's authorized designee to review and approve a grading plan and issue a grading permit.

(Ord. No. 18-04 Revised Effective 10/14/04)

Section 16.12 <u>Uses Requiring Planning Commission Approval</u>

(a) All proposed uses of a parcel/lot in the UB-2, B-1, O-2 and MH-1 zoning districts, except as identified in Sections 16.13 and 16.14 of this ordinance, shall only be permitted after a site plan showing the proposed development of the parcel/lot is reviewed by the City Manager for compliance with all ordinances and regulations and is approved by the Oak Ridge Regional Planning Commission.

(b) For such proposed uses, the Planning Commission shall also have authority to hear and decide Requests for Special Exceptions and Variances, as described in Section 16.10. Applicants desiring a Special Exception or Variance, in the applicable districts, may apply to either the Planning Commission or the Board of Zoning Appeals, but not both.

(Ord. No. 13-99 Revised Effective 7/16/99)

Section 16.13 Uses Requiring Administrative Approval

The City Manager shall review and approve site plans for compliance with ordinances and regulations in all zoning districts not expressly assigned to the Planning Commission and for any of the following changes to a site or development in all zoning districts:

(a) Expansion of an existing building or structure, in which the expansion amounts to less than 2,000 square feet of gross floor area or less than a twenty-five (25) percent increase in the gross floor area of the existing building or structure on the parcel (whichever is smaller); or construction of an accessory building or structure; or

(b) Change or expansion in the off-street parking layout which amounts to less than a 30-space increase in the number of spaces in the existing parking lot or less than a twenty-five (25) percent increase in spaces over the existing spaces (whichever is smaller), unless eligible for (c) below; or

(c) Any parking lot expansion in which both the proposed and existing parking lot(s) on the parcel are or will be brought into full compliance with Article XI Sections 11.01 through 11.04 of this ordinance; or

(d) Change of use not involving (a), (b) or (c) above; or

(e) Field alterations to an approved site plan to accommodate unforeseen physical site conditions or reduce impervious lot coverage, including minor shifts in the locations of buildings, parking lots, landscaping, drainage structures and utilities from what was proposed in the approved plan, provided that the City Manager determines that the alteration is equal to or better than the original design.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.14 Exemptions from Site Plan Review

The following projects shall be exempt from site plan review:

(a) The construction of a single, two, three, or four family residential structure or additions to or accessory structures of those residential structures on single lots of record provided that they comply fully with any site requirements specified by the City Manager for submission and approval of housing construction plans.

(b) Reuse or interior renovation of an existing building or structure provided the proposed use complies fully with all applicable requirements of the Zoning Ordinance.

(c) Exterior renovations which are merely cosmetic and do not increase the usable floor space of the structure and comply fully with all applicable requirements of the Zoning Ordinance.

(d) Farming or other accepted agricultural uses (as identified in the "Tennessee Right to Farm Act" [ACT. 1982 (Adj. S.), Ch. 609], Section 43-26-103 or as hereafter amended), home gardens, home landscaping, and lawn preparations.

(e) Field alterations to an approved site plan to accommodate unforeseen physical site conditions or reduce impervious lot coverage, including minor shifts in the locations of buildings, parking lots, landscaping, drainage structures and utilities from what was proposed in the approved plan, provided that the City Manager determines that the alteration is equal to or better than the original design.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.15 Site Plan Submission by Owner/Developer

The applicant shall submit:

(a) Site Plan(s) to the City which shall meet the Administrative Requirements for site plans as promulgated by the City Manager and reviewed by the Planning Commission; and

(b) A separate landscaping plan for the site as required in Section 13.07, unless the City Manager determines that a separate plan is not necessary to demonstrate conformance with all standards, in which case the landscaping shall be shown on the site plan.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.16 Reviews and Performance Standards

The site plan and associated plans shall be evaluated for:

(a) Provision and compliance with the various zoning ordinance and locational information requirements, including appropriate zoning, minimum building and parking setbacks, building height limitations, maxim allowable floor area and other information specified in Section 6-920 of this ordinance.

(b) Compliance with zoning ordinance standards related to design/layout and adequacy of off-street parking lots and spaces (Sections 11.02 and 11.03 of this ordinance.)

(c) Compliance with zoning ordinance standards related to location and design of driveways providing vehicle access to public roads, including any required off-site road improvements (Section 11.01 of this ordinance).

(d) Adequacy of water supply, fire protection, sanitary sewer and electrical facilities using commonly accepted and applied engineering principles and City construction standards and specifications including the Subdivision Regulations.

(e) An overall landscaping plan for the site sufficient to meet all requirements in the zoning ordinance, including parking lot buffers, traffic islands and preservation of natural areas (Article XI and XIII of this ordinance).

(f) Screening of service areas including parking lots, loading areas, trash containment areas and ground level utility equipment. All ground level and roof top equipment such as heating, cooling, ventilation, refrigeration and mechanical systems shall be screened or not visible from public streets and residential zoning districts. Screening which is provided by landscaping should be shown on the landscaping plan.

(g) Arrangement and design of outdoor lighting in a manner that prevents offensive light spill over into adjacent residential areas and prevents glare for motorists on nearby streets (see also Subsection 11.03 (f) 4 of this ordinance).

(h) Compliance with the Erosion Control and Storm Water Management Ordinance through provision of adequate erosion control measures and drainage systems for the proper disposition of storm water runoff.

(i) Compliance with all sign regulations set forth in Article XIV of this ordinance.

(j) Provision of Sidewalks: When any new building or structure exceeding one thousand (1,000) square feet in floor space, including additions, is proposed on any property located within and adjacent to the area bordered by South Illinois Avenue, the Oak Ridge Turnpike and Lafayette Drive for which a site plan is required, the owner shall be required to install concrete sidewalks to City standards along all roads adjoining the property, when it is determined that public safety and accessibility warrant the construction in view of vehicle traffic and existing and expected pedestrian traffic.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.17 Approval by City

All site plans submitted pursuant hereto and which conform to the requirements and standards contained in this article shall be reviewed by the Planning Commission where such authority is expressly assigned to the Commission or by the City Manager where such authority is granted under the ordinance. Any site plan which fails to comply fully with any specific requirement of this article shall be denied approval. No building permit shall be issued until the site plan for the proposed use or development has been approved by the City.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.18 Time of Validity of Approved Site Plans

An approved site plan shall become null and void if no building permit or grading permit is issued for the site within twelve (12) months after approval, or if significant work on the project stops for over 12 months. A one-time extension of up to twelve (12) months may be granted by the City Manager upon written request of the applicant.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.19 Inspection and Supervision During Installation

(a) Unless otherwise provided in the article, the construction standards for all improvements required by this article shall conform to the City's plumbing, building, electrical, fire codes, and other applicable laws, ordinances, and regulations. The City Manager shall inspect construction of such improvements to assure Conformity with all codes and the approved site plan.

(b) The developer or owner shall notify the City Manager no less than twenty–four (24) hours prior to undertaking construction of all off-site street improvements, water lines, and other improvements proposed to be permanently maintained by the City of Oak Ridge.

(c) The installation of improvements as required in this article shall in no case serve to bind the City to accept such improvements for their maintenance, repair or operation. Such acceptance shall be subject to the existing laws and regulations concerning the acceptance of each type of improvement. Prior to site plan approval, any improvement proposed for acceptance by the City upon completion may be subject to posting of a bond or acceptable security sufficient to enable proper completion by the City in the event the builder, owner or applicant is unable to complete such improvements or they are not completed according to approved plans.

(Ord. No. 25-93 Revised Effective 9/30/93)

Section 16.20 Buildings and Uses to Comply With Site Plans: Certificate of Compliance

(a) Permanent Certificate of Compliance

No permanent certificate of compliance shall be issued for any building or structure which does not conform to the approved site plan for the building or structure. A permanent certificate of compliance shall be issued when the buildings and site improvements are found to conform to the approved site plan and all applicable laws, ordinances, and regulations and "as built" drawings are submitted for all utility installations and improvements to be owned and maintained by the City. If the inspection or as-built drawings indicate revisions in the project as shown on the approved site plan, the City Manager may still issue a certificate of compliance if it is determined that the revised improvements are equal or better than what was shown on the approved plans and meets ordinance requirements.

(b) Certificate Issuance

Upon request by an owner or developer, the City Manager shall make all necessary inspections and shall issue the certificate or shall notify the applicant of the reasons for denial of the certificate. No application shall be denied except

for noncompliance with applicable laws, ordinances and regulations which shall be explained in writing.

(c) Temporary Certificate of Compliance

If the project is incomplete preventing a permanent Certificate of Compliance from being issued, the applicant may be allowed to occupy the project by applying for a temporary certificate of compliance and providing a cash deposit, bond, certified check or other form of security acceptable to the City, in an amount sufficient to complete the project. Upon provision of such security, the City Manager may issue a temporary certificate of compliance for a period not to exceed nine (9) months if the project is in a safe and usable condition, with provision that incomplete work be completed within that period, or the temporary certificate of compliance will be revoked and the security will be used by the City to complete the work. The City Manager shall set the amount of the security based on the estimated cost of the incomplete work plus the City's administrative costs. Within thirty (30) days of the completion and acceptance by the City of such incomplete work, the security shall be released.

(d) Partial Certificate of Compliance

In a multiple-building project, the City Manager may issue a partial certificate of compliance for one or more buildings if that portion of the project meets all site plan requirements and is in a safe and usable condition. No security shall be required for such partial certificates of compliance.

(Ord. No. 25-93 Revised Effective 9/30/93)

## ARTICLE XVII
## Interpretation, Application, Violations, Validity Conflict and Effective Date

Section 17.01 Enforcement, Penalties and Other Remedies

It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in this code. Any person, firm or corporation convicted of violating any such regulation or provision of this code shall be fined not less than two dollars ($2.00) nor more than fifty dollars ($50.00) and may be confined in the City Jail for a period not to exceed 90 days. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of any regulation or provision of this code, the City Manager, City Attorney, other appropriate authority of the City of Oak Ridge, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.