APPENDIX B
ZONING ORDINANCE[1]

SECTION 1. TITLE, PURPOSE, AND APPLICABILITY

Sec. 1.1. Title.

This ordinance shall be known, referred to and cited as "The Zoning Ordinance of the City of Mount Pleasant."

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.2. Preface and intent.

Mount Pleasant is culturally and economically significant to Maury County and the broader Middle Tennessee region. Chartered in 1824 and once proclaimed "The Phosphate Capital of the World," Mount Pleasant has transformed into a modern small city with charming family-friendly features. Mount Pleasant's historic downtown is experiencing a renaissance with renewed investment and redevelopment.

Previous planning and growth management strategies have not kept pace with the modern needs of the community. This ordinance establishes standards for development to foster cohesive, beneficial development within Mount Pleasant. Also, these regulations aspire to provide a clear and fair framework for continued investment in the community and its people.

With this goal in mind, it is the intent of this document to:

A. Protect investments which have been made in the homes and businesses of Mount Pleasant.

B. Preserve and enhance property values.

C. Encourage complementary development and redevelopment of Mount Pleasant's historic downtown.

D. Require responsible development of environmentally sensitive areas.

E. Leverage important industrial and transportation assets.

F. Avoid the fate of other cities which have failed to adequately plan and manage growth.

In consideration of the above stated intent, this document will establish comprehensive land use standards to serve the City of Mount Pleasant. Furthermore, this ordinance is enacted by the Mount Pleasant Commission pursuant to the authority granted them under Tennessee Code Annotated. Any reference to this ordinance shall include amendments to this ordinance.

[1] Editor's note(s)—Printed herein is the zoning ordinance of the city, Ord. No. 2018-1028, as adopted by the board of commissioners on November 20, 2018. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.3. Purpose.

The purpose of this ordinance is to:

A. Promote and protect the public health, safety, and general welfare of the people.

B. Secure adequate natural light, air and open space, and safety.

C. Facilitate the adequate provision of transportation, utility systems, parks, and other public facilities and services.

D. Protect the air, water, and land resources of the city from the hazards of pollution.

E. Insure and facilitate the preservation of sites, areas, and buildings and structures of historical, architectural and aesthetic importance.

F. Preserve and maintain the essential character of the city as it exists as of the date of the adoption of this ordinance. To preserve and protect the natural features and historic locations of buildings and groups of buildings as neighborhoods and communities of distinguished architectural character and appearance.

G. Regulate the height and bulk of buildings.

H. Establish, regulate, and limit the building or setback lines on, or along, any street, traffic-way, drive, parkway, or storm or floodwater runoff channel or basin.

I. Regulate and limit the intensity of the use of lot areas, and regulate and determine the area of open spaces, within and surrounding such buildings.

J. Classify, regulate and restrict the location of commercial and industrial business, and the location of buildings designed for specified commercial, industrial, residential, and other uses.

K. Divide the entire municipality into zoning districts of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, density, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this ordinance.

L. Fix standards to which buildings or structures shall conform.

M. Provide for design review of development to ensure that it supports the vision of the community.

N. Prohibit uses, buildings, or structures incompatible with the character of the districts in which they are located.

O. Provide for the gradual elimination of nonconforming uses of land, buildings, and structures.

P. Conserve the taxable value of land and buildings throughout the city.

Q. Promote the economic diversity of the community and enhance opportunities for participation in the economic and social systems of the community.

R. Define the powers and duties of administrative officers and bodies.

S. Prescribe penalties for the violation of the provisions of this ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.4. Applicability.

A. *Territorial application.* This ordinance shall apply to all land, uses, buildings, and structures within the corporate limits of the city. To the extent allowed by state law, it shall also apply to municipal corporations, government bodies, and utility districts.

B. *General application.* In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, convenience, comfort and general welfare, and shall be construed to achieve the purposes for which this ordinance was adopted.

C. *General prohibition.* Except as otherwise provided by this ordinance, no portion or whole of any building, structure or land shall be used or occupied, and no building or structure, in whole or in part, shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless it conforms with the provisions of this ordinance.

D. *Private agreements.* This ordinance is not intended to nullify any private agreement or covenant. However, where this ordinance is more restrictive than a private agreement or covenant, this ordinance shall control.

E. *Other laws and regulations.* Unless otherwise specifically provided, the ordinance shall control over less restrictive statutes, ordinances or regulations, and more restrictive statutes, ordinances or regulations will control over the provisions of this ordinance.

Where state law specifically overrides local zoning authority, in particular regarding farms and agriculture, and in regard to manufactured homes, the conflicting terms of this ordinance shall not apply or be enforced.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.5. Transition rules.

In determining the applicability of this ordinance, with respect to the previously applicable zoning regulations, the following rules shall apply:

A. *Existing illegal uses and structures.* A structure or use that is illegal at the time of the adoption of but is made legal by the provisions of this ordinance, is deemed lawful as of the effective date of this ordinance. However, if that structure or use does not conform with every requirement of this ordinance, then that structure or use shall remain unlawful.

B. *Existing permitted uses.* If property is used in a manner that was classified as a permitted use prior to the effective date of this ordinance and that use is classified as a conditional use by this ordinance, that use shall be deemed a lawful conditional use as if a conditional use permit has been approved. However, any subsequent addition, enlargement, or expansion of that use shall be required to conform to any applicable substantive requirements for conditional uses pursuant to this ordinance.

C. *Certain uses rendered nonconforming.* If property is used in a manner that was a lawful use before the effective date of this ordinance, and this ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use and shall be controlled by the provisions of section 13.3 (nonconforming uses).

D. *Certain buildings, structures, and property rendered nonconforming.* If a building, structure, or property existing on the effective date of this ordinance does not meet all standards set forth in this ordinance, that building, structure, or property shall be deemed nonconforming and shall be controlled by section 13.4 (nonconforming buildings).

E. *Existing nonconforming lots of record.* Existing nonconforming lots of record shall be governed by section 13.5 (nonconforming lots of record).

F. *Previously granted variances.* All conditional uses and variances granted prior to the effective date of this ordinance shall remain in full force and effect. The recipient of the conditional use or variance may proceed to develop the property in accordance with the plans approved by the board of zoning appeals and any applicable conditions. However, if the recipient has failed to act on the conditional use or variance before the approval expires, including any periods of extension granted, the provisions of this ordinance shall govern.

G. *Previously approved development plans.* Preliminary and final development plans approved under a prior zoning ordinance shall remain valid and shall continue to govern the development of the property unless the property has not developed and the plan has expired as per the terms of the ordinance in effect when the new plan was approved. For zoning matters for which these plans are silent or unclear, as determined by the planning department, the provisions of this ordinance shall apply. Amendments to these plans shall be in accordance with the provisions of the ordinance under which the plan was approved, or, at the discretion of the owner, in accordance with the terms of this ordinance.

H. *Previously approved site plans.* Site plans approved prior to the effective date of this ordinance shall remain valid provided a building permit is secured within one year from the date the planning commission approved or granted an extension of the site plan.

I. *Pending applications.* Even though an application may have been submitted prior to the effective date of the ordinance, if the application has not been approved and, if applicable, the permit issued, the provisions of this ordinance shall govern that application.

J. *Previously issued building permits.* If a building permit for a building or structure was lawfully issued prior to the effective date of this ordinance, and if construction has begun within 180 days of the issuance of that permit and diligently pursued to completion, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion and issuance of a use and occupancy permit, be occupied for the use originally intended.

K. *Previously issued sign permits.* See section 12.2.D (transitional provision).

L. *Previously issued use and occupancy permits.* If a use and occupancy permit was lawfully issued prior to the effective date of this ordinance, and the building and/or land has not yet been occupied for the purpose for which the permit has been issued, the permittee has six months from the date of the issuance of the permit to occupy the building and/or land for the purpose for which the permit was issued; otherwise, a new use and occupancy permit shall be required and shall only be issued if the proposed use conforms to the provisions of this ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.6. Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance. The effect of the judgment shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.7. Effective date.

The effective date of this ordinance is **[MONTH DD, YEAR]**. The effective date of amendments to this ordinance shall be the date the ordinance amending this ordinance is adopted or any future date specified within the amending ordinance, which date shall be considered the effective date of this ordinance regarding the provisions amended.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 1.8. Repeal of previous zoning ordinance.

After the effective date of this ordinance, the zoning ordinance of the city, as adopted on November 20, 2018, and which took effect November 20, 2018, is expressly repealed in its entirety.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 2. COMMISSIONS, BOARDS, AND OFFICIALS

Sec. 2.1. Purpose.

The purpose of this section is to outline the specific powers of the different commissions, boards, and officials as they relate to this ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 2.2. City commission.

The city commission shall have the following specific powers, pursuant to this zoning ordinance:

A. To make final decisions on all requests for amendment to the official zoning map (subsection 5.3.B).

B. To make final decisions on all requests for amendment to the text of the zoning ordinance (section 4.8).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 2.3. Board of zoning appeals.

A. *Creation of board.*

1. The board of zoning appeals as created by ordinance as currently existing, shall remain in effect and authority.
2. The board's authority is for territory within the city limits of the City of Mount Pleasant.
3. The board shall consist of five members. The board members shall reside within the city. The terms of the board members shall be for three years, or until replaced. The terms in effect prior to the adoption of this ordinance shall continue. Terms shall be staggered in the current manner. Replacements shall be for the remaining term of the person replaced.
4. Appointments shall be by the city commission.

5. Training and continuing education of board members shall be in accordance with state law, in particular T.C.A. § 13-7-205(c) as may be amended.

B. *Powers of the board.*

1. To hear and make final decisions on appeals of any zoning interpretation or determination made by the building and planning department (section 4.3).
2. To make final decisions on applications for zoning variances (section 4.4).
3. To make final decisions on applications for conditional use (section 4.5).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 2.4. Planning commission.

"Planning commission" refers to the Mount Pleasant municipal planning commission as previously created by title 14, chapter 1 of this Code, which shall have the following powers, pursuant to this ordinance:

A. *Creation of the commission.*

1. The planning commission shall be established as specified by T.C.A. § 13-4-101.

B. *Powers of the commission.*

1. To review and make final decisions on site plan and design review (section 4.6).
2. To make recommendations to the city commission on amendments to the official zoning map (section 4.8)
3. To make recommendations to the city commission on amendments to the text of the zoning ordinance (section 4.8).
4. To adopt, in accordance with state law, a comprehensive plan; including a land use and transportation plan and other elements of said plan and amendments thereto.
5. To adopt and amend subdivision regulations in accordance with state law.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 2.5. Operating rules.

A. The board of zoning appeals and the planning commission shall elect from its members its own chairman, vice-chairman, and secretary who shall serve for one year and may upon election serve succeeding terms.

C. Any member of the board or zoning appeals or planning commission who shall have a direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board or commission shall be disqualified from participating in the discussion, decision, and proceedings. The burden for revealing any such conflict rests with individual members of the board and commission. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board or commission for cause.

D. Regular meetings shall be held at specified times and at such other times as the board and commission may determine. The chairman of the board of zoning appeals, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

E. The board of zoning appeals and planning commission shall adopt rules and/or by-laws for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of a majority of the board or commission shall constitute a quorum. The concurring vote of a majority of members present shall constitute approval of a motion.
2. No action shall be taken until after a public hearing and notice thereof, if required by this ordinance. Said notice of public hearing shall be in accordance with section 3.3 (notice).
3. The board and planning commission may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board or planning commission as may be reasonably required.
4. The planning commission shall be permitted to submit an advisory opinion on any matter before the board of zoning appeals, and such opinion shall be made part of record of such public hearing.
5. Any board or planning commission member, zoning administrator, or other employee charged with the enforcement of this ordinance, acting for the City of Mount Pleasant in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to person or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board or commission member, zoning administrator, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representation furnished by the city until the final termination of such proceedings.
6. The board, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 2.6. Building and planning department.

The building and planning department refers to the City of Mount Pleasant building and planning department as directed by the planning director or his/her designees which may include planners and other staff. The building and planning department shall have the following powers, pursuant to this zoning ordinance:

A. To review and make decisions on zoning interpretations (section 4.2).

B. To review and make final decisions on administrative site plan review (subsection 4.6.D).

C. To receive and process all applications for use and occupancy permits (section 4.10).

D. To review and make decisions on applications for sign permits (section 4.11).

E. To receive and forward applications for zoning appeals, zoning variances, site plans, design reviews, conditional uses, zoning amendments, and other administrative reviews required by this ordinance to the board of zoning appeals, planning commission, or city commission, as indicated.

F. To conduct inspections of structures or the use of land to determine whether there is compliance with this ordinance, and, in case of any violation, order corrective action.

G. To maintain permanent and current records as required by this ordinance including, but not limited to, all relevant information and official action on inspections and violations, zoning appeals, zoning variances, site plans, design reviews, conditional uses, zoning amendments, use and occupancy permits and other administrative reviews.

H. To maintain and make available the city's official zoning ordinance text and map, and all permanent and current records required by this ordinance.

I. To maintain for public distribution an adequate supply of the compiled text of the zoning ordinance text, including the official zoning map, and appropriate forms and instructional material for all required hearings and review procedures provided for herein.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 3. ADMINISTRATIVE PROCEDURES

Sec. 3.1. Purpose.

The purpose of this section is to outline the general application, notice, and public hearing procedures for the zoning applications and approvals found within this zoning ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 3.2. Application.

A. *Authorization.* An application for a zoning interpretation, zoning appeal, zoning variance, conditional use permit, site plan, design review, use and occupancy permit, zoning text amendment, zoning map amendment, or sign permit may be filed by an owner of the subject property in the city or their authorized agent.

B. *Pre-submittal staff meeting.* Applicants and their professional consultants are encouraged to meet with city staff prior to finalizing and submitting applications. This especially applies to zoning amendments and site plan and design review applications. City staff which should participate varies with conditions but may include staff from the planning, public works, and codes departments and the fire marshal. The applicant is encouraged to provide plans which the staff may retain to review in more detail. The meeting should be scheduled far enough in advance to allow for meaningful review and for changes to be made to the application and plans prior to the submittal date.

C. *Filing.*

1. An application for a zoning interpretation, zoning appeal, zoning variance, site plan and/or design review, conditional use permit, zoning text amendment, zoning map amendment, use and occupancy permit, or sign permit shall be filed with the building and planning department.

2. The application shall be submitted by the deadline specified in the submittal calendar published annually by the building and planning department. Applications shall be on forms provided by the city and shall be filed in such number as the instructions provide. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal. The application shall include information, plans and data as specified on the checklist provided by the building and planning department and sufficient to determine whether the application conforms to the requirements set forth in this ordinance.

D. *Completeness.* The building and planning department shall determine whether the application is complete. If the application is not complete, the building and planning department shall notify the applicant of any deficiencies within one week and shall take no steps to process the application until the deficiencies are remedied. Once the building and planning department determines that the application is complete, the application shall be scheduled for consideration by the appropriate board, commission or official.

E. *Fees.* Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the city commission. The failure to pay such fee when due shall be grounds for refusing to

process the application, and for denying or revoking any permit or approval for the subject property. No fees shall be waived, and no fees shall be refunded, except those authorized by the city commission at its sole discretion.

F. *Staff review and comments.* Copies of the submitted plans for master plans and site plan and design review approval shall be distributed by the building and planning department to all city staff which administers standards which relate to the application. These may include planning staff, public works staff, codes inspectors, and the fire marshal. A copy of the plans shall also be distributed to the utility district which serves the proposed development, if applicable.

Applicants shall address all staff comments. This does not mean they should make all changes recommended by staff, but, if not, appropriate written response must be provided. If not, the staff has the right to withhold applications from the agenda until responses are provided. Applicants shall submit final plans as per the submittal guide. The number and size of copies shall be as specified in the submittal guide. Staff shall submit final staff comments. The building and planning department shall assemble the comments into a staff report and comments which shall be distributed to the planning commission and applicant.

G. *Withdrawal of application.* An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a city official, commission, or board, including the ability to withdraw the application if it has been deferred by a commission or board. There shall be no refund of fees. Requests for withdrawal shall be in writing by the applicant, or their designated representative.

H. *Successive applications.* Within one year of the date of denial, a subsequent application shall not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial. Such subsequent application then shall include a detailed statement of the grounds justifying its consideration. The building and planning department shall make a determination as to whether the subsequent application is appropriate. If the building and planning department finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 3.3. Notice.

A. *Type(s) of notice required.*

1. *Zoning text amendment.* Published notice of city commission public hearing. See subsection B. (published notices).

2. *Zoning map amendment/rezoning.* Mailed notice and posted notice of planning commission public hearing. See subsections C. (mailed notice) and D. (posted sign notices) and mailed notice and posted notice of city commission public hearing. See subsections C. (mailed notice) and B. (published notices).

3. *Changes/revisions to development plans.* Mailed notice of the planning commission and/or city commission public hearing. See subsection C. (mailed notice).

4. *Zoning variance.* Published notice of board of zoning appeals public hearing. See subsection C. (mailed notice), and mailed notice of board of zoning appeals public hearing. See subsection C. (mailed notice).

B. *Published notices.* The notice shall be published in a newspaper of general circulation within the city. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address or location of the subject property. Such notice shall be published no less than 15 days, nor more than 30 days, in advance of the scheduled hearing date. A copy of the published notice shall be provided to the clerk of the board and to the board. All annexation notices shall be published at least 21 days before the public hearing.

C. *Mailed notice.*

1. Mailed notice shall be in the form of a written notice provided by the building and planning department. The notice shall be mailed by regular mail no less than 15, but no more than 30 days prior to the public hearing to all affected property owners located within 200 feet from the property line of the subject property. The 200 feet shall be measured from all directions along the perimeter of the subject property.

2. The building and planning department shall obtain the names and mailing addresses of the affected owners from the Maury County Tax Parcel Viewer or similar service. The city shall provide verification that notices were mailed. The notice shall include the date, time, place, and purpose of such hearing, the name of the applicant, and the address or location of the subject property.

D. *Posted sign notices.* A sign shall be posted on the subject property in accordance with the following provisions:

1. *Location and time period for posting signs.* The required posting period shall be no less than 15 consecutive days, but no more than 30 days prior to the public hearing (excluding the day of the hearing). The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists. Properties with more than one street frontage shall be required to post one sign visible from each street frontage, if, in the opinion of the building and planning department such is appropriate.

2. *Responsibility for posting signs.* It is the city's responsibility to erect the sign on the property. The city shall provide an affidavit to the body conducting the hearing verifying compliance with the sign posting requirement.

E. *Failure to post.* Failure to provide notice as required by this section may constitute grounds for suspension or continuance of the approval process.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 3.4. Public hearing.

A. *Conduct of public hearings.*

1. A public hearing is a formal proceeding mandated by law for the purpose of providing evidence to formulate a decision or recommendation on an issue within the jurisdiction of the board of zoning appeals, planning commission, and city commission. The primary purpose of a public hearing is to allow interested parties an opportunity to listen and comment on evidence presented at any legislatively mandated proceeding.

2. Meetings of the board of zoning appeals, planning commission, and city commission, including public hearings, shall be subject to the Tennessee Open Meetings Act.

3. The chair, with the consent of two-thirds majority of the body present, may limit individual testimony to a specific time to provide a reasonable opportunity for all interested persons to testify.

4. At a public hearing, an applicant may appear on his or her own behalf or may be represented by an attorney, consultant, or other agent qualified to represent the petitioner.

5. In addition to the applicant, any person having an interest in the action which is the subject of the public hearing may appear at the public hearing and give testimony.

6. An interested party wishing to testify at the public hearing shall state for the record his or her name and address.

7. Minutes shall be distributed with the agenda for the next regular meeting, or as soon as such may be reasonably available.

B. *Continuances.* The chair, with approval of the body conducting the hearing, or, in the absence of a quorum, the planning staff in attendance, may change or continue the regular public hearing date and time. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a specific date, provided that a public announcement of the future date, time, and place of the continued hearing is made at the hearing, and placed in the minutes. If the hearing is adjourned, rather than continued to a specific date, in order to reopen the hearing, all notices must be given that would have been required for the initial public hearing per section 3.3 (notice).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 4. APPLICATIONS AND APPROVAL PROCESSES

Sec. 4.1. Purpose.

The purpose of this section is to delineate the scope of applicability, specific procedures and requirements, and approval criteria that are applicable to each zoning application and approval.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.2. Zoning interpretation.

A. *Purpose.* This interpretation authority is not intended to add or change the essential content of the ordinance. The interpretation authority is intended to recognize that the provisions of this ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. Such issues may often be addressed by reference to general circumstances that the specific provision was intended to address.

B. *Initiation.* Applications for zoning interpretations may be filed by an owner or their authorized agent of any property in the city. In addition, the city commission or the planning commission may request that the planning department render an interpretation. Requests initiated by the city require an application but are exempt from fees. The interpretation must be for the purpose of furthering some actual development.

C. *Authority and execution.* The planning department shall review and make final decisions on requests for interpretations. Nothing in this section shall require the planning department to make an interpretation if the department is of the opinion that the exposure to liability for the city on account of the interpretation outweighs the benefit to the applicant.

D. *Procedure.* All applications for interpretations shall be filed with the planning department, in accordance with the requirements in section 3.2 (application). Upon receiving a complete application, the planning department shall review a request for an interpretation and render the interpretation within a reasonable time. The planning department shall have the ability to request additional information prior to rendering an interpretation.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.3. Appeal of a planning department determination.

A. *Purpose.* The zoning appeals process for review of decisions of the planning department is intended to provide appropriate checks and balances on administrative authority.

B. *Initiation.* Applications for appeals may be filed by any owner of any property in the city, their authorized agent or any resident that is directly affected by a decision made under this ordinance by the planning department.

C. *Authority and execution.* The board of zoning appeals may review only those determinations of the planning department which result from requests made pursuant to this ordinance. Other decisions and actions of the planning department cannot be appealed under this process.

D. *Procedure.* All applications for appeals shall be filed with the planning department, in accordance with the requirements in section 3.2 (application). Upon receiving a complete application, the planning department shall forward a copy of the application to the board of zoning appeals. The board of zoning appeals shall conduct a public hearing, in accordance with section 3.4 (public hearing), within 60 days of receipt of a complete application. If, in the board of zoning appeal's judgment, the application does not contain sufficient information to enable the board to properly discharge its responsibilities, the board may request additional information from the applicant. In that event, the 60-day period shall be suspended pending receipt of all requested information. Notice shall be given in accordance with section 3.3 (notice). Following the close of the public hearing or within 45 days, the board of zoning appeals shall decide the appeal. The board of zoning appeals may reverse or affirm or may modify the order, requirement, decision, or determination.

E. *Limitations on appeals.* A decision may only be appealed if an application to appeal is filed within 30 days of that decision.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.4. Zoning variance.

A. *Purpose.* The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships.

B. *Initiation.* Applications for zoning variances may be filed by an owner of any property in the city, or their authorized agent, for that property.

C. *Authority and execution.* Variances may be authorized by the terms of this ordinance. Variances may be authorized only after a public hearing, where the board of zoning appeals has made findings of fact in accordance with subsection E. (findings of fact) below, that owing to special conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulties or particular hardship for the owner of land or a structure.

D. *Procedure.* All applications shall be filed with the planning department in accordance with the requirements in section 3.2 (application). Upon receiving a complete application, the planning department shall forward a copy of the application to the board of zoning appeals. The board of zoning appeals shall conduct a public hearing, in accordance with section 3.4 (public hearing), within 60 days of receipt of a complete application. If, in the board of zoning appeal's judgment, the application does not contain sufficient information to enable the board to properly discharge its responsibilities, the board may request additional information from the applicant. In that event, the 60-day period shall be suspended pending receipt of all requested information. Notice shall be given in accordance with section 3.3 (notice). Following the close of the public hearing or within 45 days), the board of appeals shall decide on the request.

E. *Findings of fact.*

1. No variance from the provisions of this ordinance shall be granted unless the board of zoning appeals makes specific written findings of fact based directly on the standards and conditions imposed by this section. These standards are as follows:

   a. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any bulk standards contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

   b. The variance is the minimum variance that will relieve such difficulties or hardship and make possible the reasonable use of the land, building, or structure.

   c. The variance will not authorize uses in a zone district other than those permitted by this ordinance.

   d. Financial considerations shall not be considered as a basis for granting a variance.

2. The board of zoning appeals in making its findings of fact, may inquire into the following evidentiary issues, as well as any others deemed appropriate:

   a. The granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the property is located or a substantial impairment to the intent and purpose of the zoning district where the property is located or the general provisions of the ordinance.

   b. The proposed variance will not impair an adequate supply of natural light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or impair property values within the neighborhood.

   c. The alleged difficulty or hardship has not been knowingly or intentionally created by any person having an interest in the property.

   d. The proposed variance is consistent with the spirit and intent of this ordinance and the adopted land use and transportation plan.

F. *Variance less than requested.* A variance less than that requested may be granted by the board of zoning appeals when the record supports the applicant's right to some relief, but not to the entire relief requested.

G. *Variance appeals.* Any person aggrieved by a decision of the board of zoning appeals on a variance may appeal by certiorari to a court of competent 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 section shall be final and subject to review only for illegality or want of jurisdiction.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.5. Conditional use.

A. *Purpose.* The development and execution of a zoning ordinance is based upon the division of the city into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or

districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. *Initiation.* Applications for conditional uses may be filed by an owner of any property in the city for that property or their authorized agent to use that land for one or more of the conditional uses provided for in this ordinance within the zoning district in which the land is situated.

C. *Authority and execution.* The board of zoning appeals shall take formal action on conditional use requests.

D. *Procedure.* Applications for conditional uses shall be filed with the planning department in accordance with the requirements in section 3.2 (application). Upon receiving a complete application, the planning department shall schedule the application for consideration by the board of zoning appeals.

1. *Action by the board of zoning appeals.*

a. The board of zoning appeals shall conduct a public hearing on a proposed conditional use in accordance with section 3.4 (public hearing) no more than 60 days after receipt of a complete application. Notice for the public hearing shall be in accordance with section 3.3 (notice). If, in the planning and zoning commission's judgment, the application does not contain sufficient information to enable the board of zoning appeals to properly discharge its responsibilities, the board may request additional information from the applicant. In that event, the 60-day period shall be suspended pending receipt of all requested information.

b. The board of zoning appeals shall, immediately following or within 45 days of the close of the public hearing, make the determination as to the granting of the conditional use.

2. *Conditions on conditional uses.* The board of zoning appeals shall confirm that the applicant has shown that they will comply with any use-specific standards as referenced in the tables of permitted and conditional uses as contained in section 9.3 (use-specific standards). The board of zoning appeals may also impose additional conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as it may be deemed necessary for the protection of the public interest.

E. *Findings of fact.*

1. No conditional use shall be approved by the board of zoning appeals unless it has made findings of fact, based upon the evidence presented at the public hearing, to support each of the following conclusions:

a. The conditional use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

b. The conditional use will not adversely affect other property in the area in which it is located.

c. The conditional use conforms to all applicable provisions of this ordinance for the district in which it is to be located.

d. The conditional use in the specific location proposed is consistent with the spirit and intent of this ordinance and the land use and transportation plan.

2. The board of zoning appeals, in making findings of fact, may inquire into the following evidentiary issues, as well as any others it determines to be appropriate:

a. Whether property values in the immediate vicinity of the conditional use will be diminished or impaired.

b. Ingress and egress to the subject property and its proposed structures, with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, including access by emergency vehicles.

c. Off-street parking and loading areas proposed for the conditional use, with particular attention to the location and adequacy of such facilities.

d. The operational characteristics of the proposed conditional use and their effects on adjacent properties. Particular attention shall be given to the hours of operation, noise, glare, odor, refuse storage, and other relevant environmental factors.

e. Utilities and storm drainage facilities as proposed, with reference to their location, availability, adequacy, and compatibility.

f. Screening, landscaping, and buffering, with specific reference to the type proposed, the dimensions and character, and the effectiveness in shielding adjacent properties.

g. Signs and proposed exterior lighting with reference to glare, traffic safety, and compatibility and harmony with adjacent properties.

h. The quantity and degree of deviation from the applicable requirements of the district in which the subject property is located, as balanced against the desirability of the conditional use.

F. *No presumption of approval.* The listing of a use as a conditional use within a zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to all applicable standards of this ordinance. Such evaluation will determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

G. *Appeal of denial.* Any person aggrieved by a decision of the board of zoning appeals on a conditional use may appeal by certiorari to a court of competent 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 section shall be final and subject to review only for illegality or want of jurisdiction.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.6. Site plan and design review.

A. *Purpose.* The site plan and design review process is intended to promote orderly development and redevelopment in the city, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with the land use and transportation plan, and promotes the general welfare of the city. This section provides standards by which to determine and control the physical layout and design to achieve the:

1. Compatibility of land uses, buildings, and structures.

2. Protection and enhancement of community property values.

3. Efficient use of land.

4. Minimization of traffic and safety hazards, and efficient parking layout.

5. Minimization of adverse impacts on the environment, including the incorporation of sustainable design and green architecture techniques.

B. *Initiation.* Applications for site plan and design review approval may be filed by an owner of any property in the city, or their authorized agent.

C. *Authority and execution.*

1. Site plan and design review approval is required for the following:

   a. The construction of all new buildings and structures, principal and accessory, including additions, with the exception of single-family and two-family dwellings and temporary structures as regulated by section 10 (accessory uses, buildings, and structures).

   b. The occupancy of land (without a building or structure) for any activity except single-family or two-family dwellings and temporary uses as regulated by section 10.11 (temporary uses and structures).

   c. Construction or establishment of a parking lot or enlargement of an existing lot.

   d. Construction of landscaped residential subdivision or multi-family development site entrances.

2. Design review (but not site plan) approval to confirm compliance with the Design Review Guidelines Manual is required for the following, excluding single-family dwellings or two-family dwellings:

   a. Any external modification where the estimated cost of the modifications and improvements exceeds 20 percent of the total appraised value of the structures to be improved, as set forth in the most current Maury County tax records.

   b. The following shall be subject to design review but for the proposed modification only:

      i. Changing the color of more than 25 percent of the exterior of the building.

      ii. Adding or replacing awnings, except replacing with the same size, style, and color.

      iii. Modifying the roof, except replacing with the same roof type.

      iv. Adding or changing any dormer, cupola, pergola, or other architectural feature.

   c. Placing neon tubing and strings of LED and similar lighting on a site or building or within the windows or doors of a building if visible from outside the building. Exception: Traditional holiday lighting displayed for not more than two 30-day periods per calendar year, which periods may run consecutively.

   d. Any other external modification which the planning department determines to possess design characteristics which merits review to achieve the purpose of this ordinance. Reasons for the planning department's determination shall be clearly stated in writing. Appeals from the department's determination shall be filed with the planning commission within 15 days thereof and resolved by the planning commission within 45 days of the filing of the appeal.

D. *Procedure.* Applications for site plan and design review shall be filed with the planning department in accordance with the requirements in section 3.2 (application). Once it is determined that the application is complete, the application shall be forwarded to the planning commission, unless such application is eligible for administrative site plan and design review.

1. *Applications for administrative site plan and design review.*

   a. *Applications eligible for administrative site plan and design review.* The following activities require site plan and design review approval by the planning department only. The planning department has the authority to require that the planning commission review an application intended for administrative site plan review if the planning department determines such is appropriate because of the nature of the request.

      i. New construction and modifications to existing ham radio antennas and equipment, subject to subsection 10.9.C (amateur (HAM) radio equipment).

ii. Modifications to existing cell towers and antenna support structures.

iii. Addition to an existing building or structure which measures up to 25 percent of the area of the existing building.

iv. Addition of accessory building(s) measuring up to 25 percent of the area of the existing principal building(s) on the site. The addition of solar panel canopies is not eligible for administrative approval.

v. Construction or establishment of a new parking lot with not more than 25 parking spaces.

vi. The addition of up to 25 parking spaces or less than 25 percent additional parking spaces to an existing parking lot, whichever is greater.

vii. Any decrease in square footage for structures, parking, or paved areas.

viii. External modifications as stated in subsections C.2.a through C.2.d (authority and execution).

ix. Construction of landscaped residential subdivision or multi-family development site entrances.

2. *Procedure for administrative site plan and design review.*

a. A decision on an administrative site plan and design review application shall be rendered by the planning department within 30 days of receipt of a complete application.

b. If, in the planning department's judgment, the site plan and design review application does not contain sufficient information to enable the planning department to properly discharge its responsibilities, the planning department may request additional information from the applicant. In that event, the 30-day period shall be suspended pending receipt of all requested information.

c. The planning department may approve, approve with conditions or reject the site plan and design review application. Within 15 days of the decision, the planning department shall notify the applicant of the action taken. The planning department shall evaluate the site plan and design review application pursuant to the standards in subsection F. (standards for site plan and design review).

d. If the planning department rejects a site plan and design review application, the applicant may resubmit the application to the planning commission, in accordance with the procedures in subsection E. (planning commission site plan and design review) below.

E. *Planning commission site plan and design review.*

1. *Applications requiring site plan and design review by planning commission.* All activities requiring site plan and design review, except those set forth in subsection D.1.a (applications eligible for administrative site plan and design review), shall be reviewed by the planning commission.

2. *Procedure for site plan and design review by planning commission.*

a. A decision on a completed application for site plan and design review by the planning commission shall be rendered within 60 days of the date the complete application is received by the planning department.

b. If, in the planning commission's judgment, the site plan and design review application does not contain sufficient information to enable the commission to properly discharge its responsibilities, the commission may request additional information from the applicant. In that event, the 60-day period shall be suspended pending receipt of all requested information.

c. The planning commission shall approve, approve with conditions or deny the site plan within 60 days. The vote on every decision of the planning commission, with respect to site plan and design review shall be included in the commission's minutes. The planning commission shall evaluate the site plan and design review application pursuant to the applicable standards in subsection F. (standards for site plan and design review) below. Planning commission approval or denial of a site plan shall be considered a final administrative decision.

F. *Standards for site plan and design review.* Each site plan and design review application submitted for review shall include the following details: the location of principal and accessory structures, infrastructure, open space, landscaping, exterior lighting, traffic movement and flow, number of parking spaces, design of parking lots, and location of landscaping and screening and all other elements of the site and building as regulated by sections 11 (site development standards) and 12 (sign standards) and as specified on the site plan and design review checklist as prepared by the planning department.

1. In reviewing site plans, the relationship of the site plan to the following shall be considered:

   a. Compatibility with the goals and objectives of the land use and transportation plan.

   b. Conformity with this ordinance, including bulk standards for residential and commercial districts.

   c. Any applicable use-specific standards as contained in section 9.3 (use-specific standards).

   d. Section 11 (site development standards) which includes standards for off-street parking and loading, outdoor lighting, landscaping, screening and tree preservation, residential subdivision and multi-family development entry ways, walls and fencing, street and other required improvements, and utility service.

   e. Section 12 (sign standards)

   f. The Design Review Guidelines Manual which includes building design standards for residential, commercial, and industrial buildings. Design standards for buildings within the downtown commercial district are also included.

2. Conformity with the Mount Pleasant subdivision regulations. In particular, if land is to be subdivided in conjunction with the proposed site development, the lot involved shall first be approved in accordance with the subdivision regulations. The lot as shown on the submitted site plan shall be identical to the lot as shown on the recorded subdivision plat regarding size, dimensions, adjacent right-of-way, easements, and all other matters. If additional right-of-way and/or easements must be dedicated, such will require the submittal, approval, and recording of a revised subdivision plat unless other methods of dedication are approved by the planning department.

3. Degree of conformity with all other applicable city codes and regulations.

G. *Amendments to approved site plan reviews.*

1. *Application.* An application for an amendment to an approved site plan shall be submitted to the planning department. Amendment applications shall include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.

2. *Determination of type of change.* Upon receipt of a complete application and using the following criteria, the planning department shall determine within five days whether the proposed amendment constitutes a minor or major change to an approved site plan. Major changes to an approved site plan shall include, but are not limited to:

   a. An increase in the gross floor area greater than ten percent.

   b. A change in building height greater than 15 percent.

   c. An increase in the number of dwelling units greater than two percent.

d. A reduction in pervious area greater than ten percent.

e. An increase in the number of parking spaces of more than four parking spaces or 25 percent, whichever is greater.

f. A change to the landscape plan that results in a reduction in the net amount of plant material.

A minor change is considered any change that is not a major change, as defined above. No change shall be approved to the extent such change would result in less than the minimums required or greater than the maximums allowed by this ordinance.

3. *Approved site plan and design review minor change procedure.*

a. The planning department shall approve or disapprove minor changes to approved site plans within 30 days of receipt of the complete application. The 30-day time frame shall commence after the determination that the change is a minor change in accordance with subsection G.2. (determination of type of change) above. If, in the planning department's judgment, the application does not contain sufficient information to enable the planning department to properly discharge its responsibilities, the planning department may request additional information from the applicant. In that event, the 30-day period shall be suspended pending receipt of all requested information.

b. The planning department may also, at its discretion, determine that a proposed change to an approved site plan constitutes a major change and, as such, must be submitted to the planning commission in accordance with the procedures for a major change.

c. If the planning department does not approve the minor change, the application may be submitted to the planning commission in accordance with the procedures for a major change.

4. *Approved site plan and design review major change procedure.*

a. Once reviewed for completeness, the planning department shall forward the complete application to the planning commission for approval.

b. If, in the planning commission's judgment, the application does not contain sufficient information to enable the commission to properly discharge its responsibilities, the commission may request additional information from the applicant.

c. Once a complete application has been submitted, the application shall follow the process of a new application as specified in section 4.6 (site plan and design review). The planning commission shall provide its decision in writing, along with reasons for approval or denial. In the event that the planning commission does not render a decision within the prescribed time period, the amendment application shall be deemed to be approved.

d. The planning commission may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to the complete site plan review provisions of this section.

5. *Submittal of revised site plan.* The planning department or planning commission may determine that a proposed amendment to an approved site plan requires submittal of a revised site plan for proper evaluation. Such revised site plan shall only include those components of the site plan submittal package impacted by the proposed change. Until such revised site plan is submitted, the application shall not be considered complete.

Nothing within this section shall prevent an applicant from submitting a revised site plan with the amendment application at the time of initial submission.

6. *Modifications prohibited.* Building and site improvements, the design of which is regulated by this ordinance, shall not be modified except in conformance with this section. The design of said improvements and all features thereof shall be maintained as originally approved.

7. *Expiration and extensions.* Site plan and design review approval is valid for a period of one year from the date of planning commission approval. The owner may apply for, and the planning commission may grant extensions of one year at a time.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.7. Annexation

A. *Purpose*. The jurisdictional boundary of the City of Mount Pleasant may be amended through annexation in accordance with this section and the requirements of Tennessee Code Annotated (TCA) Title 6, Chapter 51. The purpose of this section is to establish clear procedures by outlining the process for considering annexations, as described below. If there is a conflict between this section and TCA, TCA shall prevail.

B. *Initiation*. An annexation may be initiated either by owner consent or by referendum.

i. Annexations by owner consent must be filed with the city by the current property owner or their authorized agent. When property is used primarily for agricultural purposes, annexation of that property may only occur with written consent from the owner, according to TCA § 6-51-104.

ii. Annexations by referendum are initiated by the Mount Pleasant City Commission through the adoption of an Annexation Resolution that calls for an annexation referendum and are only permitted as allowed by the conditions established in TCA § 6-51-104 through 6-51-105. The conditions include:

i. the area must be contiguous,

ii. a resolution calling for a referendum must be adopted by the City Commission, and

iii. the referendum must be voted on by the residents living in the area proposed for annexation.

C. Procedure.

i. Annexation by Owner Consent

i. The property owner/agent submits an annexation request. The written annexation request must include the following items:

1. parcel identification,

2. legal description or survey and map of the proposed area,

3. statement of consent from all owners of record,

4. description of the intended use, and

5. proposed zoning classification.

ii. The City staff shall prepare a plan of services pursuant to TCA § 6-51-102.

iii. The City staff shall present the Request for Annexation and the plan of services to the Planning Commission for review and recommendation.

iv. The City Commission then considers a Proposed Annexation by Owner Consent Resolution. The purpose of this Resolution is to set a public hearing on the proposed

annexation and plan of services. The Proposed Annexation by Owner Consent Resolution must contain the following:

1. a territory description of the area proposed for annexation,
2. the plan of services,
3. the proposed zoning classification, and
4. the time, place, and purpose of the public hearing.

v. If the City Commission approves the Proposed Annexation by Owner Consent Resolution, the City Commission must then hold a public hearing as set forth in the resolution. The public hearing shall be at least seven (7) days after the Planning Commission public hearing. These hearings on the plan of services and the proposed annexation can be held at the same meeting or at different meetings, either way the notice requirements must be followed. The following notices are to be published **at least 21 days** before the public hearing date and in accordance with the requirements of TCA § 6-51-102(b) and of TCA § 6-51-104, and any subsequent amendments.

1. the resolution shall be sent to all property owners within the territory and any adjoining property owners within 200' by mail pursuant to section 3.3 (notice);
2. three physical copies of the resolution shall be posted within the annexation territory;
3. three physical copies of the resolution shall be posted in public places within the existing city limits, the locations of the copies of the resolution, including the plan of services, shall be included in all public notices, and the municipality shall provide for public inspection during all business hours from the date of notice until the public hearing;
4. the resolution shall be published in a newspaper of general circulation in the municipality;
5. a notice of the time, place, and purpose of the public hearing shall be published in a newspaper of general circulation in the municipality; and
6. signs that are at least 3' x 2' and 5' high shall be placed at the site and along any bordering major roads.

vi. The municipality shall ensure a copy of the plan of services to be forwarded to the county mayor in whose county the territory being annexed is located at least thirty (30) days prior to the public hearing.

vii. If the municipality does not maintain a separate school system, then the municipality shall provide written notice of the annexation to all affected school systems as soon as practicable, but in no event less than thirty (30) days prior to the public hearing.

viii. Once properly noticed, the City Commission then holds the public hearing(s) on the items noticed.

ix. After the public hearing on the plan of services and the proposed annexation, the City Commission considers a **Resolution for Annexation by Owner Consent.** The purpose of this resolution is to approve the annexation and plan of services. This resolution may only be considered at a properly noticed public meeting after the public hearing; it can be considered at the same meeting of the public hearing(s) or at a later public meeting.

x. A resolution proposing annexation by written consent of the property owner or owners shall become effective upon adoption of such resolution by the municipality and shall become effective immediately upon adoption.

xi. The above process is for territory contiguous to the municipality's corporate limits that is located entirely within the municipality's Urban Growth Boundary. If a proposed annexation is non-contiguous with the municipal boundaries, the City may create an interlocal agreement pursuant to T.C.A. § 6-51-104 to pursue the annexation; if the proposed annexation is outside the urban growth boundary it may be considered pursuant to T.C.A.§ 6-58-111(c)(2) or T.C.A. § 6-58-118, whichever is applicable.

ii. Annexation by Referendum

i. The municipality, on its own initiative, may consider an **Exploratory Annexation by Referendum Resolution**. This Resolution indicates an intent of the governing body to seriously explore the annexation and to initiate the review and decision process. The annexation area is defined by the City Commission.

1. The exploratory resolution must include the intent to explore annexation by referendum, a general description of the proposed area, direction for staff to create a plan of services, and maps of the area.

2. The proposed zoning district(s) illustrated on a map.

3. Land used primarily for agricultural purposes cannot be annexed by referendum.

ii. The City Staff then prepare a plan of services pursuant to TCA § 6-51-102, which is submitted to the Planning Commission for review. The annexation proposal can also be reviewed by the Planning Commission at this time, but it is not required. The Planning Commission must hold a Public Hearing on both pursuant to section 3.4 (public hearing) with notice sent pursuant to section 3.3 (notice) and write a report on the plan of services and make a recommendation on the proposed annexation within 90 days.

iii. The City Commission then considers a **Proposed Annexation by Referendum Resolution.** The purpose of this Resolution is to set a public hearing on the proposed annexation and plan of services.

iv. The **Proposed Annexation by Referendum Resolution** must contain the following:

1. the exact description of the territory proposed for annexation;

2. a detailed map of the area;

3. the complete plan of services;

4. the proposed zoning classification;

5. the time, place, and purpose of the public hearing; and

6. a statement to provide all required notices for said meeting.

v. If the City Commission approves the Proposed Annexation by Referendum Resolution, the City Commission must then hold a public hearing as set forth in the resolution. The public hearing shall be at least seven (7) days after the Planning Commission public hearing. These hearings on the plan of services and the proposed annexation can be held at the same meeting or at different meetings, either way the notice requirements must be followed. The following notices are to be published **at least 21 days** before the

public hearing date and in accordance with the requirements of TCA § 6-51-102(b) and of TCA § 6-51-104, and any subsequent amendments.

1. the resolution shall be sent to all property owners within the territory and any adjoining property owners within 200' by mail pursuant to section 3.3 (notice);
2. three physical copies of the resolution shall be posted within the annexation territory;
3. three physical copies of the resolution shall be posted in public places within the existing city limits the locations of the copies of the resolution, including the plan of services, shall be included in all public notices, and the municipality shall provide for public inspection during all business hours from the date of notice until the public hearing;
4. the resolution shall be published in a newspaper of general circulation in the municipality;
5. a notice of the time, place, and purpose of the public hearing shall be published in a newspaper of general circulation in the municipality; and
6. signs that are at least 3' x 2' and 5' high shall be placed at the site and along any bordering major roads.

vi. Once properly noticed, the City Commission then holds the public hearing(s) on the items noticed.

vii. After the public hearing on the plan of services and the proposed annexation, the City Commission considers a **Resolution for Annexation by Referendum**. This resolution formally calls for a referendum election to be held, describing therein the territory to be annexed and the plan of services to support it. This resolution must include the finalized annexation territory, the plan of services, and the call for a referendum election, which sets the timing of the referendum.

This resolution may only be considered at a properly noticed public meeting after the public hearing; it can be considered at the same meeting of the public hearing(s) or at a later public meeting.

viii. The referendum must then be held 30-60 days after the last publication of the public notices. The election is held by the County Election Commission. The ballot questions are "for annexation" and "against annexation." A simple majority of votes decides the question pursuant to T.C.A. § 6-51-105. The following people are qualified to vote in the election:

1. Qualified registered voters residing in the territory proposed for annexation.

ix. The city may optionally decide to allow the current city residents to vote pursuant to T.C.A. § 6-51-105(b). In the event of two (2) elections, a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality must separately approve the resolution. Both majorities must separately approve the annexation for it to pass.

x. If approved, the annexation becomes effective 30 days after the referendum passes. The city must then record the annexation with the Maury County Register of Deeds.

iii. Upon adoption, the city staff shall cause the following notifications to be made:

i. A revised map of the voting precincts must be sent to the Comptroller of the Treasury. T.C.A. § 2-3-102.

ii. The election certification must be sent to the county mayor. The certification should be sent irrespective of the outcome of the election. T.C.A. § 6-51-105.

iii. The annexation resolution should be sent to the utility district or municipal utility board serving the area, if the municipality is desirous of purchasing the utility system in the annexed area. T.C.A. § 6-51-111.

iv. The Tennessee Department of Revenue should be notified for the purpose of tax administration. T.C.A. § 6-51-115.

v. The annexation resolution, as well as the portion of the plan of services related to emergency services and a detailed map of the annexed territory must be sent to any affected emergency communication district. T.C.A. § 6-51-119.

vi. The annexation resolution must be recorded with the register of deeds. T.C.A. § 6-51-121.

vii. The annexation resolution must be sent to the Tennessee Comptroller of the Treasury, as well as to the property assessor in each county affected. T.C.A. § 6-51-121.

D. *Findings of Fact*.

The following Findings of Fact are established as considerations for the City Commission to base their decisions on:

i. The Annexation Resolution must be compliant with the requirements of Tennessee Code Annotated (TCA) Title 6, Chapter 51.

ii. The area is contiguous to the city boundary (if not, an interlocal government agreement with Maury County is required pursuant to T.C.A. § 6-51-104).

iii. The annexation is consistent with the city's Comprehensive Plan.

iv. The annexation is consistent with the city's adopted Urban Growth Boundary (if not, it was compliant with requirements from TCA T.C.A.§ 6-58-111(c)(2) or T.C.A. § 6-58-118, whichever is applicable).

v. The plan of services provides details that municipal services have the ability and intent to serve the proposed annexed area with the identified services in a timely manner.

vi. The annexation promotes planned and orderly growth and development of the existing city and the area proposed for annexation.

vii. The annexation supports the best interests and overall well-being of the annexing City.

viii. The annexation supports the best interests and overall well-being of the annexed territory.

ix. The annexation is in the best interest of the public and will promote orderly growth for the city.

x. Infrastructure and environmental impacts must be evaluated.

Sec. 4.8. Zoning amendment.

A. *Purpose.* The regulations imposed and the districts created by this ordinance may be amended from time to time in accordance with this section. This process for amending the zoning ordinance text or the zoning map is intended to permit modifications in response to changed conditions or changes in city policy. Amendments

are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. *Initiation.* Applications for zoning amendments (text or map amendments) may be filed by the city or by an owner of any property that is in the city or by their authorized agent.

C. *Procedure.* Applications shall be filed with the planning department, in accordance with the requirements of section 3.2 (application). Upon receiving a complete application, the planning department shall schedule the application for consideration by the planning commission. Amendments initiated by the city also require an application but are exempt from fees. (See appendix A: zoning map amendment process).

1. *Action by the planning commission.*

a. The planning commission shall conduct a public hearing on a proposed zoning amendment, in accordance with section 3.4 (public hearing) no more than 60 days after receipt of a complete application. Notice for the public hearing shall be in accordance with section 3.3 (notice). If, in the planning commission's judgment, the application does not contain sufficient information to enable the commission to properly discharge its responsibilities, the commission may request additional information from the applicant. In that event, the 60-day period shall be suspended pending receipt of all requested information.

b. The planning commission shall make findings of fact, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in subsection D. (findings of fact for zoning amendments) below.

c. Within 45 days of the close of the public hearing, the planning commission shall forward to the mount pleasant commission its recommendation, together with the commission's findings of fact. The commission recommendation may take the form of approval or denial. If the requested amendment is a text amendment, the recommendation shall include the commission's proposed language.

2. *Action by the Mount Pleasant City Commission.*

a. Consideration of the planning commission recommendation shall be placed on a Mount Pleasant commission agenda within 30 days. The Mount Pleasant commission may take action in the form of approval or denial. In the case of text amendments, the Mount Pleasant commission shall not be bound by the precise language of the commission recommendations. The Mount Pleasant commission may also refer the application back to the commission for further consideration.

b. Amendments to both the text and zoning map require the approval of the Mount Pleasant commission at two separate readings by a simple majority vote. A public hearing is required at the second reading.

D. *Findings of fact for zoning amendments.* The planning commission in its review and recommendation and the Mount Pleasant commission in its deliberations shall make specific findings with regard to the following grounds for an amendment:

1. The amendment is in agreement with the land use plan for the area.

2. There will be no adverse effect upon adjoining property owners, unless such effect can be justified by the overwhelming public good or welfare.

3. No property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

4. Conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's land use plan and subsequently, the zoning map.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.9. Zoning permit.

A. *Purpose.* The purpose of this section is to verify that a proposed development activity conforms to this ordinance and other related city codes and ordinances before building and other construction related activity occurs.

B. *Applicability.* The requirements of this section apply to the construction or placement of any building or structure, including residential, institutional, commercial, or otherwise. This section also applies to accessory buildings and structures.

C. *Zoning permit required.* Before any building permit is issued by the Mount Pleasant codes department, and before construction or placement commences even if a building permit is not required, written verification from the planning department shall be secured in the form of a zoning Permit to confirm that the proposed activity conforms to this ordinance.

D. *Expiration of zoning permit.* Zoning permits shall expire one year after the date of issuance unless construction has commenced.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.10. Use and occupancy permit.

A. *Purpose.* The purpose of a use and occupancy permit is to promote ordinance compliance by establishing a procedure for the city to certify that the proposed use and occupancy of building or land complies with all standards of the ordinance.

B. *Applicability.* No new building or structure, other than one- and two-family dwellings and their accessory structures, shall be occupied, nor shall any existing building or structure, other than one- and two-family dwellings and their accessory structures, be re-occupied even by a new user for the prior use, nor shall any land be occupied for purposes regulated by this ordinance unless a use and occupancy permit shall first have been issued by the planning department certifying that the proposed structure or use complies with all the provisions of this ordinance.

C. *Procedure.* The planning department shall be responsible for issuing use and occupancy permits. All applications for use and occupancy permits shall be made to the planning department.

D. *Certification.* Any application for use and occupancy permit involving any development for which site plan and/or design review approval is required by the provisions of section 4.6 (site plan and design review), except staff approved projects, shall be accompanied by a completed final site certification prepared by a licensed engineer engaged in the practice of civil engineering and a licensed landscape architect certifying that the development is in substantial compliance with the plan approved by the Mount Pleasant regional planning commission. To be included are all aspects of the development project to include, but not be limited to:

    1. Location and dimensions of all buildings, parking areas, and other site features;

    2. Location and sizes of all utilities and storm drainage facilities as established on the site; and

    3. Location and material (to include plant names and height where specified) of all landscaping and site plantings.

E. *Initial occupancy of new buildings.* No new building shall be occupied, nor any use of the land commenced before a use and occupancy permit has been issued. No use and occupancy permit shall be issued for any use

until a final development review has been conducted and the development has been found to be in full compliance with the provisions of this ordinance, the applicable construction codes, the fire code and requirements of the Mount Pleasant utility district (if applicable).

F. *Occupancy of existing buildings.* Use and occupancy permits are required and may be issued for existing buildings, structures or parts thereof, if, after inspection, it is found that such buildings, structures or parts thereof, and such use of land, are in conformity with the provisions of this ordinance, the applicable construction codes, the fire code and requirements of the Mount Pleasant utility district (if applicable). This applies to a change of use or occupant.

G. *Temporary use and occupancy permits.* A temporary use and occupancy permit may be issued prior to completion of all construction and prior to completion of all requirements of this ordinance, the construction codes, the fire code and requirements of the Mount Pleasant utility district (if applicable) provided the planning department, construction codes inspectors, fire marshal and utility district have inspected the premises and determined that the project is sufficiently complete to allow for occupancy of the premises and have authorized such occupancy in writing in a manner set forth by the planning department. Reasonable terms may be imposed as a condition of allowing occupancy. In particular, a time limit shall be imposed for completion of the remaining improvements. The temporary use and occupancy permit shall expire upon expiration of the time limit. The time limit shall be set by the city based on the amount of time the city determines is necessary and appropriate. In the case of the time allowed to complete landscaping, sufficient time shall be given to avoid planting during dry, hot weather or freezing weather. The time limit shall not exceed six months. Up to three six-month extensions may be granted. Furthermore, a surety shall be provided to guarantee the completion of all remaining required improvements such as, but not limited to, landscaping, irrigation, final grading and drainage. The surety shall be in the amount specified by the planning department and city engineer. The surety shall be in the form of a letter of credit as included in appendix B (letter of credit template). A cashier's check or certified check will also be accepted and shall be deposited immediately into the city's bank account. This surety shall be returned to the issuer upon the issuance of a permanent use and occupancy permit. The planning department and city engineer may agree to a reduction in the surety amount as portions of the work are completed.

Where surety has been posted, and required improvements have not been installed within the terms of the surety and temporary use and occupancy permit, then the planning department and/or mayor may declare the surety to be in default and authorize the calling of the surety and the completion of the improvements under the supervision of the city departments.

H. *Expiration of use and occupancy permits.* Permanent use and occupancy permits expire one year after date of issuance unless the business or entity for which the permit has been issued has moved into and occupied the location for which the permit was issued.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.11. Sign permit.

A. *Applicability.* No sign, except those identified in section 12 (sign standards) as being exempt or not requiring a permit, shall be erected, constructed, altered, or relocated without first obtaining a sign permit. Application for the permit shall be in accordance with section 3.2 (application).

B. *Authority and execution.* The planning department shall be responsible for determining compliance with this ordinance. The planning Department shall be responsible for issuing a sign permit.

C. *Permit issuance.* Upon the filing of an application for a permit for erection, alteration or relocation of a sign, the planning department shall, within five working days, determine whether the application is complete. If the application is not complete, the planning department shall notify the applicant of any deficiencies and

shall take no steps to process the application until the deficiencies are remedied. Once it is determined that the application is complete, the planning department shall:

1. Examine the plans and specifications and the premises upon which the proposed sign is to be erected, altered, or relocated.
2. Within five working days of receiving a complete and correct application, issue a permit if the sign complies with the requirements of this ordinance and all other ordinances of the city. If the work authorized under a sign permit is not completed within six months after the date of issuance, the permit becomes null and void.

D. *Approval of electrified signs.* The application for a sign permit for the erection of a sign in which electrical wiring and connections are to be used shall be submitted to the planning department.

A permit will not be issued by the planning department until a state electrical permit is presented to the planning department by the applicant.

E. *Inspection.* The planning department may inspect, at such times as deemed appropriate, each sign or other advertising structure regulated by this ordinance. The purpose of the inspection is to ascertain whether the structure is secure or insecure, whether in need of repair or removal, or not in conformance with the permit application or otherwise in violation of the provisions of this section.

F. *Revocation of permit.* All rights and privileges acquired under the provisions of this section are mere licenses revocable at any time by the planning department. Upon the termination or revocation of the sign permit, the applicant shall remove the sign or other advertising structure without cost or expense of any kind to the city. In the event of the failure, neglect, or refusal on the part of the applicant to do so, the city may proceed to remove the same and charge the expense to the applicant or property owner.

G. *Violations.* Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and shall be punished as provided by law. Each day such violation exists shall be deemed a separate offense. Planning department staff may remove temporary signs which are in violation of this ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 4.12. Application fee schedule.

The building, planning and zoning department of the city shall charge and collect the following fees for services of administration of land use activities (Table 1):

Table 1. Planning and Zoning Fee Schedule

Application Type	Fee
Subdivisions	
Sketch Plat—Concept Plan	$350.00
Preliminary Plat	
Minor Subdivision (1—4 Lots)	$200.00 + $75.00/Lot
Major Subdivision (5 or more lots or public improvements)	$500.00 + $50.00/Lot
Construction Plan (Subdivision)	$500 +$50/Lot plus Professional Consultant Review Fee charged in addition as follows: - Nonresidential Subdivision - $0.03 per sq ft gross floor area

Application Type	Fee
	- Residential Subdivision - $20.00/dwelling unit
Final Plat	
Minor Subdivision (1—4 Lots)	$200.00 + $75.00/Lot
Major Subdivision (5 or more lots or public improvements)	$500.00 + $50.00/Lot
Site Plans	
Preliminary	N/A
Final Site Plan	$400.00 plus Professional Consultant Review Fee charged in addition as follows: - Nonresidential - $0.03 per sq ft gross floor area - Residential - $20.00/dwelling unit
Revisions to Site Plan	$300.00 plus Professional Consultant Review Fee charged in addition as follows: - Nonresidential - $0.02 per sq ft gross floor area - Residential - $10.00/dwelling unit
Planned Unit Development Overlay (PUD)	$3,000.00 plus Professional Consultant Review Fee charged in addition as follows: - Nonresidential- $0.03 per sq ft gross floor area - Residential- $20.00/ dwelling unit
Zoning Amendments	
Re-Zoning (Zoning Classification)	$500.00
Zoning Text Amendment	$500.00
Annexation	$500.00 - two acres or less $2,500.00 – more than two acres
Board of Zoning Appeals (BZA) Applications	$500.00
Special Exception (Conditional Use)	
Variances	$300.00
Appeals	$300.00
Other Fees	$250.00
Zoning Verification Letter Request	
Home Occupation Application	$50.00
Temporary Use	$50.00
Zoning Interpretation	$50.00
Use and Occupancy Permit	$50.00
Sign Permit (Based on Square Footage)	$50.00
Zoning Permit	$50.00 (1-10 sf) $75.00 (11-20 sf) $100.00 (21-30 sf) $150.00 (31-60 sf) $250.00 (Over 60 sf)
Recording Fees	$50.00
	$50.00

(Ord. No. 2019-1032, § 1, 4-16-2019; Ord. No. 2022-1104, § 1(Exh. A), 10-18-2022)

SECTION 5. ZONING DISTRICTS—GENERAL

Sec. 5.1. Purpose.

The purpose of this section is to outline the different zoning districts within this zoning ordinance and introduce the official zoning map.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 5.2. Districts.

In order to carry out the purpose and intent of this ordinance, the city shall be divided into the following zoning districts (Table 2 and Table 3):

Table 2. Residential Districts

Abbreviation	District Category
R1	Low Density Residential
R2	Medium Density Residential
R3	High Density Residential
MHP	Mobile Home Park
RA	Large Lot Residential/Agricultural

Table 3. Commercial and Industrial Districts

Abbreviation	District Category
CDT	Downtown Commercial
CN	Neighborhood Commercial
CH	Highway Commercial
IL	Light Industrial
IH	Heavy Industrial

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 5.3. Zoning map.

A. *Location of districts.* The location and boundaries of the zoning districts established by this ordinance are set forth in the official zoning map, as periodically amended. The official zoning map is incorporated into, and made an integral part of, this ordinance. It is the intent of this ordinance that the entire area of the city, including all land and water areas, be included in the zoning districts established by this ordinance.

B. *Interpretation of boundary lines.*

1. *Right-of-way lines.* Where zoning district boundary lines coincide with streets, alleys, highways, easements, or right-of-way lines of railroads, toll roads or expressways, the boundary line shall be construed to be the centerline of the right-of-way.

2. *Property lines.* Where zoning district boundary lines coincide with a recorded property line, the property line shall be construed to be the boundary line of the district.

3. *Scaled lines.* Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary shall be determined by measuring such boundary line(s) by using the map scale as provided on the official zoning map.

4. *Clarification of boundary lines.* The planning department shall decide all interpretations of zoning district boundary lines, where the application of subsections B.1. through B.3 (interpretation of boundary lines) above leaves doubt as to the boundary between zoning districts.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 5.4. Annexed land.

Any territory annexed into the city, shall upon annexation, establish the zoning of annexed property simultaneous with annexation. The Planning Commission and City Commission shall hold a public hearing for the zoning of proposed annexed territory at the same meeting the annexation and plan of services is considered. The votes for the annexation and zoning shall be conducted separately in the same meeting. The following considerations for reviewing the zoning plan for the annexed land are the same as those described in section 4.8 (zoning amendment).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 5.5. Publicly-owned facilities and essential utility equipment.

A. Public buildings, structures, and facilities owned and maintained by the city and public utility districts shall be permitted in any zoning district subject to T.C.A. § 13-4-104. Furthermore, essential privately-owned utility transmission equipment, such as electric transmission lines, natural gas lines, trunk sewer lines, and similar structures, shall likewise be permitted subject to all applicable state statutes and city ordinances and regulations.

B. Privately-owned utility buildings and structures, indicated as a permitted or conditional use under the regulations of the applicable zoning district, shall not be permitted except in compliance with the provisions of this ordinance.

C. The regulation of public buildings, structures, and facilities, and essential privately-owned utility transmission equipment is subject to the limitations of T.C.A. § 13-4-104.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 6. RESIDENTIAL ZONING DISTRICTS

Sec. 6.1. R1 Low density residential.

The R-1 zoning district is intended to provide areas for the development of single-family residences on a generous lot. R-1 zones are most often found away from commercial or institutional uses and are typically buffered by agricultural working lands or residential areas with slightly higher densities.

A. *Bulk regulations.*

Table 4. R1 Bulk Regulations

Category	Requirement
Minimum Lot Size	18,000 sq ft.
Minimum Lot Width	90'
Front Setback	30'
Side Setback	15'
Rear Setback	20'
Maximum Lot Coverage	30%
Maximum Building Height	35'
Is Design Review Required	No

B. *Permitted uses.*

- Single-family residences.
- Home occupations as allowed by this ordinance.
- Public utilities.
- Public schools.
- Public parks.
- Minor home occupations.
- Accessory dwelling units.

C. *Conditional uses.*

- Places of assembly or worship.
- Major home occupations.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 6.2. R2 Medium density residential.

The R-2 district seeks to provide areas for single- and two-family residential uses that are conveniently located near essential services and commercial service establishments. R-2 districts may be bordered by residential districts of higher or lower densities or complimentary commercial areas that do not typically impact the enjoyment of residential life.

A. *Bulk regulations.*

Table 5. R2 Bulk Regulations

Category	Requirement
Minimum Lot Size	15,000 sq ft.
Minimum Lot Width	75'
Front Setback	25'
Side Setback	10'
Rear Setback	20'
Maximum Lot Coverage	30%
Maximum Building Height	35'
Is Design Review Required	No

B. *Permitted uses.*

- Single-family residences.
- Two-family residences.
- Home occupations as allowed by this ordinance.
- Public utilities.
- Public schools.
- Public parks.
- Minor home occupations.

C. *Conditional uses.*

- Places of assembly or worship.
- Major home occupations.
- Accessory dwelling units.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 6.3. R3 High density residential.

The R-3 district is designed to accommodate a diverse range of residential dwelling types in a cohesive, thoughtfully organized, and pedestrian-friendly environment. While traditionally located adjacent to downtown commercial areas to support vibrant local business and active pedestrian environments, the principles of the R-3 district may also be applied in other suitable areas where there is sufficient access to commercial services, transportation networks, and infrastructure to support higher-density living. Instead of conventional setbacks, the district encourages the use of “build-to” lines to promote a unified streetscape and a strong connection to public spaces. Sidewalks play a key role in fostering walkability and neighborhood interaction. Developments within R-3 zones emphasize connectivity, with limited use of cul-de-sacs and a preference for integrated street networks. Pedestrian facilities are expected. Alleys are used to provide discreet vehicular access for townhouses and apartment buildings, supporting both functionality and aesthetic appeal.

A. *Bulk regulations.*

1. *Single- and two-family residences.*

Table 6. R3 Bulk Regulations – Single- and two-family residences

Category	Requirement
Minimum Lot Size	5,000 sq ft
Minimum Lot Width	50'
Front Setback	20'
Side Build to Line	5'
Rear Setback	20'
Maximum Lot Coverage	50%
Maximum Building Height	35'
Is Design Review Required	No

2. *Townhomes.*

Table 7. R3 Bulk Regulations – Townhomes

Category	Requirement
Minimum Lot Size	2,200 sq ft
Minimum Lot Width	22’

Front Setback	20'
Side Build to Line	5'*
Rear Setback	5'
Maximum Lot Coverage	80%
Maximum Building Height	35'
Is Design Review Required	Yes
** Side setback measured from end unit*	

3. *Multi-family.*

Table 8. R3 Bulk Regulations – Multi-family

Category	Requirement
Minimum Lot Size	2,000 sq ft. per unit
Minimum Lot Width	100’
Front Setback	20'
Side Build to Line	5'
Rear Setback	5'
Maximum Lot Coverage	50%
Maximum Building Height	35’
Is Design Review Required	Yes

B. *Permitted uses.*

- Residential uses described above.
- Public utilities.
- Public schools.
- Public parks.
- Minor home occupations.

C. *Conditional uses.*

- Places of assembly or worship.
- Major home occupations.
- Accessory dwelling units.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 6.4. MHP Mobile home park.

The MHP district seeks to provide areas for the operation of mobile home parks where mobile home dwellings are organized in a fashion that allows for the peaceful enjoyment of the residents. MHP districts are buffered from adjacent uses by generous perimeter setbacks. Internal drives are sufficient for the moving of mobile homes into and out of the development as needed.

A. *Bulk regulations.*

Table 9. MHP Bulk Regulations

Category	Requirement
Minimum Lot Size	40,000 sq ft.
Minimum Lot Width	100'

Maximum Density	5,000 sq ft. per unit
Front Setback	50'
Side Setback	50'
Rear Setback	50'
Maximum Lot Coverage	30%
Maximum Building Height	20'
Is Design Review Required	Yes

B. *Permitted uses.*

- Mobile home park.
- Single- and two-family dwellings.
- Townhouses.
- Multi-family dwellings.
- Accommodations for 24-hour management.

C. *Conditional uses.*

- Places of assembly or worship.

D. *Design standards.*

- Landscaping, to include a combination of deciduous and evergreen trees and shrubs, is required within all setbacks.
- Internal drives shall be a minimum of 20 feet in width and shall be paved.
- Mobile homes shall be spaced at least 20 feet apart.
- Mobile homes shall be at least 15 feet from internal drives.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 6.5. RA Large Lot Residential/Agricultural

The RA district seeks to provide a district that serves very low-density residential on large lots suitable for agricultural activity. This district is typically located separate from commercial and institutional uses and intended to help preserve natural land. A plat would not be required unless requested by the city or new public infrastructure is required to serve the property.

A. *Bulk regulations.*

Table 10. RA Bulk Regulations

Category	Requirement
Minimum Lot Size	5+ acres
Minimum Lot Width	250’
Front Setback	50'
Side Setback	25'
Rear Setback	50'
Maximum Lot Coverage	5-10%
Maximum Building Height	35'
Is Design Review Required	No

B. *Permitted uses.*

- Single-family residences.
- Agricultural uses (sod farming, plant nursery)
- Public utilities.
- Community facilities (fire and police departments)
- Public schools.
- Public parks and playfields.

C. *Conditional uses.*

- Places of worship and assembly.

SECTION 7. COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sec. 7.1. CDT Downtown commercial.

The CDT district seeks to optimize investment in the historic core of Mount Pleasant by permitting unique commercial and residential uses within a pedestrian friendly environment. The CDT accommodates preservation and adaptive reuse of historic buildings and new construction that contributes to the unique character of downtown Mount Pleasant.

A. *Bulk regulations.*

Table 11. CDT Bulk Regulations

Category	Requirement
Minimum Lot Size	2,000 sq ft.
Minimum Lot Width	20'
Front Build-to Line	0’ to 10'
Side Setback*	N/A
Rear Setback	N/A
Maximum Building Height	35'
Is Design Review Required	Yes

B. *Permitted uses.*

- Retail sales or service.
- Personal services.
- Office or professional services.
- Restaurants (without drive-thru).
- Theater (live or cinema).
- Financial institutions.
- Medical or dental office, clinic.
- Arts studio, gallery, instruction.
- Bar, tavern.
- Brewpub.

- Hotel.
- Places of assembly or worship.
- Government offices and functions.
- Upper story residential dwellings.

C. *Conditional uses.*

- Outdoor recreation facilities.

D. *Design standards.*

- The facade of the building influences the legibility and interest within the public realm. The building facade should define the building entries and provide interest along the public right-of-way. Front doors should face the street.
- Glazing (windows)—Glazing for windows and doors on facades facing public streets should be a minimum of 20 percent of the total area of the facade and a maximum of 40 percent. The first floor should have at least equal the amount of glazing as other floors.
- Raised foundation—Townhouses should have a raised foundation of at least one and one-half feet in height.
- Roof types—Acceptable roof types for townhouses and multi-family residential buildings are hip roofs, gable roofs, and flat roofs when parapet walls are incorporated into the architecture of the building.
- Building materials—Building facade materials for commercial uses shall be clay brick to complement remaining historic structures in the downtown area.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 7.2. CN Neighborhood commercial.

The CN district is intended to provide adequate area for commercial and institutional uses which primarily serve the local community as well as permitted residential uses which contribute to economic sustainability in a pedestrian friendly environment. CN districts should be located on primary transportation routes adjacent and inclusive of the residential neighborhoods they serve. Buildings in this district should not overwhelm adjacent residential construction and should complement surrounding areas.

A. *Bulk regulations.*

1. *Commercial and institutional.*

Table 12. CN Bulk Regulations - Commercial and institutional

Category	Requirement
Minimum Lot Size	20,000 sq ft
Minimum Lot Width	100'
Front Yard	20'
Side Yard	0' or 20' if adjacent to residential
Rear Yard	20'
Maximum Building Height	35'
Maximum Building Footprint	75,000 sq ft

Is Design Review Required	Yes

2. *Single- and two-family residences.*

Table 13. CN Bulk Regulations – Single- and two-family residences

Category	Requirement
Minimum Lot Size	5,000 sq ft.
Minimum Lot Width	50'
Front Yard	20'
Side Yard	5'
Rear Yard	20'
Maximum Lot Coverage	50%
Maximum Building Height	35'
Is Design Review Required	No

B. *Permitted uses.*

- Administrative services.
- Community assembly.
- Health care.
- Personal and group care.
- Financial, consultative and administrative services.
- Food and beverage services.
- Convenience commercial.
- General personal services.
- General retail trade.
- Government facility and offices.
- Medical services.
- Transient habitation.
- Undertaking services.
- Service stations.
- Government offices and functions.
- Educational facility, college/university.
- Educational, primary and secondary conditional uses.
- Landscaping and contractor supply yards.
- Single-family dwellings.
- Two-family dwellings.

C. *Design standards.*

- Parking lots should be located to the side or rear of the building whenever possible.
- Buildings shall have their entryway oriented to the primary street frontage.
- Outdoor storage shall be limited to the rear of the building and screened from public view.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018; Ord. No. 2021-1089, § 1(Exh. A), 1-18-2022)

Sec. 7.3. CH Highway commercial.

The CH zoning district takes advantage of Mount Pleasant's frontage on U.S. Highway 43 in order to serve regional demand for commerce, entertainment, and lodging. CH zoning should be located at interchanges and intersections along this regional transportation corridor.

A. *Bulk regulations.*

Table 14. CH Bulk Regulations

Category	Requirement
Minimum Lot Size	20,000 sq ft
Minimum Lot Width	100'
Front Setback	20'
Side Setback	0' or 20' if adjacent to residential
Rear Setback	20'
Maximum Building Height	50'
Is Design Review Required	Yes

B. *Permitted uses.*

- Administrative services.
- Community assembly.
- Health care.
- Personal and group care.
- Financial, consultative and administrative services.
- Food and beverage services.
- Convenience commercial.
- General personal services.
- General retail trade.
- Indoor recreation facility.
- Recreational training school.
- Medical services.
- Transient habitation.
- Undertaking services.
- Vehicular sales and service.
- Service stations.
- Government offices and functions.

C. *Conditional uses.*

- Schools.
- Landscaping or contractor supply yards.

D. *Design standards.*

- Parking lots should be located to the side or rear of the building whenever possible.
- Buildings shall have their entryway oriented to the primary street frontage.
- Outdoor storage shall be limited to the rear of the building and screened from public view.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 7.4. IL Light industrial.

The IL zoning district is intended to provide appropriate locations for specialized general commercial uses, including contractor storage yards and a variety of business services, which are oriented toward supporting other retail goods and personal service establishments, and not necessarily focused upon the shopping public. Areas within this district should have direct access to major streets and be generally situated in locations removed or buffered from residential uses.

A. *Bulk regulations.*

Table 15. IL Bulk Regulations

Category	Requirement
Minimum Lot Size	40,000 sq ft
Minimum Lot Width	100'
Front Setback	50'
Side Setback	50'
Rear Setback	50'
Maximum Building Height	60'
Is Design Review Required	Yes

B. *Permitted uses.*

- Firing range, indoor.
- Health/fitness center.
- Indoor entertainment facility.
- Indoor recreation facility.
- Live entertainment.
- Outdoor entertainment facility.
- Outdoor recreation facility.
- Racetrack.
- Recreational training school.
- Social club or lodge.
- Call center.
- Office.
- Brewery tap room and retail sales.
- Motor vehicle dealership.
- Retail goods establishment.
- Animal hospital.
- Banquet hall.
- Car wash.
- Caterer.
- Day care center, adult or child.
- Equipment repair.

- Financial institution.
- Funeral home.
- General business services.
- Helistop.
- Hospital.
- Hotel/motel.
- Kennel.
- Medical rehabilitation facility, residential.
- Medical dental clinic.
- Medical/dental laboratory.
- Meeting/event center.
- Motor vehicle rental establishment.
- Motor vehicle service station/fuel center.
- Motor vehicle service and repair, major.
- Motor vehicle service and repair, minor.
- Parking lot (principal use).
- Parking structure (principal use).
- Personal services establishment.
- Printing shop.
- Research and development facility.
- Restaurant, full service and carry out.
- Restaurant, quick service.
- Government and education.
- Educational, primary and secondary.
- Educational facility, college/university.
- Educational facility, vocational school.
- Government facility and offices.
- Public works facility and utility.
- Industrial/heavy retail.
- Taxidermy.
- Utility, private.
- Contractor office and storage yard.
- Food service contractor.
- Heavy retail, rental and service establishment.
- Machine shop.
- Motor vehicle operations facility.
- Reupholstery/custom home textiles.
- Self-service storage facility.
- Welding shop.
- Manufacturing, heavy.
- Manufacturing, light.
- Concrete or asphalt plant.
- Sign manufacturing/fabricating.
- Trucking company/terminal.
- Warehouse/distribution.
- Radio and television towers and transmission facilities.
- Recycling drop-off center.
- Solar farm, wind turbine farm, or similar.
- Short-term rental.
- Wireless telecommunications tower.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 7.5. IH Heavy industrial.

The IH zoning district is intended to provide appropriate locations for intensive manufacturing and processing uses, including waste disposal and similar uses where odor, noise and other potentially negative characteristics are likely. The IH district should have direct access to major streets and be generally situated in locations removed or buffered from residential uses.

A. *Bulk regulations.*

Table 16. IH Bulk Regulations

Category	Requirement
Minimum Lot Size	40,000 sq ft
Minimum Lot Width	100'
Front Setback	100'
Side Setback	100'
Rear Setback	100'
Maximum Building Height	60'
Is Design Review Required	Yes

B. *Permitted uses.*

- Firing range, indoor.
- Health/fitness center.
- Indoor entertainment facility.
- Indoor recreation facility.
- Live entertainment.
- Outdoor entertainment facility.
- Outdoor recreation facility.
- Racetrack.
- Recreational training school.
- Social club or lodge.
- Call center.
- Office.
- Brewery tap room and retail sales.
- Motor vehicle dealership.
- Retail goods establishment.
- Animal hospital.
- Banquet hall.
- Car wash.
- Caterer.
- Day care center, adult or child.
- Equipment repair.
- Financial institution.
- Funeral home.
- General business services.
- Helistop.
- Hospital.
- Hotel/motel.

- Kennel.
- Medical rehabilitation facility, residential.
- Medical dental clinic.
- Medical/dental laboratory.
- Meeting/event center.
- Motor vehicle rental establishment.
- Motor vehicle service station/fuel center.
- Motor vehicle service and repair, major.
- Motor vehicle service and repair, minor.
- Parking lot (principal use).
- Parking structure (principal use).
- Personal services establishment.
- Printing shop.
- Research and development facility.
- Restaurant, full service and carry out.
- Restaurant, quick service.
- Government and education.
- Educational, primary and secondary.
- Educational facility, college/university.
- Educational facility, vocational school.
- Government facility and offices.
- Public works facility and utility.
- Industrial/heavy retail.
- Taxidermy.
- Utility, private.
- Contractor office and storage yard.
- Food service contractor.
- Heavy retail, rental and service establishment.
- Machine shop.
- Motor vehicle operations facility.
- Reupholstery/custom home textiles.
- Self-service storage facility.
- Welding shop.
- Manufacturing, heavy.
- Manufacturing, light.
- Concrete or asphalt plant.
- Sign manufacturing/fabricating.
- Trucking company/terminal.
- Warehouse/distribution.
- High impact facilities.
- Radio and television towers and transmission facilities.
- Recycling drop-off center.
- Sexually oriented business.
- Solar farm, wind turbine farm, or similar.
- Short-term rental.
- Wireless telecommunications tower.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 8. OVERLAY DISTRICTS

Sec. 8.1. Statement of purpose.

Overlay districts are districts that provide an extra layer of regulation to meet specific needs and purposes. These type regulations may supersede the base zone district requirements or modify them in various ways. The general purpose is to provide extra protection beyond the base districts for the specific purposes as defined below.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 8.2. FPD Floodplain overlay district.

A. *Statutory authorization, findings of fact, purpose, and objectives.* The legislature of the state has in T.C.A. §§ 13-7-201—13-7-310, delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city mayor and commissioners do ordain as follows:

1. *Findings of fact.*

   a. The city mayor and commissioners wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the requirements of NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

   b. Areas of the city are subject to periodic 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.

   c. 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, floodproofed, or otherwise unprotected from flood damages.

2. *Statement of purpose.* It is the purpose of this ordinance 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:

   a. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging in erosion, flood heights, or velocities;

   b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of the initial construction;

   c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

   d. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

   e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

3. *Objectives.* The objectives of this ordinance are:

   a. To protect human life, health, and property;

   b. To minimize expenditure of public funds for costly flood control projects;

   c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

   d. To minimize prolonged business interruptions;

   e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in flood-prone areas;

   f. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas to minimize blight in flood areas;

   g. To ensure that potential homebuyers are notified that property in a flood-prone area;

   h. To maintain eligibility for participation in the NFIP.

B. *Definitions.* Unless specifically defined below, words or phrases used in this ordinance 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.

- *Accessory structure* shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
  - Accessory structures shall only be used for parking of vehicles and storage.
  - Accessory structures shall be designed to have low flood damage potential.
  - Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
  - Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
  - Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.
- *Act* means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
- *Addition (to existing building)* means any walled and roofed expansion to the perimeter or height of a building.
- *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.
- *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.
- *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 (FHMB). 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.

- *Area of special flood hazard.* See "Special flood hazard area."
- *Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the "100-year flood" or the "one-percent annual chance flood."
- *Basement* means any portion of a building having its floor subgrade (below ground level) on all sides.
- *Building.* See "Structure."
- *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 storage of equipment or materials.
- *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 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.
- *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.
- *Erosion* means the process of the gradual wearing away of land masses. This peril is not "per say" covered under the program.
- *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.
- *Existing construction* means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.
- *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 NFIP.
- *Existing structures.* See "Existing construction."
- *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).
- *Flood* or *flooding*:
    - A general and temporary condition of partial or complete inundation of normally dry land areas from:
        - The overflow of inland or tidal waters.

        - The unusual and rapid accumulation or runoff or surface waters from any source.
        - Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
    - The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.
- *Flood elevation determination* means a determination by the Federal Emergency Management Agency (FEMA) 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.
- *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 hazards.
- *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.
- *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.
- *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.
- *Floodplain* or *flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- *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.
- *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.
- *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.
- *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.

- *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.
- *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 floodplain management regulations.
- *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.
- *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.
- *Freeboard* means a safety 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, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed.
- *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.
- *Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
- *Historic structure* means any structure that is:
    - 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;
    - 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;
    - 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
    - Individually listed on the city inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
        - By the approved Tennessee program as determined by the secretary of the interior, or
        - Directly by the secretary of the interior.

- *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.
- *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.
- *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.
- *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.
- *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.
- *Map* means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.
- *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.
- *National Geodetic Vertical Datum (NGVD)* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- *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.
- *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.
- *North American Vertical Datum (NAVD)* as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- *100-year flood.* See "Base flood."
- *Person* includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
- *Reasonably safe from flooding* means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.
- *Recreational vehicle* means a vehicle which is:

- Built on a single chassis;
- 400 square feet of less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- *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.
- *Regulatory flood protection elevation* means the "base flood elevation" plus the "freeboard". In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet above the highest adjacent grade.
- *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- *Special flood hazard area* 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, A99, or AH.
- *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.
- *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.
- *State coordinating agency* means the Tennessee Department of Economic and Community Development at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.
- *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.
- *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.

- *Substantial improvement* means any repairs, reconstructions, rehabilitations, additions, alterations, or other improvements to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 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 preidentified 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".
- *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.
- *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.
- *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.
- *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.

C. *General provisions.*

1. *Application.* This ordinance shall apply to all areas within incorporated area of the city.
2. *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified on the City of Mount Pleasant, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers, 447119C0255E, 47119C0265E, and 47119C0270E dated April 16, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.
3. *Requirement for development permit.* A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.
4. *Compliance.* No land, 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.
5. *Abrogation and greater restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance conflicts or

overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

6. *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

7. *Warning and disclaimer of liability.* 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 Mount Pleasant, 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.

8. *Penalties for violation.* 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 from taking such other lawful actions to prevent or remedy any violation.

D. *Administration.* the building and planning director, or their designee, is hereby appointed as the administrator to implement the provisions of this ordinance.

E. *Permit procedures.* 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 certain height above 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 BFE's are available, or to the highest adjacent grade when applicable under this ordinance.

   c. A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in subsection 8.2.E.2.b of this ordinance.

   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

   e. In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide the floodplain administrator with a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary, to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

      - An itemized costs of materials and labor or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.

- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. *Construction stage.*

   a. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under direct supervision of a Tennessee registered land surveyor and certified by the same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of a Tennessee registered professional, engineer, or architect and certified by the same.

   b. Within approximate A Zones, where base 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. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of a Tennessee registered professional, engineer, or architect and certified by the same.

   c. For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

   d. 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.

F. *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 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. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. 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 subsection 8.2.E.2
7. 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 subsection 8.2.E.2
8. 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 subsection 8.2.D.
9. 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.
10. 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.
11. 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 flood proofed to a level of at least three feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in subsection 8.2.E.2.
12. Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provision of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
13. A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two photographs showing the front and rea of the building taken within 90 days from the date of certification. the photographs must be taken with views confirming the building description and diagram number provided in subsection A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

G. *Provisions for flood hazard reduction.*

1. *General standards.* In all flood prone areas, the following provisions are required:

   a. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

   b. 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;

   c. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

   d. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

   e. 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;

   f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

   g. 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;

   h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

   i. 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;

   j. 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; and

   k. For each cubic yard of fill material placed within the regulatory floodplain on a site, a cubic yard of material shall be removed from the regulatory floodplain on the same site or nearby approved site. Said nearby approved site must be approved by the planning commission and the administrator. The nearby approved site for removing material to create floodplain storage to offset any fill placed within the floodplain or any displacement of floodplain storage shall meet the requirements and/or policy as recommended by the United States Army Corps of Engineers.

2. *Specific standards.* These provisions shall apply to all areas of special flood hazard as provided herein:

   a. *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 feet 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 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 flood proofed to a level of at least three feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in subsection 8.2.E.2.

b. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or flood proofed no lower than one 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 flood proofed to a level of at least three feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in subsection 8.2.E.2.

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 subsection 8.2.E.2.

c. *Enclosures.* 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.

i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- 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;
- The bottom of all openings shall be no higher than one foot above the finish grade; and
- Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

ii. 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

iii. 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 partitions shall comply with the of this ordinance.

3. *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:

i. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than two feet above the level of the base flood elevation, or

ii. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three 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 been substantially improved, must meet the standards of this ordinance.

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:

i. Be on the site for fewer than 180 consecutive days;

ii. 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.)

iii. 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.

4. *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 greater than 50 lots and/or five acres in area).

5. *Standards for areas of special flood hazard with established base flood elevations and with floodways designated.* Located within the areas of special flood hazard 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:

a. 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 in 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.

b. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of subsection 8.2.G.

6. *Standards for areas of special flood hazard zones AE with established base flood elevation but without floodways designated.* Located within the areas of special flood hazard established in subsection 8.2.C where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

a. 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 foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

b. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this section.

7. *Standards for streams without established base flood elevations or floodways (A Zones).* Located within the areas of special flood hazard established in subsection 8.2.C, 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:

a. When base flood elevation data or floodway data have not been provided in accordance with subsection 8.2.C, 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 provisions of section 8.2. only if data is not available from these sources, then the following provisions (subsections 7(b) and 7(c)) shall apply:

b. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the 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 foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

c. 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 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 subsection 8.2.G.2.and "elevated buildings".

8. *Standards for areas of shallow flooding (AO and AH Zones).* Located within the areas of special flood hazard established in subsection 8.2.C are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined

channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

a. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to at least two feet 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 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 8.2.G.2.a., and "elevated buildings".

b. All new construction and substantial improvements of nonresidential buildings shall:

i. Have the lowest floor, including basement, elevated to at least one 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 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 8.2.G.2.b, and "elevated buildings".

ii. All new construction and substantial improvements of non-residential 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 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 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 subsection 8.2.G.2.b & c.

c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

d. 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.

9. *Standards for areas protected by flood protection system (A-99 Zones).* Located within the areas of special flood hazard established in subsection 8.2.C 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 subsection 8.2.G shall apply.

H. *Standards for unmapped streams.* Located within Mount Pleasant, 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 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 subsection 8.2.G.

I. *Variance procedures.*

1. *[Applicability.]* The provisions of this section shall apply exclusively to areas of special flood hazards within Mount Pleasant, Tennessee.

2. *Municipal board of zoning appeals.*

a. *Authority.* The municipal board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b. *Procedure.* Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the board of commissioners.

c. *Appeals—How taken.* An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of $250.00 for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 60 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

d. *Powers.* The municipal board of zoning appeals shall have the following powers:

1. *Administrative review.* To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

2. *Variance procedures.* In the case of a request for a variance the following shall apply:

a) The municipal board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

c) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other property to the injury of others;

2. The danger to life and property due to flooding or erosion;
3. The susceptibility of the services provided by the proposed facility and its contents to flood damage;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. 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;
10. 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, water systems, and streets and bridges.

d) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. *Conditions on 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: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or 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 elevation will result in increased premium rates for flood insurance coverage, and that such construction below the base flood elevation increases risks to life and property.

d) The administrator shall maintain the records of all appeal actions and report any variances to the FEMA upon request.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018; Ord. No. 2021-1090, § 1(Exh. A), 1-18-2022)

Sec. 8.3. APD Airport overlay district.

Maury County Regional Airport—All airport zoning regulations and maps adopted prior to January 1, 2018 that are applicable to the environs of Maury County Regional Airport shall remain in full force and effect until such time as Maury County Regional Airport shall have ceased to be an operating airport requiring such zoning as determined jointly by the City of Mount Pleasant, the Maury County Regional Authority, and the FAA.

A. *Definitions.* As used in this section, unless the context otherwise requires:

- *Airport* means the Maury County Regional Airport located at 1200 N Main Street, Mount Pleasant in Maury County, TN.
- *Airport elevation* means 681 feet above mean sea level.
- *Approach surface* means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in below in this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- *Approach, transitional, horizontal, and conical zones* are as set forth below in this ordinance.
- *Board of zoning appeals* means the City of Mount Pleasant Board of Zoning Appeals established in section 2.3 of this ordinance in accordance with the laws of the State of Tennessee.
- *Conical surface* means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- *Hazard to air navigation* means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- *Height,* for the purpose of determining the height limits in all zones set forth in the ordinance and shown on the airport zoning map adopted by the ordinance; the datum shall be mean sea level elevation unless otherwise specified.
- *Horizontal surface* means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- *Larger than utility runway* means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- *Nonconforming use* means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
- *Nonprecision instrument runway* means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- *Obstruction* means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this ordinance.

- *Person* means an individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- *Precision instrument runway* means a runway, having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- *Primary surface* means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway; for military runways or when the surface has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this ordinance under airport zones and airport zoning map. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- *Runway* means a defined area on an airport prepared for landing and take-off of aircraft along its length.
- *Runway protection zone* means a trapezoidal extension of each end of each runway as depicted on the airport layout map.
- *Runway safety area* means a quadrangle extension of each runway as depicted on the airport layout map.
- *Structure* means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestack, earth formation, and overhead transmission lines.
- *Transitional surfaces* means these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
- *Tree* means any object of natural growth.
- *Utility runway* means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- *Visual runway* means a runway intended solely for the operation of aircraft using visual approach procedures.

B. *Airport zones and airport zoning map.* In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Maury County Regional Airport. Such zones are shown on City of Mount Pleasant Airport Zoning Map consisting of one sheet, prepared by the Airport Authority, dated, November 20, 2018, which is attached this ordinance and made a part thereof (see Appendix A to this ordinance which also contains an illustrative map highlighting the street network within the airport zoning area).

An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The regulations prescribed herein shall apply only to those portions

of zones which are located inside of the corporate limits of the City of Mount Pleasant or which become located inside the corporate limits of the City of Mount Pleasant due to annexation. The various zones are hereby established and defined as follows:

1. *Approach zone*—Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. *Transitional zones*—The transitional zones are the areas beneath the transitional surfaces.
3. *Horizontal zone*—The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. *Conical zone*—The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet.

C. *Airport zone height limitations.* Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any airport approach surface zone, transitional surface zone, or horizontal surface zone to a height in excess of the applicable height herein established for such zone. Additionally, no structure shall be erected or altered within the conical surface zone to a height in excess of the height limit herein established for zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. *Approach zone*—Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. *Transitional zones*—Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 860 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
3. *Horizontal zone*—Established at a height of 150 feet above the airport elevation or at a height of 850 feet above mean sea level.
4. *Conical zone*—Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

D. *Land use compatibility and use restrictions.* Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards,

or otherwise in any way endanger or interfere with the taxiing, takeoff, landing, or maneuvering of aircraft intending to use the airport.

1. *Incompatible land uses.* Incompatible land uses around an airport can adversely affect the safe and efficient operation of aircraft and adversely affect the safety and quality of life of the general public. Incompatible uses within the airport zoning overlay can include wildlife-attracting land uses such as wetland and landfills as well as hazards to aircraft navigation such as cell towers, antennae, smoke creation and electrical signal generation. For noise avoidance and public safety, incompatible land uses include high density residential developments, schools, hospitals, places of worship, concert halls, and other uses where large numbers of people congregate.

   Federal statutes as enacted in the Airport and Airway Improvement Act of 1982, Section 150, and as amended in 2012, specifically identifies any development within a runway protection zone or runway safety area as a nonconforming use.

2. *Nonconforming uses.*

   a. *Regulations not retroactive.* The regulations prescribed in this ordinance are not retroactive and the ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use in place prior to the ordinance. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted.

   b. *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Maury Regional Airport Authority.

E. *Permits.*

1. *Future uses.* In addition to any prerequisites for obtaining any permit already established by the City of Mount Pleasant or Maury County, all permits within the airport overlay district issued by the City of Mount Pleasant and Maury County will additionally be reviewed for conformity with the requirements of this ordinance. Furthermore, nothing in this ordinance shall require a permit not otherwise required for any tree or structure meeting the provisions of subsections a., b., and c. hereunder.

   a. In the area lying within the limits of the horizontal zone and conical zone, any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such zones.

   b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

   c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or

topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by the ordinance except as set forth in this ordinance. Additionally, no permit for any use inconsistent with the provisions of this resolution shall be granted unless a variance has been approved in accordance with the provisions of this ordinance.

2. *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for a permit otherwise complying with all of the requirements of the permitting jurisdiction, the City of Mount Pleasant and Maury County as the case maybe, will be granted.

3. *Nonconforming uses abandoned or destroyed.* Whenever the city building official determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to be reconstructed or replaced to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the board of zoning appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the board of zoning appeals unless a copy of the application has been furnished to the Maury County Regional Airport Authority for review as to the aeronautical effects of the variance. It is the intent of the city to fully comply with all federal regulations and statutes as of the date of this ordinance, and as may be lawfully updated or established by the FAA or other controlling Federal agency. The Airport Authority will have responsibility for coordination with Tennessee Department of Transportation—Aeronautics Division and the FAA in obtaining the letter of determination from the FAA. If the airport authority does not respond to the application within 15 days after receipt, the board of zoning appeals may act on its own to grant or deny said application.

5. *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of zoning appeals, this condition may be modified to require the owner to permit the Maury Regional Municipal Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

F. *Violations unlawful, enforcement, and penalties.* Violations of this ordinance are declared to be unlawful. It shall be the duty of the city planning and zoning department to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city upon a

form published for that purpose. Applications required by this ordinance to be submitted to the city planning and zoning shall be promptly considered and granted or denied. Application for action by the board of zoning appeals shall be forthwith transmitted by the city. Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall be punishable in accordance with the guidelines established elsewhere in the city zoning regulations.

G. *Board of zoning appeals and judicial review.* In addition to the powers and duties elsewhere conferred upon the board of zoning appeals by the city's zoning ordinance, the board of zoning appeals shall also have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the community development department staff, including but not limited to the building official, or their agents in the enforcement of this ordinance; and

2. To hear and decide special exceptions to the terms of this ordinance upon which such board of zoning appeals under such regulations may be required to pass; and

3. To hear and decide specific variances.

Any person aggrieved, or any taxpayer affected, by any decision of the board of zoning appeals, may appeal to either the Circuit Court or Chancery Court as provided in T.C.A. tit. 27, ch. 9.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 8.4. Historic preservation (Reserved).

Sec. 8.5. PUD Planned Unit Development overlay district

A. *Intent and Purpose.* The Planned Unit Development (PUD) overlay seeks to provide an adaptable mixed-use district that allows various uses to better serve the community in an efficient way. Planned Unit Developments combine complementary zoning types, such as commercial and residential, to form the creation of a desirable and harmonious living area that meets a variety of needs in one district. A PUD would have a set plan that includes a customized combination of permitted uses, zoning types, and bulk regulation standards that are to be followed within that district. The plan for a PUD will need approval from the Planning Commission. The standards for a PUD must align with the standards and regulations set forth in other regulating documents (i.e., Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and Transportation Plan). PUDs are a way to strategically create long-range plans for a whole tract of land in a coordinated, compatible, and well-thought-out design.

B. *PUD General Regulations.* The tract(s) of land designated for a PUD must be under single ownership before a plan can be created. The PUD district will establish minimum standard bulk regulations; however, the bulk regulations will vary based on the development and may incorporate a combination of bulk regulations from multiple zoning districts. If changes are proposed to be made to the PUD after it is approved, the Planning Staff will decide if the change can be approved by the Planning Staff directly as a minor deviation or if the change is significant enough that it must be brought before the Planning Commission for approval as an amendment to the PUD.

a. When filing applications for required approvals after the initial approval, the applicant must identify any deviations from the approved planned development. The Planning staff shall evaluate the deviations to determine whether they are substantial or minor in accordance with the following criteria for minor changes:

i. A less than two percent (2%) decrease in density than the approved outline plan; or

ii. It provides greater open space by at least 5% of the total lot area with the elimination of or reduction in the size of residential, commercial or industrial buildings; or

iii. It modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements based on the size of the development:

1. Less than 5 feet for plans of 8 acres or less
2. Less than 10 feet for plans greater than 8 acres but less than 20 acres
3. Less than 15 feet for plans greater than 20 acres

iv. Changes in external materials of no more than 20% of an exterior façade; or

v. Changes to site fixtures, such as location or appearance, affecting no more than 20% of the approved fixtures.

C. *Minimum Standards.*

Table 17. PUD Minimum Bulk Regulations

Category	Residential Requirement	Commercial Requirement
Minimum PUD Size	5 acres	5 acres
Minimum Lot Size	5,000 sq. ft. for single-family 2,200 sq. ft. for townhomes 2,000 sq. ft. per unit for multifamily	20,000 sq. ft.
Minimum Lot Width	50' for single-family	100'
Front Setback	*See note 1*	
Side Setback		
Rear Setback		
Maximum Lot Coverage	Percentage to be determined by the PUD master plan	40-60%
Maximum Building Height	35'	60' or 35' if adjacent to residential
Minimum Open Space	15%	10-15%

1. *Setbacks to be determined by preliminary PUD master plan.*

D. *Common Space and Common Elements.* Common space and elements must provide recreational, visual, or environmental amenities. The development/construction of common spaces should be phased in coordination with the construction of the PUD, unless their completion is confirmed by a performance guarantee. Upon approval by the Planning Commission for the planned development, provisions must be set in place to ensure the maintenance of all open space through a Property Owners Association (POA) or Homeowners Association (HOA).

E. *Permitted Uses.* Permitted uses may vary and be determined by the underlying zoning districts within the planned development. Proposed uses shall be documented in the PUD master plan.

F. *Design Standards.* A PUD may establish architectural guidelines that are to be followed, such as materials, façade requirements, etc.

G. *PUD Process and Approval*

1. *Pre-Application Meeting.* The Pre-Application meeting will entail informing staff of the plan and have staff help guide the developer through the process of creating the PUD.
2. *Preliminary PUD Submission.* At the preliminary PUD plan set submission, the developer should provide staff with a plan consisting of:
   a. Location and name of proposed PUD
   b. The size of the site
   c. Legal description and boundary survey
   d. A location map, including scale and north arrow
   e. Proposed zoning districts within the PUD

f. Proposed land uses
g. Site data table including property owner's name and address, developer's names and address, and Tax Map and Parcel Number
h. Identification of surrounding property owners and zoning types
i. Layout of the proposed development, including structures, open space, streets, sidewalks, utilities, easements, and other features
j. A survey showing existing and proposed topographic contour lines at one- to two-foot intervals and any areas with significant sloping
k. All existing water features, including rivers, streams, creeks, lakes, ponds, and wetlands should be identified
l. All flood hazard areas should be identified, including floodways and floodplains, with a reference to the FEMA Flood Insurance Rate Maps with the panel number
m. Relevant Plat Book and page numbers
n. A general landscaping plan including information on buffer yards and required landscaped areas
o. General descriptions and locations of proposed storm water drainage
p. A traffic study including traffic volumes and movements
q. Colored plans showing general building elevations and materials
r. Statement of financial responsibility
s. A preliminary implementation schedule for the entire project
t. A photometric plan and details of all lighting fixtures

3. *PUD is taken to the Planning Commission.* A Preliminary PUD plan set is taken to the Planning Commission for a reading and public hearing. The Planning Commission will make a recommendation, for or against approval, to the City Commission.
4. *Preliminary PUD proceeds to the City Commission.* The Preliminary PUD plan set proceeds to the City Commission with a positive or negative recommendation from the Planning Commission. The City Commission reviews the Preliminary PUD plan set in consideration of the Planning Commission's recommendation.
5. *If approved, construction documents are submitted*. After approval of the Preliminary PUD by the City Commission, construction documents are submitted for review by staff. Construction documents based on the Preliminary PUD will be reviewed by the Planning Staff. The construction document shall consist of:
    a. Location and name of proposed PUD
    b. The size of the site
    c. A location map, including a scale and north arrow
    d. Proposed zoning districts
    e. Proposed land uses
    f. Site data table including property owner's name and address, developer's names and address, and Tax Map and Parcel Number
    g. Layout of the proposed development, including structures, open space, streets, sidewalks, utilities, easements, and other features
    h. A survey showing existing and proposed topographic contour lines at one- to two-foot intervals and any areas with significant sloping
    i. All existing water features, including rivers, streams, creeks, lakes, ponds, and wetlands should be identified
    j. All flood hazard areas should be identified, including floodways and floodplains with a reference to the FEMA Flood Insurance Rate Maps with the panel number
    k. The proposed stormwater management plan
    l. Name, address, and contact information for all utilities

m. All locations for utilities, including water, sanitary sewer, gas, electric, phone, and cable and locations of all utility appurtenances
n. All proposed and existing easements and rights-of-way
o. Proposed construction phasing plan, if applicable
p. Proposed erosion and sediment control plans
q. Maintenance of traffic plan for all construction activities
r. Location of any construction trailers
s. Detailed plans for open space amenities
t. Limits of disturbance and a geo-technical report

6. *A Final PUD plan set is submitted.* Once the construction plans are substantially complete, a final PUD, with all of the following items, will be submitted to the Planning Commission for review and if approved, all necessary permits are required before construction begins, and final plats can be submitted to create lots of record:

a. Location and name of proposed PUD
b. The size of the site
c. A location map, including a scale and north arrow
d. Proposed zoning districts
e. Proposed land uses
f. Site data table including the property owner's name and address, the developer's name and address, and the Tax Map and Parcel Number
g. Layout of the proposed development, including structures, open space, streets, sidewalks, utilities, easements, and other features
h. A survey showing existing and proposed topographic contour lines at one- to two-foot intervals and any areas with significant sloping
i. All existing water features, including rivers, streams, creeks, lakes, ponds, and wetlands should be identified
j. All flood hazard areas should be identified, including floodways and floodplains, with a reference to the FEMA Flood Insurance Rate Maps with the panel number
k. Areas intended for parking with parking calculations
l. Detailed landscape plans including detailed buffer yards, open spaces, amenities, including light furnishings and mailboxes, and all landscaped areas as required by the preliminary plan
m. Drainage calculations along with detailed location for detention/retention areas
n. An implementation schedule for the completion of the project
o. All locations for utilities, including water, sanitary sewer, gas, electric, phone, and cable and locations of all utility appurtenances
p. A traffic study including traffic volumes and movements
q. Details of the proposed traffic control and access management plans
r. Photometric plans with details of all lighting fixtures
s. The proposed stormwater management plan
t. Adjacent property owner's names, developments, Tax Map and parcel numbers, and zoning classifications
u. A statement regarding the proposed method for operating and financing the project and a Statement of Financial Responsibility
v. Detailed signage plans
w. Detailed architectural plans, including all building elevations and materials
x. Street names for all proposed streets

SECTION 9. SUPPLEMENTARY STANDARDS

Sec. 9.1. Purpose.

The purpose of this section is to set forth supplemental standards for the use of land and buildings to ensure that the use is compatible with the surrounding area. This section is also intended to set forth standards for other structures and uses on a lot other than for the principal building and use. This includes accessory buildings, structures and uses, and permitted encroachments. This section also sets forth standards for temporary uses and structures.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 9.2. Use of land and buildings.

A. *Use to be in conformity.* No building, structure, or premises shall be used or occupied except in conformity with the regulations for the zoning district in which it is located. No building or structure shall be erected, reconstructed, extended, enlarged, altered, or moved except in conformity with the regulations of the zoning district in which it is located.

B. *Number of buildings on a lot.* In the R1, R2, and R3 zoning districts there shall be no more than one principal building per lot. In all other districts, more than one building may be erected on a single lot, provided that each building shall comply with all yard and bulk requirements of a district as though it were a principal building on an individual lot.

C. *All activities within an enclosed building.* Within all districts, all activities, including storage, shall be conducted entirely within an enclosed building, with the exception of the following activities and uses:

1. Off-street parking and loading, in accordance with section 11.2 (off-street parking and loading).
2. Outdoor businesses, and those businesses with an outdoor component, including, but not limited to, outdoor entertainment, outdoor recreation, restaurants, car sales, car washes, kennels, and similar businesses. These businesses may be limited, or outdoor components prohibited, as a condition of a conditional use permit.
3. Outdoor storage, and outdoor sales and display areas, in accordance with subsection 10.9.N. (outdoor display) and subsection 10.9.O (outdoor storage) below.
4. Temporary uses, in accordance with section 10.11 (temporary uses and structures).

D. *Frontage on a public or private street.* All buildings shall front on a public or private street. Private streets include streets or drives within a recorded easement.

E. *Required yards.* No lot shall be reduced in area so that the yards are less than required by this ordinance. The yards of a building or structure shall not be considered yard space for any other building or structure. All yards allocated to a building or structure shall be located on the same zoning lot as such building or structure. Yards may be used for parking, landscaping, and other accessory uses provided all requirements of this ordinance are met. Rear yards shall not be required where a building in an industrial zone borders a railroad.

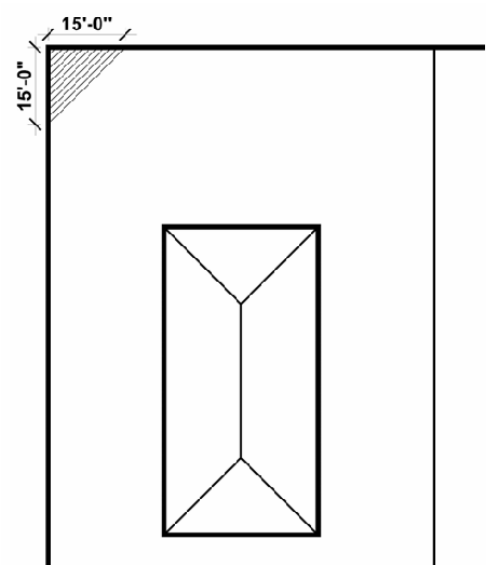
F. *Applicability of bulk requirements.* All buildings and structures erected after the effective date of this ordinance shall meet the lot size, yard size, and other bulk regulations for the zoning district in which the building or structure is located. No existing building shall be enlarged, altered, reconstructed, or relocated in

such a manner that conflicts with the regulations of the zoning district in which the building or structure shall be located except as may be allowed by section 13 (nonconforming use standards).

G. *Applicability of use restrictions.* No building, structure, or land shall be used for any use other than one allowed as either a permitted or conditional use in the zoning district in which such building, structure, or land is located. Buildings, structures, or land may also be used for a temporary use or accessory use, in accordance with the requirements of section 10.11 (temporary uses and structures) and section 10.4 (permitted accessory uses).

H. *Motorist view obstruction in residential districts.* The site clearance area at the intersection of two streets within residential districts shall be defined as a triangular area of a corner lot measured 15 feet from the point of intersection of the property lines of the lot along a street; and shall not be obstructed by any sign, wall, fence, hedge, shrub, or other object which exceeds 24 inches in height. Trees may be maintained within this area as long as there is no foliage within 48 inches as measured from the ground to the lowest foliage. In the event that the grade of a lot is higher than the street grade, the height of the wall, fence, hedge, or shrub shall be reduced so that the site clearance is not obstructed 24 inches over the grade of the street (Figure 1).

Figure 1. View Obstruction



I. *Buildings not to be on easements.* No building, pool, deck, patio, or permanent structure shall be located on an easement except as allowed by this ordinance regarding accessory buildings without a permanent foundation.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 9.3. Use-specific standards.

In addition to the use standards below, all uses are required to comply with the provisions of this ordinance including, but not limited to, section 11 (site development standards), section 11.2 (off-street parking and loading), section 11.3 (outdoor lighting), section 11.4 (landscaping, screening, and tree preservation), section 12 (sign standards) and section 13 (nonconforming use standards), and all other city regulations.

A. *Assisted living facility, independent living facility, and nursing home.* Assisted living facilities, independent living facilities, and nursing homes shall meet all federal, state, and local requirements

including, but not limited to, licensing, health, safety, and building code requirements. In addition, the following criteria shall be required:

1. The location, design, and operation of the facility shall be compatible with, and shall not adversely affect, adjacent properties and the surrounding area.
2. The facility shall be harmonious with surrounding buildings, in respect to scale, architectural design, and building placement. If located within a residential district, the facility shall not alter the residential character of the neighborhood.
3. The surrounding street network shall be capable of accommodating the traffic generated by the facility.

B. *Community residence.* Community residences shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. In addition, the following criteria shall be required.

1. The location, design, and operation of the facility will not alter the residential character of the neighborhood.
2. The facility shall retain a residential character, which shall be compatible with the surrounding neighborhood.
3. The operation of the facility shall not adversely impact surrounding properties.

C. *Day care center, adult and child.* Day care centers shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. In addition, the following criteria shall be required:

1. Adequate on-site drop-off zones, sidewalks, and exterior lighting shall be provided.
2. The amount of traffic or noise to be generated shall not be excessive.
3. Adequate open space and recreational areas shall be provided.

D. *Day care home, adult and child.*

1. Day care homes shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. In addition, the following criteria shall be required:
    a. Adequate on-site drop-off zones, sidewalks, and exterior lighting shall be provided.
    b. The amount of traffic or noise to be generated shall not be excessive.
    c. Adequate open space and recreational areas shall be provided.
    d. The day care home shall retain a residential character and the effect of the day care home shall not alter the residential character of the neighborhood.
    e. The operation of the day care home shall not adversely impact surrounding properties.
2. Services are provided in a protective setting for more than four, up to a maximum of 12, children or adults for less than 24 hours per day.
3. Child day care home does not include facilities which receive only children from a single household.

E. *Dwelling, multi-family and dwelling, townhouse.* See section 11 (site development standards) and the Design Review Guidelines Manual.

F. *Entertainment and recreation facilities, indoor or outdoor.* Entertainment and recreation facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

G. *Kennel.*

1. Exterior enclosures and runs shall provide protection against weather extremes. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
2. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
3. Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.
4. Kennel noise shall be mitigated so as not to create a public nuisance for adjoining properties. This shall exclude noise from exercise or training while outdoors during the daytime. Kennels shall comply with all local noise regulations.

H. *Motor vehicle service station.*

1. Motor vehicle service station and fuel center canopies shall be designed with luminaires fully recessed into the ceiling of the canopy to minimize light pollution. Light intensity directly under the canopy shall not exceed 30 foot-candles at any location. All lighting mounted under the canopy, including auxiliary lighting within signage and panels over the pumps, shall be included in the 30-foot-candle limit. For service stations and fuel centers adjacent to residential zones, see subsection 11.3.C (light trespass).
2. All motor vehicle service station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. Motor vehicle service stations may offer convenience items for sale as a secondary activity.
4. Motor vehicle service stations may also include an automatic car wash with one bay. Stacking spaces shall be in accordance with section 11.2 (off-street parking and loading). More than one bay constitutes a separate principal use and requires compliance as such.
5. Reserved.
6. In addition, minor motor vehicle repair shops may be included as part of a motor vehicle service station. However, they shall be subject to the provisions of this section and the standards of subsection 9.3.J. (motor vehicle service and repair, major and minor) below.

I. *Motor vehicle operations facility.* All repair operations and service bays shall be fully enclosed.

J. *Motor vehicle service and repair, major or minor.*

1. Minor motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than ten days. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than 90 days.
2. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. All repair operations shall be fully enclosed. Wrecked or junked vehicles shall not be stored for longer time periods than those specified above and shall be completely screened from the public right-of-way and any adjacent residential districts with a solid board fence and/or evergreen shrubs.

4. Minor motor vehicle service and repair shops may also include gas stations as a secondary use. All gas stations which are part of such an establishment must comply with the regulations of subsection H. (motor vehicle service station).

K. *Sexually-oriented business.* Sexually-oriented business shall be subject to the following standards:

1. No sexually-oriented business shall be located within 1,000 feet of any other sexually-oriented business or any residential district, school, place of worship, liquor store, or child care as measured in a straight line between the nearest parts of the two structures.
2. The sexually-oriented business shall be designed, located, and operated so that the public health, safety, comfort, convenience, and general welfare will be protected.
3. The sexually-oriented business shall not unduly increase traffic congestion in the public streets and highways in the area in which it is located.
4. The sexually-oriented business shall not cause additional public expense for fire or police protection.
5. No sexually-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any adjacent property. This provision shall apply to any display, decoration, sign, show window or other opening.

L. *Radio and television towers and transmission facilities.*

1. Site plan and design review approval is required in accordance with section 4.6 (site plan and design review).
2. All towers shall conform to the definition of tower as stated in section 14 (definitions).
3. The maximum height is 150 feet unless further restricted by the board of zoning appeals in the granting of a conditional use permit, if required.
4. All towers and facilities shall conform to the following provisions contained in appendix C (wireless telecommunications facilities and towers):
   a. AC.6 Setbacks.
   b. AC.7 Structural Requirements.
   c. AC.8 Separation of Towers.
   d. AC.9 Method of Determining Tower Height
   e. AC.10 Illumination.
   f. AC. 11 Exterior Finish.
   g. AC.12 Landscaping and Inspections.
   h. AC. 13 Telecommunications Facilities on Antenna Support Structures.
   i. AC. 14 Modification of Towers.
   j. AC.15 Certifications and Inspections.
   k. AC.16 Maintenance.
   l. AC.18 Abandonment.

m. AC.19 Special conditions for location of telecommunications facilities within residential districts. Subsections A. (property allowed), B. (location and co-location), C. (tower design), D. (protection against climbing), E. (color) and F. (equipment enclosure).

M. *Social club or lodge.*

1. Social clubs or lodges shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
2. Social clubs and lodges are permitted to serve food and meals on the premises. There shall be no sleeping facilities.

N. *Wireless telecommunications facilities and towers.* See appendix C (wireless telecommunications facilities and towers).

O. *Recycling drop-off center.*

1. All recyclables to be kept in leak-free enclosed bins.
2. All recyclables to be removed from the site no less than every two days.
3. All storage/collection bins and equipment to be screened as per subsection 11.4.K.3 (outdoor storage areas).
4. The site shall be kept odor free (at the property lines) and shall be kept free of bees and other insects.
5. Site plan approval is required as per section 4.6 (site plan and design review).
6. See also subsection 10.9.G (donation and recycle collection bins) for recycle collection bins as an accessory use.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 10. ACCESSORY USES, BUILDINGS, AND STRUCTURES

Sec. 10.1. Purpose.

The purpose of this section is to authorize the establishment of accessory uses, buildings, and structures that are incidental and customarily subordinate to principal uses. The city's intent in adopting this section is to allow a broad range of accessory uses, buildings, and structures, so long as such uses are located on the same lot as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.2. Compliance with ordinance requirements.

All accessory uses and accessory buildings and structures shall conform to the applicable requirements of this ordinance. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures. Barns and other farm buildings on property where agricultural uses are permitted are exempt from sections 10.4. through 10.9.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.3. General standards.

All accessory uses and accessory structures shall meet the following standards:

1. Directly serve the principal use or structure;
2. Be customarily accessory and clearly incidental and subordinate to principal use or structure;
3. Be subordinate in area, extent, and purpose to the principal use or structure;
4. Be owned or operated by the same person or company as the principal use or structure;
5. Be located on the same lot as the principal use or structure;
6. Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this ordinance; except that variances may be granted from the standards contained in sections 10.5 and 10.6 and from the minimum setback/yard requirements of this ordinance;
7. Not be constructed or established prior to the time the principal use or structure is constructed or established;
8. Not constitute a combination use, which is the combination of two principal uses. Combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use; and
9. Be a permitted or conditional use in the zone in which it is located or specifically listed as an accessory use in subsections 10.9.B—V or as allowed by subsection 10.4.B.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.4. Permitted accessory uses.

A. Subsections 10.9.B through V lists permitted accessory uses. Specific standards for these uses are given, including the extent to which each use may encroach into the required yards. The next section, section 10.10 (permitted encroachments and height exceptions), includes table 21 which lists additional permitted accessory uses and the extent to which they may encroach into required yards. Together, these two sections list all known accessory uses.

B. The planning director shall evaluate potential accessory uses that are not identified in subsections 10.9.B through V and table 21 (permitted encroachments) on a case-by-case basis, as an interpretation. In making the interpretation, the planning director shall apply the following standards.

   1. The definition of accessory use (see section 14: definitions), and the general accessory use standards established in section 10.3 (general standards).
   2. The purpose and intent of the zoning district in which the accessory use is located.
   3. Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
   4. The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.5. Location of accessory buildings and structures.

A. Accessory buildings and structures are prohibited within required yards of any lot, unless otherwise permitted by this ordinance.

B. Within all residential zones, accessory buildings and structures with a roof are further prohibited from being located in front of the principal building, unless otherwise permitted by this ordinance.

C. The following exceptions to subsections A. and B. above are allowed:

1. Accessory buildings and structures with a roof located at least ten feet from the principal building and not exceeding 400 square feet in size are allowed to encroach into the required yards as shown in Table 18:

Table 18. Location Requirements for Accessory Buildings and Structures

Lot Type	Requirement
Interior Lots	May encroach within five (5) feet of the rear and side lot lines. Garages and carports may be within five (5) feet of an alley or at least twenty (20) feet from the alley, no distance in between.
Double Frontage Lots	May encroach to within five (5) feet of the side line.
Corner Lots	May encroach to within five (5) feet of the side line and the rear line

2. For subdivisions with a platted minimum building setback line or front yard line or covenant which requires a greater setback, such setback shall be required.

3. Arbors, trellises, gazebos, and pergolas which are detached from the principal building, and which do not exceed 150 square feet of combined size or 15 feet in height in addition to being allowed the exceptions contained in subsection 10.5.C. may be located in front of the principal building and may encroach into the required front yard to within 20 feet of the street.

D. Accessory buildings and structures with a roof and a permanent foundation (concrete slabs or piers), and pools (and their aprons and/or decks) shall not be located on an easement. Accessory building without a permanent foundation may be located on an easement provided the property owner submits a notarized letter acknowledging that they could be required by any party having a right to the use of the easement to move the building off the easement.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.6. Maximum number and size of accessory buildings and structures.

A. In all residential zones a maximum of two detached accessory buildings and structures with a roof shall be permitted on a zone lot. Arbors, trellises, gazebos, and pergolas which do not exceed 150 square feet of combined size or 15 feet in height are exempt from this restriction. Note: Pools (in-ground or above-ground) do not count since they are structures without a roof.

B. In all residential zones, the area of all residential accessory buildings and structures with a roof on a zone lot shall not exceed the lesser of:

1. Fifty percent of the area of the house or 800 square feet on lots up to 15,000 square feet in size.

DRAFT

2. Fifty percent of the area of the house or 1,200 square feet on lots between 15,001 and 30,000 square feet in size.
3. Fifty percent of the area of the house or 1,800 square feet on lots between 30,001 square feet and one acre in size.
4. Fifty percent of the area of the house or 2,500 square feet on lots over one acre in size area refers to the area in square feet of all floors, covered porches and patios, attached garage and carport. Refer to the bulk regulations in section 6 (residential zoning districts) for maximum lot coverage.

C. Accessory Buildings on Large Lots (RA- Large Lot Residential/Agricultural)

1. *Number of Accessory Buildings*

On lots five (5) acres or greater, the maximum number of detached accessory buildings with a roof may be increased as shown in Table 19:

Table 19. Total Allowable Accessory Buildings and Structures – Lots of 5 acres or greater

Lot Size	Maximum Number of Accessory Buildings
5-9.99 acres	4 buildings
10-19.99	6 buildings
20+ acres	8 buildings

2. *Maximum Total Accessory Building Floor Area*

For lots five (5) acres or greater, the total floor area of all accessory buildings with a roof shall not exceed the values shown in Table 20:

Table 20. Maximum Accessory Building Area – Lots of 5 acres or greater

Lot Size	Maximum Accessory Building Area
5-9.99 acres	5,000 sq ft
10-19.99	8,000 sq ft
20+ acres	10,000 sq ft

3. *Exempt Structures*

The following do not count toward the number or square-footage limits:

- Agricultural barns or sheds used for livestock, crops, or equipment (with ground as floor)
- Greenhouses under 500 sq ft
- Pools (consistent with your existing rule)
- Arbors, trellises, gazebos, and pergolas under 150 sq ft (your current exemption

4. *Height*

Accessory building height on large lots may be increased to:

- 30 feet for lots 5–9.99 acres
- 35 feet for lots of 10+ acres

DRAFT

5. Setbacks

To maintain rural character and minimize impacts, accessory buildings must meet principal structure setbacks.

6. Special Use Allowance

Board of Zoning Appeals may approve:

- Additional buildings
- Additional square footage

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.7. Maximum height of accessory buildings and structures.

In all residential zones, the height of accessory buildings and structures shall not exceed the height of the principal building on the zone lot. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building. However, the accessory building or structure shall not exceed the height specified by specified bulk standards in the specific district.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.8. Construction standards.

A. Accessory buildings and structures with a roof in all residential zones located in any yard other than the rear yard of an interior lot and which exceed 120 square feet shall be constructed of the same materials as the principal building and shall be of the same architectural design and quality as the principal residential structure on the property. When the principal structure is predominantly brick or stone, the introduction of wood or fibrous cement siding over a matching brick or stone perimeter foundation wall is appropriate to re-enforce the subordinate nature of the accessory building. This does not preclude the construction of an open carport within the side and corner side yards provided the roof, columns, and other components match the house. *Note: 1. This prohibits metal carport awnings and RV awnings except in the rear yard. 2. As per subsection 10.4.A, accessory buildings may not be located in the front yard in residential zones.*

B. Metal buildings exceeding 200 square feet are prohibited in all yards except that the board of zoning appeals may grant a conditional use permit for metal buildings exceeding this limit.

C. Tents shall not be used for accessory buildings. Awnings with plastic, vinyl or similar roofs or sides are prohibited in all residential zones, except for use as a green house.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.9. Zoning permit required.

A zoning permit must be secured from the building and planning department prior to the construction or placement of an accessory building or structure which has a roof and exceeds 50 square feet in size. A zoning permit is also required for certain of the accessory uses listed in subsections 10.9. B-V. below.

DRAFT

A. *Maintenance required.* All accessory buildings shall be maintained in accordance with the city's property maintenance and related codes.

B. *Accessory apartments and dwellings.*

1. *General.* A business accessory apartment is permitted under the following terms.

   A lot which is zoned to allow a single-family detached dwelling may include an accessory apartment or accessory dwelling upon the lot as an accessory use under the following general conditions as well as the conditions listed in subsections 10.9.B.2. and 3. below.

   a. The lot, dwelling, and accessory apartment or accessory dwelling shall be under single ownership and shall remain under single ownership. The lot shall not be subdivided except in conformance with the requirements of the city zoning ordinance, subdivision regulations and construction codes and all other applicable laws. Neither shall the dwelling or accessory apartment or accessory dwelling be conveyed to a separate owner as a condominium or by any other means of conveyance.

   b. At least one owner of the premises must reside in either the dwelling or the accessory apartment or dwelling or both. For purposes of this section, "reside" means that this is the owner's principal place of residence for at least 75 percent of the year.

   c. The lot shall have a single driveway to serve both the dwelling and the accessory apartment or dwelling.

   d. At least one off-street parking space must be provided per accessory dwelling unit. Garage or carport spaces count. Refer to Table 23 (parking requirements) for principal structure parking requirements.

   e. An instrument must be recorded with the county registrar's office covenanting that the property will be utilized in accordance with the terms of this ordinance. The covenant shall run with the land.

   f. A zoning permit shall be secured for an accessory apartment or dwelling prior to construction and/or occupancy of the accessory apartment or dwelling.

2. *Accessory apartment (attached).*

   a. For the purposes of this section, an accessory apartment is a dwelling unit within the principal dwelling on the lot or within an addition to the principal dwelling. It contains independent living facilities, including kitchen and bedrooms.

   b. The heated area of the accessory apartment shall not exceed 40 percent of the total heated area of the dwelling and apartment combined.

   c. The dwelling shall have only one front door per street frontage.

3. *Accessory dwelling (detached).*

   a. For the purpose of this section, an accessory dwelling is a dwelling unit in a separate structure from the principal dwelling on the lot. It contains independent living facilities, including a kitchen, bathroom, and bedrooms. It is detached from the dwelling. It may be above a detached garage. The accessory dwelling and the principal dwelling may be connected by a breeze-way, open-sided hallway, or similar structure. Under such conditions, the accessory dwelling is still considered an accessory dwelling (detached) and not an accessory apartment (attached).

DRAFT

b. If the accessory dwelling and the principal dwelling are connected by a roofed, open-sided exterior passage, the connecting structure must separate the two buildings by a minimum of 10 feet.

c. An accessory dwelling is not permitted if restrictive covenants prohibit.

d. The accessory dwelling shall be located in the rear yard of the principal dwelling, that is behind the rear plane of the dwelling.

e. The accessory dwelling shall be consistent and complimentary to the principal dwelling in terms of architectural design, building materials, and colors. This includes roof form and pitch. When the principal dwelling is predominately brick or stone, the introduction of fibrous cement siding over a matching brick or stone perimeter foundation is appropriate to reinforce the ancillary and subordinate nature of the accessory dwelling. Accessory dwellings shall be located and oriented to minimize its impact on the privacy of neighbors. Site plan and design review approval by the planning commission is required.

f. Any door on the front of the accessory dwelling which is visible from the street shall appear clearly secondary to the front door of the principal dwelling.

g. The maximum number and size of the accessory buildings and structures with a roof, including the accessory dwelling, shall comply with section 10.6.

h. The accessory dwelling and dwelling may be inspected on a periodic basis to confirm continuing compliance with the terms of this ordinance.

i. All utilities shall be hooked to public utilities separate from the principal structure to include water, sewer, gas, and power and addressed through Maury County E911.

4. *Business accessory apartments.* A commercial establishment (business, industry, institution, community facility, or otherwise) may contain within one principal building, one accessory apartment occupied by the owner and family of the owner or by an employee and family of the employee, provided the apartment does not exceed 25 percent of the heated area of the building or 1,000 square feet, whichever is less.

C. *Amateur (HAM) radio equipment.*

1. Towers that solely support amateur (HAM) radio equipment shall be permitted only in the rear yard. Towers shall not exceed the maximum building height of the applicable district by more than ten feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications. Such taller height may only be approved by the planning commission in accordance with section 10.10.

2. Antenna may be ground-, building- or roof-mounted, provided they do not exceed the maximum building height by more than ten feet unless a taller antenna is technically necessary to engage successfully in amateur radio communications. Such taller height may only be approved by the planning commission in accordance with section 10.10. Every effort shall be made to install radio antennae in locations that are not readily visible from neighboring properties or from the public right-of-way.

3. The planning commission may approve a taller antenna or tower provided the operator provides evidence that a taller tower and/or antenna are necessary to engage successfully in amateur radio communications. As part of the application, the applicant must submit a site plan for staff review and approval showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.

4. Antennae and/or towers owned and operated by the city are exempt from these requirements.

DRAFT

D. *Auto repair at a residential use (auto hobbyist).* Automobile repair at a residential use shall comply with the following standards:

1. Automobile repair activities shall be limited to vehicles owned by the person inhabiting the principal use.
2. All repairs shall be within an enclosed garage or out of sight of a public right-of-way.
3. In no instance shall there be more than one inoperable vehicle stored outside a fully enclosed structure.
4. Activities that create objectionable noise shall not take place between the hours of 9:00 p.m. and 7:00 a.m.

E. *Child and family care.*

1. Child and family care for up to four pre-teen children and/or adults is allowed as an accessory use in a detached single-family dwelling.
2. Child care for pre-teen children and for adults is allowed as an accessory use in any commercial establishment, industry, institutional use, and community facility use provided it is for the family members of the employees and does not exceed 25 percent of the area of the principal buildings on the property.

F. *Decks and patios.* Decks and patios shall not be located on easements. A zoning permit must be secured before construction commences. See section 10.10 (permitted encroachments and height exceptions).

G. *Donation and recycle collection bins.* Donation, recycle, and similar collection bins are permitted as an accessory use at schools and other government facilities and on commercial and industrial sites under the following conditions:

1. No more than two bins per parcel.
2. Bins shall not exceed 200 cubic feet total.
3. Bins shall be located at least 90 feet from the front property line and, in the case of a corner lot, the side street property line.
4. Bins shall be located beside or behind the building; otherwise, the bins must be screened from view from the street(s) by evergreen landscaping or an approved panel.
5. If located in a parking space, the bins shall be adjacent to a landscape island and screened as specified above in condition #4. The parking space(s) used shall be in excess of the number of spaces required by the zoning ordinance.
6. Loading and unloading of the bins shall not block traffic or interfere with motorists' visibility.
7. Bins shall be emptied on a regular basis such that goods do not overflow and such that it does not cause a nuisance. Items placed outside of the bins shall be removed within 24 hours of notification.
8. Bins shall be kept clean and well maintained.
9. Contact information shall be placed on the bins in a permanent manner. No banners, posters, or temporary signs.

H. *Electrical generators.* Emergency electrical generators may only be installed as follows:

1. An emergency electrical generator must comply with the same yard/setback requirements as the principal building.

DRAFT

2. An emergency electrical generator located in the interior side yard, corner side yard, or front yard shall be screened.

3. Screening materials may be masonry, wood, landscaped hedges or other opaque material, and shall screen the generators so no portion is visible from a street or the ground level of a building on an adjoining lot. Color and texture of a masonry screen wall shall be compatible with the color and texture of the principal building on the site.

I. *Fences.* A zoning permit is required prior to the erection or replacement of any fence.

Height of all fences shall be measured from existing grade, unless otherwise specified.

1. *Fences in residential districts.*

   a. Fences shall not be located any closer to the front lot line or side street lot line than the principal building.

      Exception: Wrought iron, picket, split rail, brick, stone, or similar decorative fences and walls which are not more than 42 inches in height, and which are determined by the building and planning department to be compatible with the design, architecture, and building materials in the neighborhood.

      The standards contained in this subsection (I.1.a) shall not apply to fences in the rear yard of double-frontage lots.

   b. Fences may be erected to a height of seven feet in any interior side, rear or corner side yard of an interior or corner lot, except for the following:

      i. On corner lots, where the fence would be adjacent to the front yard of the adjacent lot the fence shall be at least 15 feet from the side street lot line unless the fence does not exceed 42 inches in height.

      ii. A fence may be erected to a height of eight feet along a property line which abuts a railroad right-of-way.

      iii. A building permit shall be obtained prior to constructing any portion of a fence.

2. *Fences in commercial districts.*

   a. Fences are prohibited in the front or corner side yard unless a conditional use permit is first secured.

   b. Fences may not exceed eight feet in height except when required by subsections 11.4.J. (buffer yards) and 11.4.K. (screening requirements) to be a greater height.

   c. A building permit shall be obtained prior to constructing any portion of a fence that exceeds seven feet.

   d. See subsection 11.4.J. (buffer yards) for fencing required to buffer residential uses.

3. *Fences for buffers and screening.* Fences shall be required for screening in accordance with subsections 11.4.J. (buffer yards) and 11.4.K. (screening requirements).

4. *Fence construction and design requirements.*

   a. The finished side of all board fences shall face away from the lot on which it is located.

   b. All fence posts shall be placed on the inside of the fence. Placement on the outside face of the fence may be approved by the building and planning department if it enhances the architectural character of the fence.

DRAFT

c. A fence or wall, including all posts, bases, and other structural parts shall be located completely within the boundaries of the lot on which it is located.

d. Fences shall only be constructed of the following materials:

i. Treated wood, cedar or redwood.

ii. Simulated wood, including vinyl covered and synthetic wood composite, or equivalent.

iii. Decorative brick or stone.

iv. Wrought-iron or aluminum designed to simulate wrought-iron.

v. Coated chain link, brown, black, or green in color.

vi. Any other material which the building and planning department determines to be equivalent to the above in terms of quality and appearance.

J. *Nonconforming fences.* Existing fences which are an existing legal nonconforming structure may be repaired or reconstructed. However, any change to fence style or material, height, or length shall not be permitted without approval of the building and planning department in the form of staff-approved site plan and design review.

K. *Home occupations.* The following standards are intended to ensure that home occupations, conducted in a dwelling, are compatible with the neighborhoods in which they are located and do not interfere with the rights of the surrounding property owners to enjoy the established character of the neighborhood. A minor home occupation is permitted by right provided a minor home occupation permit is secured and renewed every two years. A major home occupation is allowed only with the approval of the board of zoning appeals. Such approval shall follow the process of a conditional use permit.

1. The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The dwelling is considered to be the house and any attached garage and any addition to the house, but not a detached garage or building. A major home occupation may be conducted within a detached garage or building.

2. The home occupation shall not exceed 25 percent of the total floor area of the principal building.

3. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.

4. No person other than a family member residing on the premises shall be employed as part of a minor home occupation unless such employee(s) works off-premises. No contractor, contract employee, consultant, associate, or any other person associated with the business shall be on the premises for purposes of conducting business. A major home occupation may include two employees or contractors or others as listed above who do not reside on the premises and provided they are not on the premises between the hours of 9:00 p.m. and 7:00 a.m. The board of zoning appeals may, with the approval of the major home occupation conditional use permit, further restrict the number of employees and the hours of operation.

5. There shall be no customers, clients, or the like on the premises of a minor home occupation. A major home occupation may have no more than two customers or other persons other than employees on the premises at one time and no more than eight per day and provided they are not on the premises between the hours of 9:00 p.m. and 7:00 a.m. The board of zoning appeals, with the approval of the major home occupation conditional use permit, may further restrict the number of customers and the hours of operation.

DRAFT

6. There shall be no more than one commercial vehicle on the premises. This includes cars, trucks, vans, and trailers with the business name and logo. They may be loaded with the tools of the trade and merchandise. Wreckers are prohibited. See also subsection10.9.P (parking) for limits on length of vehicles and trailers. Vehicles shall not be parked on the street. If parked in the front yard, it must be parked in the driveway.
7. The receipt, sale, or shipment of deliveries shall not be permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods.
8. The home occupation shall not change the fire rating of the structure.
9. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential use.
10. No outside storage or display of materials, merchandise, inventory, or heavy equipment shall be permitted.
11. No exterior alteration that changes the residential character of the principal building shall be permitted. No exterior building signs shall be permitted unless authorized by section 12 (signs).
12. Any type of motor vehicle service and repair is a prohibited home occupation. Day care homes are not considered a home occupation.
13. A minor home occupation permit is required prior to starting the home occupation. This permit must be renewed every two years.

L. *Mechanical equipment.*

1. In all districts, all ground-based mechanical equipment including, but not limited to, heating, ventilating and air-conditioning (HVAC) units and sewer grinder pumps, may encroach into one required side yard up to 70 percent of the width of the required yard, into the required front and side street yard up to 20 percent of the width of the required yard, and into the required rear yard up to 50 percent of the width of the required yard. Existing HVAC units and other mechanical equipment may be replaced in the same existing nonconforming location, as long as the units do not increase the extent or degree of nonconformity, with respect to the minimum required yard by more than 25 percent.
2. Any HVAC units located on the roof of any structure in any zoning district shall be screened by an architectural feature forming an integral part of the building.

M. *Outdoor restaurant seating.* Outdoor restaurant seating is considered an accessory use to a restaurant.

1. Outdoor restaurant seating shall be subject to administrative site plan/design review.
2. Outdoor restaurant seating shall not interfere with the use of parking spaces and aisles.
3. Outdoor restaurant seating shall not be located in any required yard that abuts a residential use or district, unless an alley or street is located between the use and a residential use or district.

N. *Outdoor display.* Outdoor display may be allowed as an accessory use for all retail uses, motor vehicle rental, motor vehicle service station/fuel center and heavy retail and rental. It is the intent of this ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic or creates an unsafe condition. The outdoor display of goods shall meet all of the following standards:

1. Outdoor display areas shall be depicted upon the site plan for new retail and wholesale buildings.

DRAFT

2. All outdoor display of goods in front of the building or between the building and any side street shall be located immediately adjacent to the storefront and within 20 feet of the building and not in drive aisles, loading zones, fire lanes, or parking lots.
3. All outdoor display beside and behind the building shall not be located within the required side or rear yards and shall not exceed 40 percent of the combined required and non-required yards.
4. Outdoor display areas shall be limited to no more than one-half of the length of the store front.
5. In the case of a shopping center, the storefront shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front of the total shopping center.
6. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
7. At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
8. Any proposed display which does not conform to the above standards may be approved by the planning commission in the form of site plan and design review approval.
9. The outdoor display of cars, trucks, trailers, boats, recreational vehicles, farm equipment, construction equipment, motorcycles, landscape materials, and similar items for sale or rent which are customarily displayed outdoors shall be exempt from the above standards provided they are located out of the street right-of-way and at least 20 feet from the edge of pavement of the adjoining street(s).
10. See subsection 10.11.C.5 (sidewalk and other outdoor sales).

O. *Outdoor storage.*

1. Outdoor storage of materials used by the principal business on the site may be allowed as an accessory use in accordance with the following standards:
   a. Each outdoor storage area shall be located at the side or rear of the principal structure.
   b. Each outdoor storage area shall be screened in accordance with subsection 11.4.K.3. (outdoor storage areas).
   c. For the purpose of this section, the parking of vehicles, trucks, and trailers associated with the business is not considered storage.
   d. Any proposed storage which would not conform to these standards may be approved by the planning commission in the form of site plan and design review approval.
2. Storage within over-the-road trailers, freight containers and similar structures are prohibited in all zones except as allowed on a temporary basis by subsection 10.11.C.10 (temporary storage within over the road trailers or freight containers).
   a. Where there is no principal building on the site, storage is a principal use, and, as such shall be subject to site plan and design review approval.

P. *Parking.*

1. Off-street parking and loading are permitted as an accessory use. Requirements and standards are contained in section 11.2 (off-street parking and loading) which specifies the minimum number of parking spaces required for each land use classification. Parking lot design standards are also included as well as standards for off-street loading.

DRAFT

2. The parking of the following commercial vehicles and/or trailers is permitted as a residential accessory use:

   a. One commercial vehicle not exceeding 22 feet in length or eight feet in height, or

   b. One commercial vehicle and trailer not exceeding 30 feet in length or eight feet in height.

   c. These vehicles and trailers shall not be parked on the street or between the street or side street and the residence except in a paved driveway.

   d. Specifically prohibited are semi-tractor trailers and dump trucks.

   e. Heavy construction equipment is also prohibited in residential zones. This includes bulldozers, end loaders, backhoes, and similar equipment.

   The above standards shall not preclude temporary parking in connection with commercial service, sales and delivery, or construction projects.

3. The parking and storage of recreational vehicles, campers, travel trailers, motor homes, boats, and similar items are permitted as a residential accessory use provided they are not parked on the street or in the required front and corner side yards for more than three days per calendar month except in the driveway. Furthermore, not more than one shall be parked between the house and the street or any side street, even if parked in a driveway.

4. No recreational vehicle, camper, travel trailer, motor home, or the like shall be used for living, sleeping, or housekeeping purposes except for visitors for not more than two weeks per calendar year.

Q. *Porches.*

1. Unenclosed porches, with roof and columns only, may encroach five feet into any front, corner side, or rear yard.

2. Enclosed, or partially enclosed porches, with roof, columns and any type of wall including screens, must meet all setback requirements.

3. Steps and stoops are not considered porches. Existing stoops, as of the date of adoption of this ordinance, located in the interior side yard, shall be considered conforming uses and may be repaired or replaced.

R. *Production of goods at a retail business and restaurant.* Production of goods for sale by a firm engaged in a permitted principal commercial activity on the same zone lot is permitted as an accessory use, but only if;

1. At least 50 percent of all goods produced are sold on premises and must be sold by the same firm.

2. Such production does not occupy more than 49 percent of the total floor area.

3. Such production does not in any case occupy more than 2,000 square feet of such floor area.

4. Such production may only be permitted in an enclosed building.

S. *Retaining walls.*

1. If the face of a building is within five feet of a retaining wall, the height of the retaining wall shall be included in the building height calculation. The combination of the retaining wall height and the remainder of the building height above the wall shall not exceed the maximum building height limitation.

DRAFT

2. Retaining walls greater than five feet in height must be located at least five feet from any property line.

T. *Satellite dish antennas.*

1. Satellite dish antennas shall be permanently installed on a building, in the ground or on a foundation.
2. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey, and shall blend with the surroundings as best as possible. No additional signs or advertising shall be permitted on satellite dish itself, aside from the logos of the satellite dish service provider or dish manufacturer.
3. Cables and lines serving ground-mounted satellite dish antennas shall be located underground and/or along the wall or roof of the building to which it is attached.
4. Compliance with all federal, state, and local regulations shall be required in the construction, installation and operation of satellite dish antennas.
5. All exposed surfaces of the antenna shall be kept clean, and all supports shall be painted to maintain a well-kept appearance. Antennas no longer in use must be removed.
6. Satellite dish antenna greater than one meter in diameter shall be located in the rear or interior side yard and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

U. *Solar panels.*

1. *One- and two-family residential.* Solar panels are allowed as an accessory use at one- and two-family residences on the roof of the residence and accessory buildings and as free-standing structures in the rear yard.
2. *Multi-family residential and institutional.* Solar panels are allowed as an accessory use at multi-family residential buildings and institutional buildings in residential zones, provided the panels are located on the roof of the buildings, including garages, carports, and other accessory buildings. Note: garages, carports, and other accessory buildings at multi-family residential and institutional developments are subject to site plan and design review approval. As such, landscaping and screening are required as per section 11.4 (landscaping, screening, and tree preservation). Refer to these sections.
3. *Commercial and industrial districts.* Solar panels are allowed as an accessory use in commercial and industrial districts. Solar panels may be freestanding in commercial and industrial districts if located behind the principal building(s) and not visible from any public streets or surrounding property.

V. *Swimming pools and hot tubs.*

1. *Location.*
   a. Swimming pools and hot tubs and any related equipment are permitted within the rear yard and must be located at least five feet from any lot line. Measurement shall be from the lot line to the nearest part of the pool, excluding apron and deck. Pools shall not be located on any easement. This includes the apron or deck.
   b. Swimming pools and hot tubs may be located between the house and the front lot line or the corner street lot line provided they do not encroach into the required yards and provided they are enclosed with a wall, six feet in height minimum, which is constructed of the same materials as the house and which are otherwise architecturally consistent with

DRAFT

the house. Plans drawn by a licensed architect must be submitted to and approved by the building and planning department prior to issuance of the pool permit.

c. A zoning permit must be secured prior to commencement of construction.

2. *Walkways.* A grade-level walkway or deck surrounding a pool or hot tub must be located at least five feet from any lot line in the rear yard. A pool walkway or deck elevated one foot of more above grade must be located at least ten feet from any lot line in the rear yard.

3. *Fencing.* All pools and hot tubs shall be enclosed by a fence conforming to the requirements of subsection 10.9.I (fences) of this ordinance, the city's pool code and any other law.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.10. Permitted encroachments and height exceptions.

A. *Permitted encroachments into required yards.* An encroachment is the extension or placement of any structure or building, or component of such, into a required yard. Additional restrictions on permitted encroachments, including additional setback requirements and bulk regulations, can be found in section 10.4 (permitted accessory uses) above and are referenced within the following table. Permitted encroachments are found in Table 21.

Table 21. Permitted Encroachments
Y=Permitted // N=Not Permitted

Type of Encroachment	**Yard Type**		
	Front Yard, Corner Side Yard	**Interior Side Yard**	**Rear Yard**
Accessibility Ramp	Y	Y	Y
Air Conditioner Window Unit -No more than 18" into any required yard	Y	Y	Y
Amateur (HAM) Radio Equipment -Subject to Section 10.4C	N	N	Y
Arbor or Trellis -Subject to Section 10.4A4cii	Y	Y	Y
Awning & Canopy (Residential Use)	Y, no more than 4' into required yard	Y, no more than 2' into required yard	Y, no more than 4' into required yard
Balcony -Must be located at least 2 feet above ground, and does not rest on the building foundation or on the ground	Y, no more than 4' into required yard	N	Y, no more than 4' into required yard
Basketball Goal	Y, no more than 12' into required yard	Y	Y
Bay Window	Y, no more than 4' into required yard	N	Y, no more than 4' into required yard
Chimney -No more than 18" into a required yard	Y	Y	Y
Compost Pile	N	N	Y
Deck -Does not include decks constructed around and part of swimming pools -No higher than the first floor of a	N	N	Y, no more than 12' into required yard

Type of Encroachment	Yard Type		
	Front Yard, Corner Side Yard	Interior Side Yard	Rear Yard
structure -if fenced, see fence requirements			
Dog House & Dog Run	N	N	Y, but 5' from any lot line
Driveway	Y	Y	Y
Eaves (Principal Building)	Y, no more than 2' into a required yard	Y, no more than 2' into a required yard	Y, no more than 2' into a required yard
Eaves (Accessory Building or Structure)	N	Y, no more than 1'	Y, no more than 1' into a required yard
Emergency Electrical Generator -Subject to Section 10.9.H	N	N	N
Exterior Stairwells	N	N	Y, no more than 4' into required yard
Fall-Out Shelter (Underground)	N	N	Y
Fence (Residential District) -Subject to Section 10.9.I.1	Y	Y	Y
Fence (Commercial District) -Subject to Section 10.9.I.2	Y	Y	Y
Fire Escape	Y	Y	Y
Flagpole -No more than 3 per zoning lot -Not to exceed 35' in height	Y	Y	Y
Garage, Detached -Subject to Section 10.4A	N	Y	Y
Gazebo -Subject to Section 10.5.C.3	Y	Y	Y
Laundry Drying Equipment (Clotheslines & Poles)	N	N	Y
Mechanical Equipment, Ground Mounted (Central air conditioning, heating, ventilating, compressors, etc.) -Subject to Section 10.9.L	Y	Y	Y
Ornamental Lighting, Lamp Posts & Permanently Anchored Lawn Furniture & Decorations (Benches, statues, birdbaths, sculptures, etc.) -Subject to view obstruction and exterior lighting regulations	Y	Y	Y
Outdoor Fireplaces	N	N	Y
Parking Lots -Subject to Section 11.2	Y	Y	Y
Patio	Y, no more than 9' into required yard	Y, no closer than 5' to the side line	Y, No closer than 5' to the rear line
Pens, Animal	N	Y, no closer than 1' to the side line	Y, no closer than 1' to the rear line
Pergola -Subject to Section 10.5.C.3	Y	Y	Y

Type of Encroachment	Yard Type		
	Front Yard, Corner Side Yard	Interior Side Yard	Rear Yard
Planter Box, Building-Mounted or Freestanding -No more than 1' into any required yard	Y	Y	Y
Playground & Recreational Equipment -Must be located at least 3' from any lot line	N-Front Y-Corner Side if Fenced	Y	Y
Porch, Unenclosed -Subject to Section 10.9.Q	Y, no more than 5' into required yard	N	Y, no more than 5' into required yard
Porch, Enclosed	N	N	N
Retaining Wall -Subject to Section 10.9.S	Y	Y	Y
Satellite Dish Antenna (1 meter or less in diameter) -Subject to 10.9.T	Y	Y	Y
Satellite Dish Antenna (More than 1 meter in diameter) -Subject to Section 10.9.T	N	Y	Y
Sidewalk and Private Walkway	Y	Y	Y
Signs	Y, subject to Section 12 (Sign Standards)	Y, subject to Section 13 (Sign Standards)	Y, subject to Section 13 (Sign Standards)
Sills, belt course, cornices & ornamental features of the principal building -No more than 12" into a required yard	Y	Y	Y
Sheds & Private Greenhouses -Subject to Section 10.4.A	N	Y	Y
Solar Collectors	N	N	Y
Steps & Stoops, Open	Y, no more than 9' into required yard	Y, no more than 3' into required yard	Y
Swimming Pools & Hot Tub -Subject to Section 10.9.V	Section 9.4.W.1.b	Y	Y
Tennis Court	N	N	Y
Terrace -No more than 5' into any required yard -Located no more than 3' above grade	Y	N	Y
Trash Receptacles -Does not include trash receptacles temporarily placed on the lot for trash collection	N	Y	Y
Water Feature & Man-Made Pond	Y	Y	Y

B. *Permitted exceptions from height limitations.* Height limitations shall not apply to water tanks installed by a state regulated water utility district or to telecommunication towers as regulated by appendix C (wireless telecommunications facilities and towers). Church steeples, spires, chimneys, and similar structures are exempt provided they do not exceed 80 feet in height as measured from the ground.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 10.11. Temporary uses and structures.

A. *Temporary use and structure permit application.*

1. Unless specifically exempt below, any person, firm or corporation desiring to conduct a temporary use within Mount Pleasant shall first obtain a temporary use permit. Such person, firm or corporation shall file a written application with the building and planning department on a form provided by the city, together with an application fee as required by separate ordinance. For any event not conducted by the owner of the property where the temporary use is to occur, a letter from the property owner granting permission to conduct the event shall be provided. A permit is not required for temporary uses to be conducted on city property, provided such use has been approved by the appropriate city official and provided the temporary use complies with all other provisions of this ordinance.

2. The building and planning department shall grant temporary use permits for those uses listed below so long as it is determined that the proposed use, including the erection of any temporary building or structure, complies with the requirements of this section and this ordinance. Unless expressly provided in this section, every temporary use shall comply with the bulk requirements applicable in the district in which the temporary use is located.

3. Temporary uses not specifically listed herein shall require the specific approval of the planning commission. The process for approval shall be the same as for a site plan, except that the submittal items shall conform to the requirements for a staff approved site plan. Such uses may be allowed in any zoning district, provided that such temporary use is consistent with the purpose and intent of this ordinance and the zoning district in which it is located.

4. Every temporary use shall comply with this ordinance and all local regulations. The building and planning department may impose other conditions, as part of the temporary use permit approval, as necessary to achieve the purposes of this ordinance, and to protect the public health, safety, comfort, convenience, and general welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the area as a whole.

B. *General provisions.* Only those temporary uses as defined in section 14 (definitions) and as specified below are allowed in Mount Pleasant and the Mount Pleasant Planning Region. Every temporary use shall comply with all the requirements listed below.

1. No temporary use shall be permitted that causes, or threatens to cause, an on-site or off-site threat to the public health, safety, comfort, convenience, and general welfare.

2. Every temporary use shall be operated in accordance with such restrictions and conditions as the fire, police, and codes departments may require. If required by the city, the operator of the temporary use shall employ appropriate security personnel.

3. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such would have undue detrimental effects on surrounding streets and uses.

4. No temporary use shall be permitted on any site without adequate all-weather, dust-free, off-street parking sufficient to meet the demands of the temporary use. No temporary use shall be authorized that would unreasonably reduce the number of parking spaces available for use in connection with permanent uses located on the lot in question. Adequate drive aisles and fire lanes shall be provided. The building and planning department may assess the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The building and planning department shall approve such temporary use only if such parking spaces are provided.

5. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. Signs shall be permitted only in accordance with section 12 (sign standards).

7. Temporary structures, including tents, vendor carts and kiosks, portable buildings, trailers, over-the-road trailers, freight containers, recreational vehicles and mobile homes, used in conjunction with the temporary uses listed below are permitted as stated below, otherwise they are prohibited. All temporary structures are subject to being inspected for compliance with all applicable fire, life safety, building, electrical and related codes.

8. The operation of all temporary uses shall be subject to the offenses against the peace and quiet ordinance (title 11, chapter 3 of this Code).

9. All temporary uses shall comply with all applicable local, county, and state environmental, solid waste disposal and sanitary waste disposal regulations. Any required health department certificate shall be plainly displayed.

10. Temporary uses which require use of public right-of-way, parks, or other public property shall first secure approval of the appropriate city representative. All such uses shall be coordinated with the appropriate city, county, and state officials.

11. Trash generated by temporary use shall be removed daily.

12. Any required business license shall be obtained.

C. *Permitted temporary uses.*

1. *Carnivals, circuses, and haunted houses.* Carnivals, circuses, and haunted houses are allowed in all commercial zoning districts and in all industrial districts. Carnivals include pony rides. These uses shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic, access, and the absence of undue adverse impact, including noise, on other properties. Temporary structures may be used, provided they conform to all applicable laws. These uses need not comply with the yard requirements and the maximum height requirements of this ordinance. The concessionaire responsible for the operation of any such use shall:

   a. Submit, in advance of the event, a site layout displaying adequate ingress and egress routes for emergency vehicles, with no dead-end aisles.

   b. Comply with all local regulations.

   c. Provide refuse containers in the number and locations required by the city. All containers shall be properly serviced.

   d. Provide for thorough clean-up of the site at the completion of the event.

   e. Provide proof that all amusement devices have been state inspected, if required.

   f. Upon written notice from the city, immediately stop the use of any amusement device or structure found by the city to pose a threat to public safety.

   g. Provide a $5,000.00 surety conforming to the requirements of subsection 4.10.G. of this ordinance. Pony rides are exempt from this requirement.

   h. Carnivals and circuses must cease operation and completely clear and clean the site within 15 days of first occupying the site. Haunted houses have 45 days.

   i. Limit operation of the event to between the hours of 8:00 a.m. and midnight.

2. *Christmas tree, pumpkin, and plant sales.* Christmas tree, pumpkin, and plant sales are allowed in commercial zoning districts. Plants include seasonal flowers and potted plants, not shrubs and trees. These uses shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic, access, and the absence of undue adverse impact on other properties. Tents, trailers and recreational vehicles may be used, provided they conform to all applicable laws. Each sale shall be limited to a period not to exceed 45 consecutive days. There shall be no more than two such sales per parcel per 12-month period.

3. *Fireworks.* Fireworks sales are limited from June 20th to July 5th. Tents, over-the-road trailers, freight containers, and recreational vehicles may be used, provided they conform to all applicable laws. Signs must conform to section 12 (sign standards).

4. *Civic, non-profit and religious events and festivals.* Civic, non-profit and religious events, festivals, bazaars, bands, arts and crafts sales, fundraisers, car shows, farmers markets, and the like are allowed in commercial and industrial districts, property in residential districts in use as government and educational uses, religious uses, cultural uses and recreation and entertainment uses. These uses shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic, access, and adverse impact on other properties. Tents and vendor carts and trailers may be used provided they conform to all applicable laws. Such events conducted in a residential zone are limited to a maximum of three consecutive days per event and not more than four such events per calendar year per parcel and the hours of operation are limited to 8:00 a.m. to 11:00 p.m. Such events conducted in non-residential zones are limited to a maximum of ten consecutive days per event.

5. *Sidewalk and other outdoor sales.* Sidewalk and other outdoor sales for special sales events or other purposes are permitted in all commercial and industrial zones. They shall be in conjunction with, and clearly incidental to, an existing permanent on-site use and are permitted to display and sell only merchandise that is found in the on-site store. Tents and vendor carts and trailers may be used provided they are at least 20 feet from the street and otherwise conform to all applicable laws. No sidewalk/outdoor sale shall be permitted for a period of more than seven successive days and no more than six sales shall be permitted in any 12-month period. The above provisions do not preclude the outdoor storage and display of merchandise as permitted/regulated by subsections 10.9.N and 10.9.O. of this ordinance.

6. *Mobile vendors.* Mobile vendors, including the sale of prepared food, produce, and new merchandise from a cart, kiosk, or tent, which conform to all applicable laws, are permitted in all commercial districts. Mobile vendors operating in conjunction with other permitted temporary uses, i.e. carnivals, circuses, and civic, non-profit and religious events and festivals, shall abide by the standards of such other temporary use rather than the standards of this subsection. Applications for mobile vendors shall be evaluated by the building and planning department based on the adequacy of the parking provisions, traffic, access, and impact on the neighborhood and compliance with the following required standards.

    a. No lot or parcel may be occupied by a mobile vendor or group of three vendors for more than six one-week periods during the calendar year. Periods may be consecutive. This time limitation shall not apply to a single vendor located within 20 feet of the principal building on the lot or parcel.

    b. Tables seating no more than eight persons may be provided for food vendors, provided trash receptacles are also provided and emptied as necessary to maintain a clean and sanitary site. All tables, chairs, and trash receptacles and other items associated with the operation shall be removed by the end of business.

    c. Business license must be prominently displayed. Food vendors must also display the required health department food service permit.

7. *Temporary portable classrooms.* Temporary portable classrooms are permitted at public and private primary and secondary schools. These classrooms shall not contain any sleeping or cooking accommodations. No portable building shall be used as an office. Site plan approval is required.

8. *Temporary construction offices.* In any district, a temporary use permit may be issued for a trailer for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one year but may be renewed for six-month extensions for a particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner. These uses shall not contain any sleeping or cooking accommodations, except those located in a model unit for demonstration purposes only. No trailer, unit or office shall be used as the general office or headquarters of any firm.

9. *Temporary offices.* In any commercial or industrial district, a temporary use permit may be issued for a modular or manufactured building for temporary office use, such as hiring and pre-sales. This building must be placed on or adjacent to the site where the permanent building for this business or industry is being constructed. The permanent building must be substantially complete. Vehicular and emergency vehicle access to the office must be complete as well as adequate parking. The permit shall not exceed 90 days.

10. *Temporary storage within over the road trailers or freight containers.*

    a. Storage within over-the-road trailers or freight containers shall not exceed 90 days within a 12-month period in all commercial districts and industrial districts. At the end of the 90 days any trailers shall be totally removed from the premises or location where the storage occurred. Storage is not allowed within visibility of a public street or residential neighborhood. A temporary use permit is required.

    b. The temporary storage of two portable containers, not exceeding a total of 2,000 cubic feet, are permitted within all residential zoning districts for a maximum of 120 days in a one-year period. An extension of an additional 120 days may be granted by the planning director. Requests for longer periods of time shall require the approval of a conditional use permit by the board of zoning appeals.

11. *Model homes and subdivision/builder information and sales offices.* In any residential district, a temporary use permit may be issued by the building and planning department to allow the use of a dwelling unit or club house as a model home and/or subdivision and/or building information and sales office. This permit may be modified to reflect moving the model home or information and sales office to a new location in the same subdivision. Said use shall be discontinued when all homes in the subdivision, except the model, have been sold. All regulations pertaining to signs as contained in section 12 (sign standards) shall apply. Any parking lots or other parking areas, other than driveways and parking which are accessory to the dwelling, shall require the submittal of a site plan for review and approval of the building and planning department staff.

    A modular or manufactured building may be approved by the building and planning department until a dwelling or the club house is complete.

12. *Garage sales.* Garage, yard, estate and home sales are allowed in any yard, garage, carport, driveway, or in the home in any district operated by the owner or occupant of the dwelling unit where the sale is being conducted. These uses shall be limited to a period not to exceed three consecutive days and no more than three sales shall be conducted from the same residence in any 12-month period. Such sales are exempt from permit and parking requirements. All items associated with a sale must be removed from all yards, carports, and other areas visible from any property line within three days of conclusion of each sale.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 11. SITE DEVELOPMENT STANDARDS

Sec. 11.1. Purpose.

The standards in this section are intended to provide accessible, attractive, secure, and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of the proposed use and increase public safety by reducing congestion of public streets. This section is also intended to reduce adverse impact caused by bright lights. The landscaping and screening requirements established by this section are intended to preserve and enhance the appearance, public health, safety, convenience, comfort, and general welfare of the city. Proper landscaping contributes to the city in many ways: enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. These regulations are also intended to increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on, or created by, adjoining or neighboring uses.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.2. Off-street parking and loading.

A. *General provisions.*

1. *Existing facilities.*

   a. The existing number of off-street parking and loading spaces shall not be reduced below the requirements of this section. If the number of existing spaces is already less than the requirements of this section, it shall not be further reduced.

   b. Existing off-street parking and loading areas which do not conform to the requirements of this section but were in conformance with the requirements of this ordinance at the time the parking or loading facilities were established, are permitted to continue as a legal nonconforming structure.

   c. If a building permit for a building or structure was lawfully issued prior to the effective date of this ordinance, and if construction has begun within 180 days of the issuance of a permit, the number of off-street parking and loading spaces shall be provided in the amount required for the issuance of said building permit, regardless of what may be required by this section.

   d. Additions, renovations, or alterations of more than 25 percent of the square footage of the building will require compliance with these site development standards.

2. *Damage or destruction.* When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this section.

3. *Change in land use.* When the existing use of a building, structure, or parcel of land is changed to a new use, parking and loading spaces shall be provided as required for the new use. Additional parking or loading spaces shall be required in the amount by which the requirements for the new use exceed the requirements for the existing use.

4. *Change in intensity of use.*

   a. When the intensity of use of any building, structure, or parcel of land is increased, additional parking and loading spaces shall be provided. The number of additional parking and loading spaces shall be based on the increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement used to calculate the required number of parking or loading spaces.

   b. When the intensity of use of any building, structure, or parcel of land is decreased, the number of parking and loading spaces may be reduced so long as the parking requirements of this section are met for the entire building, structure, or parcel of land as modified.

5. *Provisions for additional spaces.* Nothing in this section shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities, provided that all regulations governing the location, design, and control of such facilities shall be in accordance with this section.

6. *Limitations on use.* No motor vehicle repair or cleaning of any kind shall be permitted in any parking space, parking lot, or loading berth. No gasoline, motor oil, or any other automobile accessory or similar product shall be sold or dispensed in such areas.

B. *Computation.* The total number of parking and loading spaces required shall be based upon the requirements for the principal use of the lot. However, when more than one use occupies the same lot, the number of required spaces shall be the sum of the separate requirements for each use. Exception: Commercial centers (multi-tenant, mixed-use developments, i.e., retail, office, service, restaurants) shall provide parking as per Table 23 (parking requirements). All off-street parking facilities shall be completed before occupancy of the building or structure served. In computing the number of off-street parking or loading spaces required by this section, the following standards for computation shall apply:

1. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street parking space, or portion thereof. Conversely, the area allocated to any off-street parking space shall not be used to satisfy the replacement for any off-street loading space or portion thereof.

2. Any fraction of parking or loading spaces shall be rounded up.

3. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 24 inches of such seating facility shall be counted as one seat for the purpose of determining the requirement for off-street parking facilities.

4. Except as otherwise specified, parking or loading spaces required on an employee basis shall be based on the maximum number of employees normally present on the premises at any one time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or manager shall be counted as an employee(s).

C. *Construction of parking and loading facilities.*

1. *Site plan review required.* Site plan review, in accordance with section 4.6 (site plan and design review), is required prior to any construction, alteration, or addition of any parking facility and for any loading facility. For purposes of this section, construction, alteration, or addition shall include all paving of previously unpaved surfaces.

2. *Time of completion.* Off-street parking and loading facilities required by this section shall be completed prior to the issuance of the use and occupancy permit for the use they serve.

D. *Collective provisions.*

1. Off-street parking spaces for individual uses may be provided collectively if the total number of spaces provided is equal to or greater than the sum of the spaces required for each individual use. Exception: Commercial centers (multi-tenant, mixed-use developments, i.e., retail, office, service, restaurants)

shall provide parking as per Table 23 (parking requirements). No parking space, or portion of a space, shall serve as the required space for more than one similar use, but can be shared among two or more individual uses under the following shared parking arrangements described in subsection 11.2.D.2.

2. The use of a particular parking facility shall not occur by each use at the same time. The use with the highest demand must provide all required spaces. No shared use of parking spaces shall be permitted unless:

   a. Approval is obtained from the planning department that confirms that the use of such facility by each user does not take place at the same hours during the same days of the week.

   b. Any subsequent change in ownership or use shall require proof that the minimum parking requirements, per this section, have been met for each use, prior to the issuance of the required use and occupancy permit.

E. *Land banked future parking.* The planning commission may permit land banking of up to 25 percent of the required parking spaces through the site plan review process, if the following standards are met:

1. Sufficient evidence shall be provided by the applicant that supports the reduced parking needs.

2. The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time.

3. Landscaping of the land banked area shall be in full compliance of the zoning regulations and at a minimum landscaped with turf. As a result of the site plan review process, the planning commission may require additional landscaping of the land-banked area.

4. The land banking area cannot be used for any other permanent use without amendment of the site plan.

5. As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "land banked future parking."

6. The planning department, on the basis of increased parking demand for the use, shall require the conversion of all or part of the land-banked area to off-street parking spaces. Evidence of increased demand includes the fact the parking lot is 100 percent occupied more than once per week.

7. Failure to construct land-banked parking within 120 days of notification by the planning department shall be cause for revocation of the use and occupancy permit and to invoke other penalties authorized by this ordinance.

F. *Location of off-street parking spaces.*

1. *Residential uses.*

   a. All required parking spaces for residential uses shall be located on the same lot as the building or use served except for condominiums where the parking may be located on adjacent common open space.

   b. For single-, two-family, and townhouse dwellings, parking shall be permitted in private driveways, but no such parking may encroach onto the public right-of-way or sidewalk.

   c. Parking lots in CDT and CN zoning districts should be located along the side and/or rear of the buildings rather than in front of the buildings. Parking on the side shall be screened as per section 11.4 (landscaping, screening, and tree preservation).

2. *Non-residential uses.*

a. All required off-street parking areas for non-residential uses shall be located on the same lot as, or within 300 feet of, the building or use served. However, off-street parking accessory to a commercial or industrial use shall not be located in any residential district.

b. When required off-street parking spaces are provided at an off-site parking area, such off-site parking areas shall be, and remain in, the same possession and ownership as the zoning lot occupied by said building or use.

c. No such off-site parking areas, including land-banked parking, shall be authorized and no use and occupancy permit shall be issued, unless the planning department has reviewed the plans and has made findings that common ownership or possession does and will continue to exist with respect to the zoning lot and the land containing the off-site parking areas, and that the off-site parking area will be maintained at all times during the life of the proposed use or building. A covenant to this effect shall be recorded with the county register of deeds.

d. Off-street parking spaces are preferred on the side or rear, however, they may be permitted within any yard. However, where a yard abuts a residential district, no off-street parking spaces shall be permitted within ten feet of the lot line abutting the residential district.

G. *Design standards.* All off-street parking facilities shall comply with the following standards:

1. *Dimensions.*

a. Off-street parking spaces shall be designed in accordance with Figure **2**.

b. All parking spaces shall have a minimum vertical clearance of seven feet six inches.

2. *Access.*

a. Each off-street parking space shall open directly upon an aisle or driveway of such width as will provide adequate means of vehicular access to such parking space. All off-street parking facilities shall be provided with appropriate means of vehicular access in a manner that least interferes with traffic movement and allows the driver of the vehicle to proceed forward into traffic rather than back out.

b. All required off-street parking facilities shall have vehicular access from a street, alley, driveway or cross-access connection.

c. Within off-street parking facilities one-way traffic aisles shall be at least 12 feet in width and two-way traffic aisles shall be at least 24 feet in width. Furthermore, all aisles shall be designed in accordance with Figure **2** and Table 22.

Figure 2. Off-Street Parking Dimensions

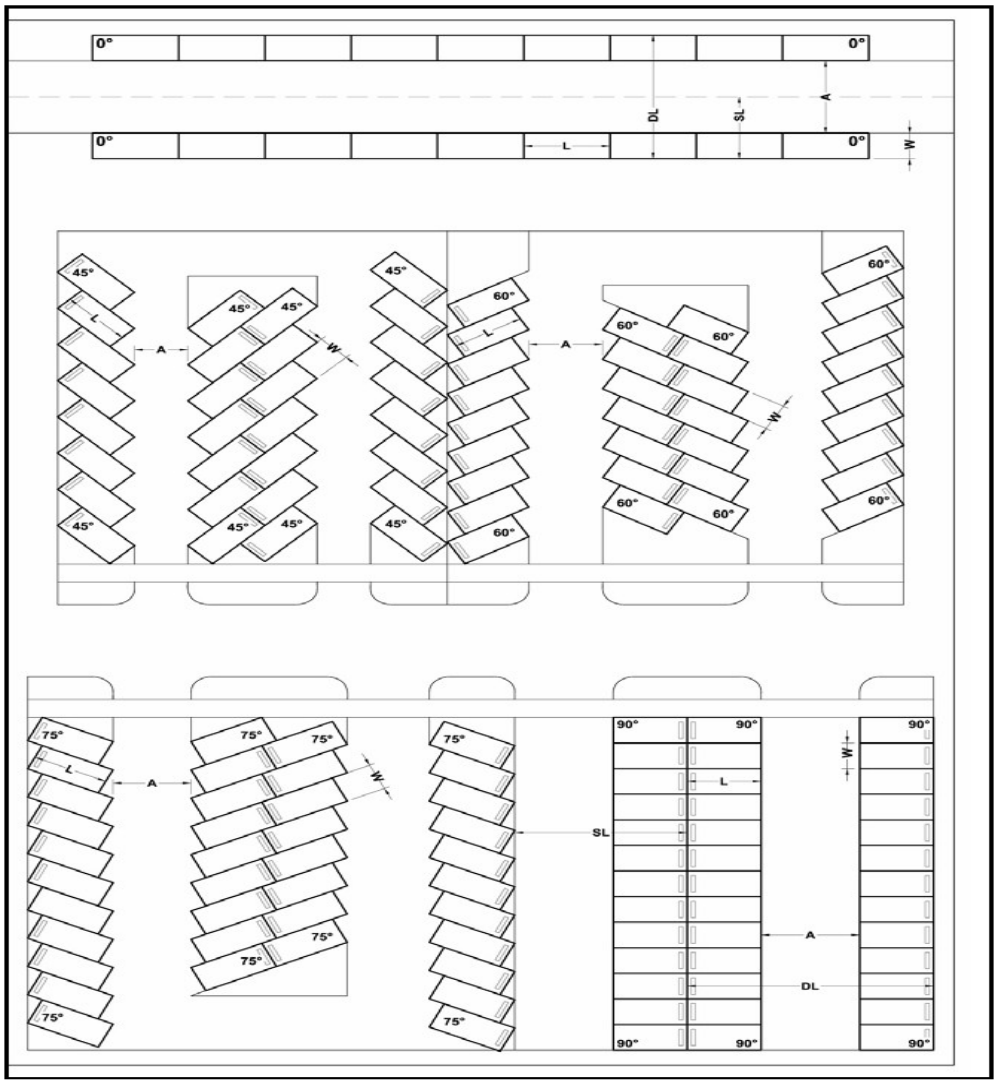


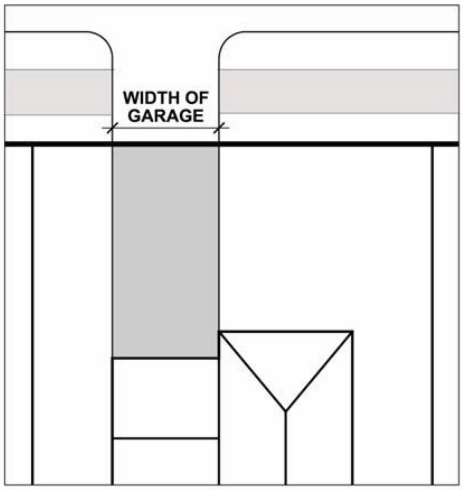
Table 22. Off-Street Parking Dimensions

Parking Angle	Stall Width (W)	Stall Length (L)	Aisle Width (A)	Single Loaded Module[2]Width (SL)	Double Loaded Module[2]Width (DL)
0°	9'	21'	12'/24'[1]	20.5'/32.5'[1]	29'/41'[1]
45°	9'	18'	12'	32'	51'
60°	9'	18'	17'	38'	58'
75°	9'	19'	19'	40.8'	61.6'
90°	9'	18'[3]	24'[1]	42'[1]	60'[1]

1. Two-way traffic permitted.
2. A module is defined as a drive aisle with automobiles parked on each side of the drive aisle.
3. Where a parking space abuts a sidewalk or landscape island that is seven feet in width or wider, the parking space depth may be reduced to 16 feet.

d. A residential driveway shall be no wider than the width of the garage (Figure 3).

Figure 3. Residential Driveway Width



e. Single-family and two-family dwellings are permitted an additional paved parking pad, located beside the house and up to 15 feet in width.

f. For dwellings without a garage, facing the street, the driveway shall not exceed 24 feet in width

i. Multi-family and townhouse dwellings, and non-residential driveways.

- No driveway shall have a width exceeding 24 feet, except for non-residential driveways which provide access to loading berths or which are striped with dual exit lanes. Such driveways shall not exceed 36 feet in width.
- Driveways, off-street parking areas, and access aisles for multi-family residential and non-residential parking lots shall be designed in accordance with Figure 2. However, during the site plan review process, the planning commission may approve a reduction in the minimum width of a drive aisle subject to fire department approval.

ii. Single-family dwelling units driveway curb cuts.

- One driveway curb cut shall be permitted on a zoning lot for a new single-family (detached) dwelling unit. Two curb-cuts not more than 12 feet wide may be approved for a circular driveway. For lots with more than one street frontage, one curb-cut is allowed per frontage. More than one curb cut in any other circumstance must be approved by the public works department. Existing lots with more than one curb cut and/or a circular driveway or straight driveway that exists at the time of adoption of this ordinance, may be replaced and repaired.

3. *Surfacing.* All off-street parking areas and driveways shall be constructed of concrete, asphalt pavement or equivalent. Semi-pervious materials such as grass-crete and brick and concrete pavers may also be used, subject to the approval of the planning department.

4. *Striping.* Off-street parking areas shall delineate parking spaces with paint or other permanent materials, which shall be maintained in clearly visible condition. Parking spaces for handicapped persons shall be identified with appropriate signage or markings.

5. *Curbing and bumper stops.* All parking lots exceeding ten spaces shall be edged with concrete curbing. Bumper stops, wheel stops, or curbing shall be provided as needed to prevent vehicles from damaging

or encroaching upon any adjacent loading space, sidewalk, landscaped area, or parking lot island, fence, wall, or building. Curbing shall be at least four inches in height. The length of the parking stall shall be as indicated in Figure 2. This standard shall not, however, prohibit the use of planting areas as on-site stormwater management devices, wherein curbing around such planting area may be waived by

6. *Drainage and grading.* Except for parking spaces accessory to a single-family detached dwelling, no area of any parking facility shall have a slope of more than five percent. No access ramp shall have a slope of more than ten percent in the first 15 feet from the street.

7. *Lighting.* Illumination of an off-street parking area shall be arranged so as to deflect the direct rays of light away from adjacent properties and streets in accordance with section 11.3 (outdoor lighting).

8. *Landscaping and screening.* All parking lots shall be landscaped in accordance with section 11.4 (landscaping, screening, and tree preservation).

9. *Special standards for downtown commercial.* See the Design Review Guidelines Manual for special design standards within downtown commercial district zone.

H. *Accessible parking.*

1. *Required spaces.* With the exception of single- (detached and attached) and two-family dwellings, in all off-street parking facilities where parking is provided for employees, visitors, or both, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with applicable laws.

2. *Dimensions and design.* Such spaces shall comply with the design and locational standards of all applicable laws.

I. *Stacking spaces for drive-through facilities.*

1. *Design.* Stacking spaces provided for drive-through uses shall be:

   a. A minimum of nine feet in width, as measured from the outermost point of any service window to the edge of the driveway, and 18 feet in length.

   b. Placed in a single line behind each drive-through facility. Multiple facilities, i.e. dual ordering stations at quick service restaurants, shall provide separate stacking lines for each station.

   c. Located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.

   d. Stacking spaces shall begin behind the vehicle parked at a last point of service, such as a window or car wash bay.

2. *Required spaces.* Every drive-through facility shall provide a minimum of three stacking spaces per facility, unless otherwise required by Table 23 (parking requirements) or this ordinance.

3. *Reduction of required spaces.* The number of required stacking spaces may be reduced by the planning commission during the site plan review process if the petitioner presents information which demonstrates that a different requirement should be imposed. The approval of a reduced number of stacking spaces shall apply only to the specific business for which the study was conducted.

J. *Required off-street parking spaces.* The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 23 (parking requirements). Table 23 lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or conditional uses within any district.

Certain generic uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 23.

Within the CDT zoning district, a portion of the required number of parking spaces may be on-street. They must be adjacent to the lot for which the parking is required.

Table 23. Parking Requirements

Use Category	**Parking Requirement** (GFA = Gross Floor Area // sf = square feet)
RESIDENTIAL USES	
Assisted Living Facility	.2 per bed + 1 per 2 employees
Bed and Breakfast	1 space + 1 per bedroom
Boarding House (6 or more persons)	1 per bedroom
Community Residence	.25 per bed + 1 per 2 employees
Dwelling, Above the Ground Floor	1 per unit In the CDT District: Efficiency or 1-bedroom unit: 1 per dwelling unit 2-bedroom or more unit: 1.5 per dwelling unit
Dwelling, Multi-Family	Efficiency or 1-bedroom unit: 1.5 per dwelling unit 2-bedroom or more unit: 2 per dwelling unit
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit
Independent Living Facility	1 per dwelling unit + 1 per 2 employees
Nursing Home	.2 per bed + 1 per 2 employees
GOVERNMENT & EDUCATIONAL USES	
Educational Facility, Primary/Secondary	Primary: 2 per classroom Secondary: 1 per 8 students (based on maximum enrollment) + 2 per classroom
Educational Facility, College/University	1 per 2 students (based on maximum enrollment) + 1 per classroom
Educational Facility, Vocational School	1 per 2 students (based on maximum enrollment) + 1 per classroom
GOVERNMENT & EDUCATIONAL USES	
Educational/Residential Boarding Campus	2 per dwelling unit + 1 per classroom + 1 per employee
Government Facility & Offices	3 per 1,000 sf GFA
Public Safety Facility	1 per 600 sf GFA
Public Works Facility	1 per 2 employees
RELIGIOUS USES	
Place of Worship	1 per 4 seats
CULTURAL, RECREATION & ENTERTAINMENT USES	
Art Gallery	1 per 800sf GFA
Cultural Facility	2 per 1,000sf GFA
Community Center	3 per 1,000 sf GFA
Firing Range	1 per lane
Golf Course	4 per hole
Health/Fitness Center	4 per 1,000sf of public use area

Use Category	Parking Requirement (GFA = Gross Floor Area // sf = square feet)
Indoor Entertainment Facility	4 per 1,000sf of public use area
Movie Theater	1 per 4 seats for first 400 seats + 1 per 6 additional seats after first 400
Indoor Recreation Facility	4 per 1,000sf of public use area
Bowling Alley	2 per lane
Live Entertainment	4 per 1,000 sf of public use area
Marina	1 per 2 slips
Outdoor Entertainment Facility	2 per 1,000sf of public use area
Outdoor Recreation	2 per 1,000sf of public use area
Race Tracks	1 per 4 seats for the 1st 400 + 1 per 6 thereafter
Recreational Training School	1 per 250sf GFA
Social Club or Lodge	2 per 1,000sf GFA
OFFICE USES	
Call Center	1 per phone
Office	3 per 1,000sf GFA
RETAIL USES	
Commercial Center (multi-tenant, including retail, office, restaurants)[1]	1 per 200sf GFA: 1st 20,000sf 1 per 250sf GFA: next 80,000 1 per 300sf GFA: over 100,000
Motor Vehicle Dealership	1 per 1,000sf of sales & display area (indoor + outdoor)
Retail Goods Establishment	4 per 1,000sf GFA
SERVICE USES	
Animal Hospital	1 per 300sf GFA
Banquet Hall	1 per 4 seats (based on maximum capacity) + 1 per 2 employees (based on largest shift)
Car Wash	1 per 2 employees + 2 stacking spaces per bay
Caterer	1 per employee
Day Care Center, Adult or Child	1 per employee + 1 per 10 children or adults + 2 passenger loading spaces
Equipment Repair	1 per 500sf GFA
RESIDENTIAL USES	
Dwelling, Above the Ground Floor	1 per unit In the CDT District: Efficiency or 1-bedroom unit: 1 per dwelling unit 2-bedroom or more unit: 1.5 per dwelling unit
Dwelling, Multi-Family	Efficiency or 1-bedroom unit: 1.5 per dwelling unit 2-bedroom or more unit: 2 per dwelling unit
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit
Independent Living Facility	1 per dwelling unit + 1 per 2 employees
Nursing Home	.2 per bed + 1 per 2 employees
GOVERNMENT & EDUCATIONAL USES	
Educational Facility, Primary/Secondary	Primary: 2 per classroom Secondary: 1 per 8 students (based on maximum enrollment) + 2 per classroom

Use Category	Parking Requirement (GFA = Gross Floor Area // sf = square feet)
Educational Facility, College/University	1 per 2 students (based on maximum enrollment) + 1 per classroom
Educational Facility, Vocational School	1 per 2 students (based on maximum enrollment) + 1 per classroom
GOVERNMENT & EDUCATIONAL USES	
Educational/Residential Boarding Campus	2 per dwelling unit + 1 per classroom + 1 per employee
Government Facility & Offices	3 per 1,000 sf GFA
Public Safety Facility	1 per 600 sf GFA
Public Works Facility	1 per 2 employees
RELIGIOUS USES	
Place of Worship	1 per 4 seats
CULTURAL, RECREATION & ENTERTAINMENT USES	
Art Gallery	1 per 800sf GFA
Cultural Facility	2 per 1,000sf GFA
Community Center	3 per 1,000 sf GFA
Firing Range	1 per lane
Golf Course	4 per hole
Health/Fitness Center	4 per 1,000sf of public use area
Indoor Entertainment Facility	4 per 1,000sf of public use area
Movie Theater	1 per 4 seats for first 400 seats + 1 per 6 additional seats after first 400
CULTURAL, RECREATION & ENTERTAINMENT USES	
Indoor Recreation Facility	4 per 1,000sf of public use area
Bowling Alley	2 per lane
Live Entertainment	4 per 1,000 sf of public use area
Marina	1 per 2 slips
Outdoor Entertainment Facility	2 per 1,000sf of public use area
Outdoor Recreation	2 per 1,000sf of public use area
Race Tracks	1 per 4 seats for the 1st 400 + 1 per 6 thereafter
Recreational Training School	1 per 250sf GFA
Social Club or Lodge	2 per 1,000sf GFA
OFFICE USES	
Call Center	1 per phone
Office	3 per 1,000sf GFA
RETAIL USES	
Commercial Center (multi-tenant, including retail, office, restaurants)[1]	1 per 200sf GFA: 1st 20,000sf 1 per 250sf GFA: next 80,000 1 per 300sf GFA: over 100,000
Motor Vehicle Dealership	1 per 1,000sf of sales & display area (indoor + outdoor)
Retail Goods Establishment	4 per 1,000sf GFA
SERVICE USES	
Animal Hospital	1 per 300sf GFA
Banquet Hall	1 per 4 seats (based on maximum capacity) + 1 per 2 employees (based on largest shift)
Car Wash	1 per 2 employees + 2 stacking spaces per bay
Caterer	1 per employee

Use Category	Parking Requirement (GFA = Gross Floor Area // sf = square feet)
Day Care Center, Adult or Child	1 per employee + 1 per 10 children or adults + 2 passenger loading spaces
Equipment Repair	1 per 500sf GFA
Financial Institution	3 per 1,000sf GFA + 2 stacking spaces per lane
Funeral Home	1 space per 3 seats
General Business Services	3 per 1,000sf GFA
Helistop	2 spaces
Hospital	1 per 2 beds + 2 per 3 employees (based on largest shift)
Hotel/Motel	1 per room
Kennel	1 per 1,000sf GFA + 1 per employee
Medical Rehabilitation Facility, Residential	1 per 2 beds + 2 per 3 employees (based on largest shift)
Medical/Dental Clinic	1.5 per exam room or 1 per 300, whichever is greater
Medical/Dental Laboratory	1 space + 1 per employee
Meeting/Event Center	1 per 4 seats (based on maximum capacity) + 1 per 2 employees (based on largest shift)
Motor Vehicle Rental Establishment	1 per 1,000sf of display area (indoor + outdoor area)
Motor Vehicle Service and Repair, Major or Minor	2 per service bay + 1 per 500sf of office & waiting area
Motor Vehicle Service Station/Fuel Center	2 per 1,000sf GFA of any accessory convenience retail and/or food service + 2 stacking spaces per bay for any accessory automatic car wash
Personal Services Establishment	3 per 1,000sf GFA
Printing Shop	1 space + 1 per employee
Research and Development Facility	3 per 1,000sf GFA
Restaurant, Full and Quick Service	1 per 100sf GFA, plus 1 per 3 outdoor seats
Restaurant, Carry Out	1 per 150sf GFA
Taxidermy	1 space + 1 per employee
Utility, Private	1 per 2 employees
HEAVY RETAIL, WHOLESALE, & SERVICE	
Contractor Office & Storage Yard	1 per 400sf of office area + 1 per 5,000sf of storage yard (indoor + outdoor)
Food Service Contractor	1 per employee
Heavy Retail, Rental and Service Establishment	4 per 1,000sf GFA, including outdoor storage & display areas
Machine Shop	1 space + 1 per employee
Motor Vehicle Operations Facility	1 per 1,000sf GFA
Reupholstery/Custom Home Textiles	1 space + 1 per employee
Self-Service Storage Facility	1 per 100 storage units
Welding Shop	1 space + 1 per employee
INDUSTRIAL	
Manufacturing	1 space + 1 per employee
Concrete or Asphalt Plant	1 space + 1 per employee
Trucking Company/Terminal	1 space + 1 per employee

Use Category	Parking Requirement (GFA = Gross Floor Area // sf = square feet)
Warehouse/Distribution	1 per 1,000sf GFA
Sign Manufacturing/Fabricating	1 space + 1 per employee
OTHER	
Cemetery & Mausoleum	1 per 250sf of office and/or chapel space
Driving Range (Principal Use)	1 per tee
High Impact Facilities	1 space + 1 per employee
Plant Nursery	3 spaces per acre
Radio & Television Towers & Transmission Facilities	2 spaces
Sexually Oriented Business	1 per 100sf GFA
Storage Space Accessory to a Principal Use - Service, Office or Retail Use	1 per 1,000sf GFA (storage space only)
Vacation Rental	1 per 500sf GFA
Wireless Telecommunications Tower	1 space

Note: A commercial center is a multi-tenant development with a mixture of uses including, but not limited to, retail, service, office, and restaurants. Full-service restaurants within such centers shall be provided with the number of parking spaces required for full-service restaurants rather than the lesser number of spaces required for a commercial center.

K. *Required off-street loading spaces.* Off-street loading spaces shall be provided for a building, structure or use which requires the receipt or distribution of materials or merchandise by trucks or other vehicles in accordance with Table 24.

Table 24. Off-Street Loading Requirements

Use Category	Number of Spaces Required
Non-Residential Use (excluding uses below)	
10,000—100,000 sf of gross floor area	1 loading space
Each additional 100,000 of gross floor area	1 loading space
Heavy Retail and Service, Wholesale and Distribution and Industrial Uses	
5,000—10,000 sf of gross floor area	1 loading space
10,001—40,000 sf of gross floor area	2 loading spaces
40,001—100,000 sf of gross floor area	3 loading spaces
For each additional 100,000 sf of gross floor area over 100,001 sf of gross floor area	1 loading space

L. *Design of off-street loading spaces.*

1. *Location.*

   a. All off-street loading spaces shall be located on the same zone lot as the building or use served. No off-street loading spaces shall project into a public right-of-way.

   b. Off-street loading spaces shall not take up a required parking space and shall not interfere with entrances and exits to the property.

   c. No off-street loading space shall be located in a front or corner side yard.

d. All off-street loading spaces shall be located a minimum of 50 feet from the lot line of any lot in a residential district, unless completely enclosed by building walls or a solid fence or wall, or any combination thereof, not less than six feet in height.

2. *Dimensions.* All required off-street loading spaces shall be at least 12 feet in width and at least 30 feet in length, exclusive of maneuvering space, and shall have a minimum vertical clearance of at least 14 feet. During site plan review, the planning commission may require a loading space in excess of 30 feet in length based upon the proposed use and anticipated shipping/delivery methods. In no case, shall the planning commission require a length in excess of 60 feet.

3. *Surfacing.* All off-street loading spaces shall be constructed of a heavy-duty concrete, asphalt or equivalent conforming to the specifications of the public works department.

4. *Access control and signage.* Each required off-street loading space shall be designed with adequate means of vehicular access to a street or alley in a manner that will minimize interference with traffic movement.

5. *Lighting.* Loading facility lighting shall be in accordance with section 11.3 (outdoor lighting). Illumination of an off-street loading facility shall be arranged so as to deflect the direct rays of light away from adjacent properties and streets.

6. *Landscaping and screening.* All loading facilities shall be landscaped and screened in accordance with section 11.4 (landscaping, screening, and tree preservation).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.3. Outdoor lighting.

A. *Lighting levels and type.* Parking lots, which exceed ten parking spaces and which are located within commercial districts and at multi-family residential/non-residential uses within residential districts shall be lighted at a minimum of 0.2 foot-candles and a maximum of ten foot-candles. Lighting beneath canopies, such as at fuel centers, shall not exceed 30 foot-candles. Canopy lights shall be fully recessed into the canopy ceiling. See light trespass restrictions below.

B. *Light distraction.* Light fixtures in excess of 150 watts shall use full cut-off lenses or hoods to prevent glare or spillover onto adjacent lots and streets. No exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares. Specifically, the following types of light trespass are prohibited:

1. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.

2. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal, or local government.

3. In addition, motor vehicle service station lighting shall comply with the requirements of subsection 9.3.H. (motor vehicle service stations).

4. When possible, the use of LEDs should be used.

C. *Light trespass.* No lighting source from a commercial use shall cause more than one foot-candle of illumination to cross the property line of an adjoining residentially zoned property.

D. *Light pole and building mounted lighting heights.* The maximum height of light poles on private property, as measured from grade at the base to the bottom of the luminaire, shall be as specified below. These standards do not apply to public right-of-way lighting. Permitted light pole heights shall be as follows:

1. *Non-residential districts.* Lights poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles or mounts shall not exceed 22 feet in height. The planning commission may approve, in appropriate circumstances as part of site plan review, a pole or mount of up to 30 feet.

2. *Residential districts.* Light poles in residential districts shall not exceed 16 feet in heights. Light poles at places of worship, other non-residential uses and multi-family residential sites shall not exceed 22 feet in height. Light poles on public property, including at city parks and public schools shall be subject to the policies of their governing bodies.

E. *Light pole and fixture design standards.* Light poles and fixtures in commercial districts should match and be aesthetically pleasing. The base of the lights should not exceed 30 inches above grade. Lights within parking lots should be placed within landscaped islands. Bases shall be painted or stained to prevent erosion and shall be screened with shrubs.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.4. Landscaping, screening, and tree preservation.

A. *Applicability.* This section shall apply to all development, construction, use of land and buildings and other activity for which site plan and/or design review approval is required as per section 4.6 (site plan and design review). No building permit or use and occupancy permit shall be issued for any lot or use subject to the requirements of this section unless all the requirements of this section have been fulfilled. Failure to implement the landscape plan, or to maintain the lot or use in conformance with the landscape plan, shall be cause for revocation of the occupancy certificate and/or the application of fines and penalties, as established in this ordinance. All landscaping is subject to periodic inspection by the planning department.

B. *Landscape plan.*

1. *Landscape plan required.* A detailed landscape plan shall be submitted to the city as part of site plan and design review as specified in section 4.6 (site plan and design review).

2. *Content of landscape plan.*

a. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, ground signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, utility lines and equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the planning department.

b. The location, quantity, size, botanical name and condition of all existing plant materials, including trees and other plant material in the right-of-way, and indicating plant material to be retained and removed.

c. The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials, and turf.

d. The existing and proposed grading of the site indicating contours at one- to two-foot intervals. Proposed berming shall be indicated using one-foot contour intervals.

e. Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any natural rock outcroppings on the site. Top-of-wall and bottom-of-wall elevations shall be shown for retaining walls.

3. *Changes to approved landscape plans.* Changes to the landscape plan shall be governed by subsection 4.6.F.

C. *Selection, installation, and maintenance of plant materials.*

1. *Selection.* All planting materials used shall be of good quality and meet American Standard for Nursery Stock, ANSI Z60.1 latest edition, developed by the American Nursery & Landscape Association, for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of Middle Tennessee, as well as the individual site microclimates. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Plant materials shall conform to the city's standard tree selection specifications as included in appendix E (landscape standards).

2. *Installation.* All landscaping materials shall be installed in accordance with the current planting procedures established by the ANLA. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation shall also be in accordance with the city's standard tree planting details.

3. *Required elements.* Landscape materials depicted on landscape plans approved by the city shall be considered to be required site plan elements in the same manner as buildings, parking, and other improvements. As such, the owner of record, or in some instances the property owner's association, shall be responsible for the maintenance, repair, and replacement of all landscape materials, and fences, steps, retaining walls, and similar landscaping elements over the entire life of the development.

4. *Maintenance.* All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy, or missing plants shall be replaced within six months or the next reasonable available growing/planting season. Fences, steps, retaining walls, and similar landscaping elements shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water. Shrubs that screen parking areas shall be maintained as a continuous, unbroken hedge. Trees shall only be pruned to maintain their natural form and to remove dead or diseased wood. Topping of trees is strictly prohibited, except that Pyrus calleryana species may be pruned to prevent wind damage. Trees that are topped in violation of this ordinance shall be replaced with new trees of like species and size, or multiples thereof.

D. *Landscape design standards.* Landscape plans, as described above, shall be prepared by a licensed landscape architect, registered in the State of Tennessee, or a certified landscape designer and evaluated and approved based on the following design criteria.

1. *Scale and nature of landscape material.* The scale and nature of landscape materials shall be appropriate to the size of the site and related structures. Required landscape beds (such as at building foundations and at parking lot perimeters) shall implement multiple layering of plant material to give a sense of depth, rather than distributing plants into thin ribbons or rows. Generous plantings should define the street edge and site entry/exit points, as well as building entries.

2. *Impervious surface ratio.* The impervious surface ratio (ISR), computed by dividing the impervious surface area of the site by the total site area, shall not exceed 80 percent. In CDT zones, the ISR shall not exceed 90 percent. The remaining pervious area shall be landscaped.

3. *Selection of plant material.* Plant materials shall be selected from the recommended plant materials list included in appendix E (landscape standards) or as approved by the city landscape architect. Plant material shall be selected for its form, texture, color, pattern of growth, and suitability to local

conditions. Plant sizes shall be specified according to the plant sizing chart in appendix E or as otherwise indicated in this section.

4. *Shade trees.* Except as otherwise specified in this section, all deciduous shade trees shall have a minimum trunk size of two and one-half inches in caliper at time of planting, unless otherwise specified.

5. *Evergreen trees.* Except as otherwise specified in this section, evergreens trees shall have a minimum height of six feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

6. *Ornamental trees.* Except as otherwise specified in this section, single stem ornamental trees shall have a minimum trunk size of two and one-half inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight feet at planting, unless otherwise specified. Multi-trunk trees having more than five trunks shall be considered shrubs.

7. *Shrubs.* Unless otherwise specified, all large deciduous and evergreen shrubs shall have a minimum growth height of three feet at installation, and all small-growing deciduous and evergreen shrubs shall have a minimum height of 18 inches at installation. Large shrubs shall be considered to be those shrubs that reach five or more feet in height at maturity. Small shrubs shall be considered to be those shrubs that can grow up to five feet in height if left unmaintained, but are generally kept at heights of 18 to 30 inches.

8. *Walls and fences.* Plant material shall be placed intermittently against long expanses of building walls, walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

9. *Natural and historic features.* Streams, wetlands, large rock outcrops, stands of native vegetation, fence rows, cemeteries and other notable natural features must be indicated on the site plan and preserved wherever possible. Existing natural stone walls should be incorporated into the site design and preserved. Structures over 50 years old or valued for their local significance should be located on the site plan and retained if possible. Incorporation of such structures into the site's development as a special feature is encouraged. If the structures are not to be retained or adapted, reasons should be given.

10. *Planting beds.*

    a. Planting beds shall be mulched with naturally colored shredded hardwood, mushroom compost, or pine needles. Rock, gravel, or synthetic mulches are not acceptable. Planting beds shall be a minimum of five feet in width, except where otherwise stated within this section.

    b. Trees planted within sidewalk or plaza zones shall be provided a minimum of 200 cubic feet of soil. A minimum of 60 square feet of pervious area shall be provided around each tree. Pervious paving may be used for this purpose if used in conjunction with structural soils.

11. *Detention and retention ponds.* Detention and retention ponds shall be landscaped with trees, shrubs, and turf. Detention ponds shall be considered a service area and shall be screened from public view. Back slopes steeper than 4:1 exposed to public streets shall be screened with trees and shrubs.

    Structures (such as headwalls and weirs) within ponds located in front and side yards adjacent to public streets shall be faced with brick or stone. Slopes exceeding 3:1 shall be vegetated with plants that do not require frequent mowing.

    Groundcovers used for this purpose shall be planted with sufficiently tight spacing to provide 100 percent coverage within the first year.

12. *Berming.* Earthen berms and existing topographic features may be incorporated into the landscape treatment of a site where there is a need to mitigate noise and sight lines from certain activities such as loading berths, outdoor storage, drive-thrus, auto service areas, heavy equipment operations, refuse disposal/storage areas, etc. Side slopes shall be no steeper than a 3:1 (three feet of run to one foot of rise) slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

13. *Topsoil.* Topsoil shall be saved and set aside during grading activities to be used for landscape areas. Topsoil shall be screened and placed over landscape areas to a depth of at least six inches. All landscape beds shall have a minimum of 18 inches of topsoil. Each tree shall have a minimum of 24 inches topsoil depth over a 25 square foot area. Construction debris shall not be incorporated into the topsoil or otherwise buried on site.

14. *Steep slopes.* Turf areas visible from the street should not exceed a slope of 3:1.

E. *Building foundation landscaping.*

1. Building foundation landscaping is required in all commercial and industrial districts, as well as all multi-family developments and institutional uses for all new construction and additions to buildings. Landscaping shall be placed on all sides that are visible from public areas. Plantings are not required where walkways access building entrances.

2. Foundation plantings shall work in concert with transition yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details.

3. The minimum width of the area provided to accommodate foundation plantings is as follows:

   a. Five feet of planting area width adjacent to one-story buildings.

   b. Ten feet of planting area width adjacent to buildings having two or more stories.

   c. Building segments that have long flat wall expanses (40 feet or longer) without significant architectural detailing, wall projections and recesses, shall have ten feet wide planting beds that incorporate ornamental trees, tall evergreens, and a range of shrub sizes and ground covers.

F. *Parking lot perimeter landscape yard.* Perimeter parking lot landscaping provides for the enhancement and screening of parking lots. Perimeter landscaping shall be required for all parking lots subject to site plan and design review and shall be established along the edge of the parking lot.

1. *Applicability.* The perimeter landscape yard shall run the full length of the parking lot boundary, except on sides that are not exposed to the public, and shall be protected with raised concrete curbs. Sections of curbing may be eliminated for the purpose of facilitating a bioswale designed as part of an overall water quality and drainage plan.

2. *Width of parking lot perimeter landscape yard.* A perimeter landscape yard shall be a minimum of seven feet in width and shall require six-inch curbing. In CDT zones, the perimeter landscape yard shall be a minimum of four feet in width, with shrubs planted a minimum of two and one-half feet from the face-of-curb.

3. *Required landscaping.* The following landscaping shall be provided within the perimeter landscape yard.

   a. *Amount of landscaping.* Landscaping shall run the full length of the perimeter landscape yard.

   b. *Shrubs.* A continuous, double staggered row of shrubs shall be planted with a minimum height of 24 inches and a maximum on-center spacing of four feet. Shrubs shall be planted a minimum of three feet from the back-of-curb. The configuration of shrubs within the perimeter yard may be

altered so long as the overall quantity is maintained, but in no case shall there be less than a single row of evergreen shrubs at the back of the parking lot curb. Shrubs placed in a single row shall be spaced a maximum of three feet on-center.

c. *Groundcover.* Landscaped areas outside of shrub and tree masses shall be planted in turf or other live groundcover, perennial or ornamental grass plantings.

G. *Interior parking lot landscaping.* For parking lots consisting of more than ten spaces, interior parking lot landscaping shall be required. Ten percent of the total parking lot area shall be landscaped with parking lot islands and landscaped areas. Parking lot perimeter landscape yards shall not be included toward satisfying this requirement.

1. *Amount.* Parking lot islands and landscaped areas shall be provided in the following amount:

a. One 9'x18' or larger parking lot landscape island shall be provided every ten contiguous parking spaces. Runs of parking over ten spaces may accommodate up to a maximum of 20 spaces provided 18'x18' or larger landscape islands are provided. All rows of parking spaces shall be terminated by a parking lot island.

b. Where parking medians are provided within interior parking bays, runs of parking, including adjacent perimeter parking, may be increased to 20 spaces, with a 9'x18' landscape island terminating each run. Parking medians are linear green spaces running between and perpendicular to parking rows and connecting the terminating landscaping islands together. Medians shall be a minimum of nine feet wide as measured from back-of-curb. Medians shall be landscaped with trees and shrubs (Figure 4).

Figure 4. Landscaped Medians and Islands

c. At least one shade tree shall be provided for every 2,000 square feet of vehicle use area (VUA). Such trees shall be planted within parking lot islands and landscaped areas.

d. Each parking lot island shall contain at least one shade tree. If an island must also contain a light pole, an ornamental tree may be substituted for the shade tree. Tree and pole must be separated by at least 14 feet.

e. Off-street parking facilities larger than 100,000 square feet of VUA or 250 spaces, shall be organized into a series of smaller modules separated by linear landscaped islands with a minimum width of nine feet, located at least every fourth parking bay, and running the length of the parking bays, to accommodate stormwater quality features, trees, shrubs groundcover, or light poles. Such planting strips or islands shall be landscaped with trees, shrub masses and suitable groundcover.

f. Within the industrial zoning, interior landscape islands are not required.

2. *Design of planting areas.* Parking lot islands and landscaped areas shall be at least six inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for

the absorption of stormwater. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.

3. *Type of landscape material.* Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges, and other plant materials may be used to supplement the shade tree plantings but shall not create visibility concerns for automobiles and pedestrians.

4. *Quantity of landscape material within parking lot islands and landscaped areas.* A minimum of one shade tree shall be provided for every parking lot island.

5. *Groundcover.* A minimum of seventy percent (33%) of every parking lot island shall be planted in turf or other live groundcover, perennials or ornamental grasses. The remainder must be mulch.

6. *Fill.* Soil used in parking lot islands, driveway medians, and other areas internal to a vehicular use area shall be screened prior to deposition in planting areas.

   Construction debris shall not be buried on site. Islands shall be constructed in accordance with APPENDIX E. LANDSCAPE STANDARDS.

H. *Sign landscaping.* Ground signs shall be landscaped at the base of the sign in accordance with subsection 12.6.C.8.

I. *Street yard.* Except for points of access, a street yard shall be provided where the site adjoins the public street right-of-way. Properties in the CDT zoning district and alleys are exempt from this requirement.

1. The street yard shall have a minimum depth of ten feet as measured from the property line towards the interior of the property. The yard shall consist of sod grass or other approved groundcover. Shrubs required for the screening of vehicle use areas or other site elements may be located within the yard. No parking or other impervious surfaces are permitted in the street yard area.

2. Trees may be planted within the street yard exclusive of points of access. Trees shall be a minimum of two and one-half inches caliper.

3. Existing woodlands or tree rows along the street right-of-way frontage can be substituted for the street yard tree requirement, provided the street yard depth is increased to at least 25 feet, as measured from the property line.

4. Street trees shall not count towards other landscaping requirements.

5. Vehicular entry and exit points shall be landscaped so as to be easily identified by users. No landscaping should interfere with sight triangles.

J. *Buffer yards.*

1. This section establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts. The yard provides transition between incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line. Buffer yards shall provide a year-round visual, noise, and dust barrier.

2. In some instances, a buffer yard may not be required by the planning commission. These include, but are not limited to, instances where the rear wall of a commercial building is located on the rear property line or where an alley is located between a commercial property that abuts a residential property. Where it proves difficult to meet the buffer yard requirements of this ordinance due to pre-existing site constraints, the body approving the landscape plan may approve alternative approaches or waive requirements.

3. Buffer yards shall be provided according to the matrix shown below on Table 25. First identify the type of zoning for the proposed development along the left side of the matrix. Find where the zoning of the

proposed development and each adjoining property intersect on the matrix. If a buffer is required, a capital letter will indicate the type of buffer to be applied. If the proposed use within a zone is also listed as a permitted use within a less-intensive zone, the corresponding class for the less intensive zone may be applied. For example, a proposed commercial use within an industrial zone may be classified as a commercial zone for the purposes of the matrix.

Table 25. Buffer Types by Usage

Proposed Use	**Existing Land Use**				
	Industrial	**Commercial**	**Office**	**Multi-Family Residential**	**Other Residential**
Industrial		C	B	A	A
Commercial				B	B
Office				C	C
High Density Residential	A	B	C		C

4. Buffer Type A. Provide a 30-foot deep (as measured towards the interior of the property) buffer yard along the shared property line planted with:

    a. A row of evergreen trees, ten feet to 15 feet on-center (depending on growth habit of species selected), a double staggered row of shrubs spaced a maximum of eight feet on-center, and one row of shade trees spaced a maximum of 33 feet on-center.

    b. All plants shall meet the installation and planting size requirements specified in APPENDIX E. LANDSCAPE STANDARDS.

5. Buffer Type B. Provide a 20-foot deep (as measured towards the interior of the property) buffer yard along the shared property line planted with:

    a. Evergreen trees spaced a maximum of ten to 15 feet on-center, a row of shrubs spaced a maximum of eight feet on-center, and one row of shade trees spaced a maximum of 33 feet on-center.

    b. All plants shall meet the installation and planting size requirements specified in APPENDIX E. LANDSCAPE STANDARDS

6. Buffer Type C. Provide a ten-foot deep (as measured towards the interior of the property) buffer yard along the shared property line planted with:

    a. Evergreen trees spaced a maximum of ten to 15 feet on-center.

    b. All plants shall meet the installation and planting size requirements specified in APPENDIX E. LANDSCAPE STANDARDS.

7. Responsibility for buffer installation shall be as follows:

    a. Where a developing parcel is adjacent to a vacant parcel, the developing parcel shall provide 100 percent of the buffer yard required adjacent to the vacant land.

    b. Where a developing parcel is adjacent to an existing use, the developing parcel shall provide the full buffer yard required adjacent to the existing use.

    c. Where all or part of a buffer yard exists on the adjacent developed parcel, but the yard does not fully comply with the standards of this subsection, the developing parcel shall be responsible for

providing all the additional planting material required to conform to the above stated buffering requirements.

d. If the existing developed parcel contains a buffer meeting the standards of this subsection, then the developing use is not required to provide a buffer.

8. The minimum width of a required buffer yard may be reduced by up to 50 percent with the provision of a brick or stone wall at least six feet in height running the length of the reduced width. The quantity of required evergreen trees and shrubs may also be reduced by up to 50 percent. The quantity of required shade trees shall not be reduced. Fencing may be installed within drainage or utility easements provided it does not interfere with drainage or the utilities within the easement.

9. The minimum width of a required buffer yard may be reduced by up to 33 percent with the provision of a solid wood fence or heavy-duty commercial grade fence at least six feet in height running the length of the shared property boundary. The quantity of required evergreen trees and shrubs may also be reduced by to 33 percent. The quantity of required shade trees may not be reduced. Fencing may be installed within drainage or utility easements provided it does not interfere with drainage or the utilities within the easement.

10. The required buffer yard shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this subsection or that require removal of existing vegetation, unless otherwise permitted in this ordinance. The following items shall be permitted within buffer yards provided the intent of the buffer yard is not compromised and damage to existing vegetation is minimized:

a. Sidewalks, trails, and bike paths;

b. Fences and walls;

c. Required landscaping;

d. Stormwater retention or detention facilities and best management practices, provided they do not interfere with the performance and maintenance of the buffer area;

e. Driveway or parking lot drive aisles provided they cross the buffer yard at a 90-degree angle to the yard or do not encroach into the yard in a parallel fashion for more than 35 feet. In the latter instance, a six-foot tall brick or stone wall shall be installed within the encroached area.

f. In the event that utility lines are installed within a buffer yard in a manner that is parallel to the buffer, additional width shall be added to the yard in an amount equivalent to the amount occupied by the utility lines and any associated easements. Any path cleared by utility installation shall be replaced with plant materials consistent with what was removed. Plant material under utility lines should be recommended by local power company to not interfere with power lines in the future.

11. Existing vegetation located within the required buffer yard and meeting the minimum size requirements in this subsection may be credited toward the buffer standards. The amount of credit shall be at the discretion of the city's landscape architect, and shall be based on the quality, size, projected longevity, and function of the vegetation.

K. *Screening requirements.*

1. *Refuse disposal dumpsters and refuse storage areas.* Refuse disposal containers, recycling containers, and refuse and recycling storage areas shall be screened on three sides by a solid brick or stone screen wall to a height at least two feet above the top elevation of the dumpster. The fourth side shall be enclosed by an opaque gate constructed of wood, vinyl, or other approved material, and situated on a concrete apron that extends a minimum of six feet beyond the opening of the enclosure, to support

the weight of the waste disposal vehicle during unloading. Plants shall be installed to blend the enclosure into the surrounding landscape. An enclosure is not required when the dumpster is located behind the building and is in an area where it will not be visible to nearby streets or adjacent properties. All refuse shall be stored within the covered refuse disposal containers. In residential districts, this provision shall not apply where refuse is collected by the city from containers less than 100 gallons in size at the street, curb, or alley.

2. *Loading spaces.* Loading spaces in all zoning districts should be located and oriented so as not be visible from the street, while still allowing access to the use it is serving. Loading docks in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening shall consist of a solid wood or simulated wood fence or masonry screen wall to a height of no less than six feet. A dense evergreen hedge may be substituted for a fence or wall, subject to approval of the landscape plan. If vegetative screening is used, a nine feet minimum width planting bed shall be provided along the length of the dock. Views into the dock shall also be screened.

3. *Outdoor storage areas.* Outdoor storage areas, as regulated by subsection 10.9.O. (outdoor storage), shall be screened from view from all property lines and streets by a solid wood or simulated wood fence or masonry screen wall to a height of no less than six feet but no more than eight feet. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the fence or wall. The required fence or wall may be substituted with a landscape screen conforming to the standards for a buffer type C as described in subsection 11.4.J.6.

4. *Drive-through facility.* Drive aisles of drive-through facilities shall be effectively screened from view at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of a solid wood or simulated wood fence, masonry screen wall, or dense evergreen hedge at least six feet in height. Chain-link fencing is prohibited. Plant materials shall be installed along the fence or wall to provide a softening effect.

5. *Service areas, service bays, and utility equipment.*

   a. Service areas, such as laydown yards, equipment or material holding areas, and service bays with overhead or roll-up doors, shall be screened from public view. Screening shall consist of evergreen trees and shrubs of sufficient height, width and quantity to provide such screening at the time of planting. Planting beds shall be a minimum of 15 feet in width. Bed width may be reduced to ten feet if it can be demonstrated that sufficient quantities and sizes of plant material can be accommodated within that width to achieve the required screening. Screening is not required where transitional buffers provide an equal amount of screening.

   b. Utility equipment shall be screened from view from streets and other public areas. Screening shall consist of structural panels, architectural features, or evergreen plants of sufficient height, width, and quantity to provide such screening at the time of planting.

L. *Tree preservation.* In an effort to maintain existing natural surroundings, mature trees and natural vegetation shall be maintained where possible. Bands of trees such as fence rows, when present alongside and rear lot lines, shall be maintained as an effective screen and wind buffer where possible.

1. A tree survey shall be required. The survey shall show the locations of each tree ten inches diameter at breast height (DBH) or greater. Species and condition shall also be noted. The survey shall be stamped by a licensed land surveyor. In situations where no grading will occur within 50 feet of a tree save area, limits of tree masses may be shown instead of individual locations.

2. Saved trees ten inches DBH and greater shall be indicated on a tree plan. The tree protection zone shall also be shown. Saved trees shall not be disrupted by grading, construction activity, materials storage, or parking within their driplines. Tree protection fencing shall be installed at the dripline prior to any grading or construction activity. Fencing shall be installed in accordance with the city's standard tree protection fencing detail.
3. In the event the root protection zone is disrupted, the planning department shall make a determination of damage and appropriate mitigation measures. At the discretion of the planning department, a registered consulting arborist shall be hired by the property owner to assist in this determination. Recommended measures shall be completed by the property owner.
4. Removed trees ten inches DBH and greater shall be indicated on the tree plan. Trees shall be replaced at one-half the DBH value of the removed tree. For example, an existing 20-inch DBH tree would be replaced with new trees equaling ten caliper inches. Replacement trees may be planted on site, and may be used to fulfill other planting requirements. Disturbance of the root zone may occur to the extent a registered consulting arborist determines that it will not affect the long-term health of the tree. The minimum replacement size for new trees shall be two and one-half inches caliper. No more than 25 percent of replacement trees may be ornamental-type trees. The remainder shall be shade trees. Trees ten inches DBH and greater removed less than one year prior to the site plan submittal shall be replaced at 100 percent of the DBH.
5. Trees 20 inches DBH and greater that are retained may, be credited at 50 percent value towards replacement requirements, if the tree is in good health and the full root protection zone remains undisturbed. For instance, if 60 tree inches are required to be replaced, and a 20-inch tree is saved, the total tree replacement required may be reduced by ten.
6. If site constraints such as excessive rock, drainage problems, or inadequate space make it difficult to locate replacement trees on-site, planning staff may designate public property on which the trees may be planted. Alternatively, planning staff may allow the developer to make payment into the tree bank fund. Payment shall be made at the time the building permit is issued. The tree bank fund shall be administered by the planning department. A cost of $50.00 per caliper inch of replacement trees shall be required. Tree bank funds shall be used to install trees, landscaping, and related irrigation measures on public property, rights-of-way or easements designated by the planning department.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.5. Multi-family site development standards.

The standards contained in this section are specific to multi-family residential developments. Additional standards are contained in other parts of this ordinance.

A. Multi-family developments shall comply with minimum yard requirements, maximum building coverage, and other lot and building bulk standards as specified by the bulk regulations of each applicable zoning district.

B. Sidewalks shall be placed five feet back of the street curb on both sides of all internal streets and along all adjacent external streets. Paved pedestrian walkways shall be provided for convenient and safe access to all living units from streets, driveway, parking lots, or garages and for convenient circulation and access to all facilities.

C. Open space and amenities should include the following:

1. Open space shall include playlots and/or playgrounds. These areas should include playground equipment sufficient to meet the needs of children expected to live within the development. All

recreational equipment provided shall be durable commercial grade equipment. The playground shall be served by paved pedestrian walks linking individual buildings to the facility. Sitting areas may be substituted for playgrounds on a square foot for square foot basis when the development is planned for elderly adults only.

2. All multi-family developments containing 100 or more dwelling units should provide swimming pool facilities and club house facilities with a minimum floor spaced of 20 square feet for each dwelling unit located within the development.

3. Centralized garbage disposal facilities. All dumping cart/bins shall be opaquely screened and landscaped.

D. A screened and fenced parking and storage area for boats, trailers and campers with a minimum of one space for each eight dwelling units. This requirement may be waived by the planning commission if the developer agrees to prohibit the parking of boats, trailers and campers at any location within the development and a contingency plan is provided for said parking and storage area. In the event that the prohibition is not being enforced, the planning commission may require the implementation of the contingency plan.

E. Street and area lights lighting the entire development.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.6. Residential subdivision and multi-family development entry ways, walls, and fencing.

A. *Site plan and design review approval required.* Any developer of a residential subdivision or multi-family development desiring to construct decorative walls, hardscape, landscape, and similar decorative features at the entry way to the development and/or walls or fencing around the perimeter of the development shall first secure site plan and design review approval as specified by section 4.6. Application should be submitted concurrent with the application for subdivision approval. Site plan and design review approval for entry features for multi-family developments should be combined with site plan and design review approval for the multi-family site and buildings.

B. *Design standards.*

1. Entrance features should consist of decorative walls, fencing, columns, ornamental lighting, and similar hardscape complimented with landscaping.

2. Building materials of features should include brick, stone, wrought iron, and similar quality materials.

3. All walls, fencing, and other structures must be at least ten feet back from the edge of street pavement and three feet back from the edge of a center median and must not block visibility of motorists. Note: Walls, fencing, and other structures are only permitted on private medians.

4. The name of the development may be incorporated into the wall. Individual channel letters should be used or individual letters carved into the wall or a pre-cast inset. The size should be proportionate to the size of the wall.

5. Lighting should be in the form of ground mounted spot lights. These lights must be screened from view by landscaping. Landscaping and other methods shall be utilized to prevent light glare and the resulting adverse impact on surrounding property.

6. Such entry features may be located on each side of the entry and/or in any median of adequate size. Decorative brick and/or stone columns with the development's logo may be erected on each side of secondary entries. Height shall not exceed ten feet.

7. Materials for perimeter fencing should be brick, wrought iron or aluminum or western cedar or equivalent with the framing away from the street. Brick columns should be erected at intervals of no more than 50 feet. Street trees and/or landscaping may be planted between the fence and street.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.7. Street and other required improvements.

The planning commission shall, in conjunction with the approval of any site plan, require the construction of any and all infrastructure and other improvements (if not already in place or guaranteed by an appropriate surety) necessary to support the development and to satisfy the purposes of this ordinance. These improvements shall include, but are not limited to, streets, curb and gutter, storm sewer, detention/retention and other drainage improvements, sidewalks, bicycle and pedestrian accommodations, utilities, lighting, landscaping, irrigation, fencing, screening, parking, loading areas, and driveways.

Street improvements which may be required include public and/or private streets and drives and may include rights-of-way for new streets or improvements to existing streets necessary to improve these streets to current city standards and especially includes major thoroughfare, arterial and collector streets as shown in the city's transportation plan and includes local streets as well. The owner/developer shall also be required to dedicate all public improvements to the city by dedicating right-of-way and/or easements or by other methods specified by the city. All improvements shall be constructed in accordance with the public works department construction manual and the construction plans as approved by the city engineer. Detention/retention ponds shall also conform to the design standards contained in subsection 11.4.D.11. Bike facilities shall conform to the land use and transportation plan. The city engineer may require a payment in-lieu-of construction of the above specified improvements. The planning commission may waive all or a portion of these improvements and payment if, after conferring with the staff, it is determined that the street(s) to be improved will not be further improved within the next ten years.

Note: these improvements are not required for any site plan which the staff is authorized to approve as per subsection 4.6.D.1.a (applications eligible for administrative site plan and design review).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 11.8. Utility service.

A. *Utility service to be underground.* Electric, telephone, cable, internet, and all other such service lines extending from the utility company's line to all buildings shall be installed underground in accordance with the utility company's underground installation requirements. Exceptions:

1. New and replacement building service lines in residential subdivisions where the utility company-owned lines are overhead and more than 50 percent of the buildings on the same street and within 1,000 feet on the same street are served with overhead service lines.
2. New and replacement building service lines in non-residential areas where the utility company-owned lines are overhead and more than 75 percent of the buildings on the same street and within 1,000 feet on the same street are served with overhead service lines.
3. The planning commission may waive these underground requirements and approve overhead service in areas with less overhead service than specified above.

B. *Sewer.* All new buildings which have sanitary sewer shall be connected to a state approved public sanitary sewer system, i.e., Mount Pleasant Public Utilities, or to an individual sanitary sewer or other method of

disposing of sanitary sewer approved by the state or other agency authorized by law to approve such sanitary sewer disposal.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 12. SIGN STANDARDS

Sec. 12.1. Purpose.

The purposes of these sign standards are to:

A. Encourage the effective use of signs as a means of communication for businesses, organizations, and individuals in the city (Figure 5).

B. Provide a means of way-finding in the community thereby reducing traffic confusion and congestion and improving pedestrian and traffic safety.

C. Maintain and enhance the pleasing look of the city.

D. Preserve the city as a community that is attractive to business.

E. Differentiate in the restriction of signs that may distract drivers in active traffic and those signs that may provide information to drivers while they remain in their cars but out of active traffic.

F. Minimize the possible adverse effects of signs on nearby public and private property while protecting First Amendment free speech rights.

G. Implement the City of Mount Pleasant Land Use and Transportation Plan.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.2. General terms.

A. *Applicability.* A sign may be erected, placed, established, painted, created or maintained on private property in Mount Pleasant only in conformance with the standards, procedures, exemptions, and other requirements of this section. This section also applies to signs held or supported by a person.

B. *Effect.* The effect of this section is to:

1. Establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in residential zones, subject to the standards and the permit procedures of this section.

2. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this section, but without a requirement for permits.

3. Provide for temporary signs in limited circumstances.

4. Prohibit all signs not expressly permitted by this section.

5. Provide for the enforcement of the provisions of this section.

C. *Signs exempt from regulation.* The following signs shall be exempt from regulation under this section:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.

2. Traffic control signs such as stop, yield, and similar signs, the faces of which meet department of transportation standards.

3. Any sign not legible from a street (public or private). This includes drive-in and drive-through menu board signs and signs within buildings, including signs at least ten feet back from a window.

D. *Transitional provisions.* All signs legally erected prior to the effective date of this ordinance are considered legal by this ordinance and may remain in place and in use, subject to certain restrictions on modification, replacement and other actions affecting the sign, as set forth in this ordinance.

E. *Existing permits.* All holders of permits for signs issued legally prior to the effective date of this ordinance may erect the signs which are the subject of such permits within the times allowed by such permits, and such signs shall then be treated as though they had been erected prior to the effective date of this ordinance. However, such permits may not be extended or amended unless the sign which is the subject of such permit will conform to all of the requirements of this ordinance.

F. *Existing violations.* All violations of the sign regulations repealed by this ordinance shall remain violations of the ordinances of the city and all penalties and enforcement remedies set forth hereunder shall be available to the city as though the violation were a violation of this ordinance.

However, if the effect of this ordinance is to make a sign that was formerly non-conforming become conforming, then enforcement action shall cease except to the extent of collecting penalties (other than removal of the sign) for violations that occurred prior to the effective date of this ordinance.

G. *Permits required.* See section 4.11 (sign permit).

H. *Computations.*

1. *Computation of sign area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of the ordinances of the city and is clearly incidental to the display itself.

2. *Computation of area of multifaced signs.* Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger sign. In all other cases, the areas of all faces of a multifaced sign shall be added together to compute the area of the sign.

3. *Computation of height.*

a. The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign.

b. The computed grade shall be the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.3. Permitted signs, location, and number.

A. *Signs allowed on private property.*

1. *Types of signs permitted.* Signs shall be allowed on private property in the city in accordance with, and only in accordance with, table 26 (permitted signs). If the letter P appears for a sign type in a column, such sign is permitted in the zoning district(s) represented by that column. If the letter N appears for a sign type in a column, such a sign is not allowed in the zoning district(s) represented by that column, under any circumstances.

2. *Special conditions.* Special conditions shall apply to certain types of signs. Those signs are identified with a paragraph number reference in the right-hand column of Table 26, which number refers to a paragraph in subsection 12.3.B. (special conditions by sign type). A sign of such type shall be permitted only subject to the requirements of those supplemental regulations.

Table 26. Permitted Signs All Zoning Districts

Sign Types	R1 & R2	MHP & R3	CN	CDT	CH	IL & IH	Conditions
Awning	N	N	S	S	S	S	12.3.B.1
Building Marker	P	P	P	P	P	P	12.3.B.2
Directory	N	N	P	P	P	P	12.3.B.3
Incidental	P	P	P	P	P	P	12.3.B.4
Institutional	P	P	P	P	P	P	12.3.B.5
Flags	P	P	P	P	P	P	12.3.B.6
Ground	N	P	P	N	P	P	12.3.B.7
Projecting	N	N	P	P	P	P	12.3.B.8
Suspended	N	N	P	P	P	P	12.3.B.9
Temporary	P	P	P	P	P	P	12.3.B.10
Wall	N	S	S	S	S	S	12.3.B.12 & 13
Window	N	N	S	P	P	P	12.3.B.14

3. *Number, dimensional, and locational limitations.* Although permitted under the previous paragraph, a sign designated by an "S" or a "P" in Table 26 shall be allowed only if:

   a. The size of any individual ground sign does not exceed the size given for individual sign area in

   Table **27** or, subsection 12.3.B. (special conditions by sign type), whichever is less.

   b. The height of any ground sign does not exceed the number given for height in

   Table **27** or subsection 12.3.B. (special conditions by sign type), whichever is less.

   c. Each ground sign shall be set back far enough away from the street to be off the right-of-way. Should the Mount Pleasant Transportation Plan dictate a greater right-of-way width than exists, said greater right-of-way width shall apply. In no event shall any sign be placed any closer to the edge of the pavement than 12 feet or in such a location which blocks visibility of motorists.

   d. The number of principal ground signs per zone lot shall not exceed the number 1 or the number resulting from the number permitted computation in

   Table **27** or as specified in subsection 12.3.B. (special conditions by sign type).

   e. The area of wall sign(s) on an individual wall does not exceed the area in square feet listed in

Table **27** for building signs or as specified in subsection 12.3.B. (special conditions by sign type), whichever is less.

Table 27. Number, Dimensions, and Location of Individual Signs All Zoning Districts

Sign Types	R1 & R2	MHP & R3	CN	CDT	CH	IL & IH
Ground Signs						
Sign Area (sq. ft.)	9	30	40	NA	40	60[1]
Height (ft)	4	5	6[2]	NA	6	8[2]
Setback (ft)	See Section 12.3.A.3.c (Number, Dimensional and Locational Limitations)					
Principal Ground Signs						
Number Permitted[3]	1	2	2	NA	2	2
Building Signs						
Sign Area (sq. ft.)	2	See Section 12.3.B (Special Conditions by Sign Type)				

1. *Eighty square feet is allowed for a ground sign advertising three or more tenants on a lot with three or more tenants and at least one and one-half acres in size.*
2. *Twelve feet is allowed for a ground sign advertising three or more tenants on a lot with three or more tenants and at least one and one-half acres in size.*
3. *Must have at least 400 feet of frontage to qualify for a second sign. Signs must be separated by at least 200 feet, as measured parallel to the street(s).*

Figure 5. Commercial Sign Examples

4. *Permitted characteristics.* The characteristics of signs shall conform with the limitations of Table 28, and with any additional limitations on characteristics listed in subsection 12.3.B. (special conditions by sign type). N in a column indicates that a characteristic is not permitted in that zoning district. P in a column indicates that a characteristic is allowed on a wall sign or principal ground sign with a sign permit. Characteristics of other types of signs are limited by the conditions set forth in subsection 12.3.B. (special conditions by sign type).

Table 28. Permitted Sign Characteristics All Zoning Districts

Sign Types	R1 & R2	MHP & R3	CN	CDT	CH	IL & IH
Changeable Copy[1]	P[2]	P[2]	P	N	P	P
Illumination, Internal[3]	N	N	P	N	P	P
Illumination, External	P	P	P	P	P	P

1. *No more than 50 percent of the area of the sign may be changeable copy, manual or electronic.*
2. *For institutional uses only.*
3. *The source of the illumination, i.e. bulbs, neon or fluorescent tubes, LED tubes, strips, etc. shall not be visible. Sources of illumination shall be enclosed with a translucent surface, such as a plastic face.*

B. *Special conditions by sign type.* The following supplemental regulations apply to particular types of signs or to particular signs in particular circumstances. Where appropriate, the tables refer to the conditions set forth in these supplemental regulations by paragraph number within this section.

1. *Awning sign.* An awning sign shall not cover more than 30 percent of the awning, nor shall it exceed the size allowed for a wall sign. Awnings shall not have back-lighting or internal illumination. Down-lighting, i.e. goose-neck lights, is permitted. The size of awning signs in combination with wall signs shall not exceed the total area allowed for wall signs as specified by subsection 12.3.B.12. (wall sign, commercial and industrial).

2. *Building marker.* Building marker signs shall be permitted, subject to the following conditions:

   a. Shall not exceed six square feet in area.

   b. Shall contain no logo or commercial message.

   c. Shall be made of permanent material, such as bronze or masonry, and shall be permanently affixed to or made part of the building.

   d. Only one sign allowed per building.

3. *Directory sign.* Directory signs shall be permitted where a particular site includes more than one tenant or occupant, subject to the following conditions:

   a. In shopping centers: Directory signs in shopping centers may be located near entrances to parking areas, but at least 50 feet from any public right-of-way, and at principal intersections within the center, where such intersections are at least 50 feet from any public right-of-way. Such signs shall not exceed 16 square feet in area or six feet in height.

   b. At multi-family projects, office buildings, or business parks: One directory sign may be located near the principal entrance to a parking area for multi-family projects, office buildings, or business parks, as shown on an approved master signage plan. Such sign shall be located away from any public right-of-way, so that drivers can conveniently pull up to and read the directory without impeding traffic on any driveway or entrance serving the development. Letters shall not be more than three inches in height. Such sign may not exceed 16 square feet in area and six feet in height.

4. *Incidental signs.* Incidental signs may carry any type of information except a commercial message that is visible from a position off the lot on which the sign is located. Typical incidental signs include restroom, phone, no parking, entrance, exit, and generic directions such as office, atm, or stores. No such sign shall exceed nine square feet in size.

5. *Institutional signs.*

   a. *Residential ground signs.* In residential zoning districts, an institutional ground sign shall be permitted on the same site as any place of worship, educational facility, hospital, or other institution, which is a permitted use in that location, subject to the following:

      i. Shall not exceed four feet in height plus two feet of additional height for each additional five feet of setback beyond the minimum required setback up to a maximum height of eight feet.

      ii. Shall not exceed 40 square feet in size.

      iii. Up to 50 percent of the surface area on each side of the sign may be a changeable copy sign. Electronic message signs allowed only as per subsection iv. below.

iv. May be illuminated by external light only except that internal illumination shall be permitted under the following conditions:

(a) The sign must be at least 150 feet from the nearest existing residence.

(b) Only one message per day.

(c) Lights must be turned off not later than 10:00 p.m. and not turned back on until 7:00 a.m.

(d) All electronic messages shall be displayed as illuminated text against a black or non-illuminated background. Black or dark text against an illuminated or bright background is not permitted. Messages shall be text only and one color only. No pictures or anything except text.

(e) The illumination of the sign shall not exceed 0.3 foot-candles over ambient lighting conditions, day or night. Measurement shall be as prescribed in the document "Recommended Brightness Levels for On-Premise Electronic Message Centers" published by the International Sign Association. All LED signs shall be equipped with a sensor device that automatically determines the ambient illumination conditions. Maximum illumination from dusk to dawn shall not exceed 500 nits. A sleep mode shall be included in each sign and shall be programmed to comply with the time limitations of this ordinance. A malfunctioning sign shall be programmed to shut down.

v. Shall be a monument style sign.

b. *Residential wall signs.* In residential zoning districts, an institutional wall sign shall be permitted on the same site as any place of worship, educational facility, hospital, or other institution, which is a permitted use in that location, subject to the following:

i. Shall not exceed 40 square feet in size.

ii. May be illuminated.

c. *Non-residential signs.* In nonresidential zoning districts, an institution may elect to erect the ground sign that would be permitted to a business in the same location, or it may elect to erect the institutional sign permitted under these provisions, but it may not erect or maintain both.

6. *Flag.* The display of flags shall be subject to the following limitations:

a. There shall be no more than three flagpoles per principal building on any zone lot. The poles shall be installed in concrete at least three feet deep.

b. There shall be no more than two flags per pole.

c. No flagpole shall exceed 35 feet in height. Flagpoles on buildings shall not extend more than 15 feet above the highest point of the building or roof.

7. *Principal ground sign.* A principal ground sign shall be permitted subject to the following:

a. Shall not exceed the applicable height specified for a ground sign in that district in Table **27**.

b. Shall not exceed in square feet the number given in table 27. A ground sign located on a vacant lot shall not exceed 12 square feet until such time that a building permit is issued for construction. Following issuance of a building permit, the restrictions in table 27 shall apply.

c. Setbacks shall conform to Table **27**.

d. One principal ground sign is permitted for each 200 feet of street frontage per lot with a maximum of two such signs being permitted. Where more than one sign is allowed, there shall be separation between each sign of at least 200 feet. Corner lots and other multi-frontage lots shall be allowed one sign for each of two street frontages even if there is not 400 feet of total frontage, but provided said signs are separated by at least 200 feet, such distance to be measured parallel to the street frontage rather than in a straight line.

e. Principal ground signs shall be separated from principal ground signs on other lots by a distance of at least 75 feet. The planning commission may approve a lesser distance in instances where it is not physically possible or otherwise practical, in the opinion of the planning commission, to provide 75 feet separation.

8. *Projecting signs.* The size of a projecting sign shall not exceed 25 square feet. A projecting sign shall be at least ten feet above any sidewalk, parking lot, driveway, or other vehicular or pedestrian way and shall not exceed 25 feet in height.

9. *Suspended signs.* Suspended signs shall be permitted under canopies attached to buildings at entrances to businesses. Suspended signs shall be subject to the following specific conditions:

a. One suspended sign allowed per entrance, and the sign may have copy on both sides.

b. Shall not exceed four square feet in face area on one side.

c. Shall not be illuminated.

d. Shall be at least ten feet above any sidewalk, parking lot, driveway or other vehicular or pedestrian way.

10. *Temporary signs.* The following temporary signs are permitted in addition to whatever permanent signs are permitted:

a. *Temporary building signs.* One banner or other temporary building sign per business shall be permitted in commercial and industrial zones except O and NC zones. Such signs shall not exceed 40 square feet in size and shall be securely attached flat against the wall of the building and shall not be erected on poles or any other means of support other than the wall of the principal building on the property. Such banners or other temporary building signs may remain in place for not more than 60 days per year. This time period may be separated into four periods of no more than 15 days each.

b. *Temporary ground signs.* One temporary ground sign per lot shall be permitted. Such signs shall not exceed nine square feet in size and four feet in height in residential zones and 12 square feet in size and six feet in height in commercial and industrial zones and may remain in place for 45 days per year. This time period may be separated into three periods of no more than 15 days.

1. Temporary residential signs shall include political preference message signs, election signs, baby announcements, garage sale signs, lost pet signs, and any other message a property owner wishes to display provided the sign contains no commercial message, except during one of the 15-day periods specified in the above paragraph. No permit is required.

2. In residential zones, a label issued by the office of the zoning administrator shall be affixed to the front of each temporary ground sign bearing a commercial message. This label shall specify the time period during which the sign is allowed to remain and shall also state the address where the sign is to be displayed.

11. *Exceptions.*

a. *Election signs.* Temporary election signs may be displayed on private property to express support of, opposition to, or any other opinion on a political candidate or an election issue. The

restriction of not more than one temporary ground sign per lot or parcel per calendar year contained in subsection 12.3.B.10 is waived for election signs under the following conditions:

- There shall be no more than one sign per candidate or ballot issue for each lot. Corner and double frontage lots shall be allowed to have one sign on each frontage per candidate or issue.
- All election signs shall be limited to 45 days extending from 40 days prior to the official election day to five days after the official election day.
- Candidates which win a primary and remain on the ballot for an additional election shall be allowed to re-erect their signs or leave the signs in place for an additional 45-day period under the above stated terms.

Such election signs are allowed in addition to all other permitted signs. A sign permit is not required.

b. *Real estate signs.* One temporary sign advertising the sale, auction, rental, or lease of real estate may be displayed on private property which is for sale, auction, rental, or lease. The maximum in residential zones is nine square feet in size and four feet in height. The maximum in commercial and industrial zones is 20 square feet in size and eight feet in height. On corner lots and double frontage lots, one such sign may be displayed on each of the two frontages. For this purpose, frontage includes street, lake, and golf course frontage. These two signs shall be separated by at least 100 feet. These signs may remain for as long as the property is for sale, auction, rental, or lease and shall be removed within three days of closing of the sale, end of the auction or rental of the premises. To accommodate an open house, an open house sign may also be placed on the property under the same size and setback requirements specified above. Furthermore, there may be four off premise open house directional signs not exceeding one square foot in size or three feet in height. These open house signs shall be allowed on Friday, Saturday, and Sunday only, and removed by 10:00 a.m. Monday. Such off-premise directional sign may not be placed on public property or right-of-way but may be placed on private property with the permission of the owner of that property.

Furthermore, there may be four off premise auction signs not exceeding nine square feet in size nor four feet in height placed not more than ten days in advance of the auction and removed within three days after the auction. Such signs may not be placed on public property or right-of-way but may be placed on private property with the permission of the owner of that property. No more than one such sign is allowed per lot.

Such signs are allowed in addition to all other permitted signs. A permit is not required.

c. *Real estate development signs.* As an accessory use to an approved subdivision or site plan, each new subdivision or development (residential, commercial, or industrial) shall be allowed one temporary real estate development sign to advertise lots for sale within the subdivision or to advertise the development of a commercial or industrial lot. Such sign shall carry no other commercial message whatsoever and shall not exceed 32 square feet in size or ten feet in height and shall be placed at least 30 feet from the edge of any street, public or private. The sign shall be removed when 90 percent of the lots are built upon, but not later than five years unless an extension is granted by the planning commission. No additional real estate signs are allowed on a lot with a real estate development sign. A permit is required.

12. *Wall sign, commercial and industrial.* Wall signs in commercial and industrial districts shall be allowed, subject to the following limitations:

a. A wall sign may be installed or painted only on a building wall of a principal building, as defined in this ordinance and may be on any side of the building;

b. The total amount of signage per wall of building shall not exceed one square feet per linear foot of length of the wall to which the sign is to be attached plus a setback bonus of one square feet for each additional foot of building setback beyond the required setback with a maximum of two square feet per linear foot of building frontage. Where a building has more than one occupant or tenant, a percentage of the setback bonus shall be allocated corresponding to the tenant's building square footage percentage. Any departure from this formula must be explicitly stated in the master signage plan. In no event shall the allocated setback bonus exceed 100 percent of the total amount of signage allowed for the entire building.

c. Where a wall of a building in a commercial or industrial district faces and is within 100 feet of a residential district, the size and lighting limitations applicable to institutional uses in that zoning district shall apply to the sign(s) on that wall only.

13. *Wall sign, residential.*

a. *Single-family homes.* Single-family residential units (either attached or detached) in zoning districts or portions of planned developments designated for single-family use shall be permitted one wall sign meeting the following criteria:

1. The sign shall not exceed two square feet in area.

2. The sign shall not be illuminated.

b. *Multi-family buildings.* Multi-family residential uses located in residential zoning districts, including portions of planned developments designated for residential use, shall be permitted one wall sign per public entrance, which wall sign shall be subject to the following:

1. No such sign shall exceed six square feet in area.

2. Each sign may be illuminated only by direct, external illumination.

3. Non-residential uses in MHP, R3, and CDT zones shall be permitted one square foot of wall sign for each linear foot of length of wall to which the sign is to be attached.

14. *Window sign.* Window signs are permitted on the first floor of buildings provided that they cover no more than 20 percent of the gross glass area on any one side of the building or five percent in CDT and CN districts. Window signs shall not be illuminated.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.4. Prohibited signs.

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the previous section are prohibited. Such signs include, but are not limited to:

A. Animated.

B. Beacons.

C. Flashing signs, including flashing signs inside the window if visible from the street (public or private).

D. Pennants.

E. Roof signs.

F. Streamers.

G. Blade banners, feather flags, swooper flags, teardrop flags, and similar devices.

H. Strings of lights.

I. Inflatable signs including inflated characters, lighter-than-air devices, and other balloon type devices.

J. Other attention-attracting devices except to the extent that they conform fully to the dimensional, design, lighting, and other standards applicable to a sign in the same location.

K. Abandoned or obsolete signs. Such signs and all frames, supporting structure, posts, and appurtenances shall be removed by the owner of the property, his agent, or person having beneficial use of the premises upon which said sign is located.

L. Vehicle signs.

M. Signs on natural features such as trees, vegetation, and rocks.

N. Signs on utility poles, fences, and benches.

O. Signs on the public right-of-way except as follows:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

2. Bus stop signs erected by a public transit company.

3. Informational signs of a public utility regarding its poles, lines, pipes, or other facilities.

4. Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the city.

5. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

P. Signs which constitute a traffic hazard described as follows: No signs shall be erected and there shall be no lighting of signs or premises in such a manner or in such location as to obstruct the view of or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or to create hazards or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting, real or apparent movement. Any such signs or light sources shall be removed at the direction of the public works department. If not removed by owners or occupants of the property within ten days of notice, the planning department shall otherwise remove the signs and the cost of removal shall become a lien against the property until satisfied.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.5. Master signage plan.

No permit shall be issued for a principal ground sign or wall sign for a new multi-tenant commercial building unless and until a master signage plan for the zone lot on which the sign will be erected has been submitted to and approved by the planning department as conforming to this section.

A. The owner shall submit to the planning department a master signage plan containing the following:

1. An accurate plot plan of the zone lot, at such scale as the planning department may reasonably require.

2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot.

3. Computation of the maximum area for signs, the height of signs and the number of principal ground signs allowed on the zone lot(s) included in the plan under this ordinance, with such computations following the applicable formulae set forth in table 27 of this ordinance.

4. An accurate indication on the plot plan of the proposed location of each present and future permanent sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

5. Detailed drawings and color renderings of the proposed signage showing dimensions and design sufficient to determine compliance with the requirements of this section, including the design standards contained in section 12.6 (design standards).

6. The master signage plan shall be signed by all owners or their authorized agents in such form as the planning department may require.

B. Any sign design guide and or master signage plan submitted and approved with any site plan for the proposed development may be accepted as the master signage plan required by this section if said plan is determined by the planning department as being sufficient to conform to the intent of this section.

C. The master signage plan requirement may be waived by the planning department for buildings containing three or fewer tenants or when it is determined that the master signs plan will not serve its intended purpose.

D. A master signage plan may be amended by filing a new master signage Plan that conforms to all requirements of this section.

E. After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between a provision of a master signage plan and one or more provisions of the city ordinances, the city ordinances shall control.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.6. Design standards.

A. *Design review and conformance.* Compliance with the following design standards is required for all new permanent signs including replacement signs for which a permit is required as per Table 28 of this section including principal ground signs, directory ground signs, institutional ground signs, awning signs, suspended signs, projecting signs, and wall signs. The planning department shall, prior to the issuance of a sign permit as required by section 4.11 (sign permits) of this ordinance, review such proposed signs and approve or deny as to conformance with the design standards contained in this ordinance. Denial may be appealed to the planning commission.

B. *Design principles.* Signs should be designed with consideration to the effect the sign will have upon the character of the surrounding area. Signs can complement or detract from the character of a building. Therefore, particular attention should be given to the way in which the sign will be read and whether its design, size, materials, shape, illumination, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive.

C. *Design guidelines.*

1. Wall signage should be consistent in size within each development and should be proportional to the building on which each sign is placed. A sign which meets the maximum size limitations may not be appropriate to the scale of the buildings, its architectural features and the character established by the adjacent buildings.

2. Wall signs should match the architectural character of buildings within the development and area and of the building on which the sign is to be placed in terms of style, location, configuration, materials, and color.
3. Wall signs should not obstruct or crowd architectural elements or details such as cornices, pilasters, windows, and other features which define the design of the building.
4. Sign materials must be durable, low maintenance and of similar quality to the principal structure. Appropriate materials for ground sign background, frame, support, and ornamentation includes brick, natural stone (including panels and imitation stone), and EIFS or similar material when used in combination with brick or stone. In the CDT district, wood is appropriate in addition to the materials listed above.

5. Signs consisting of plastic-faced channel letters should be not more than two colors. However, this is not to say that logos and other accents combined with letters may not have other color(s). Use bronze, black, or white returns. Any back-lighting should be white.
6. Signs should not be of a material, color(s) or design that attracts attention excessively and disrupts the public environment.
7. Signs should be primarily for identifying the business and not predominantly for advertising products sold or services rendered.

8. Ground signs must be monument style, except in the CDT district. See definition. Ground signs must be placed on a base of at least one and one-half feet in height. Any sign posts must be concealed within the base and structure of the sign, i.e. with brick columns. The base should be constructed of the recommended materials listed above. The base should be complemented with shrubs, flowers, and/or other landscaping. This landscaping should be of a low-growing variety so as not to block the visibility of the sign. This landscaping should also be designed to hide or shield any external light source.

9. The frame and other supporting structure of the sign should be as minimal in mass as possible to support the sign and to complement the architecture of the principal building. The frame and structure should not cause the overall size of the sign and structure to exceed the permitted maximum size by more than 120 percent. For example, if 60 square feet of sign face is allowed, the total area of the sign and structure should not exceed 132 square feet.

10. Ground signs should be placed in the middle of the lot to the extent practical so that visibility of motorists exiting the driveway will not be impeded and so that it will not block, or be blocked, by the sign on the adjacent lot and so that any future sign on the adjacent lots can achieve the minimum separation required by this section.

11. Ground signs in CDT (downtown commercial) may be supported on each end by posts. A base is not required. Landscaping around the base of the sign is recommended, especially to screen any external light source.

12. Within the CDT (downtown commercial), temporary sandwich board type signage is permitted during business hours and must be stored inside during non-business hours. One sign is allowed per business and the sign may not exceed ten square feet in size or five feet in height and not block the sidewalk or the visibility of motorists. Such sign shall be within ten feet of the front of the building and shall conform to the setback requirement. No other temporary signs shall be displayed on the property while a sandwich board sign is in place.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.7. Construction and maintenance.

A. *Code compliance.* All signs shall comply with the applicable provisions of the building code and the electrical code of the city at all times.

B. *Permanent installation required.* Except for permitted banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. *Maintenance.* All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Section, at all times. Specifically:

1. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper or other material for a period of more than 30 days.

2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of no more than ten successive days.

3. A sign shall not have weeds, trees, vines, bird nests, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be view for a period of no more than 30 successive days.
4. An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than 30 successive days.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.8. Nonconforming signs.

It is the policy of the city commission to encourage and, to the maximum extent practicable, require that all signs within the city be brought into compliance with the requirements of this ordinance. Subject to the exceptions hereinafter set forth, any non-conforming signs may be continued in operation and maintenance after the effective date of this ordinance, provided that non-conforming signs shall not be:

A. Changed to or replaced with another nonconforming sign except changing the sign face or panel. Also, the copy of nonconforming changeable copy signs may be changed.

B. Structurally altered so as to extend their useful life.

C. Expanded.

D. Relocated.

E. Re-established after damage of more than 50 percent of the value at the time of such damage or destruction.

F. Modified in any way that would increase the degree of non-conformity of such sign.

Non-conforming window signs shall be eliminated within two years of the date of adoption of this ordinance. Note: Illegal signs must be removed immediately. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the building inspector. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the current market value of the existing sign structure.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 12.9. Violations.

See section 4.11.G (violations).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 13. NONCONFORMING USE STANDARDS

Sec. 13.1. Purpose.

The purpose of this section is to provide for the regulation of nonconforming buildings, structures, lots, or uses; and to specify those circumstances and conditions under which nonconforming buildings, structures, and uses may be continued or shall be eliminated.

The districts established in this ordinance are designed to guide the future use of land in Mount Pleasant by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing non-complying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or an increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote public health, safety, and general welfare.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 13.2. General standards of applicability.

A. *Authority to continue.* Any structure, lot, or use that existed as a lawful nonconformity at the time of the adoption of this ordinance, and any building, structure, lot or use that has been made nonconforming because of the terms of this ordinance or its subsequent amendments, may continue subject to the provisions of this section so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this ordinance remains illegal if it does not conform with each and every requirement of this ordinance, as described in subsection 1.5.A (existing illegal uses and structures)

B. *Burden on property owner to establish legality.* In all cases, the burden of establishing the legality of a nonconformity under the provisions of this ordinance shall be upon the property owner of the nonconforming parcel, structure, or use.

C. *Safety regulations.* All police power regulations enacted to promote public health, safety, convenience, comfort, and general welfare including, but not limited to, all building, fire, and health codes shall apply to nonconforming structures.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 13.3. Nonconforming uses.

A. *Ordinary repairs and maintenance.* Normal maintenance and incidental repair may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided it will not create any new nonconformity or increase the degree of nonconformity.

B. *Structural alterations and replacements.* Structural alterations and complete replacement of any structure devoted to a nonconforming use is permitted, subject to compliance with other terms of this ordinance.

C. *Expansion of use.* A nonconforming use of land or a structure may be expanded, extended or enlarged. Such activity shall include, without limitation:

   1. Expansion of any structure devoted entirely to a nonconforming use.

2. An expansion, extension, or enlargement of a use or its accessory uses to any land area or structure on the same lot or parcel.

3. An expansion, extension, or enlargement of such use, including its accessory uses, within a structure or on the same lot, to any portion of the floor area or lot that was not occupied by such nonconforming use. Said expansion may also occur on an adjoining lot or parcel, but only if, at the time of adoption of this ordinance, it was under the same ownership as the lot or parcel where the nonconforming use is located.

D. *Relocation.* A nonconforming use of land or a structure shall not be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another lot or parcel if the use conforms to all regulations of the zoning district in which it is relocated including all use regulations.

E. *Change of use.* A nonconforming use shall not be changed to any other use. For the purpose of this section, a use is defined as a use as listed on any single line within the tables of permitted and conditional uses within this ordinance. For example, a nonconforming retail use may change to another nonconforming retail use, but not to a motor vehicle dealership or to an office. When such a nonconforming use has been changed, in whole or in part, to a permitted use, the whole or part which has been made to conform may not be changed back to a use that is not permitted. A change of use shall be deemed to occur when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this ordinance shall be deemed an abandonment of the previously existing lawful nonconforming use.

F. *Discontinuation or abandonment.* If a nonconforming commercial or industrial use is discontinued for a continuous period of 30 months, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of 30 months, or if any nonconforming residential use, including mobile or manufactured home, or other non-commercial or non-industrial use is discontinued for a continuous period of 12 months, or the structure that it occupies becomes vacant and remains vacant for a continuous period of 12 months, such use shall be deemed to be abandoned and shall not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which such land or structure is located. The period of such discontinuance caused by government action, acts of God, or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this section.

G. *Damage or destruction.* In the event that any structure and/or property that is devoted in whole or in part to a nonconforming use is damaged or destroyed, the structure and/or property may be repaired, reconstructed, or restored and the nonconforming use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair, or reconstruction of a commercial or industrial building within 30 months, and for residential and other non-commercial and non-industrial buildings, within one year of the date of damage or destruction, and construction shall be completed within one year of issuance of the building permit. In the event that the permit is not obtained within the time limits specified above, or that repairs or restoration are not completed within one year of the issuance of the building permit, then the nonconforming use shall not be continued.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 13.4. Nonconforming buildings.

A. *Ordinary repairs and maintenance, structural alterations and additions.* Ordinary repairs and maintenance, structural alterations and additions to nonconforming buildings and structures are permitted. The nonconformity may remain. However, the degree of nonconformity shall not be increased.

For the purpose of this section, structural alteration may include the removal of the building down to the foundation and the re-construction or replacement of the building on the same foundation with the same nonconformity within six months of removal. The degree of nonconformity shall not be increased.

B. *Re-construction and replacement.* Nonconforming buildings and structures shall not be re-constructed or replaced except in conformity with this ordinance, except when re-constructed or replaced on the existing foundation as a structural alteration within six months of removal as stated above.

C. *Relocation.* A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel unless it is made to comply with all terms of this ordinance. A nonconforming structure may be relocated to another zoning lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.

D. *Damage.* When a building or structure is damaged or destroyed, by any means not within the control of the property owner or tenant, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair, or reconstruction within 30 months of the date of damage or destruction, and the construction shall be completed within one year of issuance of the building permit. In the event that the building permit is not obtained within one year, or that repairs are not completed within one year of the issuance of the building permit, then the structure shall not be restored unless it conforms to all regulations of the district in which it is located. These time limits shall not apply to repair and re-construction on nonconforming lots.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 13.5. Nonconforming lots of record.

This section regulates lots of record which at one time were conforming, but which no longer conform to the lot area requirements of the zoning district in which they are located. Notwithstanding limitations imposed by other provisions of this ordinance, uses allowed by this ordinance may be established on any single nonconforming lot of record existing prior to the effective date of this ordinance, or the date the lot of record became nonconforming. This provision shall apply even though the lot of record fails to comply with the standards for lot area and width. All other standards shall apply, including yard, lot coverage, pervious area, and parking standards.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 13.6. Nonconforming signs.

The provisions for nonconforming signs are contained within section 12.8 (nonconforming signs).

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

SECTION 14. DEFINITIONS

Sec. 14.1. Purpose.

This section of the ordinance contains definitions for general terms and various generic uses permitted within the zoning districts and used throughout the ordinance.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 14.2. Interpretation.

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and future tenses, and the future tense includes the present.

C. The word "shall" is mandatory, while the word "may" is permissive.

D. Both of the terms "shall not" and "may not" are prohibiting.

E. The masculine gender includes the feminine and neuter.

F. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

Sec. 14.3. General terms.

Abut means to have a common district boundary or zoning lot boundary. For the purposes of this ordinance, a zoning lot line shall be considered to abut a zoning district even though it may be separated by any portion of a street, parkway, sidewalk, public way, alley, waterway, or railroad right-of-way. The terms "adjacent," "adjoining" and "contiguous" shall have the same meaning as abutting.

Accessibility ramp means a ramp or similar structure which provides wheelchair or similar access to a building.

Accessory building or structure means a building or structure located on the same lot as, and of a nature customarily incidental and subordinate to, the principal building, the use of which is clearly incidental and subordinate to the principal building.

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

Addition or *enlargement* means any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

Adult oriented business means a commercial enterprise that involves creation, reproduction and/or sale for a fee or incidental to another service of goods and services that are characterized by emphasis upon the exposure of specified anatomical areas and/or description or depiction of specified sexual activities as defined by this ordinance.

Alley means a right-of-way that normally affords a secondary means of access to abutting property. A street shall not be considered an alley.

Alteration means any change in the size, shape, character, occupancy, or use of a building or structure.

Amateur (HAM) radio equipment means an amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment.

Animal hospital means an establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. Includes veterinary clinics. An animal hospital shall not include "kennel."

Antenna support structure means any building or structure other than a tower which can be used for location of telecommunications facilities.

Applicant means any person who applies for a permit or any approval required by this ordinance.

Appurtenance means an architectural feature of a structure that is higher than the remainder of the building it accompanies, such as a chimney, cupola, spire, or parapet wall.

Architectural feature means a part, portion or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the building or to make the structure habitable.

Arbor means a freestanding structure used in a garden to support vines or climbing plants; also called a "trellis."

Art gallery means a commercial establishment engaged in the sale, loan and/or display of paintings, sculpture, video art or other works. "Art gallery" does not include "cultural facility," such as a library, museum or non-commercial gallery that may also display paintings, sculpture, video art, or other works.

Assisted living facility means a facility that provides daily assistance and long-term residence for disabled or elderly individuals. This includes a combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, bathing, etc. An "assisted living facility" shall not include "independent living facility," "community residence" or "nursing home."

Attention-attracting device means any device or object visible from any public street which is primarily designed to attract the attention of the public to a business, institution, sign, or activity through such means, including but not limited to, illumination, color, size, or location. Attention-attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking, or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, streamers, pennants, propellers and inflatable objects or other devices/objects designed to attract attention. Approved traffic control devices are not considered to be attention-attracting devices for purposes of this ordinance.

Awning means a structure made of canvas, canvas-like or other materials affixed to a building. For awnings with advertising see "Sign, awning."

Balcony means a platform which projects from the exterior wall of a building above the ground floor, is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banquet hall means an establishment which is rented by individuals or groups to accommodate private functions, such as banquets, weddings, anniversaries, and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public, and/or outdoor gardens or reception facilities.

Bay window means a window which projects outward from the building that does not rest on the building foundation or on the ground.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source. Also, any light with one or more beams that rotate or move.

Bed and breakfast inn means a residential facility within which not more than five sleeping rooms are provided for rent on an occasional or regular basis to a maximum of two persons or one family unit per room for periods not to exceed 21 consecutive days, with breakfast and occasional family style meals provided for registered overnight guests only. Special events may be allowed on a limited basis. A bed and breakfast inn is allowed in a building originally constructed as a one-family dwelling or other pre-existing historic landmark buildings.

Berm means an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

Block means a tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, or corporate boundary lines. A block may be located in part beyond the boundary lines of the corporate limits of the city.

Bowling alley means indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

Brewery tap room and retail sales means retail sale of beer, wine, or liquor manufactured on the premises and the retail sale of shirts, mugs, and other associated products.

Building means a structure enclosed within exterior walls, built, erected, and framed of a combination of materials and having a roof to form a structure for the shelter of persons, animals, or property.

Buildable area means the area of a lot remaining after the minimum yard and open space requirements of the ordinance have been subtracted.

Buildable lot means a lot on which a building or other structure may be erected in conformity with this ordinance and other city regulations.

Building, attached means a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, detached means a building surrounded by open space on the same lot. A building connected to another building only by an unenclosed structure, such as a breezeway, shall be deemed to be a separate detached building.

Building height means the vertical distance from grade to the average height of the highest roof structure. Average height is the average of the height of the roof at the exterior building wall and the height of the roof at the ridge. Grade is considered to be the highest finished ground elevation adjacent to the building in the front yard.

Building line means the inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

Building permit means an official document issued by the city which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Building, principal means a non-accessory building in which a principal use of the lot on which it is located is conducted.

Building, residential means a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or households. This shall include, but is not limited to, the following types: single-family dwellings, two-family dwellings, townhouse dwellings and multi-family dwellings.

Building, temporary means any building not designed to be permanently located, placed, or affixed in the place where it is or where it is intended to be placed.

Building wall means an exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and is used to enclose functional space within the building.

Bulk means a term encompassing the regulation of the size and location of a structure as it relates to its lot and to other structures. The term "bulk" includes, but is not limited to, the following:

- Size and height of buildings.
- Location of exterior walls at all levels in relation to setback lines, lot lines, streets, or other buildings.
- All open spaces allocated to buildings.
- Amount of lot area provided per dwelling unit.

Business means an occupation, employment or enterprise that occupies time, attention, labor and materials, or where merchandise is exhibited or sold, or where services are offered.

Caliper means The American Association of Nurserymen (AANS) standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

Canopy means a permanent, usually open-air structure that may be attached or adjacent to a building for the purpose of providing shelter for automobiles.

Car wash means a commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic or by hand.

Carnival/circus means a traveling or transportable group or aggregation of rides, shows, games, and/or concessions.

Cemetery means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery.

Chimney means a vertical shaft of reinforced concrete, masonry, or other material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Commercial message means any sign, wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service, or other commercial activity.

Commercial vehicle means any vehicle operated for the transportation of persons or property in the furtherance of any commercial enterprise, for-hire or not-for-hire. This definition shall not include a commuter van, a vehicle currently being used for ride-sharing or a recreational vehicle that is not being used commercially.

Common ownership means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Community garden means a place where community residents may grow vegetables, fruits, herbs, flowers, and similar plants for their personal consumption.

Community residence means a group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. "Community residence" includes a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose

primary reason for placement is substance or alcohol abuse. It does not include a nursing facility, medical facility, residential medical rehab facility, or physical rehab facility.

- *Community residence, small* means a community residence providing living accommodations for no more than eight residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents. Facilities meeting the definition of a "family" as per Tennessee state law shall not be considered as "community residence, small."
- *Community residence, large* means a community residence providing living accommodations for more than eight residents.

Compost pile means a collection of decaying plant product for the purpose of producing a stabilized humus-like material that is potentially beneficial to plant growth and usable as a soil conditioner, top soil, growing medium additive, or other similar use.

Comprehensive plan means the comprehensive plan of the City of Mount Pleasant, as adopted and amended by the planning commission and/or city commission. This includes the land use and transportation plan, town center plan, Mount Pleasant Tomorrow and any other such plans which may be adopted in the future.

Conditional use means a use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review by the board of zoning appeals. A use is a conditional use if it is designated as such in this ordinance.

Conforming structure means any structure that complies with all the regulations of this ordinance, governing bulk for the zoning district in which such building or structure is located or is designed or intended for a conforming use.

Contiguous means adjoining or abutting.

Contractor storage yard means any land or buildings used primarily for the storage of equipment, vehicles (three or more), machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any construction trade or craft.

Country club. See "Social club."

Convenience Commercial means a retail store that efficiently provides daily needs and services to local residents. Gas stations are not a part of the services provided.

Cultural facility means a use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies, aquariums, and libraries operated by a public, private or non-profit organization.

Cupola means an architectural feature that consists of a small dome and a shaft that supports it.

Day, when used in this ordinance, shall mean one calendar day.

Day care center, adult means a facility, other than within a residential dwelling unit, providing care for more than three elderly and/or functionally-impaired adults in a protective setting for less than 24 hours per day. "Adult day care center" does not include a program operated by a place of worship that provides care for elderly and/or functionally impaired adults in a protective setting for less than 24 hours per day.

Day care center, child means a facility, other than within a residential dwelling unit, providing care for more than three children in a protective setting for less than 24 hours per day. "Child day care center" does not include a program operated by an educational facility (all types) or place of worship, that provides care for children three years of age or older for less than 24 hours per day.

Day care home, adult means a dwelling in which a permanent occupant of the dwelling provides care in a protective setting for up to 12 elderly and/or functionally impaired adults who do not spend the night at the dwelling.

Day care home, child means a dwelling in which a permanent occupant of the dwelling provides care for up to 12 children from multiple households. The number counted includes the family's natural or adopted children and all other persons under the age of 12.

Deck means a raised platform structure built above grade, which is open to the sky and attached to the principal building. "Deck" shall not include "terrace."

Density means the number of dwelling units per acre.

District means a contiguous portion of the city within which certain uniform regulations and/or requirements apply under the provisions of this ordinance. Sometimes referred to as a "zone" or "zoning district."

Dog house means an accessory structure designed for the containment of dogs and similar animals.

Dog run means an enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

Dripline means an imaginary line encircling a tree corresponding to the furthest extension of the tree foliage.

Drive-through facility means premises used to provide or dispense products or services through an attendant, window, or automated machine, to persons remaining in motor vehicles in a designated stacking aisle. A drive-through facility may be in combination with other uses, such as a "financial institution," "personal services establishment," "retail goods establishment" or "restaurant."

Driveway means a paved or unpaved strip of land providing vehicular access between the street and a parking space or garage of private or public property.

Driving range means an area equipped with distance markers, clubs, balls, and tees for practicing the striking of golf balls, which may include a snack-bar and pro-shop.

Dwelling means a building, or portion of a building, designed or used exclusively for residential purposes, including single-family, modular, townhouse, and multi-family dwellings, but not including manufactured or mobile dwellings, trailers, recreational vehicles, campers, tents, hotels/motels, rooming houses, or automobiles.

Dwelling, manufactured means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; except that "manufactured home" includes any structure that meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under T.C.A. tit. 68.

Dwelling, mobile means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. § 5401 et seq. It is a structure that is transportable in one or more sections that in the traveling mode is eight body-feet or more in width and 40 body-feet or more in length, or, when erected on site, is 320 or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning, and electrical systems contained in the structure.

Dwelling, modular means a dwelling unit constructed on-site in accordance with the municipal building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation and is not a manufactured or mobile dwelling.

Dwelling, multi-family means a building containing three or more individual dwelling units with varying arrangements of party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors. "Dwelling, multi-family" shall not include "Dwelling, townhouse."

Dwelling, single-family means a building containing one individual dwelling unit, which is located on an individual lot and is not attached to any other dwelling unit. "Dwelling, single-family" shall not include "Dwelling, manufactured."

Dwelling, townhouse means a structure consisting of no less than two dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening. "Dwelling, townhouse" shall not include "Dwelling, multi-family." "Dwelling, townhouse" refers to the design of a building and does not reflect the type of ownership of the individual units.

Dwelling unit means a dwelling unit consists of a room or group of rooms, which include permanently installed bathroom and kitchen facilities, and are arranged, designed, and used exclusively as living quarters for one family or household.

Easement means an interest in land that provides for a specified use of that land by a person(s) other than the fee owner.

Eave means the projecting edges of a roof overhanging the wall of a building.

Educational facility, college/university means a post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. Also included are residential dormitories, fraternity and sorority houses, student unions, cafeterias, auditoriums, and sporting facilities. "Educational facilities, college/university" also includes theological schools for training ministers, priests or rabbis. "Educational facilities, college/university" shall not include "educational facilities, vocational."

Educational facility, primary/secondary means a public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels. In addition to classrooms, other facilities may include auditoriums, cafeterias and sporting facilities. Boarding facilities may also be allowed.

Educational facility, vocational school means a school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum. "Educational facilities, vocational school" shall not include "Educational facilities, college/university."

Emergency electrical generator means a device for generating electrical energy.

Encroachment means the extension or placement of any structure or component of a structure into a required yard.

Engineer means any engineer licensed by the State of Tennessee.

Entrance way means the doorway into a building along with the architectural treatments that accompany it.

Erect means to build, construct, attach, hang, place, suspend, or affix.

Exotic animal means any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the city or is not classified or considered as wildlife, livestock, or domestic animal, and including snakes, alligators, lizards, tigers, and similar animals normally kept in zoos.

Fall-out shelter means an underground accessory building specifically designed for the protection of life from radioactive fallout.

Fall radius means the area in which a tower will land if it falls. This radius equates to the height of the tower, except for a collapsible tower, in which case it equates to the area in which the tower will fall as certified by the manufacturer or structural engineer licensed in Tennessee.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage that no such family shall contain over five persons but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family. A fraternity, sorority, club, or institutional group shall not be considered a family. The term "family" shall include groups of eight or fewer unrelated disabled persons and may include three additional persons acting as support staff or guardians. (See T.C.A. tit. 13, ch. 24).

Farm means land on which the raising of crops or livestock, including orchards, vineyards, nurseries, or animal husbandry, along with any buildings or structures necessary to conduct such activities, but excluding feed lots, stock yards, slaughtering operations and commercial hog farms, poultry houses, silos, grain elevators, and plant nurseries, and logging operations.

Fence means an artificially constructed barrier of wood, masonry, stone, wire, metal, or other combination of materials of 24 inches or more in height erected to enclose, screen, or separate areas.

Fence, open means a fence, including any gates, designed and constructed so that the surface area of any segment of such fence contains at least 50 percent open space as compared to solid materials.

Fence, solid means a fence, including gates, made entirely of opaque material.

Financial institution means a bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). A "financial institution" shall not include a payday or title loan agency.

Fire escape means a fireproof stairway, ladder, or chute on the outside wall of a building intended to be used to help occupants escape from the building in case of fire or another calamity.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols and used as a symbol of a government, political subdivision, or other entity.

Flagpole means a freestanding structure on a lot used for the sole purpose of displaying flags.

Floor area, gross means gross floor area, when prescribed as the basis of measurement in this ordinance shall be the sum of the gross horizontal area of the plans of the several floors of a building, as measured from the outside face of the walls.

Floor to Area Ratio (FAR) means the numerical value obtained by dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located, as measured from the outside face of the walls.

Foot-candle means a unit of illumination. It is equivalent to the illumination at all points that are one foot distant from uniform source of one candlepower.

Funeral home means a building used for the preparation of the deceased for burial display of the deceased and rituals before burial or cremation. A "funeral home" includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or cremation.

Garage means a building, either attached or detached, used or designed to be used for storage of automobiles and accessory storage related to the use of the principal dwelling.

Gazebo means a freestanding outdoor structure that is open-sided and designed for recreational use and not for habitation.

General business services means commercial cleaning, pest exterminating, radio and television production and broadcasting, printing, photo finishing, photographic studios, mailing, and similar business services.

Golf course means a tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, and shelters as accessory uses. A driving range may be included as part of a golf course.

Government facility and offices means land, buildings or structures owned, operated and/or occupied by a governmental agency to provide a governmental service to the public including public recreational facilities. "Government facility and offices" does not include "public safety facility" or "public works facility" or school buildings which would be considered "education facilities."

Grade means the mean level of the finished surface of the ground adjacent to the exterior walls of the building. The mean grade shall be calculated from the grade elevations at the four points of intersection of an imaginary line drawn parallel to both the rear and front yard setback lines across the front and rear facades, where the imaginary line intersects the side yard setback.

Where applicable, for structures other than the principal building, "grade" may refer to the mean level of the finished surface of the ground adjacent to a structure.

Green roof means the creation of contained green space on the roof of a structure, where plants are not planted in the ground but applied as another layer of the roofing system.

Health/fitness center means an establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas, and other related accessory uses.

Heavy retail, rental and service establishment. This use includes retail, rental and/or service establishments that have permanent outdoor service or storage areas, or partially enclosed structures including, but not limited to, large-scale home improvement centers, building supplies, lumberyards, retail nurseries, garden supply, heavy equipment sales, rental and leasing, truck rental, recreational vehicles, and playground equipment sales and rental.

Hedge means a row of closely planted shrubs, bushes, or other kind of plant forming a boundary or fence.

Height means the vertical distance from grade to the highest point of a structure. See "Building height."

Helistop means any area used or to be used for the landing or take-off of helicopters, or other steep-gradient aircraft capable of hovering, but does not afford refueling, maintenance or repair facilities, and accommodates only a single helicopter.

High impact facility means public and semi-public facilities and activities which have a high impact upon surrounding land due to nuisance characteristics, traffic generation, and other characteristics. These include airports, energy generating facilities, railroad yards, detention and/or correctional facilities, and similar activities.

Home occupation means an occupation carried on in a dwelling unit by the resident, where the use of the dwelling unit for the occupation is secondary to the use of the dwelling unit for residential purposes.

Hospital means an institution providing health services primarily for inpatient, or medical or surgical care for the sick or injured, and including the related facilities located within a hospital, such as laboratories, outpatient departments, training facilities and classrooms, central service facilities, and staff offices are integral to the facility.

Hot tub means an artificial container of water designed with a mechanical air injection system and/or circulating device for recreational use.

Hotel/motel means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. Payment is on a daily or weekly basis and the length of stay does not exceed one month for more than 25 percent of the rooms. A hotel/motel shall not include multi-family dwellings.

Household means the person or persons living together in a dwelling unit.

Impervious surface means the portion of a site occupied by structures, pavement or other surfaces that do not allow for the absorption of water.

Incompatible use means a use that is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

Independent living facility means a residential complex containing dwellings where the occupancy is limited to persons who are 55 years of age or older or, if two persons occupy a unit, at least one shall be 55 years or older. Such facilities may include common areas for meals and socializing, offer minimal convenience services, but exclude institutional care such as medical or nursing care. An "independent living facility" shall not include "assisted living facility," "community residence" or "nursing home."

Indoor entertainment facility means predominantly spectator uses conducted within an enclosed building including, but not limited to, movie theaters and sport or game matches or exhibitions. An "indoor entertainment facility" includes accessory uses, such as snack bars or refreshment stands, which are designed and intended primarily for the use of patrons. "Indoor entertainment" shall not include "indoor recreation" or "live entertainment." "Indoor entertainment" is distinguished from "indoor recreation" in that the predominant use is spectator-oriented and not participatory.

Indoor recreation facility means predominantly participant uses where recreational activities or games of skill are conducted within a wholly enclosed building including, but not limited to, a bowling alley, pool hall, miniature golf course, arcade, indoor tennis courts, indoor sports arenas, indoor swimming pools, or similar uses. An "indoor recreation facility" shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. "Indoor recreation facility" may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. "Indoor recreation facility" shall not include "indoor entertainment."

Institutional use means an educational facility, place of worship, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts. Child day-care centers, nursing homes, assisted living facilities, independent living facilities, cultural facilities, and marinas shall be considered institutional uses regardless of ownership or operation.

Intensity of use means any factor such as square feet of gross floor area, number of dwelling units or number of employees used as a basis for requiring parking or loading facilities.

Kennel means an establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. "Kennel" shall include those facilities where pet animals are boarded for the day. "Kennel" shall not apply to zoos or animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

Land banking. See "Parking, land banked."

Light trespass means the spilling of light, whether directly, indirectly or by glare onto a lot, parcel or public way other than the lot or parcel on which the light fixture is located.

Live entertainment means a musical, theatrical, dance, cabaret, or comedy act performed live by one or more persons. Restaurants that regularly host such performances shall be considered "live entertainment" uses. Restaurants that include dancing by patrons and guests are considered "live entertainment uses." A "live entertainment" establishment may possess a beer and liquor license and provide food for consumption on the premises.

Loading space means a space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley or other appropriate means of access.

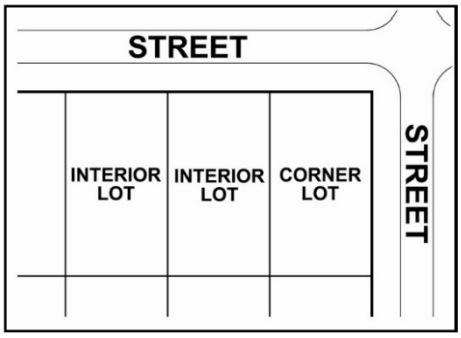
Logo means a business trademark or symbol.

Lot means a parcel of land with distinct boundaries. A lot may be a lot of record or a parcel that is not of record but bounded within a legal description.

Lot area means the computed area contained within the boundary lines of a lot.

Lot, corner means a lot situated at the junction of and abutting two intersecting streets, and where the interior angle at the intersection of such two sides is less than 135 degrees. The point of intersection of the lot lines abutting the street is the corner of the lot in question. A lot that abuts a curved street or streets shall be considered a corner lot if the tangents to the curve at the curve's point of beginning between the side lot lines, or at the points of intersection of the side lot lines with the lot line abutting the street, intersect at an interior angle of less than 135 degrees. In such cases, the corner of the lot in question is that point on the lot line abutting a street nearest to the point of intersection of the tangents above described (Figure 6).

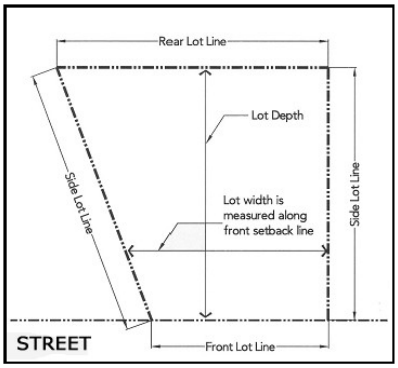
Figure 6. Corner and Interior Lots



Lot coverage means the portion of a lot that is occupied by buildings or structures, including accessory structures, expressed as a percentage of total lot area. Lot coverage shall not include driveways, parking spaces, patios, sidewalks, swimming pools or water gardens, and other similar impervious or semi-impervious surfaces.

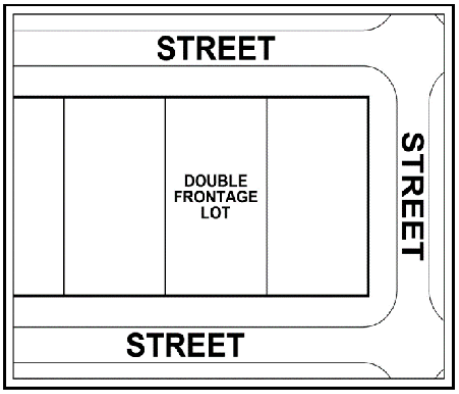
Lot depth means the distance between the front lot line and the rear lot line of a lot, determined by measuring from the deepest point of the rear lot line to the front lot line (Figure 7).

Figure 7. Lot Width and Lot Depth



Lot, double-frontage means a lot having frontage on two streets at opposite ends of the lot, which is not a corner lot (Figure 8).

Figure 8. Double-frontage lots



Lot, interior means a lot other than a corner lot or a double-frontage lot (Figure 6).

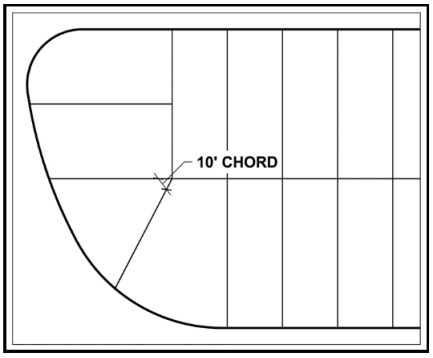
Lot line means a property boundary line of any lot. Where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.

Lot line, front means the lot line which abuts an existing or dedicated street. For the purposes of this ordinance, the front lot line of a corner lot shall be the shortest street frontage of the lot.

Lot line, interior means a lot line which does not abut a street or alley.

Lot line, rear means the boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. In the case of an irregular or triangular shaped lot and for purposes of determining the rear yard dimension, the rear lot line shall be deemed to be a line ten feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line. The ten-foot chord for an irregular lot is shown in Figure 9.

Figure 9. Rear Lot Line Chord for Irregular Lots



Lot line, side means any boundary of a lot that is not a front lot line or a rear lot line.

Lot of record means a single lot which is part of a subdivision or resub division which has been recorded in the Office of the Register of Deeds of Maury County, TN.

Lot width means the minimum horizontal distance between the side lot lines of a lot measured at the required front yard setback line (Figure 7).

Lot, zone means a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zone lot may or may not coincide with a lot of record.

Luminaire means a complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A Luminaire does not include a pole or other support.

Manufacturing, heavy means manufacturing uses that involve the generation outside the property of noise, odor, vibration, or dust. Examples include but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items, and other electrical items; the processing of food and related products, dry cleaning plants, lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

Manufacturing, light means the mechanical transformation of predominantly previously prepared materials into new products, including the assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

Mechanical equipment means mechanical equipment shall include heating, ventilating and air-conditioning (HVAC) units. Emergency electrical generators are not considered "mechanical equipment."

Medical/dental clinic means a facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. "Medical clinics" shall also include alternative medicine clinics, such as acupuncture and physical therapy offices, which provides integrated care in the treatment of permanent or temporary neurologic and musculoskeletal disabilities. Massage establishments where such service is provided by a certified massage therapist or similar licensed professional shall not be considered a physical therapy office, but rather a personal services establishment.

Medical/dental laboratory means a business establishment engaged in the testing and analysis of material for medical or dental services, or in the construction, alteration, or repair of bridges, crowns, dentures, eyewear, contact lenses, orthodontic appliances, or any other prosthetic appliances. Direct contact with patients for consultation, treatment, or other services are not included as part of the business activities.

Mining and *quarrying* means mineral and stone extraction and processing, including blasting, crushing, screening, conveying, stockpiling, and sale of stone, sand, gravel, and other similar mineral and natural resources.

Model home means a residential unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development. Model units may also incorporate sales or rental offices for dwellings within the development.

Mortuary means an establishment where the deceased are prepared for burial. The facility may include a small chapel for the conduct of services prior to burial.

Motor vehicle means any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

Motor vehicle dealership means any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles, or other similar motorized transportation vehicles.

An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of vehicles.

Motor vehicle operations facility means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles, taxicabs and other livery vehicles. This also includes wreckers, but storage of vehicles is not permitted (see "Motor vehicle service and repair, major"). "Motor vehicle operations facility" shall not include "public works facility" or "public safety facility," where the vehicles of the fire, police, or other municipal departments are dispatched, stored and/or maintained.

Motor vehicle rental establishment means rental of automobiles and light trucks and vans, including incidental parking and servicing of rental vehicles.

Motor vehicle service station/fuel center means a business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory uses may include retail sales including food and drinks for off-premise consumption as may be permitted by other laws.

Motor vehicle service and repair, major. Such use includes, but shall not be limited to, establishments involved in engine rebuilding, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles.

Motor vehicle service and repair, minor. Such use includes, but is not limited to, minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. "Motor vehicle service and repair, minor" includes establishments where gasoline and/or fuel oil, and oil, grease, batteries, tires, and automobile accessories are sold in addition to the repair facilities.

Movie theater means a theater designed for showing movies or motion pictures.

Nonconforming lot means a lot of record that does not meet the lot area or lot width requirements of this ordinance for the zoning district in which it is located.

Nonconforming structure means structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the zoning ordinance no longer conform to applicable yard, height, lot coverage or other dimensional or bulk provisions or does not meet other on-site development standards, such as an insufficient number of parking spaces, of this ordinance.

Nonconforming use means a nonconforming use is the use of land and structures that, as of the effective date of this ordinance, are used for purposes that are not permitted in the zoning district in which they are located. Uses that were specifically authorized as a conditional use shall not be considered nonconforming uses even if the use is no longer permitted within that zoning district.

Nursing home means a facility providing bed care and inpatient services on a 24 hour per day basis for persons requiring regular medical attention. This definition excludes a facility providing surgical or emergency medical services, or a facility providing care for alcoholism, drug addiction, mental disease or communicable disease. A "nursing home" shall not include "independent living facility," "assisted living facility," "community residence" or "hospital."

Office means a use that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of an office that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture,

engineering, legal services, and real estate services. "Office" does not include government offices, which are considered "government facility and offices."

Open space means land area without buildings. It is mostly pervious to water and green. Open space may be natural and passive such as wooded areas and fields or it may be active and improved with formal lawns and landscape areas. It may also include hardscape features such as plazas, walking trails, and boardwalks. Open space may include other amenities such as gazebos, amphitheaters, fountains and other water features. It may also consist of lakes, ponds, and streams.

Open space, common means open space, which is held in common ownership by, and for the benefit of, all owners and tenants of a development and their guests and is maintained by an association of the owners and tenants.

Ordinance, this means this zoning ordinance, as from time to time amended.

Outdoor entertainment facility means predominantly spectator uses conducted outdoors in open or only partially enclosed facilities. Typical uses include, but are not limited to, fairgrounds, outdoor stadiums, outdoor theaters, rodeos, music arenas, theme parks, and amusement parks. "Outdoor entertainment facilities" shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. "Outdoor entertainment facility" shall not include "outdoor recreation facility."

Outdoor recreation facility means predominantly participant uses that take place outside of a building including, but not limited to, miniature golf courses, golf driving range, swimming pools, tennis courts, ball fields, skateboard parks, and other similar facilities. Outdoor recreation facilities shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Outdoor recreation facilities may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. "Outdoor recreation facility" shall not include "outdoor entertainment facility," "parks," "golf courses" and "racetracks."

Outdoor display means part of a lot used for outdoor display of goods accessory to the principal use.

Outdoor storage means the keeping of any goods, material, merchandise, or equipment not within an enclosed building. An item shall be deemed to be in storage if it is being maintained or repaired on a premises.

Owner means a titleholder of record, or if title is held in trust, the beneficiary of the trust. A long-term lessee may also be deemed an owner, provided that at time of application, not less than 20 years remain on the lease.

Parapet wall means that portion of a wall which extends above the roof line.

Parking, land banked means designating land on a site to be held and preserved for an additional parking. See subsection 11.2.E. (land banked future parking).

Parking, off-street means the storage space for an automobile on premises other than streets, alleys or rights-of-way.

Parking, on-street means the storage space for an automobile that is located within the street right-of-way.

Parking lot (principal use) means an open, hard-surfaced area, other than street or public way, available to the public, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an accommodation to residents of a multi-family dwelling, or clients and customers of a business.

Patio means an impervious surface at finished grade designed and intended for recreational use by people and not as a parking space.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message, suspended from a pole, rope, wire or string, usually in a series, designed to move in the wind.

Pergola means a freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade.

Permitted use means a use permitted in a zoning district upon satisfaction of the standards and requirements of this ordinance. A permitted use does not require special administrative review and approval.

Person with a disability. A person has a "disability" for purposes of the Americans with Disabilities Act (ADA) if she or he: 1) has a physical or mental impairment that substantially limits a major life activity; 2) has a record of such an impairment; or 3) is regarded as having such an impairment. A person must satisfy at least one of these three parts of the definition to be considered an individual with a disability.

Personal services establishment means an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, shoe repair, laundromats, pet grooming establishments, dry cleaners and tailors.

Pervious surface area means the portion of a site not occupied by buildings, pavement or other surfaces and which allows the absorption of water into the ground.

Place of worship means a building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Plant nursery means the growing, storage and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials. Such uses may include greenhouses, outdoor storage of goods, materials, and equipment, irrigation systems and caretaker's dwellings.

Playground means an area developed for active play and recreation that may contain courts for such games as basketball or tennis, or recreational equipment such as trampolines.

Porch means a structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. An "unenclosed porch" is a porch that is open on two or more sides with rails. An "enclosed porch" is a porch that is enclosed by walls, screens, lattice or other material on two or more sides. A screened-in porch shall be considered an enclosed porch.

Principal use means the main use of land or buildings as distinguished from an accessory use.

Property line means the lines forming the boundary of a zoning lot.

Public safety facility means facilities operated by public safety agencies including fire stations and other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities. The vehicles of fire and police may be dispatched, stored and/or maintained within the public safety facility.

Public works facility and utility means all production, storage, transmission and recovery facilities for water, sewer, electric, telephone, and other similar utilities owned or operated by any public agency or utility. This includes any municipal repair, storage or production facility or public works yard, as well as any accessory office or meeting rooms. Municipal vehicles may be dispatched, stored and/or maintained within the public works facility. "Public works facility and utility" does not include "public safety facility."

Pumpkin patch means a retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis, pumpkins and related holiday (Halloween) items.

Recreational training school means a business establishment which provides training for recreational activities such as martial arts, baseball, soccer, cheerleading, gymnastics, and dancing.

Recreational vehicle means a vehicle, or similar means of human transportation, used primarily for recreational purposes. "Recreational vehicle" shall include, but not be limited to, the following:

- *Boat/raft* means any unit that is used for water travel.
- *Camper trailer* means a non-self-propelled motor vehicle designed to be towed and designed to be used as a temporary dwelling for travel or recreational use.
- *Motor home* means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- *Pickup coach* means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, or vacation uses.
- *Jet ski* means a Jet Ski or other type of personal watercraft is a motorized vehicle used for travel over water.

Research and development facility means an establishment where research and development is conducted in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Research and development facilities do not involve the manufacture, fabrication, processing, or sale of products.

Retaining wall means a raised area of soil that is supported or enclosed around an edge or edges by stone or timber, designed to resist lateral earth and/or fluid pressures. This definition of retaining wall shall, for the purposes of this ordinance, exclude terracing of 30 inches or less used as a landscape feature.

Restaurant, carry out means an establishment that sells ready to consume food or beverages where no provisions are made for consumption on the premises.

Restaurant, full service means an establishment where ready to consume food or beverages are prepared, served and primarily consumed on premises. Any facilities for carry-out shall be clearly subordinate to the principal use of providing food for consumption on the premises.

Restaurant, quick service means an establishment designed for rapid food delivery to customers seated in automobiles or from a counter or drive through window, for consumption on or off the premises. An establishment having a walk-up or drive through window and meeting four or more of the following characteristics shall be deemed a quick service restaurant for zoning purposes:

- A drive through window with a permanent menu board.
- 55 percent or less of the floor area devoted to customer seating.
- Customers pay for food before consuming it.
- A self-service condiment bar is provided.
- Trash receptacles are provided for self-service busing.
- Packaging of food is done in disposable containers.

Retail goods establishment means a commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. "Retail goods establishment" shall not include "heavy retail, rental, and service establishments."

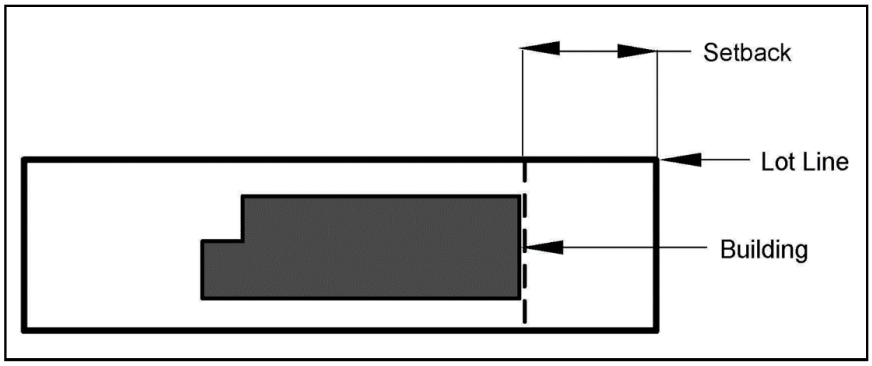
Satellite dish antenna means a dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites, or other services.

Self-service storage facility means a facility used only for the storage of property where individual renters control individual storage spaces and no commercial transactions are permitted other than the rental of the storage units.

Service Station means a gas station that may have a convenience store attached to it as well as having the potential to provide basic auto repair services.

Setback means the minimum distance by which any building or structure must be separated from a property line (Figure 10).

Figure 10. Setback



Shade tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy. A large shade tree is over 40 feet in height. Medium shade trees are between 25 and 40 feet in height. Small shade trees reach up to 25 feet in height.

Shed means a relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections not designed to be served by heat or plumbing and not placed on a permanent foundation. A "shed" is typically intended to store lawn, garden, or pool care equipment.

Shopping center means a group of retail and other commercial establishments that is planned, owned, and managed as a single property. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two main configurations of shopping centers are malls and strip centers.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, abandoned or obsolete means a sign which contains structural components but no display or sign copy for a period of 90 consecutive days or longer.

Sign, animated means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, awning means a sign attached to or incorporated into an awning.

Sign, banner means any sign of lightweight fabric or similar non-rigid material. National flags, state or municipal flags, or the official flag of any business or institution shall not be considered a banner.

Sign, building means any sign attached to any part of a building.

Sign, building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, changeable copy means a sign or portion of a sign designed to accommodate message changes composed of characters, letters, or illustrations that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign. A sign that changes more than eight times per calendar day shall be considered an animated sign for the purposes of this ordinance.

Sign, directory means a ground or building sign that list tenants or occupant of a building or project with unit numbers, arrows or other directional information.

Sign, election means a sign expressing support expressing support for a candidate for public office or a ballot issue but bearing no commercial message.

Sign, flashing means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

Sign, ground means any sign not supported by a building.

Sign, hand-held means any sign held or supported by a person.

Sign, incidental means a sign, generally information, that has a purpose secondary to the use of the zone lot on which it is located such as no parking, entrance, loading only, telephone, and similar information and directives. No sign with a commercial message legible from a position of the zone lot on which the sign is located shall be considered incidental.

Sign, institutional means a sign identifying or advertising an institutional use permitted in a residential district, where the sign is located on the same property as the use.

Sign, monument means a type of sign affixed directly to the ground or affixed directly to a solid base without visibility between the sign and the base or between the base and the ground; or a sign above ground level supported by a post or posts which are concealed from visibility by a curtain wall of brick or similar material constructed around the base of the sign.

Sign, nonconforming means any sign that does not conform to the requirements of this ordinance.

Sign, obscene means any sign which contains words, suggestion of, or picture depicting specified anatomical areas or specified sexual activity.

Sign, projecting means any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

Sign, real estate means a sign advertising property, building or a portion of a building for sale, lease, or rent.

Sign, roof means a sign that is placed above or supported on the top of a building.

Sign, suspended means a sign that is suspend from the underside of a horizontal plan surface, such as an awning or porch, and is supported by such surface.

Sign, temporary means any sign that is used only temporarily and is not permanently mounted including but not limited to hand-held signs.

Sign, vehicle means signs contained in, attached to, suspended from, or painted or displayed on any vehicle regularly parked within 50 feet of any street more than one-half the business day when one of the results of so locating the vehicle is to display, demonstrate, advertise, or attract the attention of the public.

Sign, wall means any sign attached parallel to, but within six inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which display only one sign surface.

Sign, window means any sign that is placed inside a window or upon the window panes or glass and is legible from any public or private street.

Single ownership means a lot where the owner does not own adjoining vacant property.

Site plan review means the review of a site plan and other studies to assist in determining the manner in which the applicant intends to make use of his/her property and to confirm compliance with the standards of this ordinance.

Social club or lodge means a membership organization and its premises that holds regular meetings and caters exclusively to members and their guests for social, intellectual, recreational, or athletic purposes. A social club or lodge may, subject to other regulations controlling such uses, maintain dining facilities, possess a liquor license, or engage professional entertainment for the enjoyment of dues-paying members and their guests.

Specified anatomical areas include the following:

- Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola;
- Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activity includes the following:

- Human genitals in a state of sexual stimulation or arousal.
- Acts of human masturbation, sexual intercourse or sodomy.
- Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
- Flagellation or torture in the context of a sexual relationship.
- Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
- Erotic touching, fondling or other such contact with an animal by a human being.
- Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth above.

Stacking space means a space specifically designated as a waiting area for vehicles patronizing a drive-through business.

Stealth means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees.

Steps and stoops means an exterior structure typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level. A stoop typically has steps leading up to it and is utilized primarily as an access platform to a building. It does not have a roof.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement with less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground shall count as a story. The floor of a story may have split levels provided that there is not more than a four-foot difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is more than 24 feet.

Street means a permanent public or private right-of-way or easement which is for common use as a means of access for motor vehicles to properties adjoining it.

Street, frontage means all of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along the side of the street between an intersecting street and the end of such dead-end street.

Street level means the story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.

Structure means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

Swimming pool means a receptacle for water and/or an artificial pool of water over 24 inches in depth, or with a surface area exceeding 250 square feet designated for recreational or fitness use by persons.

Telecommunications facility means any cables, wires, lines, wave guides, slim pole antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure, however, telecommunications facilities shall not include: any satellite earth station antenna (dish) two meters in diameter or less which is located in an area zoned commercial or industrial; or any satellite earth station antenna (dish) one meter or less in diameter regardless of zoning district.

Temporary contractor trailer includes security trailers, construction equipment sheds, contractor trailers, and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Temporary use means any use placed on land or in a building for short duration, and which may not conform to the standards required if it were to be in place for an indefinite period of time.

Tent means any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material.

Terrace means a raised impervious surface designed and intended for recreational use by people and not as a parking space. A "terrace" shall be distinguished from a "deck" in that the raised impervious surface is built upon a solid base, such as an earthen mound.

Thoroughfare means a thoroughfare, arterial or collector street as designated in the land use and transportation plan.

Tower means a monopole structure constructed from grade that supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

Trailer means any non-self-propelled, wheeled vehicle, designed for carrying persons or property when drawn by a motor vehicle.

Transition yard means land area with landscape plantings and other components used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.

Trellis means a freestanding structure used in the garden to support vines or climbing plants; also called an arbor.

Use means the purpose or activity for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Use and occupancy permit means a permit for the use and/or occupancy of a structure or portion of a structure after it is constructed, reconstructed, remodeled or moved, indicating that the proposed occupancy or use complies with all the provisions of the zoning ordinance.

Use, principal means the dominant use of land or a structure as distinguished from an accessory use.

Vacation rental means a dwelling unit or other structure rented and/or used exclusively by a person or group of persons for lodging for terms of less than 30 days. "Rented" means any form of monetary or non-monetary consideration. A "vacation rental" is also a "short-term rental."

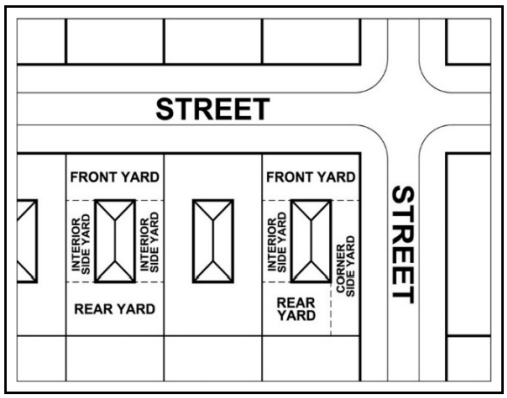
Vehicle use area means any area of a lot or parcel not located within any enclosed structure and that is devoted to a use by or for motor vehicles, including parking, drive and access aisles, storage (including storage of marine craft), loading and service areas, and areas under fuel station canopies.

Wall means an upright structure of building material, such as masonry or plaster, serving to enclose, divide, or protect an area.

Warehouse/distribution means the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Yard, front means a yard extending the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line (Figure 11).

Figure 11. Yards



Yard, interior side means a side yard that does not abut a street right-of-way (Figure 11).

Yard, non-required means the yard between the required yard and the principal building.

Yard, rear means a yard extending between the side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line (Figure 11). In the case of an irregular or triangular shaped lot, the rear lot line shall be deemed to be a line ten feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line (Figure 9).

Yard, required means a required open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for obstructions specifically permitted by this ordinance. A yard extends along a lot line for a depth specified by the zoning district in which such lot is located (Figure 11).

Yard, side means a yard extending along a side lot line between the front and rear yard, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the side lot line (Figure 11).

Yard, side street means a side yard on a corner lot which abuts a public street (Figure 11).

Zoning amendment, text means a change in the wording, context, or substance of this zoning ordinance.

Zoning amendment, map means a change in the zone boundaries or area district boundaries upon the zoning map.

Zoning appeal means a request for a review of the planning department's interpretation of any provision of this ordinance.

Zoning districts means the districts into which the City of Mount Pleasant, Tennessee, has been divided as set forth on the official zoning map.

Zoning interpretation means an interpretation of the specific provisions of the ordinance by the planning department in light of the general circumstances that the specific provision was intended to address.

Zoning map means a map entitled the official zoning map of Mount Pleasant, Tennessee, which is incorporated into this ordinance, as part thereof, for the purpose of designating zoning districts.

Zoning permit means a permit required by this ordinance, issued by the planning department, and which is intended to signify compliance with this ordinance.

Zoning variance means a decision of the board of zoning appeals that permits an applicant to depart from the precise regulations of this ordinance. A variance may be granted only in the specific instances authorized in this ordinance and only in accordance with the standards of this ordinance.

Zoning verification means a zoning certificate verifying that buildings, structures, or uses are consistent with the terms of this zoning ordinance for the purpose of carrying out and enforcing its provisions.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

APPENDIX A. ZONING MAP AMENDMENT PROCESS

ZONING MAP AMENDMENT PROCESS (Table 29)

1. Recommendation by Mount Pleasant Municipal Planning Commission at regular meeting on the 2nd Tuesday of the month
2. First vote by the City Commission the 3rd Tuesday of the next month Note: If the vote is to deny, this ends the process.
3. Notice of a public hearing is place in The Star News at least 15 days prior to the 3rd Tuesday of the following month.
4. Public hearing at the City Commission meeting on the 3rd Tuesday of the following month.
5. Second vote by the City Commission on the 3rd Tuesday of the following month.
6. The Mayor and City Clerk sign the ordinance.
7. Staff updates the official zoning map.
8. This concludes the process for a regular zoning map amendment (rezoning).

Table 29. Zoning Map Amendment Sample Schedule

January 8, 2019	Recommendation by MPMPC
February 19, 2019	1st Reading by City Commission
March 1, 2019	Notice submitted to newspaper
March 5, 2019	Notice runs in newspaper
March 19, 2019	Public hearing at City Commission
March 19, 2019	Second reading at City Commission

APPENDIX B. LETTER OF CREDIT TEMPLATE

(MUST BE ON ORIGINAL BANK LETTER HEAD)
IRREVOCABLE STANDBY LETTER OF CREDIT NO. #

DATE:

IN FAVOR OF (BENEFICIARY):
City of Mount Pleasant, TN
Attn: Planning Department
100 Public Square
P.O. Box 426
Mount Pleasant, TN 38474

FOR ACCOUNT OF (APPLICANT):

AMOUNT:

We hereby establish our Irrevocable Standby Letter of Credit (hereinafter "Credit") in you favor available by your draft(s) drawn at SIGHT on (Name of Bank) and accompanied by the documents specified below:

1. Certificate of default, signed by the Chairman of the Mount Pleasant Municipal Planning Commission or the Mayor of the City of Mount Pleasant, certifying that: The applicant has not completed, in accordance with the Mount Pleasant Zoning Ordinance, the building and site improvements required by said Zoning Ordinance and the approved site plan for (name of business or project) approved by Mount Pleasant Municipal Planning Commission on (date approved), which approval was conditioned upon the completion of the said improvements. The certificate shall also state the approximate dollar amount of damage to the City which amount shall be identical to the face amount of the accompanying draft.
2. Original Letter of Credit and Amendments if any.

This Letter of Credit is valid for an initial period of one (1) year and shall be automatically renewed for successive periods of one (1) year without any effort on the part of the City. We reserve the right to revoke this Letter of Credit, but only after providing the Beneficiary with 90 days notice by certified mail, return receipt requested.

PAGE ONE OF TWO (CONT. ON PAGE TWO)

PAGE TWO OF TWO OF IRREVOCABLE STANDBY LETTER OF CREDIT
NO.#_____

All drafts must be marked: "Drawn under (Name and Address of Bank). Credit No.#_____.

Except so far as otherwise expressly stated this Credit is subject to the International Standby Practices/ISP98, International Chamber of Commerce Publication No. 590 or ICC Publication No. 600.

We hereby engage with you that all drafts drawn under and in compliance with the terms of this Credit will be duly honored if drawn and presented for payment on or before the expiration date of this Credit at (name and address of local branch bank - must be within 75 miles of City Hall, Mount Pleasant, TN). [Include the following language if the alternative method of payment described therein is chosen by the Bank] The local branch bank shall simultaneously submit the Certificate of Default and Draft by facsimile or e-mail to (Bank's Letter of Credit

Department facsimile number or e-mail address). The City may elect to submit the Certificate of Default and Draft directly to the Bank at the above stated facsimile number or e-mail address. The bank shall wire the funds to the City's account within two (2) business days.

_____
Signed by Officer of Bank

_____
Print Name and Title

APPENDIX C. WIRELESS TELECOMMUNICATIONS FACILITIES AND TOWERS

AC.1 FINDINGS

The Communications Act of 1934, as amended by the Telecommunications Act of 1996, ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over:

A. The regulation of the environmental effects of radio frequency (RF) emissions from Telecommunications Facilities, and

B. The regulation of radio signal interference among users of the RF spectrum.

The City's regulation of Telecommunications Facilities and Towers in the City and adjoining planning jurisdiction will not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.2 PURPOSES

The general purpose of this Section is to regulate the placement, construction, and modification of Telecommunications Facilities and Towers in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the jurisdictional area.

Specifically, the purposes of this Section are:

A. To regulate the location of Telecommunications Facilities and Towers in the City and adjoining planning jurisdiction;

B. To protect residential areas and land uses from potential adverse impact of Telecommunications Facilities and Towers;

C. To minimize adverse visual impact of Telecommunications Facilities and Towers through careful design, sitting, landscaping, and innovative camouflaging techniques;

D. To promote and encourage shared use/colocation of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers;

E. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new Tower structures to support antenna and Telecommunications Facilities;

F. To avoid potential damage to property caused by Telecommunications Facilities and Towers by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

G. To ensure that Telecommunications Facilities and Towers are compatible with surrounding land uses.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.3 SPECIAL PROVISIONS FOR AMATEUR RADIO STATIONS

Amateur Radio Stations (Hams) licensed under FCC regulations shall be exempt from the general requirements of this ordinance. However, Amateur Radio Stations shall adhere to the following regulations:

A. No tower shall be placed within any required front, side, or rear setback area.

B. Towers shall be placed behind the rear building line of the principal structure on the lot.

C. All towers shall be properly grounded as per National Electric Code 810, Section C.

D. Amateur towers greater than one hundred (100) feet in height are subject to the following additional provisions: At no time shall the fall radius of the tower include any habitable structure not owned by the amateur. The applicant shall provide documentation of ownership, lease, or permanent easement rights for the entire fall radius of the tower. The tower shall be equipped with guards or other devices to prevent it from being climbed without authorization of the amateur. The applicant shall submit documentation to the Codes Department sufficient to show that all provisions of this section have been met.

E. Amateur towers located at a site other than the primary residence of a licensed Ham operator shall meet the requirements for setbacks, fencing, screening, and parking/access as detailed in this ordinance. However, amateur towers without ground mounted equipment or buildings need only meet the requirements for access/parking and be designed so that they are not accessible to unauthorized climbing.

F. Temporary towers may be erected for a maximum of forty-eight (48) hours for special events or emergencies upon approval by the Codes Department.

G. There shall be no more than one tower per lot.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.4 DEVELOPMENT OF TOWERS

A. No person shall build, erect, or construct a Tower upon any parcel of land within any zoning district set forth above unless a conditional use permit, if required herein, has been granted by the Mount Pleasant Board of Zoning Appeals and a site plan is approved by Planning Commission and a development permit shall have been issued by the City, all in accordance with the applicable provisions of the zoning ordinance.

B. A Tower shall be a permitted use in the following zoning districts:

INDUSTRIAL DISTRICTS

C. A Tower shall be a conditional use in the following zoning districts:

RESIDENTIAL DISTRICTS:

R1, R2, R3, and MHP Residential Districts on publicly owned property and property whose principal use is a church and subject to the special provisions of Section AC.19 (Special Conditions for Location of Telecommunication Facilities within Residential Districts).

COMMERCIAL DISTRICTS:

General Commercial Districts
Heavy Commercial Districts

D. Towers are exempt from the maximum height restrictions of the zoning districts where located. Towers shall be permitted to a height of one hundred and fifty (150) feet. Towers may be permitted in excess of one hundred and fifty (150) feet in accordance AC.17 (Criteria for Site Plan Development Modifications.)

E. No new Tower shall be built, constructed, or erected in the City or its adjoining planning region unless such Tower is capable of supporting two other Person's operating Telecommunications Facilities comparable in weight, size, and surface area to the Telecommunications Facilities installed by the Applicant on the Tower within six (6) months of the completion of the Tower construction.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.5 APPLICATION

An application to develop a Telecommunications Tower containing the information indicated within this section shall be required of all such proposed facilities. The City may require an Applicant to supplement any information that it considers inadequate or that the Applicant has failed to supply. The City may deny an application on the basis that the Applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the city in a prompt manner and all decisions shall be supported in writing, setting forth the reasons for approval or denial.

As a minimum, an Application to develop a Tower shall include:

A. The name, address, and telephone number of the Owner and lessee of the parcel of land upon which the Tower is situated.

B. The legal description, map parcel number, and address of the parcel of land upon which Tower is situated.

C. The names, addresses, and telephone numbers of all owners of other Towers or usable Antenna Support Structures within a one-mile radius of the proposed new Tower site, including city-owned property.

D. A description of the design plan proposed by the Applicant in the City. Applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The Applicant must demonstrate the need for towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the Applicant's telecommunications services.

E. An affidavit attesting to the fact that Applicant made diligent, but unsuccessful, efforts to install or collocate the Applicant's Telecommunications Facilities on City-owned Towers or usable Antenna Support Structures (including water tanks) located within a one-mile radius of the proposed Tower site.

F. An affidavit accompanied by written technical evidence from an Engineer(s) attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the Applicant's Telecommunications Facilities on Towers of usable Antenna Support Structures owned by other Persons located within one mile radius of the proposed Tower site.

G. A written statement from an Engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.

H. Written, technical evidence from an Engineer(s) that the proposed structure meets the standards set forth in Section AC.7, (Structural Requirements), of this ordinance.

I. Written, technical evidence from qualified Engineer(s) acceptable to the Fire Marshall and the Building Official that the proposed site of the tower or Telecommunications Facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.

J. In order to assist City staff and the Planning Commission in evaluating visual impact, the Applicant shall submit color photo simulations showing the proposed site of the Tower with a photo-realistic representation of the proposed Tower as it would appear viewed from the closest residential property and from adjacent roadways.

K. The Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any Telecommunication Facilities which meet FCC standards. In order to provide information to its citizens, the City shall make available upon request copies of ongoing FCC information and RF emission standards for Telecommunications Facilities transmitting from Towers or Antenna Support Structures. Applicants shall be required to submit information on the proposed power density of their proposed Telecommunications Facilities and demonstrate how this meets FCC standards.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.6 SETBACKS

A. All Towers up to one-hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of one hundred (100) feet in height shall be set back one (1) additional foot per each foot of Tower height in excess of one hundred (100) feet.

B. Setback requirements for Towers shall be measured from the base of the Tower to the property line of the parcel of land on which it is located.

C. Setback requirements may be modified, as provided in Subsection AC.17 (Criteria for Site Plan Development Modifications) when placement of a Tower in a location that will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually may hide the Tower.

D. Towers shall be setback from all residentially zoned property a minimum of 300 feet.

E. Setback of towers located in residential zones shall be at least 300 feet from all property lines.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.7 STRUCTURAL REQUIREMENTS

All Towers must be designed and certified by an Engineer to be structurally sound and as a minimum in conformance with the adopted Building Code and any other standards outlined in this Ordinance. All towers in operation shall be fixed to land.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.8 SEPARATION OF TOWERS

For the purpose of this Section, the separation distances between Towers shall be measured by following a straight line between the base on the existing or approved structure and the proposed base, pursuant to a site

plan of the proposed Tower. The minimum Tower separation distances from residentially zoned land and from other Towers shall be calculated and applied irrespective of City jurisdiction boundaries.

Proposed Towers must meet the following minimum separation requirements from existing Towers or Towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this Section.

Tower structures shall be separated from all other Towers by a minimum of 1,500 feet.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.9 METHOD OF DETERMINING TOWER HEIGHT

Measurement of Tower height for the purpose of determining compliance with all requirements of this Section shall include the Tower structure itself, the base pad, and any other Telecommunications Facilities attached thereto which extend more than twenty (20) feet over the top of the Tower structure itself. Tower height shall be measured from grade.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.10 ILLUMINATION

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a Tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the Tower from the Tower and when required by federal law, dual mode lighting shall be requested from the FAA.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.11 EXTERIOR FINISH

Towers not requiring FAA painting or marking shall have an exterior finish that enhances compatibility with the natural environment.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.12 LANDSCAPING AND SCREENING

All landscaping on a parcel of land containing Towers, Antenna Support Structures, or Telecommunications Facilities shall be in accordance with the applicable landscaping requirements in the zoning district where such facilities are located. In order to enhance compatibility with adjacent land uses the City may require landscaping in excess of the requirements in the Zoning Ordinance.

At a minimum, there shall be provided and maintained a continuous, solid, evergreen screen around the perimeter of the Tower enclosure, except for the entry gate. The entry gate and its support structures shall be so constructed as to be one hundred (100) percent opaque. The planting bed for the evergreen screen shall be a minimum of eight (8) feet in width and the plantings shall be a minimum of six (6) feet in height at the time of planting.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.13 TELECOMMUNICATIONS FACILITIES ON ANTENNA SUPPORT STRUCTURES

Any Telecommunications Facilities which are not attached to a Tower may be permitted on any Antenna Support Structure at least fifty (50) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications Facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the zoning administrator, establish the following at the time plans are submitted for a building permit.

A. That the height from grade of the Telecommunications Facilities shall not exceed the height from grade of the Antenna Support Structure by more than twenty (20) feet.

B. That any Telecommunications Facilities and their appurtenances, located above the primary roof of an Antenna Support Structure, are set back one (1) foot from the edge of the primary roof for each one (1) foot in height above the primary roof of the Telecommunications Facilities. This setback requirement shall not apply to Telecommunication Facilities and their appurtenances, located above the primary roof of an Antenna Support Structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City. Setback requirements shall not apply to Stealth antennas which are mounted to the exterior of Antenna Support Structures below the primary roof, but which do not protrude more than eighteen (18) inches from the side of such an Antenna Support Structure.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.14 MODIFICATION OF TOWERS

A Tower existing prior to the effective date of this Section, which was in compliance with the City's zoning regulations immediately prior to the effective date of this Section, may continue in existence as a non-conforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this Section, except for Sections AC.8 (Separation of Towers); AC.12 (Landscaping and Screening); AC.15 (Certification and Inspections); and AC.16 (Maintenance) provided:

A. The Tower is being modified or demolished and rebuilt for the sole purpose of accommodating additional Telecommunications Facilities comparable in weight, size, and surface area to the discrete operating Telecommunications Facilities of any person currently installed on the Tower.

B. An Application for a development permit is made pursuant to this Section allowing the modification or demolition and rebuild of an existing non-conforming Tower. The grant of a permit made pursuant to this Section shall not be considered a determination that the modified or demolished and rebuilt Tower is conforming.

C. The height of the modified or rebuilt Tower and Telecommunications Facilities attached, thereto, do not exceed the maximum height allowed under this Ordinance.

This provision shall not be interpreted to legalize any structure or use existing at the time this Section is adopted which structure or use is in violation of the Ordinance prior to enactment of this Section.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.15 CERTIFICATIONS AND INSPECTIONS

A. All Towers shall e certified by an Engineer to be structurally sound and in conformance with the requirements of the standards set forth by the City's Building Code and Federal and State law. For new monopole Towers, such certification shall be submitted with an Application pursuant to Section AC.5

(Application), and every five (5) years, thereafter. For existing monopole Towers, certifications shall be submitted within sixty (60) days of the effective date of this Section and then every five (5) years, thereafter. For existing lattice or guyed Towers, certification shall be submitted within sixty (60) days of the effective date of this Section and then every two (2) years, thereafter. The Tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the Tower is jeopardized.

B. The City or its agents shall have authority to enter onto the property upon which a Tower is located, between the inspection and certification required above, to inspect the Tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City Code and Federal and State law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the Tower owner.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.16 MAINTENANCE

A. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

B. Tower owners shall install and maintain Towers, Telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

C. All Towers, Telecommunications Facilities, and Antenna Support Structures shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any Person.

D. All maintenance or construction of Towers, Telecommunications Facilities, or antenna Support Structures shall be performed by licensed maintenance and construction personnel.

E. All Towers shall maintain compliance with current RF emission standards of the FCC.

F. In the event that the use of a Tower is discontinued by the Tower owner, the Tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.17 CRITERIA FOR SITE PLAN DEVELOPMENT MODIFICATIONS

A. Notwithstanding the Tower requirements provided in this Section, a modification to the requirements may be approved by the Planning Commission in accordance with the following:

1. In addition to the requirements for a Tower, Application for modification shall include the following:

    a. A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.

    b. A description of off-site or on-site factors that mitigate any adverse impacts that might occur as a result of the modification.

    c. A technical study that documents and supports the criteria submitted by the Applicant upon which the request for modification is based. The technical study shall be certified by an Engineer

and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

d. For a modification of the setback requirement, the Application shall identify all parcels of land where the proposed Tower could be located, attempts by the Applicant to contract and negotiate an agreement for colocation, and the result of such attempts.

e. The Planning Commission may require the Application to be reviewed by an independent Engineer under contract to the City to determination whether the antenna study supports the basis for the modification requested. The cost of review shall be reimbursed to the City by the Applicant.

2. The Planning Commission shall consider the Application for modification based on the following criteria:

a. That the Tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.

b. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.

c. In addition, the Planning Commission may include conditions on the site where the Tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed Tower and mitigate any adverse impacts which arise in connection with the approval of the modification.

B. In addition to the requirements of subparagraph i of this Section, in the following cases, the Applicant must also demonstrate, with written evidence, the following:

1. In the case of a requested modification to the setback requirement established in Section A.6 (Setbacks), that the setback requirement cannot be met on the parcel of land upon which the Tower is proposed to be located and the alternative for the Person is to locate the Tower at another site which is closer in proximity to a residentially zoned land.

2. In the case of a request for modification to the separation and buffer requirements from other Towers of Section AC.8 (Separation of Towers) or Section AC.12 (Landscaping and Screening), that the proposed site is standard for separation from residentially zoned lands as provided for in Section A.6 (Setbacks).

3. In the case of a request for modification of the separation and buffer requirements from residentially zoned land of Sections A.6 (Setbacks) and AC.12 (Landscaping and Screening), if the Person provides written technical evidence from an Engineer(s) that the proposed Tower and Telecommunications Facilities must be located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system and if the Person is willing to create approved landscaping and other buffers to screen the Tower from being visible to residentially zoned property.

4. In the case of a request for modification of the height limit for Towers and Telecommunications Facilities or to the minimum height requirements for Antenna Support Structures that the modification is necessary to:

a. facilitate collocation of Telecommunications Facilities in order to avoid construction of a new Tower; or

b. to meet the coverage requirements of the Applicant's wireless communication system, which requirements must be documented with written, technical evidence from an Engineer(s) that demonstrates that the height of the proposed Tower is the minimum height required to function satisfactorily, and no Tower that is taller than such minimum height shall be approved.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.18 ABANDONMENT

A. If any Tower shall cease to be used for a period of three hundred-sixty-five (365) consecutive days, the Planning Department shall notify the Owner, with a copy to the applicant, that the site has been abandoned. The Owner shall have thirty (30) days from receipt of said notice to show, by a preponderance of the evidence, that the Tower has been in use or under repair during the period. If the Owner fails to show that the Tower has been in use or under repair during the period, the Planning Department shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the Owner shall, within seventy-five (75) days, dismantle and remove the Tower.

B. To secure the obligation set forth in this Section, the Applicant and/or Owner shall post a surety. Such amount shall be determined by the Planning Department based on the anticipated cost of removal of the Tower.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AC.19 SPECIAL CONDITIONS FOR LOCATION OF TELECOMMUNICATION FACILITIES WITHIN RESIDENTIAL DISTRICTS

The provisions of this section shall apply to the location and expansion of Telecommunications Facilities within any residential zoning district.

A. **Property Allowed**

Towers in residential districts shall be limited to publicly owned property and property whose principal use is a church, and only if the Mount Pleasant Board of Zoning Appeals shall have issued a conditional use permit in accordance with the provisions of this ordinance.

B. **Location and Co-Location**

Antennas shall be located on lawfully pre-existing towers or antenna support structures or other lawfully pre-existing buildings or structures whenever possible. No conditional use permit authorizing construction of a new antenna support structure or addition to or expansion of an existing building or structure shall be authorized within any residential district unless the applicant is able to demonstrate that no lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.

C. **Tower Design**

Every new tower located within any residential zoning district shall:

1. not be illuminated unless otherwise required by federal law or regulations; and
2. be at least 1,500 feet from any other such structure.

D. **Protection Against Climbing**

Every tower shall be protected against unauthorized climbing.

E. **Color**

Every tower shall be of neutral colors that is harmonious with, and which blends with the natural features, buildings and structures that surround such tower.

F. **Equipment Enclosures**

All electronic and other related equipment and appurtenances necessary for operation of any Personal Wireless Services Antenna shall, whenever possible be located within a lawfully pre-existing building or structure or be located entirely below grade. When a new structure is required to house such equipment any portion of such structure above grade shall have brick exterior and a shingled, pitched roof.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

APPENDIX D. SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

AD.1 Purpose and scope.

A. *Purpose.* In accordance with Tennessee Code Annotated § 13-24-401, et seq, known as "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018," the purpose of this chapter is to establish policies and procedures for the placement of small wireless facilities in the public rights-of-way within the city's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city's rights-of-way and to the city as a whole.

B. *Intent.* In enacting this chapter, the city is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:

1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. Prevent interference with the facilities and operations of facilities lawfully located in public rights-of-way or public property;
4. Protect against environmental damage, including damage to trees;
5. Preserve the character of the neighborhoods in which facilities are installed; and
6. Facilitate rapid deployment of small wireless facilities to provide the benefits of advanced wireless services.

C. *Conflicts with other chapters.* This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.2 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

B. *Annual Lease Fee* means the fee due to the city for the reimbursement for the installation of a small wireless facility on city property irrespective of whether the property is owned, leased, or within the public right-of-way. Each installation/spot is a separate annual lease fee.

C. *Applicable Codes* means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons to the extent not inconsistent with the terms of this chapter.

D. *Applicant* means any person who submits an application pursuant to this part.

E. *Application* means a request submitted by an applicant to the City of Mt. Pleasant:

1. For a permit to deploy or collocate small wireless facilities in the ROW; or

2. To approve the installation or modification of a Potential Support Structure (PSS) associated with deployment or colocation of small wireless facilities in the ROW;

F. *Authority-owned PSS* or *City-owned PSS* means a PSS owned or leased by the city in the rights-of-way, including a utility pole that provides lighting or traffic control functions, including light poles, traffic signals, and structures for signage; and (ii) a pole or similar structure owned/leased by the city in the rights-of-way that supports only wireless facilities. Authority-owed PSS does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively-owned, or government-owned;

G. *City* means City of Mt. Pleasant, Tennessee.

H. *Collocate, collocating,* and *colocation* mean, in their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a PSS. "Colocation" does not include the installation of a new PSS or replacement of authority-owned PSS;

I. *Communications facility* means the set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service;

J. *Communications service* means cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service;

K. *Communications service provider* means a cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 153(51), a provider of information service as defined in 47 U.S.C. § 153(24), a video service provider as defined in § 7-59-303, or a wireless provider;

L. *Day* means calendar day.

M. *Design Review Guidelines* means the Design Review Guidelines adopted by the City of Mt. Pleasant which establishes generally applicable aesthetic requirements within the City or designated area within the City. The design review guidelines may include a provision that limits the plan's application to construction or deployment that occurs after adoption of the design review guidelines. For purposes of this part, such a limitation is not discriminatory as long as all construction or deployment occurring after adoption, regardless of the entity constructing or deploying, is subject to the design review guidelines.

N. *Fee* means a one-time, non-recurring charge.

O. *Historic district* means a property or area zoned as a historic district or zone pursuant to § 13-7-404;

P. *Micro wireless facility* means a small wireless facility that:

1. Does not exceed twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height; and

2. The exterior antenna, if any, does not exceed eleven inches (11") in length;

Q. *Permittee* means an applicant who has been granted a permit.

R. *Person* means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity;

S. *Potential support structure for a small wireless facility or PSS* means a pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

T. *Rate* means a recurring charge.

U. *Residential neighborhood* means an area within the City's geographic boundary that is zoned or otherwise designated by the City for general purposes as an area primarily used for single-family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas;

V. *Right-of-way* or *ROW* means the space, in, upon, above, along, across, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the City, and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority, but excluding lands other than streets that are owned by the City;

W. *Right-of-way use permit* or *permit* means a permit for the construction or installation of wireless facilities, small wireless facilities, wireless backhaul facilities, fiber optic cable, conduit, and associated equipment necessary to install wireless facilities in the right-of-way.

X. 1. *Small wireless facility* means a wireless facility with:

a) An antenna that could fit within an enclosure of no more than six (6) cubic feet in volume; and

b) Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. For purposes of this subdivision (X)(1)(b), "other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and

2. "Small wireless facility" includes a micro wireless facility;

Y. *Wireline backhaul facility* means a communications facility used to transport communications services by wire from a wireless facility to a network;

Z. 1. *Wireless facility* means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

a) Equipment associated with wireless communications; and

b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration;

2. Wireless facility does not include:

a) The structure or improvements on, under, or within which the equipment is collocated;

b) Wireline backhaul facilities; or

c) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna; and

3. Wireless facility includes small wireless facilities;

AA. *Wireless infrastructure provider* means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or PSSs, but that is not a wireless services provider.

BB. *Wireless provider* means a wireless infrastructure provider or a wireless services provider.

CC. *Wireless services* means any service using licensed or unlicensed spectrum, including the use of WIFI, whether at a fixed location or mobile, provided to the public.

DD. *Wireless services provider* means a person who provides wireless services.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.3 Permitted use; application and fees.

A. *Permitted use.* Collocation of a small wireless facility or installation of a new, replacement, or modified City-owned PSS or PSS for the collocation of a small wireless facility shall be a permitted use, subject to the restrictions in this title.

B. *Permit required.* No person may construct, install, and/or operate wireless facilities that occupy the right-of-way without first obtaining a right-of-way use permit from the city. Any right-of-way use permit shall be reviewed, issued and administered in a non-discriminatory manner, shall be subject to such reasonable conditions as the city may from time to time establish for effective management of the right-of-way, and otherwise shall conform to the requirements of this chapter and applicable law.

C. *Permit applications.* All applications for Right-of-way use permits filed pursuant to this chapter shall be on a form, paper or electronic, provided by the city. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

D. *Application requirements.* The application shall be made by the wireless provider or its duly authorized representative and shall contain the following:

1. The applicant's name, address, telephone number, and e-mail address;

2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, contractors and subcontractors, if any, acting on behalf of the applicant with respect to the filing of the application or who may be involved in doing any work on behalf of the applicant;

3. A site plan for each proposed location with a diagram or engineering drawing depicting the design for installation of the small wireless facility with sufficient detail for the City to determine that the design of the installation and any new PSS or any modification of a PSS is consistent with all generally applicable safety and design requirements, including the requirements of the Manual on Uniform Traffic Control Devices;

4. The location of the site(s), including the latitudinal and longitudinal coordinates of the specific location(s) of the site;

5. Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party;

6. The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all nondiscriminatory and generally applicable ROW requirements for deployment of any associated infrastructure that is not a small wireless facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility;

7. The applicant's certification of compliance with surety bond, insurance, or indemnification requirements (as set forth in Section AD.9 below); rules requiring maintenance of infrastructure deployed in ROW; rule requiring relocation or timely removal of infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the City imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the City imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the ROW; and

8. The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight-bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.

9. A statement that all wireless facilities shall comply with all applicable codes.

E. *Approval or Denial of Application; Response Time.* The City responds to the applications for permit per the timelines prescribed in T.C.A. Section 13-24-409(b) regarding the approval or denial of applications, and the City shall respond to applications per the specific requirements of T.C.A. Section 13-24-409(b)(3). The City reserves the right to require a surcharge as indicated in T.C.A. Section 13-24-409(b)(7)(F)(i) for high-volume applicants.

F. *Deployment after Permit.* An applicant must complete deployment of the applicant's small wireless facilities within nine (9) months of approval of applications for the small wireless facilities unless the City and the applicant agree to extend the period, or a delay is caused by a lack of commercial power or communications transport facilities to the site. If an applicant fails to complete deployment within the time required pursuant to this subsection (h), then the City may require that the applicant complete a new application and pay an application fee.

G. *Multiple Permit Applications at Same Location.* If the City receives multiple applications seeking to deploy or collocate small wireless facilities at the same location in an incompatible manner, then the City may deny the later filed application. For purposes of this section, "Same Location" shall be defined as collocating on the same authority-owned PSS or deploying small cell facilities on new or modified PSSs within fifty (50) of each other.

H. *Bridge and/or Overpass Special Provision.* If the Applicant's site plan includes any colocation design that includes attachment of any facility or structure to a bridge or overpass, then the applicant must designate a safety contact. After the Applicant's construction is complete, the Applicant shall provide to the safety contact a licensed professional engineer's certification that the construction is consistent with the applicant's approved design, that the bridge or overpass maintains the same structural integrity as before the construction and installation process, and that during the construction and installation process neither the Applicant nor its contractors have discovered evidence of damage to or deterioration of the bridge or overpass that compromises its structural integrity. If such evidence is discovered during construction, then the Applicant shall provide notice of the evidence to the safety contact.

I. *Information updates.* Except as otherwise provided herein, any amendment to information contained in a permit application shall be submitted in writing to the city within 30 days after the change necessitating the amendment.

J. *Application fees.* Unless otherwise provided by law, all permit applications for small wireless facility pursuant to this chapter shall be accompanied the maximum fee allowed by T.C.A. 13-24-407.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.4 Facilities in the ROW; maximum height; other requirements.

A. *Design Review Guidelines.* Unless otherwise determined by city staff, in an attempt to blend into the built environment, all small wireless facilities, new or modified utility poles, PSSs for the collocation of small wireless facilities, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area, and its design for the PSS, shall meet the design review guidelines for the area, subject to following requirements:

1. Collocation is recommended, when possible. Should the wireless provider not be able to collocate, the wireless provider shall provide justification in the application.

2. When unable to match the design and color of existing utility poles in the immediate area small wireless facilities and/or new PSSs shall be designed using stealth or camouflaging techniques, to make the installation as minimally intrusive as possible including stealth poles that are black or dark green in color, powder-coated and that do not exceed 16 inches in diameter. The city reserves the right to require a street light on the utility pole. New wooden PSSs shall be strictly prohibited.

3. When an Applicant seeks to deploy a small wireless facility, and associated equipment, within a residential neighborhood, then the Applicant must deploy the facility in the right-of-way within twenty-five (25) feet of the property boundary of lots larger than 0.75 acres and within fifteen (15) feet of the boundary if lots are 0.75 acres or smaller.

4. New small wireless facilities, antennas, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area of the proposed facilities and equipment, minimizing the physical and visual impact to the community.

B. *Compliance with Underground Facilities.* Subject to waivers as determined by the Mt. Pleasant Municipal Planning Commission, an Applicant must comply with existing requirements to place all electric, cable, and communications facilities underground in a designated area of a ROW, as determined by the City's zoning regulations, and its design for the PSS meets the design review guidelines for the area.

C. *Historic preservation overlay.* For applications for property located inside the historic preservation overlay, the applicant must also obtain approval from the Historic Zoning Commission prior to obtaining a permit. Proposed installations are subject to the Mt. Pleasant Historic District Design Guidelines, and any installations proposed adjacent to National Register listed property or an architecturally significant structure in a National Register District shall be subject to all applicable requirements.

D. *PSSs with Mast Arms.* Unless otherwise determined by City staff, an Applicant shall not collocate on City-owned PSSs, which have mast arms routinely removed to accommodate frequent events. A list of the prohibited PSSs, which have the mast arms described are listed on the City of Mt. Pleasant website.

E. *Replacing an existing City-owned PSS.* City-owned PSS may be replaced for the collocation of small wireless facilities. When replacing a PSS, any replacement PSS must reasonably conform to the design aesthetics of the PSS being replaced and must continue to be capable of performing the same function in a comparable manner as it performed prior to replacement.

1. When replacing a City-owned PSS, the replacement PSS becomes the property of the City, subject to T.C.A. 13-24-408(g).
2. The city reserves the right to require a street light on the new PSS.

F. *Maximum Height.* A new PSS installed or an existing PSS replaced in the ROW shall not exceed the greater of:

1. Ten feet (10') in height above the tallest existing PSS in place as of the effective date of this part that is located within five hundred feet (500') of the new PSS in the ROW and, in residential neighborhoods, the tallest existing PSS that is located within five hundred feet (500') of the new PSS and is also located within the same residential neighborhood as the new PSS in the ROW;
2. Fifty feet (50') above ground level; or
3. For a PSS installed in a residential neighborhood, forty feet (40') above ground level.

G. *Maximum Height for Small wireless facilities.* Small wireless facilities shall not extend:

1. More than ten feet (10') above an existing PSS in place as of the effective date of this part; or
2. On a new PSS, ten feet (10') above the height permitted for a new PSS under this section.

H. *Construction in the rights-of-way.* All construction, installation, maintenance, and operation of wireless facilities in the right-of-way by any wireless provider shall conform to the requirements of the following publications, as from time to time amended: The Rules of Tennessee Department of Transportation Right-of-Way Division, the National Electrical Code, and the National Electrical Safety Code, as might apply.

I. *Mt.* Pleasant Municipal Planning Commission Approval. Unless otherwise provided in this ordinance, the Mt. Pleasant Municipal Planning Commission approval shall be required for:

1. Any wireless provider that seeks to construct or modify a utility pole, PSS or wireless facility that is determined to not comply with the height, diameter, design, color standards and expectations set forth in subsections (a)—(h) above.
2. New utility poles or PSSs shall not be permitted to be installed in the rights-of-way in areas in which no utility poles, streetlight poles, or PSSs exist at the time of application without prior approval by the Mt. Pleasant Municipal Planning Commission.

J. From time to time, additional criteria regarding the location, type, and/or design of small cell facilities and utility poles shall be subject to change. All changes shall be made available to the public for 30 days and compiled into a set of guidelines titled, "City of Mt. Pleasant Guidelines for Wireless Communications Facilities in the Public Right-of-Way." In no case, shall any guidelines be retroactive. Facilities approved for which right-of-way use permits have been issued prior to the effective date of a new guideline shall not be affected.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.5 Effect of permit.

A. *Authority granted; no property right or other interest created.* A permit authorizes an applicant to undertake only certain activities in accordance with this chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.

B. *Duration.* No permit issued under this chapter shall be valid for a period longer than 12 months unless construction has commenced within that period and is thereafter diligently pursued to completion. In the event that construction begins but is inactive for more than 90 days, the permit expires.

C. *Termination of permit.* In all other circumstances, the permit expires in 12 months.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.6 Maintenance, removal, relocation, or modification of small wireless facility and fiber in the ROW.

A. *Notice.* Within 90 days following written notice from the city, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-way whenever the city has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the rights-of-way. The city agrees to use good faith efforts to accommodate any such disconnection, removal, relocation, change, or alteration and to assist with identifying and securing a mutually agreed upon alternative location.

B. *Maintenance of existing facilities.* With respect to each wireless facility installed pursuant to a right-of-way use permit, permittee is hereby permitted to enter the right-of-way at any time to conduct repairs, maintenance or replacement not substantially changing the physical dimension of the wireless facility. Permittee shall comply with all rules, standards and restrictions applied by the city to all work within the right-of-way. If required by city, permittee shall submit a "maintenance of traffic" plan for any work resulting in significant blockage of the right-of-way. However, no excavation or work of any kind may be performed without a permit, except in the event of an emergency. In the event of emergency, permittee shall attempt to provide advance written or oral notice to the Building and Planning Director.

C. *Removal of existing facilities.* If the permittee removes any wireless facilities, it shall notify the city of such change within 60 days.

D. *Damage to facilities or property.* A permittee, including any contractor or subcontractor working for a permittee, shall avoid damage to any wireless facilities and/or public or private property. If any wireless facilities and/or public or private property are damaged by permittee, including any contractor or subcontractor working for permittee, the permittee shall promptly commence such repair and restore such property within ten business days. Permittee shall utilize the Tennessee One Call System prior to any disturbance of the rights-of-way and shall adhere to all other requirements of the Tennessee Underground Utility Damage Prevention Act.

E. *Emergency removal or relocation of facilities.* The city retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any serious public health or safety emergency. If circumstances permit, the city shall notify the wireless provider in writing and provide the wireless provider a reasonable opportunity to move its own wireless facilities prior to cutting or removing a wireless facility and shall notify the wireless provider after cutting or removing a wireless facility. Any removal shall be at the wireless providers sole cost. Should the wireless facility be collocated on property owned by a third-party, the city shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal.

F. *Abandonment of facilities.* Upon abandonment of a small wireless facility within the rights-of-way of the city, the wireless provider shall notify the city within 90 days. Following receipt of such notice the city may direct the wireless provider to remove all or any portion of the small wireless facility if the city reasonably determines that such removal will be in the best interest of the public health, safety and welfare. Should the wireless facility be collocated on property owned by a third-party, the city shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal. Any removal shall be at the wireless providers sole cost.

G. Failure to remove wireless facilities pursuant to this Code will result in no future permits being granted.

H. No application, fee, rate, and/or approval is required for the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables that are strung between existing PSSs, in compliance with the National Electrical Safety Code as set out in T.C.A. Section 68-101-104.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.7 Public right-of-way rates—Attachment to city-owned/leased utility poles and new utility poles installed within the public right-of-way or city-owned/leased property.

A. *Annual rate.* The rate to place a small wireless facility on a city-owned or leased pole in the right-of-way shall be in the amount stated in the maximum fee allowed by T.C.A.13-24-407 per year for all city-owned or leased poles in the rights-of-way. All equipment attached to a city-owned pole shall constitute a single attachment and therefore a single use of a city-owned pole. Such compensation, for the first year or for any portion thereof, together with the application fee specified in this chapter shall be the sole compensation that the wireless provider shall be required to pay the city. This rate will be due January 1 of each year of the permit.

B. A wireless provider authorized to place a new utility pole within public right-of-way or on city-owned or leased property shall pay to the city for use of the right-of-way or property the maximum amount stated in **T.C.A. 13-24-407.** This rate will be due January 1 of each year of the permit.

C. *Make-ready.* For city-owned or leased utility poles in the rights-of-way, the city shall provide a good faith reasonable direct cost-based estimate for any make-ready work necessary to enable the pole to support the requested small wireless facility, including pole replacement if necessary, within 60 days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within 60 days of written acceptance of the good faith estimate by the wireless provider.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.8 Remedies; violations.

In the event a reasonable determination is made that a person has violated any provision of this chapter, or a right-of-way use permit, such person shall be provided written notice of the determination and the specific, detailed reasons therefor. Except in the case of an emergency, the person shall have 30 days to commence to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the city, in its reasonable judgment, may extend the time period to cure, provided that the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the city may take all actions authorized by this chapter and/or Tennessee law and regulations.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AD.9 General provisions.

A. *Insurance.* Each permittee shall, at all times during the entire term of the right-of-way use permit, maintain and require each contractor and subcontractor to maintain insurance with a reputable insurance company authorized to do business in the State of Tennessee and which has an A.M. Best rating (or equivalent) no less than "A" indemnifying the city from and against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of permittee's wireless facilities in the rights-of-way. The amounts of such coverage shall be not less than the following:

1. *Worker's compensation and employer's liability insurance.* Tennessee statutory requirements.

2. *Comprehensive general liability.* Commercial general liability occurrence form, including premises/operations, independent contractor's contractual liability, product/completed operations; X, C, U coverage; and personal injury coverage for limits as determined by the Planning and Zoning Director but in no case less than $1,000,000.00 per occurrence, combined single limit and $2,000,000.00 in the aggregate.

3. *Commercial automobile liability.* Commercial automobile liability coverage for all owned, non-owned and hired vehicles involved in operations under this Appendix D for limits as determined by the Planning and Zoning Director but in no case less than $1,000,000.00 per occurrence combined single limit each accident.

4. *Commercial excess or umbrella liability.* Commercial excess or umbrella liability coverage may be used in combination with primary coverage to achieve the required limits of liability.

The city shall be designated as an additional insured under each of the insurance policies required by this section except worker's compensation and employer's liability insurance. Permittee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this section. Permittee shall provide the city with at least 30 days' advance written notice of any material changes or cancellation of any required insurance policy, except for non-payment of premium of the policy coverages.

Permittee shall impose similar insurance requirements as identified in this section on its contractors and subcontractors.

B. *Indemnification.* Each permittee, its consultant, contractor, and subcontractor, shall, at its sole cost and expense, indemnify, defend and hold harmless the city, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the permittee, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of permittee's wireless system or wireless facilities in the rights-of-way. Each permittee shall defend any actions or proceedings against the city in which it is claimed that personal injury, including death, or property damage was caused by the permittee's construction, installation, operation, maintenance or removal of permittee's wireless system or wireless facilities in the rights-of-way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other reasonable costs of indemnification.

C. *Application for Renewal of Permit.* A permittee desiring to renew a right-of-way use permit prior to the expiration of the permit shall file an application with the city for renewal of its authorization, which shall include the information and documents required for an initial application and other material information reasonably required by the director of streets, or his or her designee.

1. The city shall make a determination to accept or deny the renewal application in writing to the permittee.

2. The city shall timely process any renewal application provided that (i) permittee is not then in material default under any provision of the right-of-way use permit, or in material non-compliance with this chapter, and (ii) has otherwise satisfactorily performed all of its obligations under the right-of-way permit, and this chapter during the expiring term. In the event the city elects not to renew, it shall provide a written basis for such non-renewal. Determinations to grant or deny a renewal application shall be made on a nondiscriminatory and competitively neutral basis. The city shall not unreasonably delay, condition, withhold or deny the issuance of a renewal permit.

D. *As-built maps.* As the city controls and maintains the right-of-way for the benefit of its citizens, it is the responsibility of the city to ensure that such public right-of-way meet the highest possible public safety

standards. Upon request by the city and within 30 days of such a request, a permittee shall submit to the Building and Planning Department (or shall have otherwise maintained on file with the department) as-built maps and engineering specifications depicting and certifying the location of all its existing small wireless facilities within the right-of-way, provided in standard electronic or paper format in a manner established by the Building and Planning Director, or his or her designee. Such maps are, and shall remain, confidential documents and are exempt from public disclosure under the Tennessee Open Records Act (Tennessee Code Annotated, § 10-7-101 et seq.) to the maximum extent of the law. After submittal of the as-built maps as required under this section, each permittee having small wireless facilities in the city right-of-way shall update such maps as required under this chapter upon written request by the city.

E. *Right to inspect.* With just and reasonable cause, the city shall have the right to inspect all of the small wireless facilities, including aerial facilities and underground facilities, to ensure general health and safety with respect to such facilities and to determine compliance with the terms of this chapter and other applicable laws and regulations. Any permittee shall be required to cooperate with all such inspections and to provide reasonable and relevant information requested by the city as part of the inspection.

F. *Transitional provisions.*

1. *Persons already authorized to use the right-of-way.* Any wireless provider and/or entity holding a permit or other authorization from the city to own, construct, install, operate, and/or maintain wireless facilities in the right-of-way to provide services may continue to conduct those activities expressly authorized until the earlier of the following: i) the conclusion of the present term of its existing authorization, or ii) 180 days after the effective date of this chapter. Notwithstanding the foregoing, any such person shall apply for a superseding right-of-way use permit pursuant to this chapter within 90 days after the effective date of the chapter and shall be subject to the terms and conditions of this chapter. Upon such application, such person shall be allowed to continue to own, operate and/or maintain is wireless facilities in the right-of-way until such right-of-way use permit becomes effective.

2. *Operating without right-of-way use authorization.* Any person that owns or operates any wireless facilities currently located in the right-of-way, the construction, operation, or maintenance of which is not currently authorized but is required to be authorized under this chapter, shall have ten (10) days from the effective date of this chapter to apply for a right-of-way use permit. Any person timely filing such an application shall not be subject to penalties for failure to hold a right-of-way use permit, provided that said application remains pending. Nothing herein shall relieve any person of any liability for its failure to obtain a right-of-way use permit, or other authorization required under other provisions of this chapter or city ordinances or regulations, and nothing herein shall prevent the city from requiring removal of any wireless facilities installed in violation of this chapter or city ordinances or regulations.

G. *Proprietary information.* If a person considers information it is obligated to provide to the city under this chapter to be a business or trade secret or otherwise proprietary or confidential in nature and desires to protect the information from disclosure, then the person shall mark such information as proprietary and confidential. Subject to the requirements of the Tennessee Open Records Act (Tennessee Code Annotated, § 10-7-101 et seq.) as amended, and other applicable law, the city shall exercise reasonable good faith efforts to protect such proprietary and confidential information that is so marked from disclosure to the maximum extent of the law. The city shall provide written notice to the person in the following circumstances: i) if the city receives a request for disclosure of such proprietary and confidential information and the city attorney determines that the information is or may be subject to disclosure under applicable law; or ii) if the city attorney determines that the information should be disclosed in relation to its enforcement of this chapter or the exercise of its police or regulatory powers. In the event the person does not obtain a protective order barring disclosure of the information from a court of competent jurisdiction within 30 days following receipt of the city's notice, then the city may disclose the information without further written notice to the person.

H. *Duty to provide information.* Within ten days of a written request from the city, a permittee shall furnish the city with information sufficient to demonstrate the following: that the permittee has complied with all requirements of this chapter; that all fees due to the city in connection with the services provided and wireless facilities installed by the permittee have been properly paid by the permittee; and any other information reasonably required relating to the permittee's obligations pursuant to this chapter.

I. *No substitute for other required permissions.* No right-of-way use permit includes, means, or is in whole or part a substitute for any other permit or authorization required by the laws and regulations of the city for the privilege of transacting and carrying on a business within the city or any permit or agreement for occupying any other property of the city.

J. *No waiver.* The failure of the city to insist on timely performance or compliance by any permittee holding a right-of-way use permit shall not constitute a waiver of the city's right to later insist on timely performance or compliance by that permittee or any other permittee holding such right-of-way use permit. The failure of the city to enforce any provision of this chapter on any occasion shall not operate as a waiver or estoppel of its right to enforce any provision of this chapter on any other occasion, nor shall the failure to enforce any prior ordinance or city Charter provision affecting the right-of-way, any wireless facilities, or any user or occupant of the right-of-way act as a waiver or estoppel against enforcement of this chapter or any other provision of applicable law.

K. *Policies and procedures.* The city is authorized to establish such written policies and procedures consistent with this chapter as the city reasonably deems necessary for the implementation of this chapter.

L. *Police powers.* The city, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the city under applicable federal, state and local laws and regulations.

M. *Severability.* If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this chapter invalid.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

APPENDIX E. LANDSCAPE STANDARDS

AE.1 IRRIGATION

With the initial site plan submittal, a schematic irrigation plan may be provided which shows the information indicated below:

A. Plans shall be drawn to scale, and shall show all existing and proposed physical features and boundaries of areas to be watered

B. All areas of coverage shall be indicated.

C. Turf, shrub beds and trees shall be zoned separately

D. Indicate the type of irrigation (i.e. rotor, spray, drip, etc.) used in each zone.

E. Indicate the point-of-connection

F. Plan shall be stamped by an IA Certified Irrigation Designer or a registered Landscape Architect

G. The following note shall be added to the plan: "A detailed irrigation plan complying with all requirements of the Mount Pleasant Zoning Ordinance shall be submitted to the City for approval prior to an application for Building Permit."

If irrigation is proposed, detailed irrigation plans shall be submitted prior to applying for a building permit which show the information indicated above, as well as:

A. Indicate piping routes, sizes, classes and sleeves.

B. Piping shall be installed at a minimum depth of 12 inches.

C. Indicate valve locations, flow and size

D. Indicate head locations, types and spray patterns. Precipitation rates shall be matched within a zone.

E. Indicate design pressure.

F. Ensure 100% head-to-head coverage at all times and don't exceed spacing of a nozzle's range.

G. System shall be zoned so as to not exceed the pressure and volume available at the water meter.

H. Zone valves should be located at middle portion on zone and center feed whenever possible.

I. Overspray of paved areas and structures shall be avoided.

J. A rain/freeze sensor shall be installed and located where it can receive direct rainfall.

K. Check valves and pressure regulators shall be employed to control low-head drainage and high pressure.

L. Controller type and location shall be indicated.

M. A backflow preventer shall be installed downstream of the meter and shall have an approved cover.

N. Indicate meter size and location.

O. Plan shall be stamped by an IA Certified Irrigation Designer or a registered Landscape Architect

As an alternative to submitting a detailed irrigation plan for approval, the developer or contractor may choose to conduct a post-construction field performance audit, using the Irrigation Association's Certified Landscape Irrigation Program. The irrigation system shall meet all performance criteria listed above. The audit shall check the performance of the system for conformance with state and local requirements including meeting standards for the minimum precipitation rate and lower quarter distribution uniformity (DU_{LQ}) (and where possible, emission uniformity for drip/micro-irrigation systems). In addition, the audit shall also verify the installation of specified water management devices such as a rain shutoff device. Audits shall be performed by an IA Certified Irrigation Auditor.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AE.2 RECOMMENDED PLANT MATERIALS

The following plants are recommended for use in projects submitted to the City. Plants not on this list (Table 30) will be evaluated on a case-by-case basis by the City's landscape architect.

The use of certain cultivars or varieties within a species may be required where needed to obtain a particular growth characteristic. For instance, Acer rubrum may be inappropriate to use near powerlines, while Acer rubrum 'Armstrong' may fit the available space.

Table 30. Recommended Plants

Canopy Trees	Ornamental/ Understory Trees	Buffer Trees	Buffer Shrubs	Supplemental Buffer Shrubs
Acer rubrum- Red Maple	Acer buergeranum- Trident Maple	Cedrus atlantica- Atlas cedar	Eleagnus pungens- Fragrant olive	Aesculus parviflora- Bottlebrush Buckeye
Acer saccharum- Sugar Maple	Acer griseum- Paper Bark Maple	Cedrus deodara- Deodar Cedar	Ilex aquifolium- English holly	Aesculus pavia- Red Buckeye
Betula nigra- River Birch	Aesculus pavia- Red Buckeye	Cryptomeria japonica- Cryptomeria	Ilex cornuta 'Burfordii'- Burford holly	Aronia arbutifolia- Red chokeberry
Caprinus betulus- European Hornbeam	Amelanchier arborea- Serviceberry	Ilex attenuate 'Fosteri'- Foster holly	Ilex cornuta 'Nellie R. Stevens' - Nellie R Stevens holly	Forsythia x intermedia- Flowering forsythia
Carnipus carloliniana- American Hornbeam	Cercis Canadensi-Redbud	Ilex x 'Nellie R. Stevens'- Nellie R. Stevens holly	Ilex crenata- Japanese Holly	Ilex verticillate- Winterberry
Cercidiphyllum japonicum- Katsuratree	Chionanthus virginicus- Fringe tree	Ilex opaca- American Holly	Prunus caroliniana- Cherry laurel	Viburnum dentatum- Arrowwood viburnum
Cladrastis kentukea- Yellowwood	Cornus florida- Flowering Dogwood (anthracnose resistant cultivars)	Juniperus virginiana- Eastern Red Cedar	Prunus laurocerasis- English laurel	Hamemelis virginiana-Common witchhazel
Diospyros virginiana- Persimmon	Cornus kousa- Kousa Dogwood	Magnolia grandiflora- Southern Magnolia	Viburnum rhytidophyllum- Leatherleaf viburnum	Hamemelis x intermedia
Ginkgo biloba — Ginkgo	Cornus mas- Corneliancherry Dogwood	Magnolia virginiana- Sweetbay Magnolia	Viburnum 'Pragense'- Prague viburnum	
Liriodendron tulipfera — Tulip Poplar	Crataegus viridis 'Winter King'- Winter King Hawthorn	Picea abies- Norway Spruce		
Liquidamber styraciflua 'Rotundiloba'- Sweetgum	Franklinia alatamaha- Franklin tree	Pinus nigra- Austrian Pine		
Metasequoia glyptostroboides- Dawn Redwood	Koelreuteria panuculata- Golden Raintree	Pinus sylvestris- Scots Pine		
Nyssa sylvatica- Black Gum	Lagerstroemia indica- Crepe Myrtle	Pinus taeda- Loblolly Pine		

Canopy Trees	Ornamental/ Understory Trees	Buffer Trees	Buffer Shrubs	Supplemental Buffer Shrubs
Pistacia chinensis- Chinese Pistache	Magnolia x soulangiana- Saucer magnolia	Pinus thunbergii- Black Pine		
Quercus acutissima- Sawtooth oak	Magnolia stellate- Star magnolia	Pinus virginiana- Virginia pine		
Quercus alba- White Oak	Magnolia virginiana- Sweetbay Magnolia	Prunus caroliniana- Carolina Cherry Laurel		
Quercus coccinea- Scarlet Oak	Malus cultivars, disease restistant only, e.g. 'Adirondack', 'Callaway', 'Centennial', 'Donald Wyman', 'Prairiefire', 'Sugar Tyme'	Thuja occidentalis- Arborvitae		
Quercus falcata- Southern Red Oak	Ostrya virginiana- American Hophornbeam	Tsuga canadensis- Canadian Hemlock		
Quercus imbricaria- Shingle oak	Oxydendrum arboretum- Sourwood	Tsuga caroliniana- Hemlock		
Quercus lyrata- Overcup oak	Pinus thunbergia- Black pine			
Quercus palustris- Pin oak	Prunus campanulate- Okame Cherry			
Quercus phellos- Willow oak	Prunus subhirtella var. autumnalis- Autumn Flowering Cherry			
Quercus prinus- Chestnut oak	Prunus yedoensis- Yoshino cherry			
Quercus rubra- Red oak	Styrax japonica- Japanese Snowball			
Quercus shubardii- Shumard Oak	Syringa reticulata- Lilac Tree			
Tilia Americana- American Linden				
Tilia cordata- Littleleaf Linden				
Taxidium distichum- baldcypress				
Ulmus parvifolia- Lacebark Elm				
Zelkova serrata — Zelkova				

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)

AE.3 TREE SELECTION SPECIFICATIONS

A. Plants shall be so trained in development and appearance as to be unquestionable superior in form, compactness and symmetry. They shall be sound, healthy, vigorous, well branched and densely foliated when in leaf, and free of disease and insect adult eggs, pupae or larvae. They shall have healthy, well-developed root systems and shall be free from physical damage or other conditions that would prevent thriving growth.

B. There shall be no circling or girdling roots. Circling roots should be cut in at least one place.

C. Trees should be rooted into the root ball so that soil or media remains intact and trunk and root ball move as one when lifted, but not root bound. The trunk should bend when gently pushed and should not be loose so it pivots at or below soil line.

D. The point where the top-most root in the root ball emerges from the trunk shall be within two inches of the soil surface. It can be exposed and visible at the soil surface. If it is not within the top two inches of soil, gently remove the top layer of soil from the rootball until the first major root flare is visible.

E. The relationship between caliper, height and root ball size shall meet the ANSI Z60.1 standard, latest edition.

F. There should be one dominant leader to the top of the tree with the largest branches spaced at least 6 inches apart. There can be two leaders in the top 10% of the tree if it is otherwise of good quality.

G. The tree canopy should be symmetrical and free of large voids. Clear trunk should be no more than 40% of tree height unless otherwise specified in the planting specifications. Clear trunk shall be of sufficient height to clear surrounding uses that may be impacted by the future growth of the tree.

H. Open trunk and branch wounds shall be less than 10% of the circumference at the wound and no more than 2 inches tall. Properly made pruning cuts are not considered open trunk wounds. There should be no conks or bleeding, and there should be no signs of insects or disease on more than 5% of the tree.

I. If any of the above conditions are not met, trees may be rejected.

(Ord. No. 2018-1028, § 1(Exh. A), 11-20-2018)