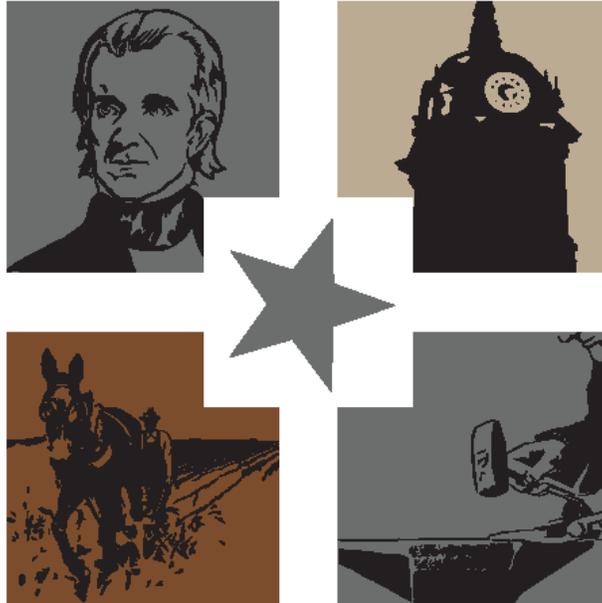


CITY OF COLUMBIA



T E N N E S S E E
Something good around every corner.

Zoning Code

prepared by:

duncan | associates

2006

LAST AMENDED 9/10/15

How to Use this Code

IF YOU OWN PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

- STEP 1:** Find your zoning district and any overlay districts by looking at the Official Zoning Map (found in the Development Services Department).
- STEP 2:** Go to Article 5, Zoning Districts, to review the intent of the district(s) applied to your property.
- STEP 3:** Go to the Use Table in Article 8, Use Regulations for details on uses permitted on your property. If the use is listed with Notes in the right-hand column, read those notes for additional use standards that may apply.
- STEP 4:** For details on density, minimum lot size and required yards, see the District Development Standards as follows: Residential Districts (Sec. 6.3); Commercial Districts (Sec. 6.4); Industrial Districts (Sec. 6.5).

Planned Unit Developments (PUDs) are governed by the standards found in Article 7. Development may also subject to the general development standards in Article 9 through Article 12.
- STEP 5:** Don't forget the overlay districts that apply to your property, if any. See Article 5, Zoning Districts.

IF YOU WANT TO BUILD OR ESTABLISH A PARTICULAR USE:

- STEP 1:** Go to the Use Table in Article 8, Use Regulations for details on uses permitted on your property. If the use is listed with Notes in the right-hand column, read those notes for additional use standards that may apply. If you do not see your use listed, check the most appropriate use category in Article 8.
- STEP 2:** For details on density, minimum lot size and required yards, see Article 6, District Development Standards. Development may also subject to the general development standards in Article 9 through Article 12.

DEVELOPMENT STANDARDS APPLY TO EVERYONE:

Anyone who builds, expands, etc. is subject to the standards in this ordinance. This includes the parking (Article 10), landscaping (Article 11), and other applicable standards.

IF YOU WANT TO CHANGE THE ZONING OF YOUR PROPERTY:

Only the City Council may rezone property – following public notice and hearings. See Sec. 3.18, Rezoning for details on the procedure.

IF YOU WANT TO SUBDIVIDE YOUR PROPERTY:

Property can only be subdivided in accordance with the procedure in the Subdivision Standards and Procedures (available in the Development Services Department).

REGULATIONS CONCERNING SIGNS AND SIGNAGE:

The development standards for signs are contained in the City of Columbia Sign Ordinance.

Zoning Text Amendments

December 10, 2014 Planning Commission

Section 1. Minor clean-up or clarifications:

Throughout the ordinance

Revise “Planning Department” to “Development Services Department” and “Planning Director” to “City Planner”

Page 2-6; Article 2; Section 2.2.5(B)(a) and (b) Membership; Architectural Review Team
Delete “Engineering Director” and add “City Engineer”

Page 2-9; Article 2; section 2.2.6(C)(3); Zoning Administrator
Delete the subsection (h), which is blank.

Page 2-9; Article 2; section 2.2.7; Other Review and Decision Making Bodies
Revise several department names to match current organizational chart.

Page 3-5 and 3-6; Article 3; section 3.3.4; Notice and Public Hearings
Delete “public meeting or hearing” and replace with “Planning Commission or Board of Zoning Appeals Meeting, as applicable”

Page 4-2; Article 4; section 4.2.1; General Standards for Nonconforming Lots
Delete “a road widening or an officially adopted housing plan” and add “Right-of-Way acquisition or roadway widening.”

Page 4-3; Article 4; section 4.3.3; Nonconforming Uses Time Limitations
Delete “six months” and add “thirty continuous months” to meet state law

Section 2. Revision to Article 6 Building Façade Standards and Standards for Parking and Outdoor Sales in Commercial Districts :

Page 6-6; Article 6; section 6.1.6(B)(5); Building Façade Design Standards
Delete “At least 50% of the first floor of the street facade shall be transparent. Glass block shall not count towards this requirement. Metallic tinting shall be discouraged.” and replace with “Buildings shall have a defined base, middle, and cap.”

Page 6-7; Article 6; section 6.1.6(C)(1); Building Façade Design Standards
Delete “Reduced transparency requirements;” and add “Alternative façade compliance to base, middle, cap standard;”

Page 6-37; Article 6; section 6.4.2; Dimensional Standards for Commercial Districts
Revise Dimensional Standards table to permit parking in a street yard in the OCL zone; to permit Outdoor Display, subject to Section 12.3, in the OCL, CBD, GCS, and MCD Districts; permit outdoor storage, subject to Section 12.3, in the OCL and MCD Districts.

Section 3. Revision to Add Financial Institution and Non-banking Financial Institution Uses:

Page 8-6; Article 8; section 8.1.1; Permitted Use Table
Add “Financial Institution” and “Non-banking Financial Institution” to the Office Use Classification in the Permitted Use Table.

Page 8-16; Article 8; section 8.2.6; Office Uses
Delete "Bank" and add "Financial Institution" and "Non-Banking Financial Institution"

Page 8-43; Article 8; section 8.3.5; Office Uses
Add new subsection B:
"Non-Banking Financial Institution
Non-Banking Financial Institutions shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:
1. A non-bank financial institution shall be located no less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another non-banking financial institution is located."

Page 13-5; Article 13; section 13.2; Definitions
Add Definition for Financial Institution
"Financial Institution- An establishment that is regulated by the Federal Insurance Deposit Corporation (FDIC) and/or Tennessee Department of Financial Institutions and provides a variety of financial services, generally including banks, credit unions, and mortgage companies."

Page 13-7; Article 13; section 13.2; Definitions
Add Definition for Non-Banking Financial Institution
"Non-Banking Financial Institution- A financial institution that is not regulated by the Federal Deposit Insurance Corporation (FDIC) and governed by Title 45 Chapters 15, 17, and 18 of the Tennessee Code Annotated. Common businesses include, by are not limited to, Title Loan Lenders, Cash Advance Lenders, and Check Cashing."

Section 4. Revision to add Limited Use Standards for Single-family uses:

Page 8-2; Article 8, Section 8.1.1; Permitted Use Table
Revise Single-family detached to a Limited Use in all residential zones and the MRC zone in the Permitted Use Table

Page 8-26; Article 8; section 8.3.2; Limited Standards for Residential Uses, Single Family Dwelling
Add new subsection (2):
"a. For purposes of this chapter, a dwelling unit shall be considered a single-family residence only if permanent occupants are limited to one of the following categories:
(1) One individual.
(2) Any number of persons related by blood, marriage, adoption or foster care.
(3) A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the "primary occupant(s)" for the purposes of this section; plus no more than two persons who are not related to a primary occupant, and the biological or adoptive children of that person; all of whom occupy the dwelling unit and function as a single housekeeping unit with or without common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the "primary occupants" of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.
(4) Not more than eight unrelated mentally retarded, mentally handicapped or physically handicapped persons (as determined by any duly authorized entity, including governmental agencies or licensed medical practitioners) pursuant to the requirements of T.C.A. § 13-24-102. Such a residence may also be occupied by three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the other persons residing in the home. Notwithstanding the foregoing, a group home operated as a

1.10.1 COMPLAINTS REGARDING VIOLATIONS

for-profit commercial enterprise shall not be a permitted use within a residential zoning district. As used in this section, "mentally handicapped" does not include:

1. Persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in T.C.A. § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.
 2. The current, illegal use of a controlled substance.
- b. For purposes of this section, a person will be considered "not related" to a primary occupant if the relationship between such person and such primary occupant is more distant in degree than that of first cousins.
- c. If a person:
- (1) Occupies a dwelling for more than 21 days within any 12-month period;
 - (2) Registers to vote using the address of a dwelling;
 - (3) Receives mail at a dwelling;
 - (4) Registers a vehicle or applies for a driver's license using the address of the dwelling; or
 - (5) Is registered to attend school, using the address of the dwelling, or is registered as a home school student at such address; then such person is considered to be a permanent occupant of a dwelling for purposes of this section, and shall be subject to the limitations on the number of permanent occupants established herein.
- d. For purposes of this chapter, the following are not considered to be single-family residences:
- (1) Boarding houses.
 - (2) Apartment houses.
 - (3) Dwelling units in which more than two rooms are rented to unrelated tenants.
 - (4) Structures or portions of structures which are designed or constructed for any of the above purposes; and such structures and uses of structures are explicitly prohibited in each residential zoning district unless otherwise specifically permitted. Notwithstanding the foregoing, "single-family residence" may include a dwelling unit which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling unit, and are not rented to any unrelated tenants or otherwise used in violation of this chapter. If more than one meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family residence.
- e. Notwithstanding any other provisions to the contrary, subject to the City Manager's approval, and for such periods of time as the city manager deems reasonable and necessary, a single-family residence may include, on a temporary basis, one or more persons, not related to the primary occupants, who have been dislocated from their permanent residence due to an officially recognized local, regional or national emergency. A report shall be provided to advise the City Council, Planning Commission, and Development Services Department of any such situations approved by the City Manager."

Page 13-5, Article 13; Section 13.2; Definitions

Add "See Sec. 8.3.2, Single Family Dwelling for use conditions." to definition of Dwelling, Single-Family Detached

Page 13-5, Article 13; Section 13.2; Definitions

Delete current definition of "Family" and add "A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the "primary occupant(s)" for the purposes of this section; plus no more than two persons who are not related to a primary occupant, and the biological or adoptive children of that person; all of whom occupy the dwelling unit and function as a single housekeeping unit with or without common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the "primary occupants" of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property."

Zoning Text Amendments

February 25, 2015 Planning Commission

Page 8-2; Article 8, Section 8.1.1; Permitted Use Table
Revise All office uses except those listed below to a Master Development Plan Required Use in the C(Commercial) - PUD zone in the Permitted Use Table

May 13, 2015 Planning Commission

Page 12-4; Article 12, Section 12.2.4(D); Excessive Illumination
Delete “completely”; and,
Delete “discouraged” and add “prohibited. Architectural Design Review Team may grant a waiver to this requirement if the lighting is essential to the façade design.”

July 8, 2015 Planning Commission

Section 1. Revision to align language within Action By the City Council:

Page 3-43; Article 3, Section 3.18.10(B); Hearings Required
Delete “Following” and replace with “Including”;
Delete “reading” and replace with “consideration”; and,
Delete “hearings” and replace with “considerations” to comply with the Columbia Municipal Code 4.02, Ordinances in General.

Section 2. Remove opaque fencing requirements in Swimming Pools:

Page 8-48; Article 8, Section 8.4.9(A); Swimming Pools
Delete current Section 8.4.9(A) in its entirety as follows:
A. “The pool shall be completely enclosed by an opaque fence at least six feet in height if any portion of the pool or pool decking is within 20 feet of a property line. Pools not within 20 feet of the property line shall be enclosed with an opaque fence that is at least four feet in height. The exterior walls of the residence or buildings may be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates.”; and realign article numbering appropriately.

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Article 1. GENERAL PROVISIONS

SEC. 1.1 LONG TITLE

AN ORDINANCE, IN PURSUANCE of THE AUTHORITY GRANTED BY SECTION 13 - 7 - 201, *TENNESSEE CODE ANNOTATED*, TO PROVIDE THE ESTABLISHMENT of DISTRICTS WITHIN THE CITY of COLUMBIA, TENNESSEE: TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER of STORIES AND SIZE of BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE of LOT OCCUPANCY, THE SIZE of OPEN SPACES, THE DENSITY of POPULATION, AND THE USES of LAND, BUILDINGS, AND OTHER STRUCTURES FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, PUBLIC ACTIVITIES AND SIMILAR PURPOSES TO INCLUDE SPECIAL DISTRICTS FOR AREAS SUBJECT TO FLOODING AND AREAS DEVELOPED AS A PLANNED UNIT: TO PROVIDE REGULATIONS GOVERNING NONCONFORMING USES AND STRUCTURES; TO PROVIDE FOR A BOARD of APPEALS AND FOR ITS POWERS AND DUTIES: TO PROVIDE FOR PERMITS: TO ESTABLISH AND PROVIDE FOR THE COLLECTION of FEES; TO PROVIDE FOR THE ADMINISTRATION of THIS ORDINANCE AND FOR THE OFFICIAL WHOSE DUTY IT SHALL BE TO ENFORCE THE PROVISIONS THEREOF; TO PROVIDE PENALTIES FOR THE VIOLATION of THIS ORDINANCE; AND TO PROVIDE FOR CONFLICTS WITH OTHER ORDINANCES OR REGULATIONS; AND ORDINANCE NO. 1374 RELATING TO FEES FOR ZONING REVISIONS; AND ORDINANCE NO. 1507, THE SAME BEING THE ZONING ORDINANCE of THE CITY of COLUMBIA, TENNESSEE

SEC. 1.2 SHORT TITLE

This ordinance may be cited as the Zoning Ordinance of the City of Columbia, Tennessee. Herein referred to as the Zoning Ordinance or Ordinance.

SEC. 1.3 REPEAL

- 1.3.1 The existing zoning regulations of the City of Columbia (Ordinance 1507, as amended) are hereby repealed.
- 1.3.2 That all ordinances or parts of ordinances in conflict herewith are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulation, as amended, if the violation is also a violation of this ordinance.
- 1.3.3 Notwithstanding their repeal, the current zoning ordinances and related amendments shall remain in effect to the extent necessary to implement the transitional provisions of Sec. 1.13. Binding rules and regulations governing Planned Unit Developments (PUDs) approved under Ordinance 1507 shall continue with the PUD. However, expansions, changes of use, and other modifications to a PUD not explicitly contained in the original PUD standards and regulations may be subject to the standards, procedures, and requirements of this Zoning Ordinance.

SEC. 1.4 LEGISLATIVE ENACTMENT

- 1.4.1 WHEREAS, Section 13 – 7 – 201 of the *Tennessee Code Annotated* empowers the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment;
- 1.4.2 WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the city to enact such an ordinance;

- 1.4.3 WHEREAS, the City Council, pursuant to the provisions of Section 13 – 4 -201 of the *Tennessee Code Annotated* has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein;
- 1.4.4 WHEREAS, the Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 1.4.5 WHEREAS, the Planning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate uses for the land throughout the planning region;
- 1.4.6 WHEREAS, a public hearing before the Columbia Planning Commission was held, notice of which was published in the Daily Herald of Columbia 15 days or more prior to said hearing;
- 1.4.7 WHEREAS, all the requirements of Sections 13 – 7 – 202 through 13 – 7 – 211 of the *Tennessee Code Annotated*, with regard to the preparation of the report of the Planning Commission and subsequent action of the City Council have been met.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL of THE CITY of COLUMBIA, TENNESSEE:

PASSED AND ADOPTED BY THE CITY COUNCIL of THE CITY of COLUMBIA, TENNESSEE, this the 5th day of October, 2006.

William E. Gentner, Mayor

ATTEST:

Betty Modrall, City Recorder

LEGAL FORM APPROVED:

C. Tim Tisher, City Attorney

Passed on 1st reading:

Passed on 2nd reading:

Passed on 3rd reading: October 5th 2006

SEC. 1.5 EFFECTIVE DATE

This ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it.

SEC. 1.6 APPLICABILITY AND JURISDICTION

The provisions of this ordinance shall apply to all properties within the jurisdiction of the City of Columbia and shall govern development and use of the land. No building shall be erected or structurally altered nor shall any land development activity take place, unless it conforms to the provisions of this ordinance. Uses of property shall be limited by the provisions of this ordinance.

SEC. 1.7 PURPOSE AND INTENT

This ordinance is enacted pursuant to Title 13 of the *Tennessee Code Annotated* for the following general purposes. Additional specific purposes are stated in the various chapters throughout this ordinance:

- 1.7.1** To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- 1.7.2** To divide the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
- 1.7.3** To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the planning region, and to promote the orderly and beneficial development of such areas;
- 1.7.4** To provide adequate light, air, privacy, and convenience of access to property;
- 1.7.5** To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light and air and protect the health;
- 1.7.6** To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, or other uses within such lines;
- 1.7.7** To fix reasonable standards to which buildings or structures shall conform;
- 1.7.8** To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- 1.7.9** To restrict such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- 1.7.10** To limit congestion in the public streets and to protect the public health, safety, convenience, and general welfare by providing for the off – street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- 1.7.11** To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- 1.7.12** To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- 1.7.13** To conserve the taxable value of land and buildings throughout the city;

- 1.7.14 To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- 1.7.15 To define and limit the powers and duties of the administrative officers and bodies as provided herein; and
- 1.7.16 To protect and in general allow for the beneficial uses of property.

SEC. 1.8 CONSISTENCY WITH PLANS

The plans adopted by the City Council indicate desired development at various levels of intensity. This ordinance is intended to implement these plans, therefore these plan documents should be used as a guide for the application of this ordinance to land within the areas covered, as well as for the provision of public services.

SEC. 1.9 MINIMUM REQUIREMENTS

The provisions of this ordinance are intended to be minimum requirements. Where the provisions of this ordinance impose greater restrictions than other ordinances, the provisions of this ordinance shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

SEC. 1.10 REMEDIES AND ENFORCEMENT

1.10.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

1.10.2 PENALTIES FOR VIOLATION

- A. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance or conditional uses) shall constitute a misdemeanor and shall be punished as provided for by law. Each day such violation exists shall be deemed a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

1.10.3 REMEDIES

- A. In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended, or converted, or any building or other structure or land is or is proposed to be used in violation of this ordinance, the Zoning Administrator or other appropriate authority of the City government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, extension, conversion or use, to correct or abate the violation, or to prevent the occupancy of such building or other structure or land.
- B. Where a violation of these regulations exists, the Zoning Administrator may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re – establishment of service be withheld until such time as the building or other structure of premises are no longer in violation of these regulations.

SEC. 1.11 CONFLICTING PROVISIONS

- A. Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other law, or ordinance, of any kind, the provisions which are more restrictive shall apply.
- B. This ordinance is not intended to modify or repeal any easement, covenant, or any other private agreement. However where the requirements of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance to the extent that they are more restrictive shall govern.

SEC. 1.12 CONSTRUCTION OF LANGUAGE/RULES OF INTERPRETATION

In the interpretation of this ordinance, the rules and definitions contained in this Section and in the Definitions found in Article 13 shall be observed and applied, except when the context clearly indicates otherwise:

- A. The abbreviation *TCA* shall be used to reference the *Tennessee Code Annotated*.
- B. The particular shall control the general.
- C. The word “shall” is always mandatory and not discretionary.
- D. The word “may” is permissive.
- E. The word “lot” shall include the words “piece” or “parcel.”
- F. The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- G. In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration of table, the text shall control.
- H. The word “permitted” or words “permitted as of right,” means permitted without meeting the requirements for a conditional use permit.
- I. The words “conditionally permitted” or “permitted by conditional use permit” mean permitted subject to the requirements for conditional use by special permit pursuant to Sec. 3.14, of this ordinance, and all other applicable provisions.
- J. Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- K. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:
 - L. “and” indicates that all connected items, conditions, provisions or events shall apply.
 - M. “or” indicates that the connected items, provisions, or events shall apply.
 - N. “either . . . Or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- O. Unless expressly noted otherwise, all public officials, bodies, and agencies to which reference is made are those of the City of Columbia, Tennessee.

SEC. 1.13 TRANSITIONAL PROVISIONS

Commentary: Transitional Provisions address the issues of projects under development during adoption of the new ordinance.

1.13.1 ZONING DISTRICTS

- A. The R-15 Low Density Residential District, RS-15 Single Family Residential Zoning District and HSD Highway Service District are hereby discontinued.
- B. Properly platted lots with a zoning designation of R-15 or RS-15 as of the effective date of this ordinance shall be considered as follows:
 - 1. Until a lot is rezoned to another district, the use standards of the R-10 Zoning District shall apply, subject to the nonconformities provisions established in Article 4.
 - 2. Lots larger than 15,000 square feet shall be allowed to continue as a nonconforming lot.
- C. Properly platted lots with a zoning designation of HSD as of the effective date of this ordinance shall be considered as follows:
 - 1. All HSD districts shall use the standards of the ISD district, subject to the nonconformities provisions established in Article 4.

1.13.2 VIOLATIONS CONTINUE

Any violation of previous zoning ordinances will continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this ordinance.

1.13.3 NONCONFORMITIES AND GRANDFATHERING

- A. Any use, plan, building, or lot that was nonconforming or grandfathered under prior ordinances shall be considered nonconformity under this ordinance except as may be otherwise provided under Article 4. The provisions of Article 4 shall be applicable to these nonconformities.
- B. Uses, plans, buildings, or lots that were previously nonconforming or grandfathered that become conforming because of adoption of this ordinance shall no longer be considered nonconformities provided that all applicable provisions of this ordinance are complied with.

1.13.4 EFFECT OF THIS ORDINANCE ON APPLICATIONS SUBMITTED BUT NOT APPROVED

A. Completed Applications for Plans and Permits

At the applicant's option, applications for building permits, site plans, conditional use permits, or similar plans or approvals determined by the Zoning Administrator to be substantially complete as of the date of passage of this ordinance may be approved under the provisions of this ordinance or the ordinance in effect immediately previous to this ordinance.

B. Timely Submission of Information

Applicants who have substantially complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform to the provisions of this ordinance.

1.13.5 EFFECT OF THIS ORDINANCE ON INCOMPLETE DEVELOPMENTS

A. Property Zoned Without an Approved Development Plan

Property zoned prior to the effective date of this ordinance that does not have an approved development plan shall be governed by the provisions of this ordinance.

1.13.6 Effect of this Ordinance on Planned Unit Developments

B. Property Zoned With an Approved Development Plan

1. Portions of the development plan with an approved and continuously valid site plan, preliminary plat, final plat, or conditional use permit may be constructed in accordance with the approved plans.
2. Undeveloped portions of the development plan may be completed in accordance with the approved development plan if applications for site plans, preliminary plats, final plats, conditional use permits or building permits (in the event that none of the preceding listed plans or approvals are required) are submitted and are determined by the Zoning Administrator to be substantially complete enough for processing within two years of the date of approval of the development plan or within one year of the effective date of this ordinance, whichever comes later.
3. An applicant with a development plan consisting of multiple phases that cannot comply with the deadlines established above may complete development in accordance with the approved development plans if the City Council grants approval of future phases of the project and such approval is made prior to the submission of requested approvals for those future phases and is granted within two years of the effective date of this ordinance.
4. Administrative adjustments to site plans or preliminary plats submitted pursuant to approved development plans may be made in order bring such submissions into conformance with this ordinance or to other ordinances adopted for environmental purposes. These adjustments are authorized without the necessity of City Council approval of a change in the approved development's zoning.

1.13.6 EFFECT OF THIS ORDINANCE ON PLANNED UNIT DEVELOPMENTS

Any use, plan, building, or lot that was lawfully approved by the City of Columbia as a Planned Unit Development (PUD) or portion thereof, with binding regulations and standards under the provisions of the previous Zoning Ordinance (1507) shall continue as a Planned Unit Development subject to the conditions and standards established by the PUD Master Development Plan, as adopted by City Council and Planning Commission.

1.13.7 VIOLATIONS IN PROGRESS

The prosecution of violations which occurred under previous ordinances shall continue until resolved.

SEC. 1.14 SEVERABILITY

It is hereby declared to be the intention of the City Council of Columbia, Tennessee, that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment; and
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

Article 2. ADMINISTRATION

SEC. 2.1 LIABILITY

Any Board or Commission member, Zoning Administrator, or other employee charged with the enforcement of this ordinance, acting for the City of Columbia in the discharge of their duties, shall not be considered 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 persons 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 representatives furnished by the City until the final termination of such proceedings.

SEC. 2.2 REVIEW AND DECISION MAKING BODIES

2.2.1 CITY COUNCIL

A. Creation and Membership

Information regarding the creation, membership, and rules of procedure of the City Council is available in the City Code for Columbia, Tennessee.

B. Powers and Duties

In execution of the provisions of this Ordinance, the City Council shall have the following powers and duties:

1. Final decision on amendments to this ordinance (Sec. 3.17);
2. Final decision on rezonings (Sec. 3.18);
3. Final decision on adoption of/or amendments to the comprehensive plan (Sec. 3.19)
4. Final decision on the Preliminary Plan of a Planned Unit Development (Sec. 3.20); and
5. Final decision on a Heavy Manufacturing Permit (Sec. 3.21)

2.2.2 PLANNING COMMISSION

Information regarding the creation and membership of the Planning Commission is available in the City Code for Columbia, Tennessee.

A. Powers and Duties

In execution of the provisions of this Ordinance, the Planning Commission shall have the following powers and duties:

1. Final decision on certain development plans (Sec. 3.5);
2. Make recommendations to the City Council on amendments to this ordinance (*T.C.A. 13-7-202*) (Sec. 3.17);
3. Make recommendations to the City Council on rezonings (Sec. 3.18);
4. Develop an official general plan for the physical development of the municipality, including any area outside of its boundaries which, in the commission's judgment, bears relation to the planning of the municipality (*T.C.A. 13-4-203*) (Sec. 3.19);
5. Make recommendations to the City Council to amend, extend or add to the general plan or carry any part of subject matter into greater detail (*T.C.A. 13-4-203*);
6. Submit an advisory opinion on any matter before the Board of Zoning Appeals. Such opinion shall be made part of the record of such public hearing;
7. Recommendations to the City Council on the Preliminary Plan of a Planned Unit Development (Sec. 3.20); and
8. Final decision on the Final Plan of a Planned Unit Development (Sec. 3.20).

2.2.3 BOARD OF ZONING APPEALS

A. Creation

The Municipal Board of Zoning Appeals is hereby created for the City of Columbia, Tennessee, referred to in this ordinance as “Board” or “Board of Appeals”.

B. Membership

The Board of Appeals shall consist of five members, all of whom shall be bonafide residents of the City both at the time of their appointment and for the duration of their tenure on the Board. No person holding any public office or position within the Municipal Government shall be eligible for membership on such board. A member shall be removed from the Board if they are found in violation of these membership requirements at any time during their tenure.

1. Term of Office of Board Members, Removal and Vacancies

- a. Members of each Board shall serve for three year terms or until their respective successors are appointed and qualified, except that the members first appointed shall serve respectively for the following terms:
 - (1) Two Members – One Year
 - (2) Two Members – Two Years
 - (3) One Member – Three Years
- b. All members of the Board shall serve with such compensation as may be fixed by the City Council and may be removed from membership on the Board for continued absence or just causes. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

2. Election of Officers

The Board shall elect from its members its own chairman and vice chairman, who shall serve for one year and may upon election serve succeeding terms. The City of Columbia shall provide necessary secretarial services.

C. Meetings

Regular meetings shall be held at such time and place as established by the Board. Special meetings may be held at the call of the chairman or at the request of two members, provided that notice of the special meeting is given to every member at least 24 hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of such meeting.

D. Conflict of Interest

Any member of the Board 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 shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

E. Powers and Duties

The Board of Appeals shall have the following powers and duties:

1. Authority

- a. Final decision on appeals of any administrative decision made in the enforcement of this ordinance (Sec. 3.16);
- b. Final decision on a conditional use permit (Sec. 3.14);

- c. Final decision on an application for a variance (Sec. 3.14);
- d. Interpret zoning district boundaries as described in Sec. 5.3, Interpretation of District Boundaries;
- e. Interpret the boundaries of the flood hazard districts on appeal from a decision of the Zoning Administrator;
- f. Hear and decide all matters referred to it on which it is required to act under this Ordinance or by statute; and
- g. To perform related duties as directed by the City Council.

2. Responsibility

The Board of Appeals shall prepare an annual report and submit it to the City Council. The annual report shall include a comprehensive review of the activities, problems, and actions of the Board of Appeals and any budget requests or other recommendations.

F. Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three members of the Board shall constitute a quorum and the concurring affirmative vote of at least three members of Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Columbia at least ten days before the hearing of an appeal. No appeal shall be considered and heard by the Board earlier than 15 days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
3. The Board 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 as may be reasonably required.
4. All hearing sessions shall be open to the public.

G. Appeal of Decision

1. Authorized to Appeal

Any officer, agency or department of the City or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided by State law.

2. Stay of Proceedings

An appeal shall stay all proceedings relating to the action under appeal, unless the Zoning Administrator certifies to the Board, after such notice of appeal has been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order stating the justification for the stay, which may be granted by a court of competent jurisdiction, on notice to the Zoning Administrator.

H. Rehearing of Board Decision

1. No Rehearing of a Decision by the Board shall be had except:
 - a. On motion by Board member to reconsider the vote; or
 - b. On a written request for a hearing by the property owner or authorized agent.
2. **All rehearing requests must conform to the following:**
 - a. All motions or requests to reconsider shall require a majority affirmative vote. Only then shall the Board of Zoning Appeals vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may by resolution in each case, stipulate.
 - b. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.
 - c. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The person(s) requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.
 - d. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this Ordinance.

2.2.4 HISTORIC ZONING COMMISSION

A. Creation

A Historic Zoning Commission is hereby created for Columbia, Tennessee, and it shall consist of seven members are residents of the area of jurisdiction of the City of Columbia prior to the appointment and who shall continue to be so eligible as long as they serve.

B. Membership

Membership on the Historic Zoning Commission shall be composed of the following members:

1. One member of the Columbia Regional Planning Commission.
2. One member representing a local historical or patriotic organization.
3. One architect who is a member, or meets membership requirements, of the American Institute of Architects, if available; if such a qualified architect is unavailable, this position will be filled by another member selected from the community in general.
4. Four members as selected from the Columbia community in general.

C. Appointment to the Historic Zoning Commission

1. Members of the Historic Zoning Commission shall be appointed by the Mayor, subject to confirmation by the City Council. Except as herein provided, the members of the Historic Zoning Commission shall serve for a five year term. The members first appointed, shall serve respectively as follows:
 - a. One member for one year;
 - b. One member for two years;
 - c. One member for three years;
 - d. Two members for four years; and
 - e. Two members for five years.

2.2.4 Historic Zoning Commission

2. The term of the member nominated from the Regional Planning Commission shall be concurrent with the term on the Planning Commission, and in the event that any other member shall also be a member of the City Council, the term of such member shall be concurrent with the term of the elected office of the member. All members shall serve without compensation and may be removed from membership by the Mayor and City Council.

D. Vacancies

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member; vacancies shall be filled within 60 days.

E. Election of Officers, Rules and Meetings

The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose.

F. Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is subject matter of or is affected by a decision of said commission shall be governed by the provisions of *Section 12 – 4 – 101, TCA*.

G. Meetings

The commission shall adopt rules of order and establish regular meeting dates. At least four members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of a majority of the commission shall constitute final action of the commission on any matter before it.

H. Powers and Duties

Subject to state law and the procedures prescribed hereunder, the Columbia Historic Zoning Commission shall have the following powers, functions and duties:

1. To create and to recommend the adoption of legislation which will facilitate establishment of special historic and landmark districts wherein the construction, repair, alteration, rehabilitation, relocation or demolition of any building or other structure now located or to be located will be subject to special provisions as set forth herein and as further specified in *Section 13 – 7 – 402, TCA*.
2. To create and recommend the enactment of legislation providing for the transfer of development rights as a portion of the legislation which establishes any special historic district or zone and as further specified in *Section 13 – 7 – 402 (C), TCA*.
3. To testify before all boards and commissions, including the Planning Commission, City Council and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, structures and areas.
4. To conduct a survey of buildings, places or areas within the City of Columbia for the purpose of identifying those of historic or cultural significance.
5. To develop and adopt, prior to the establishment of any historic or landmark district, review guidelines as specified in 3.10.8, which the Historic Zoning Commission will apply in ruling upon the granting or denial of a Certificate of Appropriateness.
6. To submit and to review all applications designating historic sites or buildings as special historic or landmark districts.
7. To review and make decisions on any application for a Certificate of Appropriateness as specified in Sec. 3.12 and to require the presentation of such plans, drawings, elevations and other information as may be necessary to make such decisions.
8. To determine an appropriate system of markers for designation of historic and landmark districts.

9. To prepare and publish maps, brochures and other descriptive material about Columbia's Historic Landmarks and Districts.
10. To cooperate with and enlist the assistance of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and property reuse.
11. To advise and assist owners of landmarks or historic structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse.
12. To accept gifts, grants and money as may be appropriate for the purposes of this article.
13. To adopt, publish and make available By – Laws for the conduct of commission meetings.
14. To exercise such powers as may be delegated it by the Tennessee Historical Commission under the certified Local Government's Historic Preservation Program to include participation in the review of nominations to National Register of Historic Places, and enforcement of appropriate state and local legislation for designation and protection of historic properties.
15. To review proposed zoning amendments, applications for conditional use permits or zoning variances and applications for subdivision that affect proposed or designated landmarks and historic districts.
16. To retain such specialists or consultants or to appoint such citizen advisory committees as may from time to time be required.
17. To confer recognition upon the owners of landmarks or property or structures within historic districts.
18. To develop a preservation component in the General Plan of the City and to recommend it to the Planning Commission.
19. To periodically review the zoning ordinance and to recommend to the Planning Commission and City Council any amendments appropriate for the protection of landmarks or property and structures located within historic districts.
20. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purposes of this article.

2.2.5 ARCHITECTURAL DESIGN REVIEW TEAM

The Architectural Design Review Team assists in protecting the local cultural and natural heritage and preserving the considerable economic investments that have occurred over the years. The Design Review process seeks to encourage renovation and new development in a manner that will promote visual harmony, historical integrity, environmental awareness and creative design solutions.

A. Creation

There is hereby created the Architectural Design Review Team for the purpose of reviewing development applications subject to design review.

B. Membership

I. Number, Appointment

- a. Director of the Development Services Department, or their designee;
- b. City Engineer, or their designee;
- c. Current president of the Maury Alliance or City Chamber of Commerce, or their designee; and
- d. Two citizen appointees, appointed by the City Council. One should be a registered architect or landscape architect. The other should be the owner of a business registered in Columbia. To the extent possible, both should be citizens of Columbia.

2. Terms

In general, citizen members shall be appointed by the City Council for staggered two-year terms, and may serve a maximum of three consecutive terms.

3. Vacancies

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

4. Removal

The City Council may remove and replace any member which it has appointed to the Team for cause.

C. Meetings

Meetings shall be held on an as-needed basis.

D. Rules of Procedures

1. The Architectural Design Review Team shall adopt rules of procedure.
2. An affirmative vote of a majority of the eligible members of the Architectural Design Review Team present and voting shall be required for all recommendations.
3. Failure of the Architectural Design Review Team to meet or to review a particular application within 30 days of the submittal of such application to the Team shall be deemed to be a recommendation of approval by the Team.

E. Powers and Duties

1. The Architectural Design Review Team shall have design approval authority for proposals seeking alternative compliance for Building Façade Design Standards (Sec. 6.1.6).
2. The Architectural Design Review Team shall be responsible for reviewing and making recommendations regarding proposals for Zoning Permit (Sec. 3.4) or Planned Unit Development (Sec. 3.20) approval in the following circumstances:
 - a. Proposals in the PUD-VC district;
 - b. Proposals in the Cottage Housing overlay;
 - c. Nonresidential projects as identified in 6.1.6, Building Facades; and
 - d. Large-scale commercial projects
 - e. Any other design districts to assure compliance with all applicable design guidelines.
3. Review shall be limited to the criteria established within this ordinance.
4. As necessary, the Architectural Design Review Team shall periodically review and make recommendations regarding any necessary changes to the design guidelines within this ordinance.

F. Annual Report

The Architectural Design Review Team shall prepare an annual report and submit it to the City Council. The annual report shall include a comprehensive review of the activities and actions of the Architectural Design Review Team and any other recommendations.

2.2.6 ZONING ADMINISTRATOR

A. Appointment of the Zoning Administrator

There is hereby created the Office of the Zoning Administrator. The Zoning Administrator shall be executive head of the Office and shall be appointed in accordance with all applicable administrative procedures.

B. Delegation of Authority

The Zoning Administrator may designate any staff member to represent the Administrator in any function assigned by this Ordinance. The Administrator shall remain responsible for any final action.

C. Powers and Duties

In order to assure compliance with the provisions of this ordinance, the Zoning Administrator shall have the following powers and responsibilities:

I. Powers

- a. The Zoning Administrator shall be responsible for reviewing and making recommendations regarding the following:
 - (1) Applications for Site Development plans;
 - (2) Applications for certificates of appropriateness;
 - (3) Amendments to adopted land use plans;
 - (4) Amendments to the text of this ordinance;
 - (5) Applications for rezoning;
 - (6) Applications for historic district/landmark designation; and
 - (7) Vested rights determinations.
 - (8) Review sign plans to determine compliance.
- b. The Zoning Administrator shall be responsible for final administrative decisions on the following applications:
 - (1) Interpretations of this ordinance;
 - (2) Issuing of all Zoning Permits, and the creation and maintenance of all pertinent records;
 - (3) Applications for Sketch Development plans;
 - (4) Applications for floodplain development permits
 - (5) Administrative adjustment;
 - (6) Applications for temporary use permits;
 - (7) Applications for home occupation permits;
 - (8) Applications for site plan review;
 - (9) Applications for sign permits;
 - (10) Applications for certificates of occupancy; and
 - (11) Applications for removal of a heritage tree within a required buffer area or credit for preservation of existing vegetation, including heritage trees.
2. **The Zoning Administrator shall develop, approve, and implement administrative procedures and guidelines to execute the provisions of this ordinance.**
3. **Responsibilities**
 - a. Provide information to the public on all matters relating to this ordinance
 - b. Receive, file, and forward to all necessary agencies all applications for conditional uses and for amendments to this ordinance.
 - c. Undertake a study of the provisions of this ordinance, and make reports of his/her recommendations to the Planning Commission as necessary.
 - d. Receive, file and forward to the Board of Zoning Appeals all applications for matters on which the Board is required to review under the provisions of this ordinance.

- e. Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, variations, appeals, and applications therefore.
- f. Excepting as provided in Sec. 3.7, Administrative Adjustment, the Zoning Administrator shall not make changes in the provisions of this ordinance.
- g. The Zoning Administrator may not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant, despite the violation of contracts such as deed covenants or private agreements which may occur upon the granting of said permit.

4. Reports

The Zoning Administrator shall prepare an annual report summarizing annexation requests and subsequent action on such requests. The report shall be submitted annually to City Council.

2.2.7 OTHER REVIEW AND DECISION MAKING BODIES

In addition to those bodies previously identified in this Section, other bodies may have review or decision authority on projects within the City of Columbia:

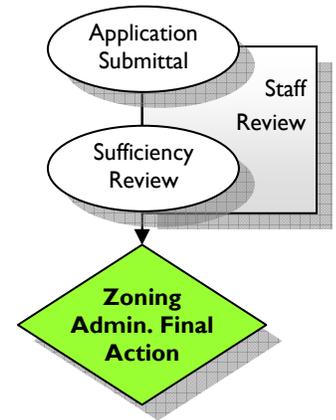
- A. **Development Services Department;**
- B. **Department of Public Works;**
- C. **Wastewater Department;**
- D. **Fire Department;**
- E. **Columbia Power and Water Systems**
- F. **Columbia Police Department**
- G. **Tennessee Department of Human Resources; and/or**
- H. **Other departments and agencies as may be required.**

Article 3. REVIEW AND APPROVAL PROCEDURES

SEC. 3.1 INTERPRETATION OF THIS ORDINANCE

3.1.1 APPLICABILITY

- A. **When uncertainty exists, the Zoning Administrator shall be authorized to make all interpretations concerning the provisions of this ordinance with the exception of the sections listed below:**
- B. **Sections Excepted**
1. All interpretations of matters relating to the City of Columbia Building Code shall be made by the Building Official or designee
 2. The Zoning Administrator may defer interpretations of additional sections to appropriate City and/or County officials.



3.1.2 AUTHORITY TO FILE APPLICATION

- A. Applications for Zoning Permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons (who may make application in the name of such owners, lessees or contract vendees).
- B. The Zoning Administrator may require an applicant to submit evidence of his or her authority to submit the application for a Zoning Permit whenever there appears to be a reasonable basis for questioning this authority.

3.1.3 APPLICATION REQUIREMENTS

A request for interpretation shall be submitted in writing.

3.1.4 ACTION BY ZONING ADMINISTRATOR

- A. **The Zoning Administrator shall:**
1. Review and evaluate the request in light of the text of this Ordinance, the Official Zoning Map, the Comprehensive Plan and any other relevant information;
 2. Consult with the Building Official and coordinate with other staff, including the City Attorney, as necessary; and
 3. Render an opinion.
- B. **The interpretation shall be provided to the applicant in writing.**

3.1.5 OFFICIAL RECORD

The Zoning Administrator shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

3.1.6 APPEAL

Final action on an official interpretation of this ordinance by the Zoning Administrator or designee may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

SEC. 3.2 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review authority under this ordinance.

Application or Permit	Zoning Administrator	Design Review Team	Historic Zoning Commission	Board of Zoning Appeals	Planning Commission	City Council	Section
Interpretation of the Ordinance	D			<A>			Sec. 3.1
Zoning Permit	D			<A>			Sec. 3.4
Development Plan Review	D/R	R/D*		<A>	<D*>		Sec. 3.5
Floodplain Development Permit	D			<A>			Sec. 3.6
Administrative Adjustment	D			<A>			Sec. 3.7
Temporary Use Permit	D			<A>			Sec. 3.8
Home Occupation Permit	D			<A>			Sec. 3.9
Sign Permit	D		R	<A>			Error! Reference source not found.
Certificate of Occupancy	D			<A>			Sec. 3.10
Historic District or Landmark Designation	R		<D>	<A>			Sec. 3.11
Certificate of Appropriateness	R		<D>	<A>			Sec. 3.12
Demolition by Neglect	D		<A>	<A>			Sec. 3.13
Conditional Use Permit	R		R	<D>			Sec. 3.14
Appeal of Administrative Decision				<D>			Sec. 3.16
Variance	R		R	<D>			Sec. 3.14
Ordinance Amendment	R		R		R	<D>	Sec. 3.17
Rezoning			R		R	<D>	Sec. 3.18
Plan Amendment/Adoption	R		R		R	<D>	Sec. 3.19
Planned Unit Development Approval	R	R	R		<D>	<D>	Sec. 3.20
Heavy Manufacturing Permit	R					<D>	Sec. 3.21
R = Review or Recommendation D = Decision D* = Final decision on certain developments (ADRT has authority to approve design elements only) A = Appeal < > = Public Hearing(s) Required							

SEC. 3.3 COMMON REVIEW PROCEDURES

3.3.1 APPLICABILITY

The review procedures described in this Section apply as may be listed by the individual Sections found in this Article.

3.3.2 PRE-APPLICATION CONFERENCE

- A. **Before submitting an application for development approval, it is recommended that each applicant schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards and regulations required for development approval in accordance with of this ordinance.**
- B. **A pre-application conference with the Zoning Administrator shall be required for the following development review:**
1. Any application for Site Development Plan approval (developments of 10 or fewer one- or two-family dwellings shall be exempt although a conference is suggested);
 2. Applications for conditional use permits;
 3. Applications for a variance; and
 4. Applications for rezoning or zoning ordinance amendment, including rezoning to a PUD; and
 5. Applications for a Heavy Manufacturing Permit.

3.3.3 APPLICATION REQUIREMENTS

A. **Forms**

Applications required under this ordinance shall be submitted on forms and in such numbers as required by the appropriate department. All forms shall include, at a minimum, the following information:

1. Contact information for the individual or firm submitting the application.
2. Contact information for the individual or firm on whose behalf the application is being submitted.
3. If applicable, identification of the property affected by the application, such as a legal description, address, or PIN as may be appropriate.
4. Any other information required by the Zoning Administrator, other appropriate department, or the provisions of this ordinance.

B. **Fees**

1. All applications and associated fees shall be filed with the appropriate department.
2. Filing fees shall be established from time to time to defray the actual cost of processing the application.

C. **Applications Sufficient For Processing**

Commentary: Incomplete applications will not be considered!

1. All applications shall be sufficient for processing before the appropriate department is required to review the application.
2. A determination of whether a development application is complete shall be made by the Zoning Administrator no more than five days after submittal of the application.
3. An application that contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this Ordinance shall be deemed complete.

4. If the application is determined not to be complete, the Zoning Administrator shall notify the applicant by certified mail. The notification shall list all missing or incomplete items and provide a specific period of time for the applicant to resubmit the material for the next scheduled meeting. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Administrator, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, a new application and fee shall be required.
5. A determination of completeness does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.
6. Any time an incomplete application is erroneously deemed complete and later determined to be incomplete, paragraph 4 shall apply. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it shall be recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
7. The Zoning Administrator may require an applicant to present evidence of authority to submit the application.

D. Application Deadline

Applications sufficient for processing shall be submitted to the Zoning Administrator in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

E. Simultaneous Applications

1. Applications for development approvals may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted simultaneously are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

3.3.4 NOTICE AND PUBLIC HEARINGS

A. Summary of Notice Required

Notice shall be required for applications for development approval as shown in the table below:

Procedure	Published	Posted	Mailed
Historic District or Landmark Designation			✓
Appeal of Administrative Decision			
Certificate of Appropriateness			
Demolition by Neglect			
Conditional Use Permit	✓		✓
Variance	✓		✓
Ordinance Amendment	✓		
Rezoning	✓	✓	✓
Comprehensive Plan Amendment/Adoption	✓		
Planned Unit Development	✓		
Heavy Use Permit	✓		
Design Review	✓		

B. Public Notice Requirements

1. Published Notice

- a. A distinctive notice shall be placed by the Development Services Department in a newspaper of general circulation within the City of Columbia at least ten days but not more than 30 days prior to the Planning Commission or Board of Zoning Appeals Meeting, as applicable.
- b. In addition to additional requirements that may be noted in the specific procedure, the published notice shall include, at a minimum:
 - (1) The time, date, and location of the proposed meeting or hearing; and
 - (2) A summary description of the proposed action.

2. Posted Notice (Sign)

a. Content

- (1) The sign shall specify the phone number for the City of Columbia Development Services Department.

b. Construction

- (1) The sign shall be constructed of a rigid waterproof material such as plastic board or metal with a green background using white letters. Letters shall be at least 2” tall.
- (2) Signs shall have a minimum dimension of 18” tall by 24” wide and legs of sufficient length to raise the top of the sign 36” above the adjacent grade.

c. Timing

- (1) In order for the application to be considered complete, at least ten days prior to the meeting, the applicant and/or the department shall post any required signs. The signs shall remain in place and in readable condition until one of the following occurs:
 - (a) The request has received final action by the City Council; or
 - (b) The applicant withdraws the request.
- (2) If the signs are removed during the decision process, such process shall be suspended until the signs are replaced and recertified by the Development Services Department.
- (3) Signs for all requests shall be removed within 14 days following final action by the City Council or when the applicant withdraws the request.

d. Placement

Posted notices shall be installed by the City of Columbia in conformance with the following:

- (1) One single faced sign shall be placed at a maximum of 12 feet back from, and parallel to, the property line fronting on a public street.
- (2) Properties fronting on more than one public street must have one single – faced sign placed a minimum of 12 feet back from, and parallel to the property line fronting on each public street.
- (3) Signs shall be placed at mid – point on the street frontage from which the site is addressed. If signs are not clearly visible at such midpoints, then they shall be placed at the clearest point of visibility as determined by the Zoning Administrator.
- (4) On properties where existing structures encroach into the minimum sign setback area, the sign shall be located on such structures so that the top of the sign is located seven to ten feet above grade.
- (5) In situations where site conditions prevent the placement of signs in conformance with the requirements in 1 through 4 above, alternative placement may be approved by the Zoning Administrator.

3. Mailed Notice**a. Method**

All letters shall be sent by the City of Columbia using certified U.S. Mail

b. Content

- (1) The letter shall specify the street address and phone number for the City of Columbia Development Services Department.
- (2) If the letter shall contain a notice of an upcoming meeting or hearing, the letter shall include the date, time, location of the meeting and the body before which the meeting or hearing shall take place.
- (3) The letter shall contain the proposed action and street address for the property in question.
- (4) Any other information required by the specific procedure.

c. Timing

All letters shall be mailed at least ten days prior to the scheduled meeting, hearing, or other action.

d. Persons to be Notified

Letters shall be mailed to all owners whose property abuts the boundary line of the property in question. This shall be construed to include properties on the opposing side of a street, intersection, park, or other intervening lands that may exist.

C. Problems with Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

D. Required Hearing

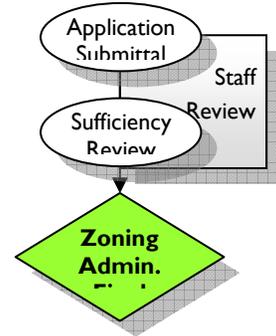
A public hearing shall be held for the following procedures:

PROCEDURE	City Council	Planning Commission	Board of Zoning Appeals	Historic Zoning Commission
Historic District or Landmark Designation	✓			✓
Certificate of Appropriateness				✓
Conditional Use Permit			✓	
Variance			✓	
Appeal of Administrative Decision			✓	
Ordinance Amendment	✓			
Rezoning	✓	✓		
Plan Amendment/Adoption	✓	✓		
Vested Rights Determination	✓			
Planned Unit Development	✓	✓		
Heavy Manufacturing Permit	✓			

SEC. 3.4 ZONING PERMIT

3.4.1 ZONING PERMIT REQUIRED

- A. In accordance with TCA, Section 13 – 7 – 110, a zoning permit shall be required to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building.
- B. Accessory structures under 200 sqft. and not anchored by a permanent foundation are exempt.
- C. The Zoning Permit shall contain a statement that the plans, specifications and intended use of such structure in all respects conform to the provisions of this ordinance.



3.4.2 APPLICATION FOR ZONING PERMIT

An application for a Zoning Permit shall be submitted in accordance with Sec.3.3.3, Application Requirements. All applications for Zoning Permits must be complete before the Zoning Administrator shall consider the application.

- A. Unless specifically exempted, Development Plan Review approval shall be required prior to the issuance of a Zoning Permit (see Sec. 3.5).
- B. For any application where off-street loading and/or five or more off-street parking spaces are to be provided, the application shall be accompanied by a fully dimensioned site plan drawn to a scale of no less than 1"=200'. The plan shall show the location of all

structures on the lot and the location and layout of the proposed parking and loading plan, including any required vehicular area landscaping.

3.4.3 FORMS TO BE DEVELOPED

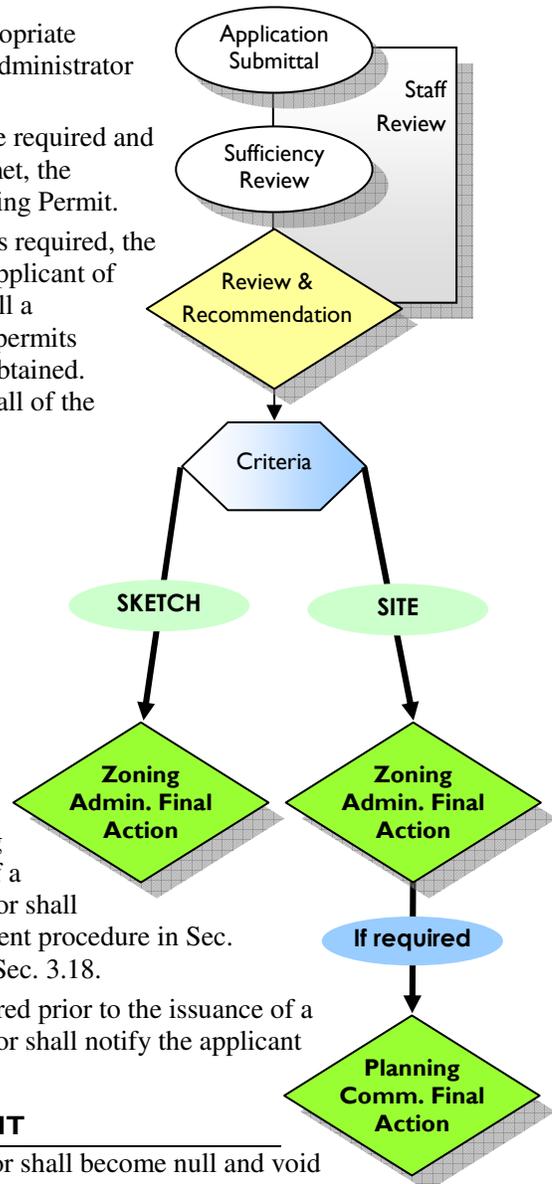
The Zoning Administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the Zoning Administrator to determine compliance with this section, such applications for building permits to construct single – family or two – family houses, or applications for sign permits, the Zoning Administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

3.4.4 ACTION BY THE ZONING ADMINISTRATOR

After receiving the application for Zoning Permit and any other required materials, the Zoning Administrator shall have up to 60 days to initiate review of the application. Application review not initiated within 60 days shall be deemed to have automatic approval.

A. Upon hearing recommendations from all appropriate departments and review bodies, the Zoning Administrator shall proceed as follows:

1. In cases where no additional permits are required and all ordinance requirements have been met, the Zoning Administrator shall issue a Zoning Permit.
2. In cases where an additional permit(s) is required, the Zoning Administrator shall notify the applicant of the additional permit(s). In no case shall a Zoning Permit be issued until all other permits required by this Ordinance have been obtained. Additional permits may include any or all of the following:
 - a. Temporary Use Permit
 - b. Home Occupation Permit
 - c. Sign Permit
 - d. Certificate of Appropriateness
 - e. Certificate of Economic Hardship
 - f. Demolition by Neglect
 - g. Conditional Use Permit
3. In cases where an amendment to the text of this Ordinance and/or a rezoning may be required prior to the issuance of a Zoning Permit, the Zoning Administrator shall notify the applicant of the text amendment procedure in Sec. 3.17, and/or the rezoning procedure in Sec. 3.18.
4. In cases where a variance may be required prior to the issuance of a Zoning Permit, the Zoning Administrator shall notify the applicant of the Variance procedure in Sec. 3.14.



3.4.5 TIME LIMIT ON ZONING PERMIT

Any Zoning Permit issued by the Zoning Administrator shall become null and void

six months after the date of its issuance unless “actual construction” (as defined by this ordinance) has begun and been continued in a diligent manner.

3.4.6 APPEAL

Final action on a Zoning Permit may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

SEC. 3.5 DEVELOPMENT PLAN REVIEW

3.5.1 APPLICABILITY

- A. No Zoning Permit may be issued by the Zoning Administrator until a development plan review approval has been granted.
- B. All requirements imposed through a development plan shall run with the land and shall apply against any owner, subsequent owner, or occupant.

3.5.2 EXEMPT FROM APPROVAL

The following activities or uses shall be exempt from a development plan review, although they may be subject to other review procedure where noted in other Sections of this Article:

- A. Routine maintenance of a structure (unless review is required under Certificate of Appropriateness).
- B. The use or intended use of land for the purposes of agriculture, raising of crops, and forestry.
- C. Home Occupations.
- D. Accessory uses incidental to a one- or two-family residential use.
- E. Temporary uses that do not significantly affect the surrounding area.

3.5.3 TYPES OF DEVELOPMENT PLANS

There shall be two types of development plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below:

A. Sketch Development Plan

I. Criteria

Projects shall be considered Sketch Development plans if:

- a. The project is a one – or two – family detached dwelling located on a single lot;
- b. The project is a one – or two-family -attached dwelling located on two abutting lots;
- c. The project is a manufactured home located on an individual lot;
- d. The project is for the issuance of a sign permit pursuant to Article 15;
- e. The project is not using the Alternative Development standards found in Sec. 6.3.9; or
- f. The project does not involve the development of any use that requires the issuance of a conditional use permit or rezoning.

2. Approving Authority

The Zoning Administrator shall be the approving authority for Sketch Development plans. However, the Zoning Administrator shall have the discretion to refer Sketch Development Plans to the Planning Commission for approval.

B. Site Development Plan**1. Criteria**

Projects that do not meet the criteria listed in 3.5.3A, above shall be considered Site Development plans.

2. Plan Review

a. The Zoning Administrator shall ensure that all appropriate review entities have reviewed the proposed project and had opportunity to comment. These review entities may include, but are not limited to: Department of Public Works, Inspections Department, City Engineer, and others. It is encouraged that the applicant addresses all concerns raised by these entities.

b. In addition to the plan review mentioned above, Architectural Design Review (Sec. 3.14) may be required during the plan review process:

- (1) Location within a CHO Overlay;
- (2) Location within a PUD-VC District;
- (3) Projects seeking alternative compliance as specified in Sec. 6.1.6, Building Façade Design Standards.

3. Approving Authority

a. In general, the Zoning Administrator shall be the approving authority for Site Development plans. However, the Zoning Administrator shall have the discretion to refer Site Development Plans to the Planning Commission for approval.

b. The Planning Commission shall be the approving authority for Site Development plans for multi-family, manufactured home parks, Planned Unit Developments, and applications referred by the Zoning Administrator.

c. The Architectural Design Review Team may have authority to approve certain design elements for projects seeking alternative compliance as described in Sec. 3.14 and further specified in Sec. 6.1.6, Building Façade Design Standards.

3.5.4 DEVELOPMENT PLAN REQUIREMENTS

A. General Requirements

The following requirements are applicable to all development plans:

1. All development plans shall be submitted in accordance with Sec.3.3.3, Application Requirements.
2. In addition, State or Federal regulations may require that additional information be supplied to the Development Services Department as a part of a submittal.
3. Applications for both Site Development review and Sketch Development review that are located, either wholly or in part, within a Floodplain District shall:
 - a. Be submitted in conformance with 3.5.4C, Site Development Plan Requirements;
 - b. Indicate the location of area(s) subject to flooding.
 - c. Require the issuance of a Floodplain Development Permit prior to final approval (see Sec. 3.6)

B. Sketch Development Plan Submittal Requirements

At minimum, a required Sketch Development Plan shall indicate:

1. The actual shape, location and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.
3. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be deemed essential by the Zoning Administrator, Director of Public Works, or City Engineer for determining whether the provisions of this ordinance are being observed.
5. Where subsurface sewage disposal is anticipated, certification from the Maury County Department of Health and Environment approving the lot for such use.

C. Site Development Plan Submittal Requirements

A required Site Development Plan shall be prepared and stamped by an individual licensed and/or certified by the State of Tennessee to perform such design services as may be required. The plan shall be drawn at a scale of no more than 1"=200'. More detailed plans or separate plans may be required by the Zoning Administrator. At a minimum, the plan shall include:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.
3. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate.
4. Topographic features, both existing and proposed, with contours at a vertical interval to be selected by the city engineer.
5. Location of all driveways and entrances.
6. Location of all groupings of trees and how they will be incorporated into the proposed development.
7. Location, trunk diameter, and species of all heritage trees within a required buffer or landscaping area. Heritage trees proposed for removal shall also be indicated.
8. Location of all off – street parking areas. Where five or more off – street parking spaces are to be provided, a dimensioned parking plan showing design and layout of such parking facilities shall be required.
9. Location, dimensions, and traffic pattern of all accessory off – street loading berths. This information may be shown on the parking plan.
10. Proposed ground coverage, floor area, and building heights.
11. Position of fences and walls (materials specified).
12. Location and dimensions of all required buffers. A separate landscaping and buffering plan may be required by the Zoning Administrator.
13. Location, type, and size of proposed signs.
14. Proposed means of surface drainage.
15. Location of all easements and rights – of – way.
16. Where subsurface sewage disposal is anticipated, certification from the Maury County Department of Health and Environment approving the lot for such use.

17. Such other information concerning the lot or adjoining lots as may be deemed essential by the Zoning Administrator, Director of Public Works, or City Engineer for determining whether the provisions of this ordinance are being observed.

3.5.5 ACTION BY THE APPROVING AUTHORITY

- A. The Approving Authority shall compile all staff comments on the development plan in light of any applicable requirements of this ordinance. A copy of these comments shall be provided to the applicant.
- B. The Zoning Administrator shall be responsible for approving all Sketch Development plans.
- C. The Zoning Administrator shall be responsible for approving Site Development plans.

3.5.6 DEVELOPMENT PLAN REVIEW CRITERIA

The following evaluations shall be made during the development plan review process.

- A. Compliance with all applicable ordinance requirements;
- B. Compliance with all previously approved plans, such as earlier development plans;
- C. Conformance with all applicable land use plans;
- D. The site plan displays a site design and development intensity appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
- E. Adequacy and location of parking areas and pedestrian and vehicular access points;
- F. Adequacy of design of traffic patterns, traffic control measures and street pavement areas, with provisions for maintaining traffic flows and reducing unfavorable effects of traffic on nearby properties;
- G. Compliance with site construction specifications;
- H. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines; and
- I. Compliance with requirements for easements or dedications.

3.5.7 CONCURRENT APPLICATIONS

Development permit applications for projects requiring design review, a conditional use permit, certificate of appropriateness, floodplain development permit, or rezoning may proceed concurrently with the other application. However, final approval of the development plan may not be granted prior to receiving the additional permit.

3.5.8 TIME LIMITS ON APPROVALS

Any Sketch Development plan or Site Development plan approved under the provisions of this ordinance shall become null and void one year after the date of its approval unless a Zoning Permit for the project has been obtained in which case the provisions of Sec. 3.4, shall apply, provided, however, that in no instance shall an approved Sketch Development plan or Site Development plan become null and void in less than one year.

3.5.9 INSPECTIONS OF REQUIRED IMPROVEMENTS

Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved development plans. No improvements shall be accepted for maintenance by the City unless and until the requirements regarding public improvements have been met.

3.5.10 FEES

The applicant shall pay to the City the fees established in Fee Schedule Document available from the Development Services Department during normal business hours to cover a portion of the costs associated with the administration of this ordinance.

3.5.11 APPEAL

Final action on a Sketch Development Plan Review may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

3.5.12 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, AND PERMITS

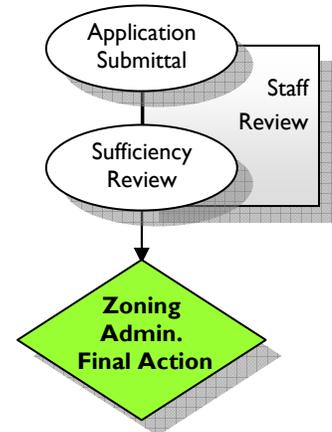
Development permits or conditional use permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and enjoined or punishable as provided by Sec. 1.10, Remedies and Enforcement.

SEC. 3.6 FLOODPLAIN DEVELOPMENT PERMIT

3.6.1 APPLICABILITY

Within any floodplain districts:

- A. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate development permit for each such building or structure;
- B. No man – made change to improved or unimproved real estate, included but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations shall be commenced until a separate permit has been obtained for each such change; and
- C. No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each manufactured home.



3.6.2 APPLICATION REQUIREMENTS

- A. All applications for floodplain development permits plans shall be submitted in accordance with Sec.3.3.3, Application Requirements.
- B. Any application for a floodplain development permit shall be made prior to any development activities, and may include, but not be limited to, the following plans in triplicate drawn to scale showing:
 - 1. The nature, location, dimensions, and elevations of the area in question;
 - 2. Existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria set forth in this article and;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3.6.3 ACTION BY THE ZONING ADMINISTRATOR

A. Document Review

In the review of these requirements, the Zoning Administrator shall:

1. Review 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. Advise applicant that additional federal or state permits may be required, and if specific federal or state requirement are known, require that copies of such permits be provided and maintained on file with the development permit;
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood – carrying capacity is not diminished;
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Sec. 3.6.3C, below;
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with Sec. 3.6.3C, below;
7. When floodproofing is utilized for a particular building the Zoning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with 3.6.3C, below;
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article; and
9. When base flood elevation data or floodway data have not been provided in accordance with section Sec. **Error! Reference source not found.**, then the Zoning Administrator shall obtain, review, and utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this Section.

B. Other Permits

Before a development permit is issued, the Zoning Administrator shall confirm that all necessary permits have been obtained from those governmental agencies from which

approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972.

C. Construction Stage – Certification by Engineer or Architect

Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the lowest horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the lowest floor, floodproofed elevation, or the elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder’s risk. The Zoning Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

3.6.4 FINAL ACTION

The Zoning Administrator shall issue the floodplain development permit upon notice that the applicant has successfully satisfied all of the requirements listed above.

3.6.5 APPEAL

Final action on a floodplain development permit may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

3.6.6 MAINTENANCE OF RECORDS

All records pertaining to floodplain permits shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

SEC. 3.7 ADMINISTRATIVE ADJUSTMENT/APPROVAL

3.7.1 APPLICABILITY

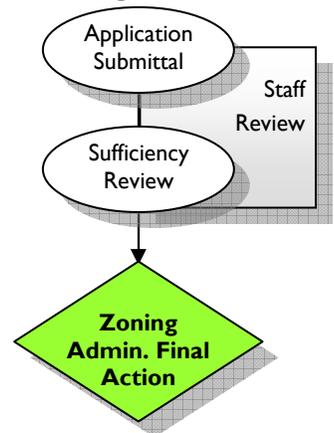
The Zoning Administrator shall be authorized to approve minor specified deviations as specified in below where, owing to special conditions, strict enforcement of the provisions of this ordinance would be physically impractical.

3.7.2 APPLICATION REQUIREMENTS

An application for an administrative adjustment shall be submitted in accordance with Sec.3.3.3, Application Requirements.

3.7.3 ACTION BY THE ZONING ADMINISTRATOR

- A. The Zoning Administrator shall have the following administrative authority:
 1. To authorize a reduction of up to 20% of the required street, side or rear yard setback for any encroachments into required setback as of the effective date of these regulations;
 2. To approve an application subject to the Limited Use Standards as identified in 8.1.1A.2, Permitted Subject to Limited Use Standards (L);
 3. To make a determination of the classification of an unlisted principal use, subject to the standards found in 8.1.1E, Uses Not Specifically Listed;



- 4. To permit the location of an accessory use without a corresponding primary use. All accessory uses shall comply with the standards found in Sec. 8.4; and
 - 5. To permit an outdoor display subject to the standards in 12.3.2;
- B. Any request for deviation from the provisions of this ordinance not listed above shall be reviewed by the Board of Appeals as provided in Sec. 3.14, Variances.

3.7.4 ADMINISTRATIVE ADJUSTMENT CRITERIA

To approve an administrative adjustment, the Zoning Administrator shall make an affirmative finding that all of the following criteria are met:

- A. All additional procedures and standards are met;
- B. That granting the administrative adjustment will not have an adverse impact on land use compatibility;
- C. That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations; and
- D. That granting the administrative adjustment shall be consistent with the purposes and intent of this ordinance.

3.7.5 APPEALS

Final action on an administrative adjustment by the Zoning Administrator may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

SEC. 3.8 TEMPORARY USE PERMIT

Commentary: Temporary outdoor uses should not be confused with permanent outdoor activities (for example, a car sales lot) that are only allowed in certain districts and require site plan approval, nor should they be confused with an outdoor display area (for example, a garden center that is part of a building supply store) that may be a part of a retail store and require site plan approval.

3.8.1 APPLICABILITY

- A. Temporary uses occurring on property outside of the public right-of-way shall be allowed upon the issuance of a temporary use permit, except as set forth in, Sec. 8.5, Temporary Uses
- B. The provisions of this section shall not apply to temporary uses occurring within the public right-of-way.

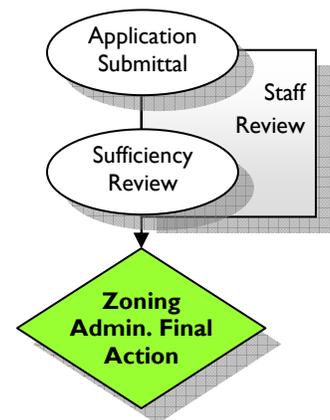
Commentary: For further details on temporary uses occurring within the public right-of-way see the applicable City, State, or Federal regulations.

3.8.2 APPLICATION REQUIREMENTS

A temporary use permit application shall be submitted in accordance with Sec. 3.3.3, Application Requirements.

3.8.3 ACTION BY THE ZONING ADMINISTRATOR

- A. After receiving the application, the Zoning Administrator shall have up to 30 days to review the application.
- B. Upon hearing recommendations from all appropriate departments, the Zoning Administrator shall approve the issuance of a temporary use permit subject the use standards established in Sec. 8.5, Temporary Uses and the following:



3.8.4 Revocation of a Temporary Use Permit

1. No lighting or electrical service shall be provided without an electrical permit;
 2. No temporary use structure shall be erected without a building permit;
 3. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
 4. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
 5. Written permission of the property owner for the temporary use shall be provided;
 6. Adequate parking shall be provided;
 7. Required parking for other uses shall remain available;
 8. Adequate traffic control measures shall be provided;
 9. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
 10. When appropriate, adequate provisions for crowd control shall be provided.
- C. Temporary use permits shall be valid for the time period established in Sec. 8.5, Temporary Uses. Where no time period is established in Sec. 8.5, the use shall automatically be permitted for thirty days. The Zoning Administrator may extend this time period by up to sixty days at his/her discretion provided the request is made at the time of original application.
- D. Temporary use permits may be renewed one time by the Zoning Administrator unless other renewal standards are specified in Sec. 8.5, Temporary Uses, or in other provisions of this section.

3.8.4 REVOCATION OF A TEMPORARY USE PERMIT

A temporary use permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

3.8.5 APPEAL

Final action on a temporary use permit may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

SEC. 3.9 HOME OCCUPATION PERMIT

3.9.1 APPLICABILITY

Any home occupation (see Sec. 8.4.4) shall require a permit, as set forth below.

3.9.2 APPLICATION REQUIREMENTS

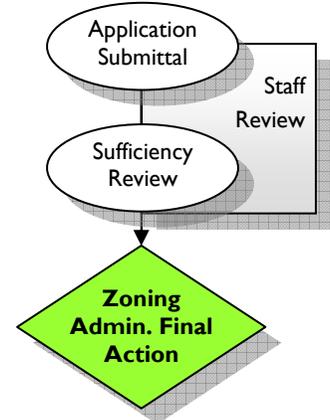
A home occupation application shall be submitted in accordance with Sec. 3.3.3, Application Requirements.

3.9.3 ACTION BY THE ZONING ADMINISTRATOR

- A. Upon review of the application, the Zoning Administrator shall approve the home occupation permit, provided the home occupation meets all requirements of this ordinance.
- B. The Zoning Administrator shall maintain a record of all home occupations that have received a permit from the City.

3.9.4 TIME LIMIT

A home occupation permit shall be valid for a period not to exceed two years.



3.9.5 REVOCATION

The home occupation permit shall be revoked if the home occupation is found to be in violation of the requirements of this ordinance.

3.9.6 APPEAL

Final action on a home occupation permit may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

SEC. 3.10 CERTIFICATE OF OCCUPANCY

3.10.1 CERTIFICATE OF OCCUPANCY REQUIRED

No land or building, structure, or part thereof hereafter erected or altered in its use shall be used until the Zoning Administrator shall have approved a Certificate of Occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Commentary: A Certificate of Occupancy is required for all new construction, expansions or alterations, and significant changes in use.

3.10.2 APPLICABILITY

A Certificate of Occupancy shall be required for any of the following:

- A. Occupancy and use of a building or structure hereafter erected or enlarged;
- B. Change in occupancy or use of an existing building; or
- C. Any change in a nonconforming use or structure.

3.10.3 APPLICATION REQUIREMENTS

A Certificate of Occupancy application shall be submitted in accordance with Sec. 3.3.3, Application Requirements.

3.10.4 ACTION BY THE ZONING ADMINISTRATOR

The Zoning Administrator shall review the application for conformance with compliance with the approved development plan and the requirements of this ordinance. The Zoning Administrator shall provide comments and recommendations to the Building Official.

3.10.5 ACTION BY THE BUILDING OFFICIAL

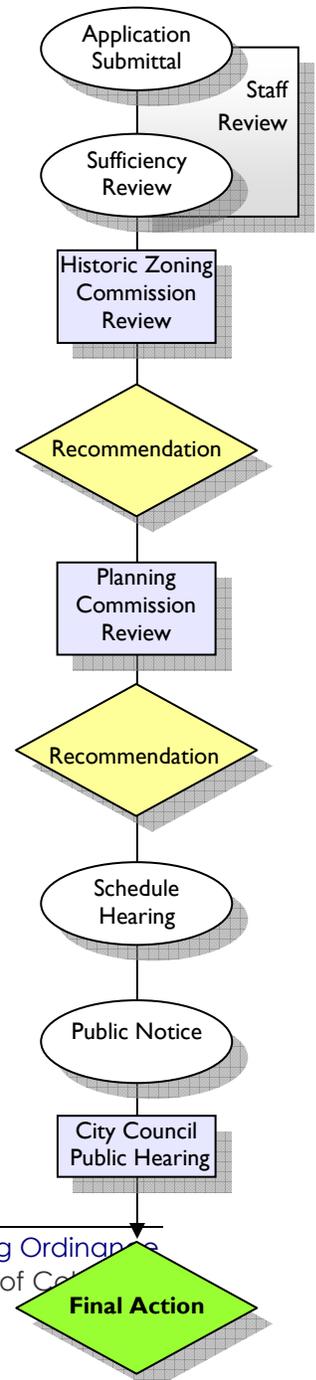
Upon review of the application, the Building Administrator shall approve the Certificate of Occupancy, provided the project meets all requirements of this ordinance and other applicable requirements.

3.10.6 PERMITS NOT TO BE ISSUED

No final Certificate of Occupancy shall be issued for any building, structure or part thereof, or for the use of land, which is not in accordance with the provisions of this ordinance nor where the development has not been completed in accordance with the development plan as approved in accordance with Sec. 3.5

3.10.7 TEMPORARY CERTIFICATE OF OCCUPANCY

- A. At his/her discretion, the Building Official may issue a temporary certificate of occupancy provided that such portion of the building, structure, or premises for which the temporary certificate is issued is in



conformity with the provisions of this ordinance. A temporary certificate of occupancy shall not be effective for a time period in excess of six months.

- B. In order for a temporary certificate of occupancy to be issued, all required improvements shall be substantially complete. The temporary certificate may include safeguards and conditions as will protect the safety of the occupants and the public.
- C. Applicants for a temporary certificate of occupancy shall post a bond or other surety acceptable to the City in an amount equal to \$7,500 or the 125% of the cost of completing all required improvements, whichever is greater. At his/her discretion, the Building Official may permit a reduction in the amount required.

3.10.8 APPEAL

Final action on a Certificate of Occupancy may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

SEC. 3.11 HISTORIC OR LANDMARK DESIGNATION

3.11.1 CLASSIFICATIONS

There are hereby created historic and landmark districts as a part of this ordinance:

A. The Historic District

Whose boundaries shall be shown on the official zoning map or special overlays thereto which are made a part of this ordinance and noted by name on said maps, no structure shall be constructed, altered, repaired, relocated or demolished unless the action complies with the requirements set forth in this ordinance.

B. The Historic Landmark

Whose boundaries shall be shown on the official zoning map or special overlays thereto which are made a part of this ordinance and noted by name on said maps, no structure shall be constructed, altered, repaired, relocated or demolished unless the action complies with the requirements set forth in this ordinance.

3.11.2 INTERIM CONTROL

No building permit shall be issued for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of the meeting of the Historic Zoning Commission at which a completed nomination form is first presented until the final decision by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the city council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days. After 180 days, a building permit may be issued provided all applicable requirements have been met. This may include the requirement for a certificate of appropriateness (Sec. 3.12) if the nominated district or structure has been approved by the Council.

3.11.3 APPLICABILITY

- A. The City Council may designate an area as an historic district or a property as an historic landmark.
- B. A property owner or owners may request that a property be designated as an historic landmark or an area as an historic district.

3.11.4 INITIATION OF REQUEST

- A. Requests for designating an historic district may be made in any one of the following methods:

1. By petition to the City Council by property owner(s) in the proposed landmark or district;
 2. By initiative of the City Council; or
 3. By initiative of the Historic Zoning Commission subject to the requirements of 3.11.5
- B. An application for an historic landmark designation shall be submitted to the Historic Zoning Commission in accordance with Sec. 3.3.3, Application Requirements. Requests for designation shall include the specific elements of the property for which historic landmark designation is proposed.

3.11.5 HISTORIC PRESERVATION PLAN

The Historic Zoning Commission shall undertake an ongoing survey within the corporate limits of the City of Columbia to identify neighborhoods, areas, sites, structures and objects that have historic, community, architectural or aesthetic importance, interest or value. Before the Historic Zoning Commission shall on its own initiative nominate any historic district or landmark, it shall develop a plan for completion of a survey of the entire city.

3.11.6 HISTORIC ZONING COMMISSION REVIEW AND RECOMMENDATION

A. Review and Recommendation

The Historic Zoning Commission shall, within 60 days from receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated historic or landmark district does or does not meet the criteria for nomination set out in Sec. 3.11.6B. The resolution accompanied by a written report shall be forwarded to the Planning Commission for review as specified in Sec. 3.11.7, and to the City Council as specified in Sec. 3.11.8 for final action. The report shall contain the following information:

1. General

- a. Explanation of the significance or lack of significance of the nominated historic or landmark district as it relates to the criteria for designation.
- b. Explanation of the integrity or lack of integrity of the nominated district.
- c. Proposed design guidelines required by Sec. 3.11.6C, for applying the criteria for review of Certificates of Appropriateness to the nominated landmark or historic district or structure.
- d. The relationship of the nominated historic or landmark district or structure to the ongoing effort of the Historic Zoning Commission to identify and nominate all potential areas and structures that meet the criteria for designation.
- e. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated historic or landmark district or structure.
- f. A map showing the location of the nominated historic or landmark district or structure.

2. Historic or Landmark District

In the case of a nominated district found to meet the criteria for designation:

- a. The significant exterior architectural features of the nominated district that should be protected;

- b. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness pursuant to the provisions of Sec. 3.12, Certificate of Appropriateness.

3. Historic or Landmark Structure

In the Case of a nominated structure found to meet the criteria for designation:

- a. The types of significant exterior architectural features of the structure that should be protected.
- b. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Sec. 3.12, Certificate of Appropriateness.

B. Criteria for Designation of Historic and Landmark Districts or Structures

In order for a building, structure, area, site or neighborhood to be considered for nomination as an historic or landmark district or structure, such shall be found to meet one or more of the following criteria:

1. That it is associated with an event which has made a significant contribution to local, state or national history;
2. That it includes structures associated with the lives of persons significant in local, state or national history;
3. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that poses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
4. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. That it is listed in the National Register of Historic Places.

C. Design Guidelines

Prior to the establishment of a historic or landmark district, the Historic Zoning Commission shall adopt for each such proposed district a set of design guidelines, which it will apply in ruling upon the granting or denial of a Certificate of Appropriateness, as provided for in this article. Such guidelines shall be consistent with this ordinance and with the requirements for such as established and provided for by Section 13 – 7 – 406, *TCA*. The Historic Zoning Commission shall to the maximum feasible extent secure the involvement and participation of owners of property proposed for location within any historic district or landmark in developing such guidelines. These guidelines shall accompany the request for historic district designation and shall be considered conjunctively with such request. These design guidelines shall, at a minimum, consider the following criteria:

1. Height

The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in an historic district.

2. Proportions of Windows and Doors

The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within an historic district.

3. Relationship of Building Masses and Spaces

The relationship of a structure within an historic district to the open space between it and adjoining structures should be compatible.

4. Roof Shape

The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures in an historic district.

5. Landscaping

Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

6. Scale

The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in an historic district.

7. Directional Expression

Facades in historic districts should blend with other structures with regard to directional expression. Structures in an historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

8. Architectural Details

Architectural details including materials, colors and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of an historic or landmark district.

3.11.7 PLANNING COMMISSION REVIEW AND RECOMMENDATION

Upon receipt of a report prepared by the Historic Zoning Commission in accordance with Sec. 3.11.6, the Planning Commission shall conduct a review as provided herein. The Planning Commission shall review such plan relative to the following:

- A. The adopted Major Thoroughfare Plan.
- B. Any redevelopment or restoration plans.
- C. Utility plans (including need for easements).
- D. Impact on or possible modification required in base district zoning.
- E. All other matters normally considered in recommending a rezoning, excepting those aspects of the report which pertain specifically and solely to the historic district and as otherwise specified in Sec. 3.11.6.

3.11.8 CITY COUNCIL REVIEW AND DECISION

A. Notice of Public Hearing

The City Council shall schedule a public hearing on the nomination within thirty (30) days following receipt of a report and recommendation from the Planning Commission that a nominated historic or landmark district does or does not meet the criteria for designation.

1. Published Notice

- a. Notice of the Zoning Ordinance amendment shall be published in accordance with 3.3.4B.1, Published Notice.

- b. This notice shall also include the street address and legal description of the boundaries of a nominated district.

2. Mailed Notice

- a. Notice of the Zoning Ordinance amendment shall be mailed to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated historic or landmark district at least 15 days prior to the date of the hearing in accordance with 3.3.4B.2.a. , Mailed Notice.
- b. This notice shall also include the street address and legal description of the boundaries of a nominated district.

B. Public Hearing

Oral or written testimony concerning the significance of the nominated historic or landmark district shall be taken at the public hearing from any person concerning the nomination. The Historic Zoning Commission may present expert testimony or present its own evidence regarding the compliance of the nominated district with the criteria for consideration of a nomination set forth in this Section.

The owner of any real property located within any nominated preservation district shall be allowed reasonable opportunity to present evidence in support of his position and shall be afforded the right of representation by counsel and reasonable opportunity to cross – examine expert witnesses. The hearing shall be closed upon completion of testimony.

3.11.9 LANDOWNER APPROVAL

A petition signed by at least 51% of the property owners indicating approval of the designation shall be required prior to final designation of the district or landmark (Petition shall be filed with the Zoning Administrator).

3.11.10 ACTION BY CITY COUNCIL

A. Amendment to the Zoning Ordinance

1. Decision

The City Council shall, within 30 days after holding the Public Hearing specified in 3.11.8B after taking into consideration of the report prepared by the Historic Zoning Commission and the review by the Planning Commission concerning the proposed historic or landmark district or structure, either reject the proposed nomination or designate the district or structure by ordinance. The City Council may extend this decision period when it is determined that additional meetings or hearings are required. Each extension shall be for no more than 30 days. No more than three extensions shall be permitted. If, at the end of three extensions no final decision has been rendered by the Council, the application shall be considered rejected.

2. Modification of Ordinance

In the event that City Council approves the proposed Ordinance, the City Council shall amend the Zoning Ordinance in the manner specified in Sec. 3.17. Upon designation, the historic or landmark district shall be classified as a “District H – Historic District”, and the designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulations; minimum dwelling size; floor area; sign regulations; and parking regulations.

B. Amendment to the Zoning Map

Upon decision to amend the Zoning Ordinance, the Official Zoning Map of the City of Columbia shall be amended to show the location of the “District H – Historic District.” The applicant shall not be required to go through the rezoning process in Sec. 3.18.

3.11.11 AMENDMENT OR REMOVAL OF DESIGNATION

Designation may be amended or rescinded upon petition to the Historic Zoning Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.

SEC. 3.12 CERTIFICATE OF APPROPRIATENESS

3.12.1 APPLICABILITY

A certificate of Appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or other property within an historic district may be undertaken:

- A. Any construction, alteration, or removal requiring a building permit from the City of Columbia.
- B. Any demolition in whole or in part requiring a permit from the City of Columbia.
- C. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the historic or landmark district.

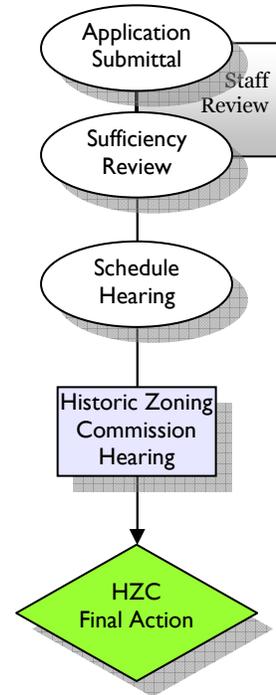
3.12.2 APPLICATION FOR CERTIFICATES OF APPROPRIATENESS

A certificate of appropriateness application shall be submitted in accordance with Sec. 3.3.3, Application Requirements. In addition:

- A. Every application for a demolition permit or a building permit, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated landmark or other property within a designated historic district shall be forwarded by the Inspections Department to the Historic Zoning Commission within seven days following receipt of the application by the Inspections Department.
- B. The Inspections Department shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Historic Zoning Commission. Any applicant may request a meeting with the Historic Zoning Commission before the application is sent by the Inspections Department to the Historic Zoning Commission or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form available at the office of the commission.

3.12.3 REVIEW BY THE HISTORIC ZONING COMMISSION

- A. Upon receipt of an application for a Certificate of Appropriateness which in the judgment of the Historic Zoning Commission is sufficiently complete to enable the Commission to make a decision on the request, the Commission shall set a meeting for initial presentation of the application.
- B. The Historic Zoning Commission shall within 30 days following the initial meeting at which the application is presented approved, conditionally approve or deny the request.
- C. In its review of any application submitted hereinafter the Historic Zoning Commission shall apply all applicable review standards which have been established in accordance with Sec. 3.12.4.
- D. Any individual or group of property owners from the historic district wherein the use is located for which Certificate of Appropriateness is being requested may appear before the Historic Zoning Commission for purposes of offering evidence or testimony concerning the request and its applicability to the design guidelines established for such district. In



making its decision as to the granting of a Certificate of Appropriateness, the Historic Zoning Commission shall consider:

1. The review guidelines established for the district.
 2. The testimony and evidence offered by property owners from the historic district wherein the use is located.
- E. The Historic Zoning Commission may establish a subcommittee of its members to review routine applications for a Certificate of Appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant. A Certificate of Appropriateness may be issued prior to the next regular meeting upon the signatures of four of the members of the subcommittee.

3.12.4 STANDARDS FOR REVIEW

In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Historic Zoning Commission shall be guided by the following criteria:

- A. Every reasonable effort shall be made to provide a compatible use for a property that requires a minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided.
- C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- D. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

3.12.5 FINAL ACTION BY THE HISTORIC ZONING COMMISSION

The Historic Zoning Commission shall either:

- A. Approve the application for certificate of appropriateness; or
- B. Deny the application for certificate of appropriateness.

3.12.6 DENIAL OF A CERTIFICATE OF APPROPRIATENESS

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Zoning Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Historic Zoning Commission.

SEC. 3.13 DEMOLITION BY NEGLECT

3.13.1 APPLICABILITY

Owners of certain historic properties are required to maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to certain properties, termed "historic properties" in this subsection. That term as used in this subsection is defined to include designated historic landmarks and properties identified as "contributing" or "pivotal" in designated historic districts.

A. Conditions of Neglect Defined and Prohibited

Owners shall maintain or cause to be maintained the exterior and structural features of their historic properties and not allow conditions of neglect to occur on such properties. Conditions of neglect are as defined below. It shall be a violation of this zoning ordinance to not remedy a condition of neglect within the period of time set by a final administrative determination, as described in subsequent subsections of this ordinance. Conditions of neglect include the following:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.
3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
7. Rotting, holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
10. Deterioration of fences, gates, and accessory structures.

11. Deterioration that has a detrimental effect on the surrounding historic district, or on the special character of the historic landmark.
12. Deterioration that contributes to a hazardous or unsafe condition.

3.13.2 PROCESS AND ADMINISTRATION

A. Administrator Investigation and Determination

1. Initiation by Petition

The initial determination that there is a condition of neglect shall be made by the Zoning Administrator, after an investigation that is initiated by a petition from any person who is familiar with the subject property, which may include but not be limited to a City employee.

2. Notice of Investigation

On receipt of a petition, the Zoning Administrator shall notify the owners in writing of the allegation and the process for making a decision regarding the petition, including any applicable deadlines. Among other things, the notice shall offer the owner the opportunity to meet in person with the Zoning Administrator and to present any relevant information. Notice shall be delivered by personal service, or by certified or registered mail, return receipt requested. If certified mail is refused or unclaimed, notice may be delivered by first class mail, and shall be considered effective if such mail is not returned by the post office within 15 days of mailing. In the case of notice by first class mail, notice shall also be posted on the property. Notice of the investigation may also be given to the owners of nearby or adjacent properties or neighborhood associations.

3. Responsibilities of Zoning Administrator

The Zoning Administrator shall:

- a. Investigate the allegation that a condition of neglect exists;
- b. Hold one or more meetings at a time to be set by the Zoning Administrator in which the owner, other persons who have received notice, or other interested persons may give information;
- c. Issue a written determination, supported by findings of fact, regarding the allegation within 45 days of the owner's receipt of notice;
- d. Include within the determination a time period for correcting the condition of neglect, if a condition of neglect has been found;
- e. Retain all information presented by the owner or other persons;
- f. Deliver the written determination through any of the means for delivery of notice, as described above;
- g. Designate the written determination as a final administrative determination with the right of appeal to the Historic Zoning Commission; and
- h. Include information regarding rights to a *de novo* hearing before the Historic Zoning Commission in accordance with the process described in Sec. 3.13.2C.

B. Suspension of Process

The above process may be suspended in the event the owner agrees in writing to correct the alleged condition of neglect within a time period determined to be reasonable by the Zoning Administrator. If the condition is not corrected within that time period, the process shall continue where it was suspended.

C. Appeal of Zoning Administrator Decision- Hearing before Historic Zoning Commission

1. If the property owner disagrees with the Zoning Administrator's determination, the owner may appeal and may request hearing before the Historic Zoning Commission.
2. The request shall be delivered to the Development Services Department, in writing, within 30 days of receipt of the Zoning Administrator's determination.
3. The Historic Zoning Commission shall hold a hearing on the issue of whether demolition by neglect is occurring on the property. Procedures that would be followed by the Board of Zoning Appeals shall be used.
4. The Zoning Administrator's determination shall be considered an administrative determination, which has been appealed to the Historic Zoning Commission. The Historic Zoning Commission's determination on the administrative determination shall be in accordance with the standards established in Sec. 2.2.3 of this Ordinance.
5. The Historic Zoning Commission's written decision shall include findings of fact and conclusions regarding demolition by neglect consistent with this subsection. It shall be delivered to the appealing party by certified mail, return receipt requested.
6. Unsatisfactory decisions by the Historic Zoning Commission may be appealed to the Courts in the same manner as an appeal of a Board of Zoning Appeals' decision. If the decision is not appealed it shall be considered a final decision subject to enforcement with no rights of appeal.

D. Safeguards from Undue Economic Hardship

1. Right of Claim of Economic Hardship

The property owner is entitled to make a claim of undue economic hardship if the owner is unable to make needed repairs to the property because it is economically unfeasible.

2. Issuance of Stay for Economic Hardship

In the event that the owner and/or other parties in interest do not wish to contest the determination regarding the condition of neglect, but do wish to petition for a claim of undue economic hardship, the Zoning Administrator's order shall be stayed until after the Historic Zoning Commission's determination regarding the claim.

3. Process

If a claim of undue economic hardship is made, the Zoning Administrator shall receive all information from the property owners that the Historic Zoning Commission is entitled to receive pursuant to this ordinance, make a determination regarding whether there is undue economic hardship, and develop a plan for dealing with such hardship, if it is found to exist. The recommendation and plan shall be sent to the owner, certified mail, return receipt requested, with notice of the owner's rights to appeal to the Historic Zoning Commission within 30 days of receipt. If the owner disagrees with the recommendation and plan the owner may request a hearing before the Historic Zoning Commission. In the event of such a request, the hearing shall be a quasi-judicial hearing, in the nature of a Board of Zoning Appeals hearing and the decision shall be in writing, supported by findings and conclusions. The Zoning Administrator's determination as to economic hardship and the plan for dealing with that hardship shall be considered a final administrative determination, and any Historic Zoning Commission decision altering such recommendation or plan shall be passed consistent with the requirements of Sec. 2.2.3 of this Ordinance.

4. Evidence Regarding Undue Economic Hardship

When a claim of undue economic hardship is made owing to the effects of this Section, the owner and/or parties in interest shall, where reasonably possible, provide the evidence below, describing the circumstances of hardship, and any additional evidence requested by the Zoning Administrator or Historic Zoning Commission or evidence the owner considers relevant.

- a. Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
- b. Financial resources of the owner and/or parties in interest.
- c. Cost of repairs.
- d. Assessed value of the land and improvements.
- e. Real estate taxes for the previous two years.
- f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
- g. Annual debt service, if any, for previous two years.
- h. Any listing of the property for sale or rent, price asked, and offers received, if any.
- i. Annual gross income, if any, from the property for the previous two years.
- j. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.
- k. Annual cash flow, if any, for the previous two years.

E. Other City Powers; City's Election of Remedies

Nothing contained within this Section shall diminish the City's power to declare a building unsafe or in violation of the minimum housing code or any other applicable statute or code. In addition, the procedures described herein are mandatory only for determinations being made solely under the authority of this section. Where other sections of the City Code apply, the City Council may, in its discretion, choose to process any action regarding the property under such other provisions alone, or under such provisions along with these provisions concurrently, or solely under these provisions. The City Council may also suspend the procedures of this section at any time if an action has been initiated under other applicable law.

F. Penalties and Remedies

Enforcement of this Section may be by any one or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

1. Equitable Remedy

The City may apply for any appropriate equitable remedy to enforce the provisions of this Section.

2. Order of Abatement

The City may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Section. Whenever the party is cited for contempt by the court and the City has executed the

order of abatement, the City shall have a lien on the property for the cost of executing the order of abatement.

3. Civil Penalty

Civil penalties may be assessed for failure to comply with a final administrative determination or an un-appealed Historic Zoning Commission decision under the provisions and guidelines for assessing such penalties for zoning code violations. Prior to imposing a civil penalty the Zoning Administrator shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to the person responsible for the violation indicating the nature of the violation and ordering corrective action. Where the violation is the failure to remedy a condition of neglect within the time periods provided by the Zoning Administrator or the Historic Zoning Commission no additional time period for compliance need be given. The notice shall include information regarding the possible assessment of civil penalties and other possible enforcement actions. If this notice is appealed to the Board of Zoning Appeals, the Board shall not rehear any issue that was heard by the Historic Zoning Commission or could have been so heard had an appeal to the Historic Zoning Commission been made. Rather, the Board of Zoning Appeals shall limit the scope of its review to whether there has been compliance with the Zoning Administrator's determination or the Historic Zoning Commission's determination, as applicable.

SEC. 3.14 DESIGN REVIEW

3.14.1 INTENT

Design Review is intended to protect the physical character of the City of Columbia through additional review of proposed developments meeting certain criteria.

3.14.2 APPLICABILITY

Prior to issuance of a Zoning Permit, Design Review shall be required for the following:

- A. All proposals in the PUD-VC district;
- B. All proposals in the Cottage Housing overlay;
- C. All proposals for commercial projects as identified in Sec. 12.1, Large Scale Commercial; and
- D. Proposals for nonresidential projects seeking alternative compliance as identified in 6.1.6, Building Façade Design Standards.

3.14.3 PRE-APPLICATION CONFERENCE

Applicants are encouraged to schedule a pre-application conference in accordance with Sec. 3.3.2.

3.14.4 ACTION BY THE ARCHITECTURAL DESIGN REVIEW TEAM

All review shall be in accordance with the following procedures:

- A. Upon receipt of an application for Design Review which in the judgment of the Zoning Administrator is sufficiently complete to enable the Architectural Design Review Team to conduct a review, the Zoning Administrator shall set a meeting for initial review as soon as reasonably possible, but in no case later than 30 calendar days after receipt of a complete application.
- B. Applicants are encouraged (but not required) to begin the process with a conceptual presentation of the project to the Architectural Design Review Team at the initial review meeting.

- C. In cases where the Architectural Design Review Team deems it necessary, it may hold a public hearing concerning the application. Such hearing shall be advertised in accordance with Sec. 3.3.4B.1, Published Notice.

3.14.5 APPROVAL AUTHORITY

- A. For applications seeking Alternative Compliance to Building Façade Design Standards (Sec. 6.1.6), the Architectural Design Review Team shall have approval authority and may approve, approve with conditions, or deny the portion of an application governed by the standards.
- B. For all other applications, the Architectural Design Review Team shall make a recommendation to approve or deny a proposal.

3.14.6 DESIGN REVIEW CRITERIA

- A. In their consideration, the Architectural Design Review Team shall consider the following:
 - 1. Compatibility with the surrounding structures; and
 - 2. Compliance with specific design criteria.
- B. In rendering a decision, the Architectural Design Review Team shall be limited to the consideration building design features and materials of construction, and in the case of (Sec. 6.1.6), the use of increased landscaping to obtain alternative compliance.
- C. With the exception of projects located within a PUD-VC district, the Architectural Design Review Team may not be permitted to consider aspects of a proposal not specifically related to the design features and/or materials of construction of a building or structure.

SEC. 3.15 CONDITIONAL USE PERMIT AND VARIANCE

Commentary: Both the Conditional Use Permit and the Variance procedures are included in this Section due to the procedural similarity.

3.15.1 CONCURRENT APPLICATIONS

Applications for variances may be submitted concurrently with applications for conditional use permits. However, decisions shall be rendered separately for any variance and the conditional use permit.

3.15.2 APPLICABILITY

A. Conditional Use Permits

1. Conditional uses within the zoning districts are considered to be uses which are appropriate in a particular zoning district but because of their potential for incompatibility with adjacent uses may require individual review.
2. The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for conditional use permits. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13 – 7 – 206, TCA.

B. Variances

1. The Board of Zoning Appeals may vary certain requirements of this ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
2. In addition, the Board of Zoning Appeals may grant variances for the reconstruction, rehabilitation, or restoration of structures that are individually listed or are contributing structures within an historic district (see Sec. 3.10.8, Historic Districts and Landmarks Overlay).

3.15.3 PRE-APPLICATION CONFERENCE

All applicants shall schedule a pre-application conference in accordance with Sec. 3.3.2.

3.15.4 APPLICATION REQUIREMENTS

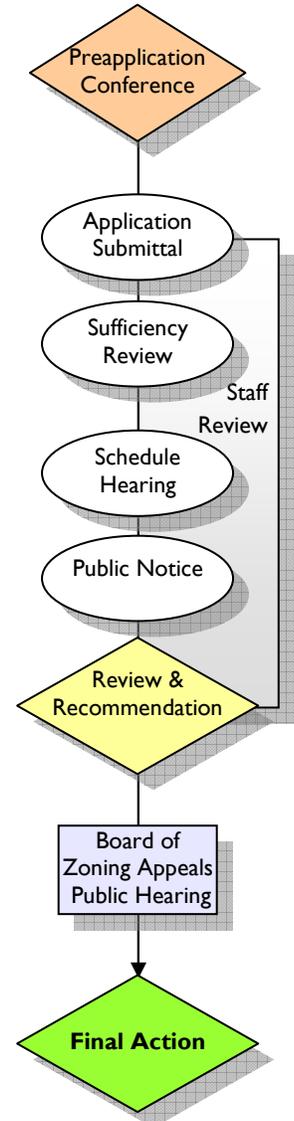
An application shall be filed in writing with the Board in accordance with Sec. 3.3.3. Application Requirements and shall contain information and exhibits as may be required under Sec. 3.5, Site Development Plan Review.

3.15.5 PUBLIC HEARING

Any request shall require a public hearing before the Board of Zoning Appeals.

A. Scheduling of Hearing

Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant.



B. Notice of Hearing

1. All notices shall specify the current zoning and notification that applicant is seeking **a. Conditional Use Permit** or **Variance**.
2. All notices shall include a brief summary indicating the nature of the action and the standard that is being modified (if applicable).
3. All notices shall be made at least 10 days prior to the scheduled Board of Zoning Appeals meeting.
4. Format of Notice
 - a. The notice shall be published in accordance with 3.3.4B.1, Published Notice.
 - b. The notice shall be mailed in accordance with 3.3.4B.3, Mailed Notice.

3.15.6 ACTION BY THE ZONING ADMINISTRATOR

- A. The Zoning Administrator shall transmit one copy of the application and all supporting information to the City Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities, and other technical matters.
- B. If the proposed use is located within a Historic or Landmark District or Structure, the Zoning Administrator shall transmit one copy of the application and all supporting information to the Historic Zoning Commission.
- C. The Zoning Administrator shall prepare a report that reviews the application in light of any requirements of this ordinance and technical input from the City Engineer or other review bodies. A copy shall be provided to the Board of Zoning Appeals, and the applicant.

3.15.7 ACTION BY THE HISTORIC ZONING COMMISSION

A. Certificate Required

If the proposed use is located within a Historic or Landmark District or Structure and a Certificate of Appropriateness is required, the applicant shall obtain the certificate according to the procedure in Sec. 3.12, prior to proceeding.

B. No Certificate Required

If no Certificate of Appropriateness is required but the proposed use is within a Historic or Landmark District or Structure, the board shall include comments and recommendations in the report to the Board of Zoning Appeals being prepared by the Zoning Administrator.

3.15.8 ACTION BY THE BOARD OF ZONING APPEALS

- A. The Board of Zoning Appeals shall conduct a public hearing.
- B. After conducting the public hearing, and considering the recommendations of the Zoning Administrator and the requirements listed below (Conditional Use Permit- Sec. 3.15.9, Variance-3.15.10), the Board of Zoning Appeals shall:
 1. Approve the request;
 2. Approve the request with conditions.
 3. Deny the request; or
 4. Continue the hearing.

3.15.9 REQUIREMENTS CONDITIONAL USE PERMIT

A conditional use permit may be granted provided the Board finds that the request conforms to the following requirements.

A. General Requirements

1. The proposed use is listed as a permitted Conditional Use within the district applied to the property in question.
2. Conforms to any additional standards listed in Sec. 8.3, Conditional Use Standards, for the proposed use;
3. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
4. Will not adversely affect other property in the area in which it is located;
5. Is within the provision of “Conditional Uses” as set forth in this ordinance;
6. Conforms to all applicable provisions of this ordinance for the district in which it is to be located.

B. Additional Requirements

The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding properties. The Board may establish dates for the expiration of any conditional use permit as a condition of approval.

C. Permit for Conditional Use within Floodplain Districts

The special provisions contained within this section shall apply to all applications for approval of any conditional use located within any floodplain district as indicated on the Floodplain Map available from the Development Services Department during normal business hours.

1. Floodplain Development Permit Required

Prior to the approval of a Conditional Use Permit application, an approved Floodplain Development Permit (see Sec. 3.6) shall be required.

2. Determination by the Board and Attachment of Conditions

The Board shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. Upon consideration of the factors listed herein and the purposes of this ordinance, the Board may attach such conditions to the granting of special exceptions as it deems necessary to further the purposes of this ordinance.

3. Consideration of Special Dangers Posed by Such Uses

In passing upon such applications, the Board shall consider the technical evaluation of the City Engineer, all relevant factors, and standards specified in other sections of this ordinance, and:

- a. The danger that materials may be swept onto the other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- e. The importance of the services provided by the proposed facility to the community;
- f. The necessity to the facility of a waterfront location, where applicable;

- g. The availability of alternative locations, not subject to flooding or erosion damage;
- h. The compatibility of the proposed use with existing development anticipated in the foreseeable future;
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- j. The safety of access to and from the property in times of flood for ordinary and emergency vehicles;
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
- l. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3.15.10 REQUIREMENTS FOR VARIANCE

A. Standards

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. 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 regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.
2. That the variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. That financial returns alone shall not be considered as a basis for granting a variance.
5. That 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 subject property is located, or a substantial impairment to the intent and purpose of the general provisions of this Zoning Ordinance.
6. That the purposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

B. Nonconformity Does Not Constitute Grounds for Granting of a Variance

No non – conforming use of neighboring lands, structures, or buildings in the same district, and not permitted or nonconforming use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.

C. Prohibition of Use Variances

Under no circumstances shall the Board of Appeals grant a variance to allow a “USE” not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

D. Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in paragraph A. above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

E. Variances from the Provisions of Article 9, Floodplain Protection

The following requirements are additional to those set forth in other sections of this ordinance and apply to the granting of variance from the provisions of Article 9, Floodplain Protection.

1. Content of Application

Each written application for a variance shall reflect the type of structure(s) for which a variance is sought, the size of such structures, the approximate location upon the parcel and the intended use thereof.

2. Restriction of Variances

Due to the extreme hazardous conditions within the floodway and the effect of obstructions to upstream structures, no variance shall be issued within the designated floodway district (FWD) which would result in any increase in flood levels during the regulatory flood discharge.

3. Notice to Applicant upon Approval of Variances

Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the flood prone area, but the structure will be permitted to be built with a lowest flood elevation _____ feet below the regulatory flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation, and all subsequent purchasers shall be notified in writing, and same shall be set out in any deed or other writing issued to subsequent purchasers, lessees, mortgagors or vendees.

3.15.11 APPEAL

Any person including any agency of the city government aggrieved by a decision of the Board 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 chapter shall be final and subject to review only for illegality or want of jurisdiction.

SEC. 3.16 APPEAL OF ADMINISTRATIVE DECISION

3.16.1 APPLICABILITY

An appeal may be made by the aggrieved party in the case of refusal by the Zoning Administrator to issue a Zoning Permit, certificate of zoning compliance, or other administrative decision.

3.16.2 APPLICATION REQUIREMENTS

- A. An application for an appeal of an administrative decision shall be filed in accordance with Sec. 3.3.3, Application Requirements.
- B. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Zoning Administrator, or designee. The date and time of filing shall be entered on the notice.

3.16.3 DEADLINE FOR SUBMISSION OF APPLICATION

An appeal of an administrative decision shall be filed with the Board of Zoning Appeals within 30 days of receipt of the decision by the Zoning Administrator.

3.16.4 PUBLIC HEARING

Any appeal of an administrative decision shall require a public hearing before the Board of Zoning Appeals.

A. Scheduling of Hearing

1. Each application or appeal shall be numbered serially and filed in proper form with the required date, and shall be placed upon the calendar of the Board by the Zoning Administrator. The calendar numbers shall begin anew on January 1, each year, shall be hyphenated with the year in which the appeal is filed.
2. Appeals will be assigned for hearing by the Zoning Administrator in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order by the Board, upon good cause being shown. The Zoning Administrator of Adjustment shall give published public notice as forth in Sec.3.3.4.

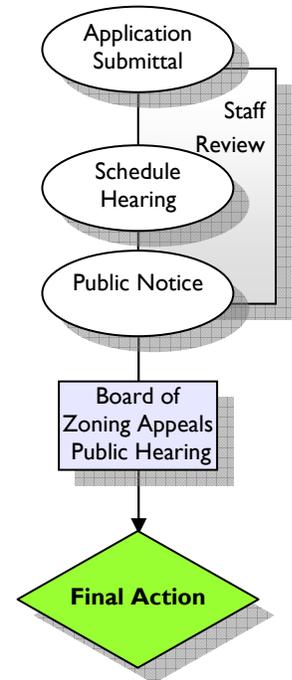
B. Notice of Hearing

1. All notices shall specify the current zoning and notification that applicant is seeking an appeal of administrative decision.
2. All notices shall be made at least 10 days prior to the scheduled Board of Zoning Appeals meeting.
3. Format of Notice
 - a. The notice shall be published in accordance with 3.3.4B.1, Published Notice.

3.16.5 ACTION BY BOARD OF ZONING APPEALS

A. Proceedings

1. At the public hearing of the case before the Board, the Appellant shall appear on his/her own behalf or be represented by counsel or agent. The Appellant's case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.



2. Every person before the rostrum shall abide by the order and direction of the chair. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the chair deems proper.

B. Decisions

1. The Board of Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken.
2. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
3. The concurring vote of a majority of the entire membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance a majority of those present and voting is required.
4. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

3.16.6 EFFECT OF APPEAL

- A. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Appeals that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this ordinance. In that case, proceedings shall not be stayed except by order of the Board of Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
- B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this ordinance are stayed.

3.16.7 APPEAL

Any person including any agency of the city government aggrieved by a decision of the Board 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 chapter shall be final and subject to review only for illegality or want of jurisdiction.

SEC. 3.17 ZONING ORDINANCE AMENDMENT

Commentary: A Zoning Ordinance Amendment is substantially different from a Rezoning. When amending the Zoning Ordinance, this document is being changed. For example, the setback requirements for a zoning district might be modified to allow a smaller side yard than previously required.

A Rezoning is actually changing the zoning as applied to a particular piece of property (as shown on the Zoning Map). For example, if a property is changed from a single-family Residential district to a highway service commercial district, the uses permitted on the property are drastically different.

3.17.1 GENERAL

The City Council may, from time to time, amend this Ordinance by changing any provisions whenever it is alleged that there was an error in the original Zoning Ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

3.17.2 COORDINATION WITH PLANS

- A. All petitions for Zoning Ordinance amendment shall be consistent with the Comprehensive Plan and applicable local plans. A petition for Zoning Ordinance amendment shall not be approved by the City Council when there is a conflict with the General Plan or applicable local plans, as determined by the Planning Commission (see Sec. 3.4, Plan Amendment/Adoption).
- B. When required, an application for a plan amendment may be submitted concurrently with an application for Zoning Ordinance amendment. The decisions, however, shall be rendered with separate motions.

3.17.3 INITIATION OF AMENDMENT

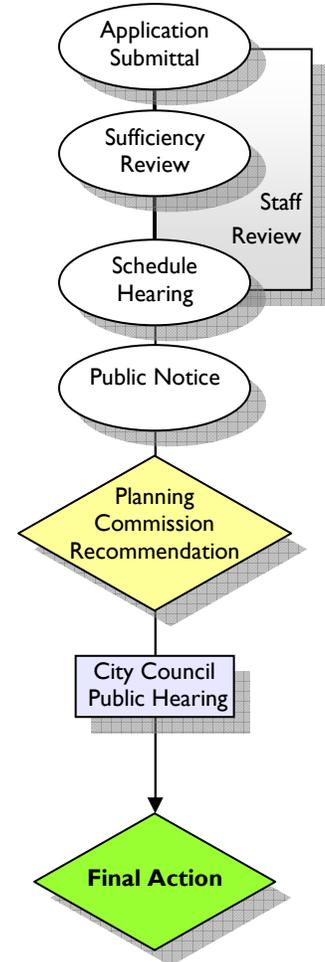
Zoning Ordinance amendments may be initiated by the City Council, the Planning Commission, Zoning Administrator or by an application by any other interested citizen of Columbia.

3.17.4 APPLICATION FOR AMENDMENT

- A. An application for Zoning Ordinance amendment shall be filed with at least one of the following:
 1. The Zoning administrator ;or
 2. The City Recorder.
- B. An application for Zoning Ordinance amendment shall be submitted in accordance with 3.3.3, Application Requirements.
- C. The City Recorder on receiving such application shall transmit copies thereof to the other bodies and the Planning Commission prior to any consideration of the proposed amendment by the City Council.

3.17.5 SCHEDULE HEARING

The petition shall be placed on the agenda of the next available Planning Commission meeting.



3.17.6 ACTION BY THE PLANNING COMMISSION

A. General Procedures

1. Planning Commission shall make its recommendation within 30 days of its initial meeting on the application. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be granted before the case shall go to the City Council.
2. When a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Commission recommendation.

B. Review and Recommendation Criteria

The Planning Commission in its review and recommendation shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
3. Whether or not the proposed text amendment corrects an error in the chapter; and
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.

3.17.7 SCHEDULE COUNCIL HEARING

The petition shall be placed on the agenda of the next available City Council meeting following a Planning Commission recommendation.

3.17.8 NOTICE OF PUBLIC HEARING

Any request for Zoning Ordinance amendment shall require a public hearing before the City Council.

A. Published Notice

1. Notice of the Zoning Ordinance amendment shall be published in accordance with 3.3.4B.1, Published Notice.
2. This notice shall also include:
 - a. A summary description of the proposed amendment;
 - b. A statement that interested parties may appear at the Planning Commission meeting; and
 - c. A statement that substantial changes to the proposed action may be made following the meeting.

3.17.9 ACTION BY THE CITY COUNCIL

A. General Procedures

1. A public hearing shall be held.
2. The City Council shall consider any recommendations by the Planning Commission in rendering its decision.

3. The City Council may approve the proposed amendment, approve the amendment with modifications, deny the amendment, or send the amendment back to the Planning Commission for additional consideration.

B. Deliberation and Decision Criteria

The City Council in its deliberation and decision shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
3. Whether or not the proposed text amendment corrects an error in the chapter; and
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.

3.17.10 EFFECT OF DENIAL OF APPLICATION

Whenever an application for an amendment to the text of this Zoning Ordinance is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the City Council, or Planning Commission.
- B. When the previous application was denied for the reason that the proposed zoning would not conform to the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

3.17.11 AMENDMENTS AFFECTING ZONING ORDINANCE

- A. Upon enactment of an amendment to the Zoning Ordinance, the Zoning Administrator shall cause such amendment to be entered into the Zoning Ordinance noting thereon the ordinance number and effective date of such amendatory ordinance.
- B. No amendment to this Zoning Ordinance shall become effective until after such change and entry has been made to the Official Zoning Ordinance on file with the Development Services Department.

3.17.12 NO UNAUTHORIZED CHANGES

No changes of any nature shall be made in the official zoning Ordinance except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Sec. 1.10, Remedies and Enforcement.

SEC. 3.18 REZONING

Commentary: A Rezoning is substantially different from a Zoning Ordinance Amendment. When doing a Rezoning, the Zoning Map is being changed. For example, a parcel is being changed from an R-20 District to an HSC District.

3.18.1 GENERAL

- A. For amendments to the Zoning Ordinance, see Sec. 3.17, Zoning Ordinance Amendment.
- B. The City Council may, from time to time, amend the Official Zoning Map by changing the boundaries of districts whenever it is alleged that there was an error in the Official Zoning Map or whenever the public necessity, convenience, and general welfare require such amendment.

3.18.2 COORDINATION WITH PLANS

- A. All petitions for rezoning shall be consistent with the Comprehensive Plan and any applicable local plans. A petition for rezoning shall not be approved by the City Council when there is a significant conflict with the Comprehensive Plan or applicable local plans, as determined by the Planning Commission (see Sec. 3.4, Plan Amendment/Adoption).
- B. When required, an application for a plan amendment may be submitted concurrently with an application for rezoning. The decisions, however, shall be rendered with separate motions.

3.18.3 INITIATION OF REZONING

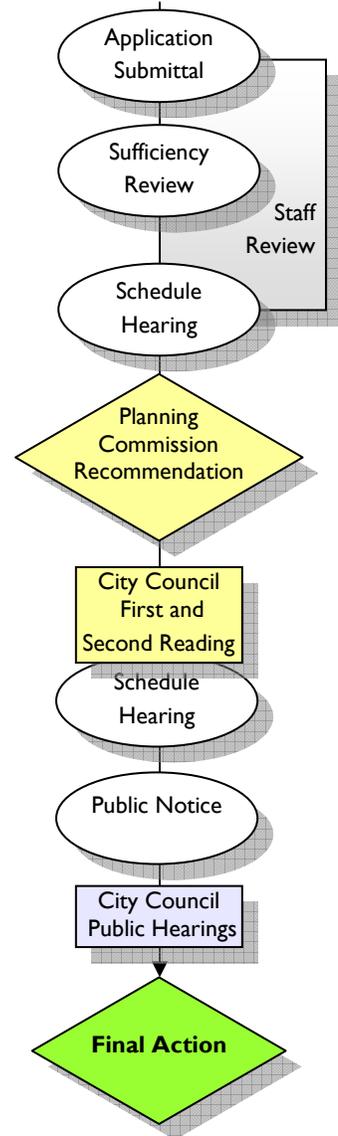
Rezoning may be initiated by the City Council, the Planning Commission, Zoning Administrator or by an application by the owner of the property or an authorized agent of the owner.

3.18.4 APPLICATION FOR REZONING

- A. An application for rezoning shall be filed with at least one of the following:
 - 1. The Zoning Administrator; or
 - 2. The City Recorder.
- B. The City Recorder on receiving such application shall transmit copies thereof to the other bodies and the Planning Commission prior to any consideration of the proposed amendment by the City Council.

3.18.5 APPLICATION REQUIREMENTS

- A. Rezoning should correspond with the boundary lines of existing platted lots or tracts except that of Planned Unit Developments which may have multiple uses with one property. If the boundaries of a rezoning request stop short of an exterior property line, that portion of the property outside the proposed rezoning boundary shall be capable of being subdivided and developed in accordance with the existing zoning and other requirements of this ordinance.
- B. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include necessary property being used to meet zoning requirements.



- C. A preliminary site plan shall be provided which, at minimum, complies with the requirements of Sec. 3.5.4B, Sketch Development Plan.

3.18.6 SCHEDULE HEARING

The petition shall be placed on the agenda of the next available Planning Commission meeting

3.18.7 ACTION BY THE PLANNING COMMISSION

A. General Procedures

- 1. Notice requirements shall be met.
- 2. Planning Commission shall make its recommendation within 30 days of its initial public hearing. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be granted before the case shall go to the City Council.
- 3. When a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Commission recommendation.

B. Review and Recommendation Criteria

The Planning Commission in its review and recommendation, shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

- 1. The rezoning is in agreement with the general plan for the area;
- 2. It has been determined that the legal purposes for which zoning exists are not contravened;
- 3. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare;
- 4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public; and
- 5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area’s general plan or other applicable local plans, and consequently, the zoning map.
- 6. The availability of adequate school, road, parks, wastewater treatment, water supply, and stormwater drainage facilities.

3.18.8 INITIAL READING BEFORE CITY COUNCIL

City Council shall hold an initial reading of the petition for rezoning prior to scheduling a public hearing.

3.18.9 NOTICE OF PUBLIC HEARING

Any request for rezoning shall require a public hearing before the City Council. After the initial reading before the City Council, the petition shall be placed on the agenda of the next available City Council meeting and notification of a public hearing shall be performed as follows:

A. Published Notice

- 1. Notice of the rezoning shall be published in accordance with 3.3.4B.1, Published Notice.
- 2. This notice shall specify the property by the best means possible and proposed zoning classification of the property under consideration.

B. Posted Notice

1. Except in cases of a newly annexed property receiving initial zoning, the City shall post signs on the property indicating the action requested in accordance with Sec. 3.3.4B.2, Posted Notice.
2. Initial zoning of properties newly annexed into the City of Columbia shall not require the posting of a sign.

C. Mailed Notice

1. Notice of the rezoning shall be mailed in accordance with 3.3.4B.3, Mailed Notice.
2. This notice shall specify the street address, current and proposed zoning classification, and it shall contain a graphic illustration of the area.

3.18.10 ACTION BY THE CITY COUNCIL

A. General Procedures

1. Notice requirements shall be met.
2. The City Council shall consider any recommendations by the Planning Commission in rendering its decision.
3. The City Council may approve the request, deny the request, or send the request back to the Planning Commission for additional consideration.
4. The City Council may approve the request at a less intensive classification than requested with consent of the applicant.

B. Hearings Required

Including the initial consideration before City Council mentioned above, two considerations before Council shall be required prior to any decision on the petition.

C. Deliberation and Decision Criteria

The City Council in its deliberation and decision shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The rezoning is in agreement with the general plan and any applicable local area plans;
2. It has been determined that the legal purposes for which zoning exists are not contravened;
3. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare;

3.18.11 EFFECT OF DENIAL OF APPLICATION

Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the City Council, or Planning Commission.
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made.
- C. When the previous application was denied for the reason that the proposed zoning would not conform to the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

3.18.12 ZONING DISTRICTS AS APPLIED TO TERRITORY ADDED TO JURISDICTION OF THE CITY OF COLUMBIA

Whenever new territory is added to the zoning jurisdiction of the City of Columbia by any means, the Planning Commission shall recommend to the City Council appropriate zoning districting within 30 days following the final approval of the annexation action. Prior to the final enactment by the City Council of an amendment to the zoning map, establishing zoning districting for said territory, the area shall be temporarily unclassified and no Zoning Permits shall be issued.

3.18.13 AMENDMENTS AFFECTING ZONING MAP

- A. Upon enactment of an amendment to the zoning map which is part of this ordinance, the Zoning Administrator shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.
- B. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

3.18.14 NO UNAUTHORIZED CHANGES

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Sec. 1.10, Remedies and Enforcement.

SEC. 3.19 PLAN AMENDMENT/ADOPTION

3.19.1 APPLICABILITY

- A. The City Council shall consider adoption of or amendments to the Comprehensive Plan, Future Land Use Map, or other adopted land use plans and maps (hereinafter referred to collectively as land use plans), as may be required from time to time.
- B. The City Council shall also consider adoption of or amendments to land use plans when zoning map amendment proposals are in significant conflict with the plans, as determined by the Zoning Administrator.

3.19.2 COORDINATION WITH APPLICATIONS FOR ZONING MAP AMENDMENTS

When required, an application for a plan amendment shall be submitted and reviewed concurrently with a zoning map amendment application. The public hearings on both the plan amendment and zoning map amendment may be heard at the same meeting; however, decisions shall be rendered with separate motions.

3.19.3 PRE-APPLICATION CONFERENCE

All applicants applying for a plan amendment shall schedule a pre-application conference with the Zoning Administrator in accordance with Sec. 3.3.2.

3.19.4 APPLICATION REQUIREMENTS

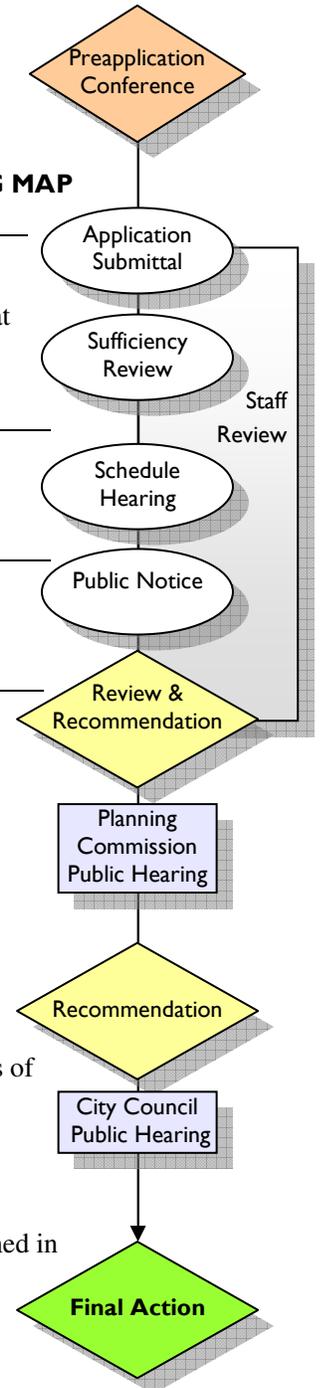
An application for a plan amendment shall be submitted in accordance with Sec. 3.3.3, Application Requirements.

3.19.5 ACTION BY THE PLANNING COMMISSION

- A. Before making any recommendation on a plan amendment, the Planning Commission shall consider any recommendations from the Zoning Administrator, and shall conduct a public hearing.
- B. Notice and public hearing requirements shall be in accordance with Sec. 3.3.4.
- C. It is expected that the applicant or a representative of the applicant will appear at the meetings to explain why the plan should be changed.
- D. Following the public hearing, the Planning Commission shall make a recommendation on the application to the City Council.
- E. The Planning Commission shall make its recommendation within 30 days of its initial public hearing. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 30-day period shall be granted before the case shall go to the City Council.
- F. When a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Commission recommendation.

3.19.6 CRITERIA FOR PLANNING COMMISSION RECOMMENDATIONS

The recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:



- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impacts in the adjacent area or the City in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

3.19.7 ACTION BY THE CITY COUNCIL

- A. Before taking action on a plan amendment, the City Council shall consider the recommendations of the Planning Commission and Zoning Administrator, and shall conduct a public hearing.
- B. Notice and public hearing requirements shall be in accordance with Sec. 3.3.4.
- C. It is expected that the applicant or a representative of the applicant will appear at the meetings to explain why the land use plan should be changed.
- D. Following the public hearing, the City Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Commission for additional consideration.
- E. An approval shall be by written resolution. The approval may be contingent upon conditions specified by the City Council. The effective date may be immediate or may be a date otherwise specified in the approval.

3.19.8 OFFICIAL COPIES OF LAND USE PLANS

Official, current copies of all land use plans adopted by the City of Columbia shall be maintained in the office of the Zoning Administrator and shall be available for review during normal business hours.

SEC. 3.20 PLANNED UNIT DEVELOPMENT (PUD)

3.20.1 APPLICABILITY

The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all planned unit developments, hereinafter referred to as a PUD, provided for by this article.

Commentary: Applications for a PUD follow the general procedure listed below:

- Preapplication conference with Zoning Administrator
 - Submit Application to Zoning Administrator
 - Preliminary Approval hearing before Planning Commission
 - Preliminary Approval hearing before City Council
 - Final Approval hearing before Planning Commission
- Specific procedures are detailed in this section.

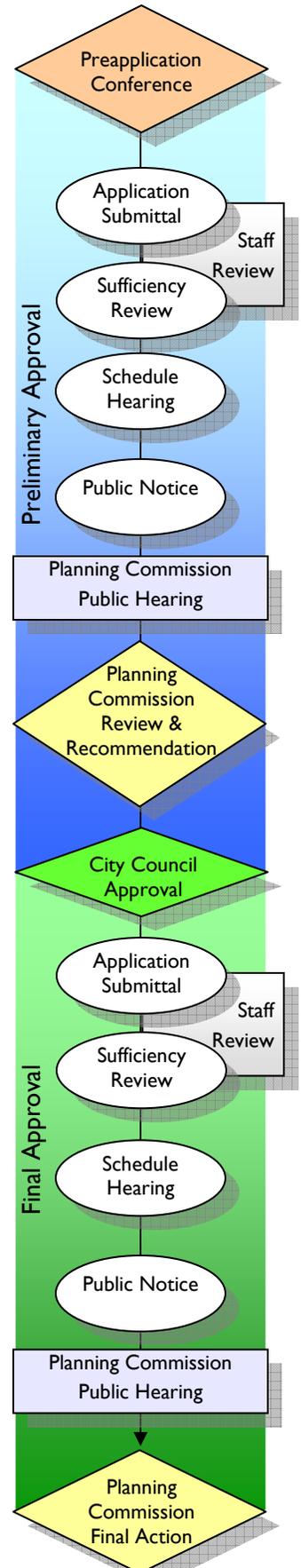
3.20.2 CONSISTENCY WITH AREA DEVELOPMENT PLANS

No PUD shall be approved unless all plans for development are found to be consistent with the then current issue of the General Plan of Columbia and any adopted special development plan for the area in which the development is proposed. The Planning Commission shall make a formal, written finding regarding the consistency of any proposed PUD, said report to include findings that the development:

- A. Will be consistent with the currently effective General Plan as well as any special development plan for the area;
- B. Is likely to be compatible with development permitted under the general development provisions of the Zoning Ordinance; and
- C. Will not significantly interfere with the use and enjoyment of other land in the vicinity.

3.20.3 PROVISIONS SHALL BE MADE MANDATORY

In the event that the adopted development plan for an area in which any development is proposed so recommends, the City Council shall require that all petitions for reclassifications of land within the area shall be formulated and administered in accordance with this article, including any amendments thereto. As appropriate for their respective areas, adopted development plans shall also contain recommendations which may differ from or supplement the provisions of this article respecting new or modified PUD districts; design standards for signage, setbacks, parking, and other matters, to be made applicable either area-wide or within particular PUD districts, or both; density credit or bonus systems linked to setback and open space requirements; or any other matter affecting public health, safety, or welfare. The City Council shall not entertain proposals for the reclassification of land within such areas until it has formally acted upon these recommendations.



3.20.4 RELATION OF PUD REGULATIONS TO OTHER REGULATIONS

- A. The PUD regulations in this ordinance shall apply generally to the initiation and regulation of all PUD districts. Where there are conflicts between the special PUD regulations herein and general zoning, subdivision, or other regulations or requirements, the PUD regulations shall apply in PUD Districts unless the City Council shall find, in the particular case that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.
- B. Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable PUD or general regulations, but the City Council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Council may make specific modification of the regulations in the particular case, provided that where floor area and similar ratios (other than off – street parking) have been established by these regulations, the Council shall not act in a particular case to modify such ratios.
- C. Except as indicated above, notwithstanding procedures and requirements generally in effect, procedures and requirements set forth herein and in guides and standards officially adopted as part of regulations for particular classes of PUD Districts shall apply in PUD Districts, to any amendments creating such districts, and to issuance of all required permits therein.

3.20.5 COMBINATION OF SEPARATE TYPES OF PUDS

The Planning Commission and the City Council may consider separate types of PUDs (such as residential and commercial PUD) within a consolidated master plan as a single administrative procedure provided the total tract is under the unified control of a landholder and the land area is sufficient to comply with separate area requirements combined. This provision in no way alters any requirements in this article.

3.20.6 STAGING OF DEVELOPMENT

The Planning Commission may elect to permit the staging of development, in which case, the following provisions shall apply:

- A. In a residential PUD, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
- B. Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent stages will not have an adverse impact on the PUD or its surroundings.
- C. The commencement of actual construction of any stage of the PUD shall be governed by the provisions of Sec. 3.20.13.
- D. In the instance of a combined PUD involving residential as well as commercial or industrial uses, the Planning Commission may permit the commercial and industrial uses to be constructed first, but only if it finds—and records its findings on the final development plan—that the nonresidential uses are consistent with current development plans even if no residential construction takes place.

3.20.7 DEVELOPMENTAL CONTROLS AND DIVISION OF LAND

- A. No tract of land may receive final approval as a PUD unless such tract is under the unified control of a landholder as defined by this ordinance. Unless otherwise provided as a condition of approval of a PUD, the landholder of an approved PUD may divide and

transfer parts of such development. The transferee shall complete each such unit, and shall use and maintain it in strict conformance with the adopted final master development plan.

- B. A report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area shall be submitted along with any application for approval of a preliminary development plan. The report shall state agreement of all present property owners and/or their successors in title:
1. To proceed with the proposed development according to the regulations in effect when the map amendment creating the PUD District becomes effective, with such modifications as are set by City Council in the course of such action;
 2. To provide bonds, dedication, guarantees, agreements, contracts, and deed restrictions acceptable to the City Council for completion of such development according to approved plans; and for continuing operation and maintenance of such areas, facilities, and services as are not to be provided, operated, or maintained at general public expense; and such dedications, contributions, or guarantees as are required for provision of needed public facilities and services; and
 3. To bind further successors in title to any commitments listed above.

3.20.8 CONSISTENCY WITH PUD STANDARDS

All PUD developments shall be subject to the design standards and requirements of Article 7, Planned Unit Development.

3.20.9 PREAPPLICATION CONFERENCE

- A. Prior to filing an application for approval of a PUD the applicant shall confer with the Zoning Administrator to determine whether the applicant is proceeding under the proper section of this ordinance, to consider the desirability or necessity of amending the master plan or petition, to clarify the issues and to discuss any other matter as may aid in the disposition of the project.
- B. All applicants applying for a PUD shall schedule a pre-application conference with the Zoning Administrator in accordance with Sec. 3.3.2.

3.20.10 PRELIMINARY APPROVAL OF THE PUD

A. Application for Preliminary Approval

1. An application for a plan amendment shall be submitted in accordance with Sec. 3.3.3, Application Requirements.
2. Application for preliminary approval shall be made by the landholder of the affected property or his authorized agent to the Zoning Administrator. The application for preliminary approval shall be accompanied by a preliminary master development plan meeting the requirements of Subsection B, below.

B. Preliminary PUD Master Development Plan

The preliminary master development plan for the proposed PUD shall be a general concept plan which shall include:

1. Sufficient information to disclose:
 - a. The location and size of the area involved.
 - b. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off – street parking and loading areas.

- c. Location and approximate dimensions of structures including approximate height, bulk and the utilization of structures including activities and the number of living units.
 - d. Estimated population density and extent of activities to be allocated to parts of the project.
 - e. Reservations for public uses including schools, parks, and other open spaces.
 - f. Other major landscaping features, and
 - g. The general means of the disposition of sanitary wastes and storm water.
2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
 3. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property.
 4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
 5. A stage development schedule, setting forth when the landholder intends to commence construction and a completion period.
 6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
 7. If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten days after the original submittal, for further information. In such case the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

C. Review by Other Departments of City Government

Other departments of the City as appropriate shall review the plan proposed for the PUD.

D. Review by the Architectural Design Review Team

Proposals using the PUD-VC District (Sec. 7.7) shall be reviewed by the Architectural Design Review Team as provided in Sec. 3.14.

3.20.11 ACTION BY THE PLANNING COMMISSION

A. Planning Commission Action on Preliminary Application for PUD

1. Before making any recommendation on a PUD application, the Planning Commission shall consider any recommendations from the Zoning Administrator and other City departments, and shall conduct a public hearing.
2. Notice and public hearing requirements shall be in accordance with Sec. 3.3.4.
3. It is expected that the applicant or a representative of the applicant will appear at the meetings to explain the proposed development and answer questions.
4. The Planning Commission may render one of the following recommendations:
 - a. Unconditional preliminary approval.
 - b. Conditional preliminary approval, in which the Planning Commission expressly denotes modifications which must be a part of the preliminary approval.
 - (1) When the Planning Commission's action is conditional preliminary approval, the Commission shall transmit in writing the conditions or

modifications which must be complied with in order that the proposed PUD receives preliminary approval.

- (2) Applicant shall have 60 days following the transmittal of the required modifications to demonstrate compliance with the required conditions or modifications and provide written commitment to comply with said requirements. The applicant shall receive preliminary Planning Commission recommendation to approve upon satisfactory review of the revised plans and/or written commitment(s).
- (3) If the applicant makes a negative reply within 60 days of the date of conditional preliminary approval, or does not reply to the Planning Commission, the PUD shall be deemed disapproved, unless such time limit is extended by a specific action of the Planning Commission upon a written request by the applicant.

c. Disapproval.

5. The Planning Commission shall make its recommendation to the City Council within 45 days of its initial public hearing. The Planning Commission shall prepare a report detailing the Commission's action on the application and any conditions that may apply if a conditional preliminary approval is granted. The time period for a recommendation may be altered, as in the case of significant modifications, in which case one additional 45-day period shall be granted before the case shall go to the City Council.
6. After review and recommendation by the Planning Commission, the applicant may proceed to the City Council with the proposal.
7. When a recommendation is not rendered within the time periods established in this section, the City Council may process the request without a Commission recommendation.

B. Action by City Council

1. Upon receipt of the Planning Commission's report and recommendations, the council shall consider such report and recommendations and otherwise proceed in the manner established in Sec. 3.17, Zoning Ordinance Amendment, and Sec. 3.18, Rezoning.
2. The City Council may render the following preliminary decisions:
 - a. Approve;
 - b. Disapprove the proposal; or
 - c. In an instance where the Planning Commission has recommended approval subject to conditions or recommendations for alterations, the Council may establish, eliminate or modify such conditions in its action. In any instance where the City Council may act to eliminate or modify conditions recommended by the Planning Commission for approval of the preliminary plan, the Council shall provide specific guidance as to:
 - (1) Overall design of the plan;
 - (2) Any modifications required; and
 - (3) Any additional information which may be required by the Planning Commission in order for it to determine substantial compliance between the preliminary and final development plan.
3. Upon City Council approval of the preliminary master development plan, the applicant may proceed to prepare and present to the Planning Commission a final master development plan for the proposed development. Only upon approval of a final master development plan shall the preliminary approval become final. In

any instance where a final master development plan may be presented in portions or stages, the zoning shall only become effective at the time of final approval of each individual stage or segment.

3.20.12 FINAL APPROVAL OF THE PROPOSED PUD

Preliminary approval of the PUD development plan by the City Council shall be required prior to initiating the final approval process.

A. Application for Final Approval

The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, conditions, and forms of bond as required herein. Copies of legal documents required by the Commission for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

B. Final Approval of Stages

The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large PUD, in compliance with the Sec. 3.20.6.

C. Failure to Obtain Final Approval

1. In the event the applicant fails to apply for final approval within two years from the date of preliminary approval by the City Council or in the event the Planning Commission finds that conditions in support of the granting of preliminary approval have so changed as to raise reasonable question regarding the landholder's ability to pursue the plan, the
2. Planning commission may recommend revocation of the zoning approval for the plan. Should the Planning Commission recommend withdrawal of approval of the plan a report of this action shall be sent immediately to the City Council along with a recommendation that action be taken to remove the PUD district from the zoning map.

D. Final Master Development Plan of A PUD

The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, or portion thereof, and shall include, but not limited to the following:

1. Final development plan drawings at a scale no smaller than one inch to 200 feet indicating:
 - a. The anticipated finished topography of the area involved (contours at vertical intervals as specified by the city engineer but not to exceed five feet.
 - b. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the PUD and to and from existing thoroughfares. This shall specifically include: Width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern.
 - c. An off – street parking and loading plan indicating ground coverage of parking areas.

- d. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, and other public or semi – public open space uses including any improvements which are to be deeded as part of any common use area.
 - e. Information regarding the physical characteristics of the surrounding area and developments within 300 feet of the proposed PUD.
 - f. A plot plan for each building site and common open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
 - g. A plan for proposed utilities including sewers, both sanitary and storm, gas lines, water lines, fire hydrants, and electric lines showing proposed connections to existing utility systems.
2. A plan showing the use, height, bulk, and location of all buildings and other structures. Any drawings used to meet this requirement need not be the result of final architectural decisions and need not be in detail.
 3. A generalized land use map and a tabulation of land area to be devoted to various uses and activities.
 4. A tabulation of proposed densities to be allocated to various parts of the area to be developed.
 5. A plan which indicates the location, function, and ownership of all open spaces, excepting those open spaces included in fee simple lots.
 6. Final drafts of all proposed covenants and grants of easement (particularly those pertaining to common open space).
 7. Incomplete Master Development Plan
If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten days after the original submittal, for further information. In such case the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is certified by the Zoning Administrator as being complete and ready for review.

E. Action on Final Plan

In reviewing a final plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance with the previously approved preliminary development plan. Secondly, all new information must be reviewed to determine its quality and compliance with all substantive requirements of this ordinance.

I. Review Procedure

- a. Application for final approval shall be made to the Planning Commission.
- b. The completed final plan must be submitted to the Zoning Administrator 15 days prior to the meeting of the Commission at which the plan is to be presented. 20 copies of the plan and related documents will be required.
- c. Within 30 days subsequent to the formal presentation of the final plan to the Planning Commission it shall be the duty of the Zoning Administrator to present data and findings of the various departments and agencies of the government concerning the proposed plan to the Planning Commission.
- d. In the course of its consideration and prior to any final approval the Planning Commission shall give notice and provide each of the following an opportunity to be heard:

- (1) Any person who is on record as having appeared at the formal public hearing on the preliminary development plan, or
 - (2) Any other person who has indicated to the Planning Commission in writing that he wished to be notified.
 - e. The Planning Commission may approve the final plan if it finds:
 - (1) That the final plan meets the provisions for substantial compliance with the preliminary plan; and
 - (2) The plan complies with all other standards for review which were not considered when the preliminary plan was approved.
2. **Approval with Modification**
 - a. Should the Planning Commission require any modification in the final development plan or any portion thereof including covenants, etc.; such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the final development plan.
 - b. The Planning Commission shall transmit in writing the conditions or modifications which must be complied with in order that the proposed PUD receives final approval. Within 60 days of the transmittal of the required modifications the landholder may make a written response concurring with the required modifications, in which case the PUD is deemed to have final Planning Commission approval at the date of the receipt by the Planning Commission of said written concurrence. Where the landholder makes a negative reply or no response is received within 60 days of the date of conditional final approval, the PUD shall be deemed disapproved, unless such time limit is extended by specific action of the Planning Commission. All such conditions or requirements for modification as may be required hereinunder shall be expressly for the purpose of:
 - (1) Causing the final development plan to meet the test of substantial compliance with the approved preliminary plan, or
 - (2) Meeting some specific requirement of this ordinance.
3. **Filing of an Approved Final Development**

Upon formal action by the Planning Commission approving a final development plan, or in the instance of conditional final approval, upon acceptance of the modifications as set forth in Sec. 3.20.11B, said plan and all maps, covenants, and other portions thereof, shall be filed with:

 - a. The City Council;
 - b. The City Recorder; and
 - c. The Zoning Administrator.
4. **Disapproval**
 - a. If the Planning Commission finds that the final plan does not meet the test for substantial compliance set forth in 3.20.12F or does not comply with other standards of review it shall disapprove the plan. In the event of disapproval a written report shall be prepared by the Planning Commission and sent to the City Council and the applicant. This report shall detail the grounds on which the plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards of review.
 - b. In the event that the Planning Commission disapproves any final development plan such action shall be reviewed by the City Council. The Council shall consider the report submitted by the Planning Commission and such other

information as it may require in order to determine whether such development in its view meets the test of substantial compliance and complies with other standards of review herein established. Should the City Council uphold the Planning Commission in its action, it shall notify the landholder that the action approving the reclassification of such property as it contained in the final development plan shall not become final. Should the Council determine that the plan does meet the test of substantial compliance and other requirements for approval it shall notify both the landholder and the Planning Commission of its decision and the action of the Council approving the zoning shall thereby become final.

F. Determination of Substantial Compliance

The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant do not involve changes which in aggregate:

1. Violate any provisions of this article;
2. Vary the lot area requirement as submitted in the preliminary plan by more than 10%;
3. Involve any increase in the number of dwelling units approved for the site in the preliminary development plan;
4. Involve a reduction of more than 3% of the area shown on the preliminary development plan as reserved for common open space and/or usable open space;
5. Increase the floor area proposed in the preliminary development plan for nonresidential uses by more than 5%;
6. Increase the total ground area covered by buildings by more than 2%; or
7. Alter the mix of dwelling unit types by more than 3% in any one category or type of dwelling unit.

3.20.13 FAILURE TO BEGIN PUD

If no “actual construction” has begun in the PUD within three (3) years from the date of approval of the final development plan, said approval shall be lapse and be of no further effect. The Planning Commission may, upon showing of good cause by the landholder, extend for periods of 12 months, the time for beginning construction. However, at least annually the Planning Commission shall review the status of any PUD on which construction has not begun in order to determine that the project has not been abandoned.

3.20.14 ENFORCEMENT OF THE DEVELOPMENT SCHEDULE

- A. Unless specifically approved as part of the overall development plan, the construction and provision of all common open spaces and public and recreational facilities which are shown on the final development plan must proceed at no slower rate than the construction of dwelling units. From time to time the Zoning Administrator shall compare the actual development accomplished with the approved development schedule. If the Administrator finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Administrator may take either or both of the following actions:
 1. Cease to approve any additional final plats;
 2. Instruct the Building Official to discontinue issuance of building permits.
- B. In any instance where the above actions are taken the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provision of common open spaces and public

and recreational facilities is brought into adequate balance prior to the continuance of construction.

3.20.15 BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY PERMITS

Building permits and use and occupancy permits may be issued for uses, buildings and other structures in a PUD in accordance with this article.

A. Building Permits

The City Engineer may issue a building permit for structures, buildings, activities, or uses as a part of a finally adopted PUD only in strict compliance with the final development plan of the particular PUD as finally adopted including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued for the area included in a preliminary PUD unit until the final development plan has been adopted.

B. Certificate of Occupancy Permit

A certificate of occupancy shall be issued when the Zoning Administrator determines that the structure, building, activity, or use as a part of a PUD conforms with the particular adopted final development plan, including the conditions of its approval, or approves a modification under the provisions of Sec. 3.20.16.

3.20.16 MODIFICATIONS IN AN APPROVED FINAL DEVELOPMENT PLAN DURING THE PERIOD OF INITIAL CONSTRUCTION

During the period of actual development or construction of any PUD, (or when developed in stages of any portion of the total development) the provisions of this section shall apply to all proposed modifications. Any proposed modification which is not permitted under these provisions may be approved only as an amendment to the adopted final development plan.

A. Minor Modifications Permitted During Construction

1. The Planning Commission may approve minor modifications in the location, siting, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development plan was approved so long as no modifications violates the basic policy and concept or bulk and open space requirements for the PUD as approved in the final development plan. The total of such modifications approved by the Planning Commission shall never in aggregate result in:
 - a. An increase in the residential activity;
 - b. An increase of more than 3% in the floor area proposed for nonresidential use of a commercial or industrial nature;
 - c. An increase of more than 3% in the total ground area covered by buildings;
or
 - d. A reduction of more than 2% in the area set aside for open space.
2. Minor modifications in the location of streets and underground utilities may be approved under this section.

B. Subjects Not Included For Modification

Any modification must be held to the minimum necessary. Each of the following conditions must be found to apply to the particular circumstances prior to the granting of the adjustment.

1. **Practical Difficulties or Unnecessary Hardship:** That strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardship.

2. **Extraordinary Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances or conditions do not apply generally to other land, buildings or uses in the same district.
3. **Not Detrimental:** That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.
4. **Health or Safety Not Adversely Affected:** That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.
5. **Maintains Intent of Ordinance and the Development Plan:** That such adjustment is within the intent and purpose of the ordinance and will not adversely affect the community objectives of the comprehensive plan.

NOTE: No modification approved hereinunder shall result in any reduction of required buffer areas or other specific open spaces required by this ordinance.

3.20.17 CONTROL OF PUD FOLLOWING COMPLETION

A. Issuance of Certificate of Completion

Upon completion of a PUD or of any phase of said development, the Zoning Administrator shall issue a certificate certifying this fact, and shall note the issuance of the certificate on the recorded final development plan.

B. Changes in the Use of Land or Bulk of Structures within a PUD after Completion

After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the PUD will be governed by the approved final development plan rather than by any other provisions of this ordinance. No changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures below:

1. Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Zoning Administrator if the extensions, alterations, or modifications are consistent with the purposed and intent of the recorded final development plan.
2. Any uses not authorized by the approved final development plan, but allowable in the PUD district within which the PUD is located as a permitted use or as a conditional use, may be added to the recorded final development plan under the procedures provided by for the approval of conditional uses.
3. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved as set forth below.
4. Changes in the use of common open space may be authorized by an amendment to the final development plan provided that no amendment approved hereunder may act to abrogate or annul any covenant which provides for the use, operation, or continuance of the common open space.
5. All other changes in the final development plan must be made by the City Council under the procedures authorized by this ordinance for a rezoning. No changes may be made in the final development plan unless such changes are required for the continued successful functioning of the PUD or unless such are required by changes in conditions that have occurred since the final plan was adopted or by changes in the development policy of the community.

6. No changes in the final development plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the PUD and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

3.20.18 RESUBDIVISION OF A PUD AFTER COMPLETION

A PUD may be subdivided and resubdivided for purpose of sale or lease after the certificate of completion has been issued under the procedures set forth below:

- A. If the subdivision or resubdivision of a PUD will create a new plot line the applicant shall make application to the Planning Commission for the approval of a subdivision or resubdivision. The Planning Commission may approve the subdivision or resubdivision if each section of the subdivided or resubdivided PUD meets the provisions of this article governing density, common open space, and dimensional requirements.
- B. All sections of a subdivided or resubdivided PUD are to be controlled by the final development plan rather than by the provisions of the zoning ordinance that otherwise would be applicable. The provisions of Sec. 3.20.17 governing changes in the final development plan, will apply.
- C. The owner or lessees of a subdivided or resubdivided PUD may jointly make application for a conditional use or for an amendment to the adopted final development plan.

SEC. 3.21 HEAVY MANUFACTURING PERMIT

Due to the potential for environmental damage associated with certain noxious uses included within the extensive manufacturing and scrap operations activity classifications, a special procedure is established for the review and approval of such uses.

3.21.1 APPLICABILITY

All proposed uses requiring a Heavy Manufacturing Permit as indicated in Article 8, Use Regulations shall be required to obtain a Heavy Manufacturing Permit prior to establishment or expansion.

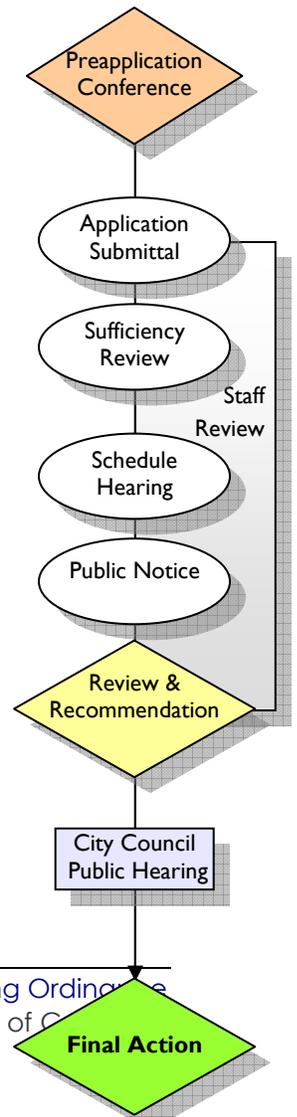
3.21.2 PRE-APPLICATION CONFERENCE

All applicants shall schedule a pre-application conference in accordance with Sec. 3.3.2.

3.21.3 APPLICATION REQUIREMENTS

An application shall be filed in writing with the Council in accordance with Sec. 3.3.3. Application Requirements and shall contain information and exhibits as may be required under Sec. 3.5, Development Plan Review. In the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Article 9 and Sec. 3.6. Additionally the applicant shall provide the following information in sufficient to reveal the intended function and ultimate operation of such use:

- A. The nature of the operations and/or processes proposed;
- B. The materials; including storage, processing, and handling methods, proposed; and
- C. The nature and potential level of atmospheric emissions associated with the intended operation.



3.21.4 MEETINGS

The City Council may conduct meetings as may be required in order to establish the findings necessary to proceed with such request. However, prior to final consideration of any information as has been provided to the City Council such shall be made available for public view and comment.

3.21.5 PUBLIC HEARING REQUIRED

Any request shall require a public hearing before the City Council.

A. Scheduling of Hearing

Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant.

B. Notice of Hearing

1. All notices shall specify the current zoning and notification that applicant is seeking a **Heavy Manufacturing Permit**.
 2. All notices shall include a brief summary indicating the nature of the action and the standard that is being modified (if applicable).
 3. All notices shall be made at least 10 days prior to the scheduled City Council meeting.
- 4. Format of Notice**
- a. The notice shall be published in accordance with 3.3.4B.1, Published Notice.
 - b. The notice shall be posted in accordance with 3.3.4B.2, Posted Notice.
 - c. The notice shall be mailed in accordance with 3.3.4B.3, Mailed Notice.

3.21.6 ACTION BY THE ZONING ADMINISTRATOR

- A. The Zoning Administrator shall transmit one copy of the application and all supporting information to the City Engineer for technical assistance in evaluating the proposed project.
- B. The Zoning Administrator shall prepare a report that reviews the application in light of any requirements of this ordinance and technical input from the City Engineer or other review bodies. A copy shall be provided to the City Council, and the applicant.

3.21.7 ACTION BY THE CITY COUNCIL

- A. The City Council shall conduct a public hearing.
- B. After the public hearing, and considering the recommendations of the Zoning Administrator, the City Council shall:
 1. Approve the request;
 2. Approve the request with conditions.
 3. Deny the request; or
 4. Continue the hearing.

3.21.8 REQUIREMENTS FOR HEAVY MANUFACTURING PERMIT

A Heavy Manufacturing permit may be granted provided the Council finds that the request conforms to the following requirements:

A. General Requirements

1. The proposed use is listed as a permitted use within the district applied to the property in question.

2. Conforms to any additional standards listed in Sec. 8.3, Conditional Use Standards, for the proposed use;
3. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
4. Will not adversely affect other property in the area in which it is located;
5. Conforms to all applicable provisions of this ordinance for the district in which it is to be located.
6. Any proposed use abutting a Residential district or use (whether or not such property is actively used as a residence), shall be required to provide a yard of a minimum depth of 150 feet between the proposed use and the adjacent Residential district or use. This yard shall not be used for any activity or use other than permitted in Sec. 6.2.9D, Permitted Obstructions in Required Yards.
7. A proposed use abutting all other districts or uses shall be required to provide a yard of a minimum depth of 100 feet between the proposed use and the adjacent district or use. In addition to the activities and uses permitted in Sec. 6.2.9D, Permitted Obstructions in Required Yards, off-street parking and off-street loading may be permitted in this yard.

B. Additional Requirements

The Council may impose such other conditions and restrictions as may be necessary to reduce or minimize the injurious effect of such heavy manufacturing use upon and ensure compatibility with surrounding properties. The Council may establish dates for the expiration of any Heavy Use permit as a condition of approval.

Article 4. NONCONFORMITIES

SEC. 4.1 GENERAL

4.1.1 PURPOSE

Zoning regulations established by the adoption of this ordinance or amendments to this ordinance may cause properties and uses which were lawful prior to the adoption of certain regulation to not meet requirements after adoption of the regulations. The purpose of this section is to establish procedures and regulations for the use of those properties or structures which are in conflict with the requirements of this ordinance. It is not the intent of this section to encourage the continuance of nonconformities that are out of character with the standards of the zoning district. It is the intent of this section, however, to allow certain nonconforming situations to continue as legal exceptions to this ordinance.

4.1.2 APPLICABILITY

The provisions of this chapter are applicable to all nonconformities as defined below.

4.1.3 NONCONFORMITIES DEFINED

A nonconformity shall be any lot, use, improvement, or structure that, as a result of amendments to this ordinance or a preexisting condition, does not meet the current standards of the ordinance.

A. Nonconforming Lot

A nonconforming lot shall be any legally established parcel that does not conform to the current area or dimensional requirements of the zoning district in which it is located.

B. Nonconforming Use

A nonconforming use shall be any land use or type of residential use that was legally established but has become a prohibited use in the district in which it exists.

C. Nonconforming Improvement or Structure

A nonconforming improvement or structure shall be any legally established improvement, building or structure that fails to meet current ordinance standards for setback, height, or similar factors.

D. Structures or Uses Located Within the Floodplain

Buildings and other structures located within the floodplain are considered within the regulation of nonconforming uses.

4.1.4 BUILDING OR USE PERMIT APPROVED PRIOR TO ORDINANCE ADOPTION

- A. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance or any subsequent amendments, provided that all construction shall be:
1. In conformance with the approved plans;
 2. Started prior to the effective date of this ordinance and completed within the six-month period following the issuance of the certificate or permit; and
 3. Not discontinued until completion except for reasons beyond the builder's control.
- B. All other construction shall be subject to the provisions of this ordinance, as amended.

4.1.5 CONTINUATION OF NONCONFORMITIES

Legal nonconformities as defined in Sec. 4.1.3 may continue, as limited herein. Continuation, reconstruction, alteration, and/or expansion of such nonconformities shall be subject to the provisions of this Article.

SEC. 4.2 NONCONFORMING LOTS**4.2.1 GENERAL STANDARDS**

- A. The creation of a lot with a width or area smaller than allowed by existing zoning requirements is prohibited, except by governmental action such as Right-of-Way acquisition or roadway widening.
- B. Notwithstanding this prohibition, the creation of a lot that does not meet ordinance requirements is allowed where such lot is comprised of one or more legal nonconforming lots that are being enlarged to create a lot that more closely meets ordinance standards.
- C. Where governmental action has reduced the size of a lot, construction, reconstruction, and additions to structures on the lot shall be considered under the standards for nonconforming lots set forth in this subsection.

4.2.2 SINGLE-FAMILY RESIDENTIAL LOTS OF RECORD

In order for a single-family structure to be built on a legal nonconforming lot where such single family structure is an allowed use, the lot shall be increased in width and/or size to meet current ordinance requirements. However, enlargement is not required if the lot:

- A. Is in a district permitting single-family residential uses;
- B. Contains a minimum lot area of 5,000 square feet or no less than 50% of the minimum required base lot area for the district in which it is located, whichever is greater;
- C. Is located on a street which has been accepted, and is maintained by, the City, County, or TDOT, and has either City water/sewer or approval from the City for septic and/or well service; and
- D. Is not part of a development in which a new subdivision plat or site plan is being approved to allow development of the subject lot and adjacent lots.

SEC. 4.3 NONCONFORMING USES**4.3.1 CHANGE OF NONCONFORMING USE**

- A. **General Provisions**
 1. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
 2. For the purpose of this ordinance, a change in use is a change to another use either under the same activity type of any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.
 3. A nonconforming use may be changed to any conforming use, and this ordinance, as amended shall apply to such change of use or to alterations made in order to accommodate such conforming use.

B. Nonconforming Uses Located In Residential Districts

1. Building Designed for Residential Use

In all Residential districts, a nonconforming use located in a building designed for residential use may be changed only to a conforming use permitted in the applicable district.

2. Building Designed for Nonresidential Use

In all Residential districts, a nonconforming use located in a building designed for a nonresidential use may be changed to another nonconforming use provided that:

- a. The degree of noncompliance is not increased;
- b. The impacts of the resulting nonconforming use will be less detrimental to the surrounding neighborhood than the existing nonconforming use;
- c. Structural alterations, except as permitted in Sec. 4.4.1 or enlargements in conformance with Sec. 4.3.2, are not made to the building or other structure;
- d. Accessory signs for such use do not exceed the requirements of the City of Columbia Sign Ordinance for the subject district;
- e. Storage of materials or products accessory thereto are within an enclosed building; and
- f. A Conditional Use permit is obtained subject to the requirements of Sec. 3.14.

C. Nonconforming Uses Located In Nonresidential Districts

In all nonresidential districts a nonconforming use may be changed to a conforming use or such nonconforming use may be changed to another nonconforming use provided that:

1. The degree of noncompliance is not increased;
2. The impacts of the resulting nonconforming use will be less detrimental to the surrounding neighborhood than the existing nonconforming use; and
3. Structural alterations, except as permitted in Sec. 4.4.1 or enlargements in conformance with Sec. 4.3.2, are not made to the building or other structure.

D. Land with Incidental Improvements

1. A nonconforming use of land with incidental improvements shall only be changed to a conforming use.
2. When a nonconforming use located on land with incidental improvements is damaged or destroyed to the extent of 25% or more of the cumulative assessed valuation of all buildings, structures, and other improvements (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall thereafter be used only for a conforming use.

4.3.2 EXPANSION OF NONCONFORMING USE

A nonconforming use of land or building shall not be enlarged, intensified, or extended in such a way except in conformity with this ordinance except as follows.

- A. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

4.3.3 TIME LIMITATIONS

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of thirty (30)

continuous months, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

4.3.4 CONTINUATION OF CONDITIONAL USE, VARIANCE, OR EXCEPTION

Whenever any use has been permitted as a conditional use, variance, or exception under the provisions of Zoning Ordinance in effect at the time of adoption of this Zoning Ordinance and has not been made conforming by the adoption of this Ordinance, such authorization may be continued subject to the time of approval of said variance, exception, or conditional use, including any time period established for the continuation of such use. However, any change of use, alteration or expansion not expressly authorized by this Article is subject to the provisions of this Ordinance.

SEC. 4.4 NONCONFORMING IMPROVEMENT OR STRUCTURE

4.4.1 REPAIRS, ALTERATIONS AND MAINTENANCE

Any nonconforming building or structure that is renovated, repaired, altered, or otherwise improved by more than 75% of its reasonable replacement value at the time of renovation, repair, or alteration shall be brought into conformance with the requirements of this ordinance, as amended.

A. Maintenance

Nothing in this Article shall prevent the routine maintenance of a building or structure.

B. Restoration of Damaged Structures

1. Any nonconforming building or structure, damaged more than 50 percent of their reasonable replacement value at the time of damage either through neglect or deferred maintenance or normal wear and tear over a period of time, or by fire, flood, explosions, wind, earthquake, war, riot or other act, shall not be restored or reconstructed and used except in conformity with the requirements of this ordinance and all rights as a nonconforming use are terminated. The provisions of this subsection shall not apply to any bona fide residence used for residential purposes.
2. For purposes of this section, the percentage of damage for buildings shall be calculated by dividing the estimated cost of restoring the building as nearly as possible to its condition prior to the occurrence, by the appraised value of the building (excluding the value of the land) immediately prior to the occurrence.
3. The percentage of damage for other structures shall be calculated by dividing the estimated cost of restoring the structure (or sign) by its reasonable replacement cost.

C. Reconstruction

A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.

4.4.2 RESIDENTIAL BUILDINGS NONCOMPLYING AS TO LOT AREA

If a residential or mixed-use building does not comply with the applicable district regulations on lot area per dwelling unit (lot area of zone lot being smaller than required for the number of dwelling units on such zone lot) such building may be converted (and in mixed buildings, the residential use may be extended, except when in the floodplain district), provided that the deficiency in the required lot area is not thereby increased.

Commentary (Taken from existing Ordinance):

4.4.3 Special Provisions Governing Nonconforming Structures and Improvements Within Floodplain Districts

For example, a noncomplying building on a zone lot of 3,500 square feet which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units requiring a lot area of no more than 5,000 square feet.

4.4.3 SPECIAL PROVISIONS GOVERNING NONCONFORMING STRUCTURES AND IMPROVEMENTS WITHIN FLOODPLAIN DISTRICTS

A. General Provisions

In all districts or portions thereof which extend into the floodplain districts as established by Sec. 5.1.2A, any building or other structure or use which is not permitted by the floodplain district provisions (Article 9) shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

B. Enlargement of Buildings within the Floodplain

A building or other structure which is nonconforming by reason of location within the floodplain shall not be enlarged or expanded but may be altered, or repaired as set forth in Sec. 4.4.1 or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood – proofing measures provided that such alteration will not increase the level of the 100 – year flood or extend the normal life of such nonconforming building or structure.

C. Special Provisions Governing Reconstruction of Buildings or Structures Located Within Floodway Districts (Fwd)

Within any designated floodway district any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

1. No reconstruction or alteration permitted in this Section shall result in any increase in the level of the 100 – year flood;
2. The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure;
3. Non-residential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one foot above the level of the 100 – year flood or the structure is flood – proofed (in accordance with the requirements of Article 9) to a height of at least one foot above the level of the 100 – year flood; and
4. Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least one (foot above the level of the 100 – year flood.

Article 5. ZONING DISTRICTS

SEC. 5.1 ESTABLISHMENT OF DISTRICTS

5.1.1 BASE DISTRICTS

In order to implement all purposes and provisions of this ordinance, the following districts are hereby established:

Symbol	Description
Residential Districts	
RS – 40	Single – Family Low Density Residential Districts
R – 40	Low Density Residential Districts
RS – 20	Single – Family Low Density Residential Districts
R – 20	Low Density Residential Districts
RS – 10	Single – Family Low Density Residential Districts
R – 10	Low Density Residential Districts
RS – 6	Single – Family Medium – High Residential Districts
R – 6	Medium – High Residential Districts
RM – 1	High Density Residential Districts
RM – 2	High Density Residential Districts
R – MHP	Manufactured Home Park Residential Districts
Commercial Districts	
OCL	Office Commercial Service Limited Districts
CBD	Central Business Districts
ISD	Interstate Service Districts
CSO	Commercial Service/Office Districts
MCD	Mixed Use Commercial Service Districts
MRC	Mixed Use Residential/Commercial Service Districts
GCS	General Commercial Service Districts
Industrial Districts	
IR	Restrictive Industrial Districts
IG	General Industrial Districts
IS	Special Industrial Districts

5.1.2 SPECIAL DISTRICTS

The following are hereby established as special districts. Within these districts, additional provisions may apply.

A. Floodplain Districts

1. District Names

The following have been established as Floodplain Districts

- a. Floodway Districts
- b. Flood Fringe Districts

2. District Standards and Regulations

Development within the Floodplain Districts shall conform to the standards and regulations established in Article 9, Floodplain Protection. A Floodplain Development Permit, as described in Sec. 3.6, may be required in addition to other applicable permits.

B. Historic and Landmark Overlay Districts

Projects within the Historic and Landmark Overlay Districts, as designated on the Official Zoning Map of the City of Columbia, may be subject to additional standards and require additional permits, including a Certificate of Appropriateness (Sec. 3.12). A copy of the standards applicable to each overlay district may be obtained from the Zoning Administrator.

C. Cottage Housing District (CHO) Overlay

The CHO Overlay is established to operate in conjunction with underlying zoning districts and permit compact residential developments in urban areas. Homes within the CHO will typically be situated on more modestly-sized lots.

D. Planned Unit Development (PUD) Districts

Development within the PUD Districts shall conform to the standards and regulations established in Article 7, PUD Districts. A PUD Development Permit, as described in Sec. 3.20, PUD Review, shall be required in addition to other applicable permits.

Symbol	Description	Reference
PUD-R	PUD- Residential	Sec. 7.3
PUD-C	PUD- Commercial	Sec. 7.4
PUD-I	PUD- Industrial	Sec. 7.5
PUD-OP	PUD- Office Park	Sec. 7.6
PUD-VC	PUD- Village Center	Sec. 7.7

5.1.3 DISTRICT STANDARDS

Standards applicable to Base Districts may be found Article 6. Standards applicable to Special Districts may be found as follows:

- A. Floodplain District standards may be found in Article 9.
- B. Historic and Landmark Overlay District standards may be found in the applicable historic district regulations. Current copies of these documents may be obtained from the Zoning Administrator.
- C. Standards applicable to the Cottage Housing Overlay (CHO) may be found in 6.3.10.
- D. Planned Unit Development District standards may be found in Article 7.

5.1.4 GROUPING OF DISTRICTS

- A. Where the phrase “Residential district” or “Residentially-zoned” is used in this Ordinance, the phrase shall be construed to include the following districts:
 - 1. Any R- district;
 - 2. Any RS- district;
 - 3. Any RM- district;
 - 4. Any R-MHP district; and
 - 5. Any PUD-R district.
- B. Where the phrase “Commercial district” or “Commercially-zoned” is used in this Ordinance, the phrase shall be construed to include the following districts:

5.1.4 Grouping of Districts

1. The OCL district;
 2. The CBD district;
 3. The HSD district;
 4. The CSO district;
 5. The MCD district;
 6. The MRC district;
 7. The GCS district; and
 8. Any PUD-C district.
- C. Where the phrase “Industrial district” or “Industrially-zoned” is used in this Ordinance, the phrase shall be construed to include the following districts:
1. The IR district;
 2. The IS district;
 3. The IG district; and
 4. Any PUD-I district
- D. Where the phrase “nonresidential district” is used in this Ordinance, the phrase shall be construed to include any of the districts listed in Sec. 5.1.4B, and Sec. 5.1.4C above.

SEC. 5.2 PROVISIONS FOR OFFICIAL ZONING MAP

5.2.1 INCORPORATION OF MAPS

The boundaries of districts established by this ordinance are shown on the official zoning maps, which are hereby incorporated into the provisions of this ordinance. The zoning maps in their entirety, including all amendments shall be as much a part of this ordinance as if fully set forth and described herein.

5.2.2 IDENTIFICATION AND ALTERATION OF THE OFFICIAL ZONING MAP

- A. The official zoning map shall be identified by the signature of the mayor attested by the city recorder, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in ARTICLE I of this ordinance, Number 3638, of the City of Columbia, Tennessee," together with the date of the adoption of this ordinance.
- B. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, The official zoning map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures within the City's limits in the planning region.

5.2.3 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The City may use the resolution process to address minor drafting, omissions, or other errors but must use the Rezoning process described in Sec. 3.18 to make substantive modifications to the official zoning map. The new official zoning map shall be identified by the signature of the Mayor, attested by the City Recorder, and bearing the seal of the City under the following words:

"This is to certify that this official zoning map supersedes and replaces the official zoning map adopted _____, by the City of Columbia, Tennessee."

5.2.4 PRESERVATION OF MAPS

All prior official zoning maps or any significant portions of zoning maps shall be preserved, together with all available records pertaining to their adoption or amendment.

SEC. 5.3 INTERPRETATION OF DISTRICT BOUNDARIES

5.3.1 RULES

When uncertainty exists as to the boundaries of districts shown on the official zoning map, the following shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsection “A” through “E” above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of map;
- G. Where physical or cultural features existing on the ground are different than those shown on the official zoning map, or in other circumstances not covered by Subsections “A” through “F” above, the Board of Appeals shall interpret the district boundaries;
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed 500 feet beyond the district line into the remaining portion of the lot.

SEC. 5.4 NEWLY ANNEXED PROPERTIES

Newly annexed properties shall have an initial zoning of RS-40. However, an application for rezoning to any other zoning district may be considered concurrently with the action for annexation subject to Sec. 3.18, Rezoning.

SEC. 5.5 RESIDENTIAL DISTRICTS

The Residential District descriptions below list the intent statements applied to both exclusively single-family, detached Residential districts and Residential districts that permit the construction of single-family, attached residential projects. Districts that permit only single-family residential development shall be indicated on the Official Zoning Map by an “RS” followed by a modifier indicating the district intensity. Districts that permit both single-family and two-family residential development shall be indicated on the Official Zoning Map by an “R” followed by a modifier indicating the district intensity.

Commentary: For example, in the R/RS-40 districts described below, the two districts have the same general purpose and development standards. However, residential development in areas zoned RS-40 is restricted to single-family detached housing while two-family dwellings would be permitted in the R-40 district.

5.5.1 R/RS- 40, LOW DENSITY RESIDENTIAL DISTRICTS

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. It is the intent of this ordinance that these districts be located in areas where full urban services are not available and may not be economically feasible to provide. Generally, the residential development will consist of one – and two – family detached dwellings intermixed with farming and agricultural uses. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments.

5.5.2 R/RS – 20, LOW DENSITY RESIDENTIAL DISTRICTS

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. It is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. Generally, the residential development will consist of one – and two – family dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments.

5.5.3 R/RS – 10, LOW DENSITY RESIDENTIAL DISTRICTS

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. It is the intent of this ordinance that these districts shall be served by complete urban services and facilities and that provision be made for the orderly expansion and maintenance of urban residential development within the urban area. Generally, the residential development will consist of one – and two – family dwellings and such other structures as are accessory thereto. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments.

5.5.4 R/RS – 6, MEDIUM DENSITY RESIDENTIAL DISTRICTS

These districts are designed to provide suitable areas for medium density residential development where complete urban facilities are available prior to development. These districts will be characterized by one – and two – family dwellings and such other structures as are accessory thereto. These districts are intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of these

districts, or which are benefited by and compatible with a medium density residential environment.

5.5.5 RM – 1 AND RM – 2, HIGH DENSITY RESIDENTIAL DISTRICTS

These districts are designed to provide suitable areas for high density development where sufficient urban facilities are available prior to development. All types of residential activities excepting manufactured homes are permitted. It is the intent of these districts to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. These districts are intended also to permit community facility and public utility installations which are necessary to service and to service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment.

5.5.6 R – MHP, MANUFACTURED HOME PARK RESIDENTIAL DISTRICTS

These districts are designed to provide suitable areas for manufactured home parks where sufficient urban facilities are available prior to development. Manufactured homes and buildings necessary to support the residential occupancy of these structures are permitted. These districts are intended also to permit community facilities and public utility installations which are necessary to service and to service specifically the residents of these districts, or which are benefited by and compatible with a residential environment.

SEC. 5.6 COMMERCIAL DISTRICTS

5.6.1 GENERAL

The commercial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

- A. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
- B. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust, and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- C. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off – street parking and loading facilities.
- D. To provide sufficient and appropriate space, and in particular sufficient area, to meet the needs of the area's expected future need for modern, planned commercial floor space, including the need for off – street parking space in areas where a large proportion of customers come by automobile, and to encourage the tendency of commercial establishments to concentrate in integrated, PUDs, to the mutual advantage of both consumers and merchants.
- E. To provide sufficient space in appropriate locations for commercial districts to satisfy specific functional needs of the area, and in particular the need for medical services, and the needs of the general public traveling along major thoroughfares.
- F. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.

- G. To provide appropriate locations for transitional uses intervening between commercial developments and residential areas, and thereby alleviate the frictions inherent between dissimilar activities.
- H. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- I. To provide freedom of architectural design, in order to encourage the development of more attractive, efficient, and economic building forms, within appropriate standards.
- J. To promote the most desirable use of land and direction of building development in accord with a well – considered plan, to promote stability of commercial development, to strengthen the economic base of the area, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings.

5.6.2 PURPOSE OF DISTRICTS

A. OCL – Office Commercial Service Limited Districts

These districts are designed to provide a transition between more intensive commercial activities occurring along major traffic arteries and residential areas. The office activities are ones which tend to produce relatively low volumes of traffic. The commercial activities are highly restricted so as to maintain compatibility with nearby residential activities. These districts may occur along arterial streets or adjacent to more intensive commercial activities. The bulk regulations are established to provide for maximum compatibility between the commercial uses and nearby residential activities.

B. CBD – Central Business Districts

This district is designed to provide for a wide range of retail, office, amusement and service uses. High intensity of use is permitted in this district, and increased building bulk is permitted as a means of encouraging such development. A setting conducive to, and safe for, a significant volume of pedestrian traffic is desired in order to promote a high level of contact with ultimate consumers of goods and services.

C. ISD – Interstate Service Districts

These districts are designed to provide adequate space along Interstate highways and other major traffic arteries to serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize these districts. Appropriate locations for these districts are along Interstates and major traffic arteries in an environment of general commercial activity. Due to the high traffic volumes and general incompatibility between the uses permitted within these districts and residential activities they shall not be located in residential areas.

D. CSO – Commercial Service Office Districts

These districts are designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted commercial functions are those which provide for regular local shopping and which, therefore, are frequented by customers. In addition to the commercial activities, certain office activities are permitted. These districts are characteristically small and widely distributed throughout the community for convenient accessibility. The bulk regulations are established to provide for maximum compatibility between the activities permitted in these districts and adjacent residential activity. The establishment of a new district of this nature must be preceded by the development of residential areas capable of supporting the activities proposed.

E. MCD – Mixed Use Commercial Service Districts

These districts are designed primarily to provide sufficient space in appropriate locations for establishments and uses engaged in wholesale trade, warehousing of a wide variety of products or materials, manufacturing processes having the highest performance standards and the least objectionable characteristics, and services ancillary thereto. As these districts tend to generate relatively large volumes of heavy vehicular traffic and have other characteristics detrimental to residential environments, their locations are removed from the proximity of Residential districts insofar as possible. Where these districts must necessarily abut residential areas, requirements designed to lessen incompatible features of commercial development are stipulated. In addition, a selection of consumer retail trade establishments, consumer service uses, and community facilities and utilities, considered necessary to service the principal uses in these districts or necessary for the general community welfare, are permitted.

F. MRC – Mixed-Use Residential Commercial Service Districts

These districts are designed to provide adequate space in appropriate locations for high intensity office uses intermixed with high density residential and limited retail service functions. Characteristics of permitted residential developments are buildings designed for multiple dwelling units, or designed to be attached with party walls. Commercial development, having a minimum of characteristics objectionable in a high density residential environment, is permitted. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or as nodes along major traffic arteries.

G. GCS – General Commercial Service Districts

These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. It is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

SEC. 5.7 INDUSTRIAL DISTRICTS

5.7.1 GENERAL PURPOSES OF INDUSTRIAL DISTRICTS

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of the area for all types of distributive, industrial, and related activities, with due allowance for the need for choice of suitable sites.
- B. To protect distributive, industrial, and related activities, as well as residential and related activities by providing for the separation of these uses, and as far as possible, assure that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
- C. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- D. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
- E. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
- F. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community's tax revenues.

5.7.2 DISTRICT INTENT

A. IR, Restrictive Industrial Districts

This class of district is intended to provide space for a wide range of industrial and related uses which conform to a high level of performance criteria and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, and community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

B. IG, General Industrial Districts

This class of district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics require locations relatively well segregated from non – industrial uses. New residential establishments and community facilities which provide needed services for industry and are complementary thereto are permitted.

C. IS, Special Industrial Districts

This class of district is intended to provide suitable areas for intense or potentially noxious industrial operations, including open land operations. It is specifically intended that all newly created districts be so located as to prevent possible negative impact upon adjoining uses. To this end, these districts are to be protected from encroachment by other activities.

Article 6. DISTRICT DEVELOPMENT STANDARDS

Commentary: *This article provides standards that apply to all development within the various zoning districts.*

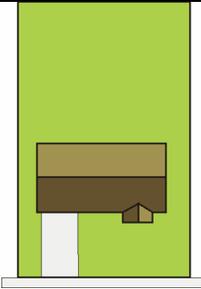
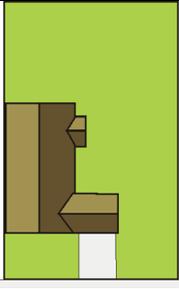
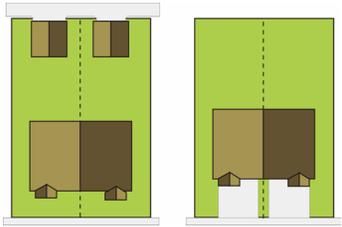
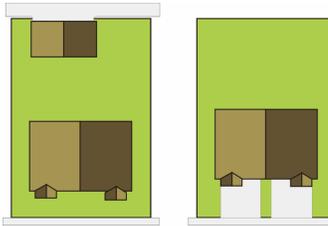
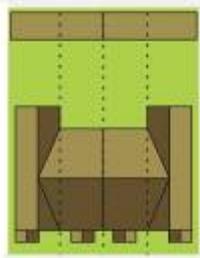
SEC. 6.1 GENERAL

6.1.1 REFERENCE TO ADDITIONAL STANDARDS

- A. Unless specifically modified elsewhere in this Ordinance, the general standards listed in this Section shall apply to all development within the City of Columbia. Further standards applicable to specific districts may be found in Sec. 6.3 (Residential), Sec. 6.4 (Commercial), and Sec. 6.5 (Industrial).
- B. Instructions for implementing these standards are found in Sec. 6.2, Standards, Measurement and Computation.
- C. Individual uses may have additional standards which may be found in Article 8, Use Regulations.
- D. Unless specifically exempted by this Code, all development shall conform to the floodplain regulations requirements established in Article 9, Floodplain Protection.
- E. Unless specifically exempted by this Code, all development shall conform to the parking, loading, and access requirements established in Article 10.
- F. Unless specifically exempted by this Code, all nonresidential, multifamily, and certain residential developments shall conform to the buffering and landscaping requirements established in Article 11.
- G. Unless specifically exempted by this Code, all development shall conform to the sign requirements established in the Sign Ordinance.
- H. Unless specifically exempted by this Code, all nonresidential, multifamily, and certain residential developments shall conform to the design and performance requirements established in Article 12.

6.1.2 HOUSING TYPES

The following housing types and descriptions are established to provide a common terminology for housing in Columbia. The choices include a variety of housing types, some of which may not be currently found, but provide for their potential use in the future. All drawings in this section are for illustrative purposes only.

		
<p>Single-Family Detached A dwelling unit located on a single lot with private yards on all four sides.</p>	<p>Zero Lot Line A dwelling unit located on a single lot with private yards on three sides, The unit has only a single side yard comprising the equivalent of two side yards of a single-family detached house.</p>	<p>Single-Family Attached Two attached single-family units located on two lots that share a common wall along the lot line, providing for fee-simple ownership.</p>
		
<p>Two-Family Attached Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.</p>	<p>Townhouse or Rowhouse Three or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units may be mixed vertically.</p>	<p>Multi-Family A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. Dwelling units may be mixed vertically or horizontally</p>
		 <p>Upper-Story Residential A residential dwelling unit located on a floor above a</p>

		nonresidential use.
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A. Manufactured Homes and Modular Buildings

In addition to the housing types found in the table above, the following terminology shall apply:

1. Manufactured Home- Class A

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, as amended (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 associated plumbing, heating, air conditioning and electrical systems.

2. Manufactured Home

A detached one family dwelling constructed as a single self contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels with all the following characteristics as prescribed in Section 68-126-202, (4), (6) and (7) of TCA:

- a. Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- b. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.
- c. Manufactured home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

3. Double-Wide Manufactured Home

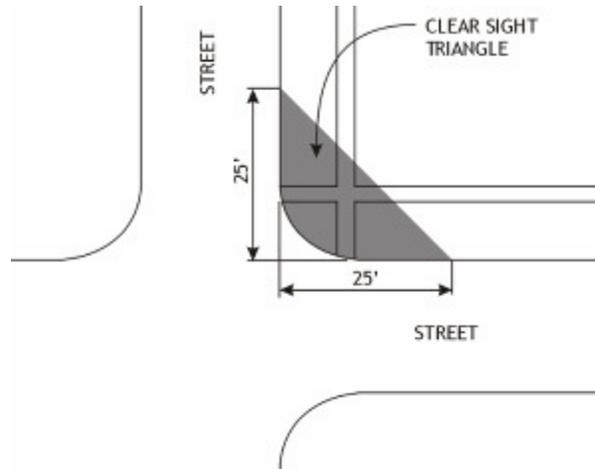
- a. A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer in 2 or more sections to be attached on site. As used in this ordinance the term “double-wide manufactured home” does not include “manufactured homes” constructed as a single self-contained unit and mounted on a single chassis.
- b. When such a structure meets the above stated definition of a double-wide manufactured home, it shall be considered as a “single-family dwelling” and shall be subject to all standards and regulations provided by this ordinance.

4. Modular Building

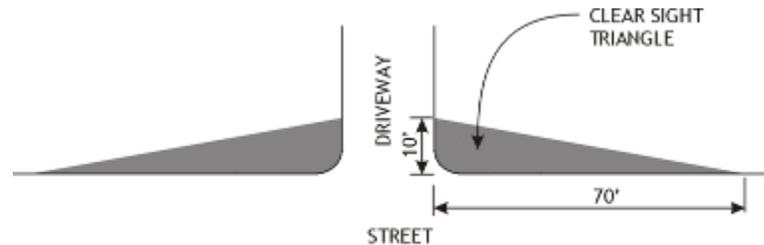
- a. A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site.
- b. "Modular buildings" used as a single-family residence shall be considered as a “single-family dwelling” and shall be subject to all standards and regulations provided by this ordinance. Modular buildings do not include temporary structures used exclusively for construction purposes or nonresidential farm buildings.

6.1.3 CLEAR SIGHT TRIANGLE**A. Corner Lots**

On any corner lot, a sight triangle shall be required. The sight triangle shall be formed by extending lines from the intersections of two streets to points 25 feet from the corner of the intersecting streets and then connecting the two points.

**B. Driveways**

For any driveway, a sight triangle measuring ten feet from the back of curb and extending 70 feet from the edge of each side of the driveway shall be required.

**C. Design Standards**

Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Structures, fences and plant materials that extend into the sight triangle between two feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed.

6.1.4 ACCESS REQUIREMENTS

- A. No building shall be erected on a lot which does not abut an open public street, a publicly approved private street, or a publicly approved private vehicular access easement.
- B. Where access is provided by an approved private street or easement, an easement with a minimum width of 50 feet is required for each lot or tract of land.
- C. No land which is residentially zoned shall be used for driveway or vehicular access purposes to any land which is nonresidentially zoned, or used for any purpose not permitted in a Residential district except for ingress and egress to an existing use which does not abut on a street.
- D. Condominium ownership of private streets or easements, approved by the Planning Commission, and held in private ownership and control in perpetuity shall be required.

6.1.5 Pedestrian Walkways (Sidewalks)

- E. All commercial, industrial, and multifamily developments shall meet the minimum requirements of any and all applicable codes.
- F. Additional access requirements may be found in Article 10, Parking, Loading, and Access.

6.1.5 PEDESTRIAN WALKWAYS (SIDEWALKS)

Commentary: *These pedestrian walkway standards are targeted towards pedestrian mobility within a site. Standards and requirements for sidewalks along streets are contained in the subdivision standards.*

A. Purpose and Intent

To provide safe opportunities for alternative modes of transportation by connecting with existing and future transit, pedestrian and bicycle pathways within the City and to provide safe passage from the public right-of-way to a multifamily or nonresidential building or project, and between alternative modes of transportation.

B. Applicability

Pedestrian walkways on the interior of a site shall be constructed where required by this ordinance.

C. Pedestrian Access Standards

In addition to the sidewalk requirements contained in the Subdivision standards, pedestrian ways, linkages and paths shall be provided from the building entry to surrounding streets, external sidewalks, transit stops and out-parcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance in a coordinated and safe manner. Shared pedestrian walkways are encouraged between adjacent projects. At least one handicapped accessible route in accordance with applicable State requirements shall connect buildings, facilities, elements and parking spaces that are on the same site.

D. Pedestrian Crosswalks

Crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

6.1.6 BUILDING FAÇADE DESIGN STANDARDS

Commentary: *In order to present an attractive 'face' for Columbia, buildings along major roadways and in other high visibility locations should enhance the image of the City. The emphasis should be on architectural detail and human-scale design.*

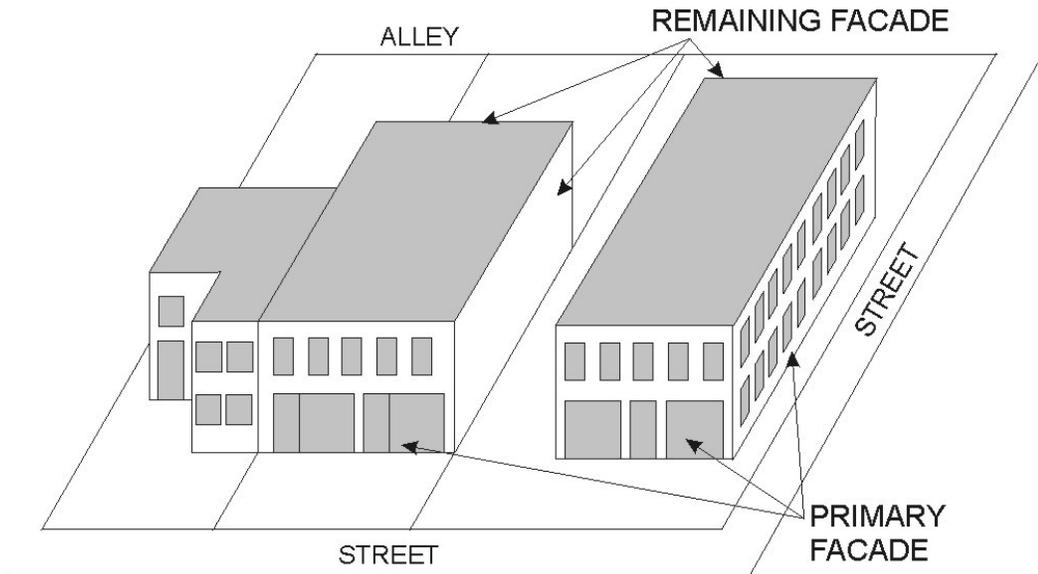
A. Applicability

1. Uses classified as Commercial or Industrial (see Sec. 8.2, Use Classifications) that meet any of the following criteria shall comply with the standards found in this section.
 - a. The building or structure is located in a Residential zoning district; or
 - b. Location within an area subject to increased façade design requirements. The official map identifying subject areas is on file with the Development Services Department.
 - c. Communication towers shall be exempt from these requirements
2. Unless required elsewhere in this ordinance, structures not meeting the above criteria shall not be subject to these standards.

Commentary: *Unless located in a Residential zoning district, the only buildings that have to comply with these standards are those located in a Commercial zoning district and visible from a public highway or arterial. Everything else is exempt.*

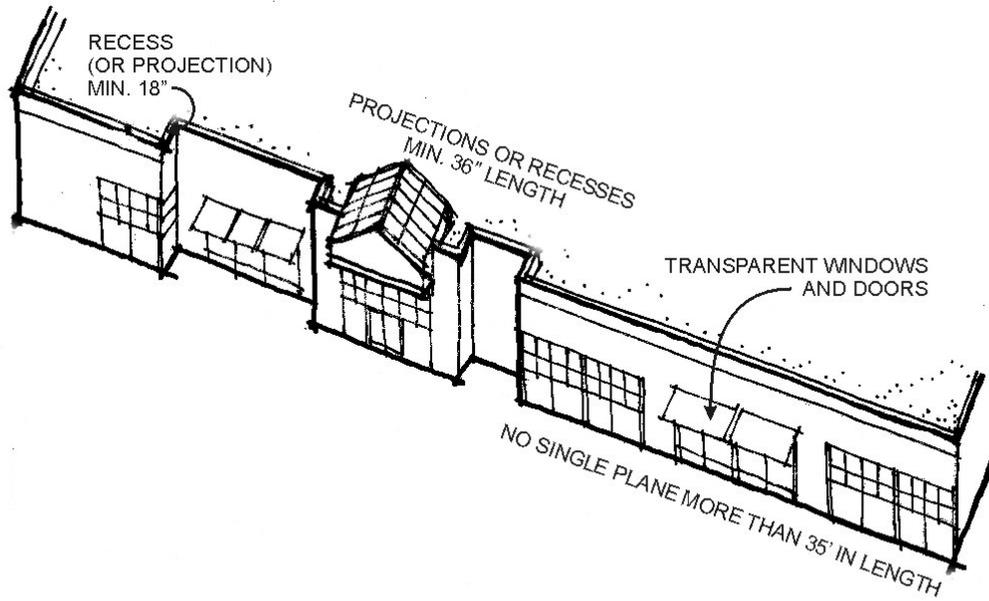
B. Standards

1. The street façade shall be constructed of one or a combination of the following materials: concrete aggregate, stucco, brick, stone, glass or wood, faced concrete block. Artificial materials (including metal) which closely resemble the aforementioned materials shall also be permitted.
2. The remaining sides of the building shall be treated with the same materials of construction as the street façade.



**FACADE DESCRIPTIONS
WITHIN AREA SUBJECT TO STANDARDS**

3. No portion of building constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal shall be visible from a public roadway.
4. Monolithic buildings are discouraged and no single façade extending unbroken more than 35 feet in a horizontal plane may be visible from a public roadway. Compliance may be obtained through one of the following:
 - a. The use of projections or recesses (articulation). When used, each projection or recess shall have a projection (or depth) dimension of no less than 18 inches and a width of no less than 36 inches; or
 - b. The use of columns or other architectural detail to provide visual interest. Where used, columns should be harmonious with the general design of the structure.
5. Buildings shall have a defined base, middle, and cap.



6. The use of pitched roofs and roof overhangs is encouraged. Recommended roofing materials include slate shingles, asphalt and fiberglass shingles, metal standing seam or tiles. Partial (occupying less than three sides) mansard roofs are discouraged.
7. When located within an historic overlay, any additional overlay design requirements shall apply.

C. Alternative Compliance

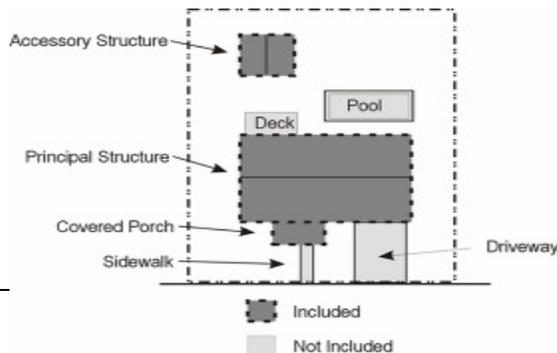
Alternative compliance may be obtained using the Design Review process. In such cases, the Architectural Design Review Team shall have the authority to approve the following:

1. Alternative façade compliance to base, middle, or cap standard.
2. Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area;
3. Use of additional landscaping to screen portions of a building, provided additional landscaping shall not be credited towards any required landscaping.

SEC. 6.2 STANDARDS, MEASUREMENT, AND COMPUTATION

6.2.1 LOT COVERAGE

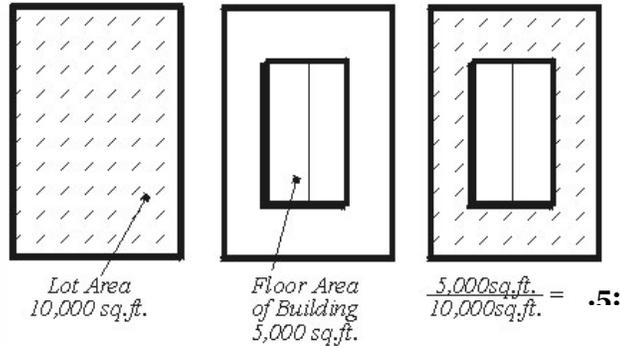
- A. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. With the exception of a manufactured home site, building coverage shall not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools, or roof overhangs of less than three feet.



- B. In any instance where a particular development is located in more than one district, the permitted lot coverage shall be separately computed for each district and no lot coverage may be transferred between districts.

6.2.2 FLOOR-TO-AREA RATIO (FAR)

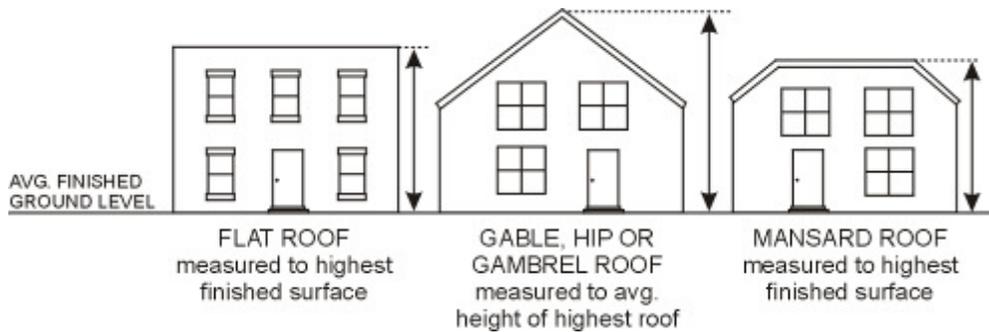
- A. The “floor-to area ratio” or FAR is the ratio of building floor area to lot area. It is a measurement of nonresidential land use intensity.
- B. The floor area of a structure shall be inclusive of all enclosed or covered areas but shall not include the space allotted for *required* off-street parking.



Commentary: For example, an FAR of .5:1 would mean that the enclosed floor area of the building is 50% of the area of the lot on which it is located.

6.2.3 HEIGHT

- A. Height shall be determined by the vertical distance from the average of the finished ground level to the highest finished roof surface of any flat roof or at the average height of the highest roof having a pitch.



- B. Any building exceeding 35 feet in height must obtain approval from the fire department prior to the issuance of a building permit.
- C. The fire department may stipulate special fire protection measures in accordance with National Fire Protection Association and International Building Code criteria as a condition of approval of such structure. In such instance the stipulations made by the fire department in accordance with the above cited codes shall be required.

D. Permitted Obstructions

The following shall not be considered obstructions and may therefore exceed the maximum height provision otherwise applicable within a district.

1. **In all districts**

- a. Chimneys or flues extending not more than three feet above the roofline.
- b. Flagpoles.
- c. Ornamental church towers, spires, and belfries.
- d. Parapet walls not more than two feet high.

2. **In all Nonresidential districts**

In all nonresidential districts, the following shall be included in the list of obstructions permitted:

- a. Chimneys or flues not more than ten feet above the roofline.
- b. Elevator or stair bulkheads, roof water tanks, or cooling towers.
- c. Aerial and antennas not subject to the standards of Sec. 8.3.3U, or Sec. 8.4.3.
- d. Parapet walls not more than four feet high.
- e. With the exception of wireless communication facilities, other appurtenances usually required to be placed above roof level and not intended for human occupancy.

6.2.4 GROUND FLOOR ELEVATION

Ground floor elevation shall be measured from top of the fronting sidewalk to the top of the finished ground floor.

6.2.5 BUILDING WIDTH

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

6.2.6 LOT TYPE, WIDTH, AND DEPTH

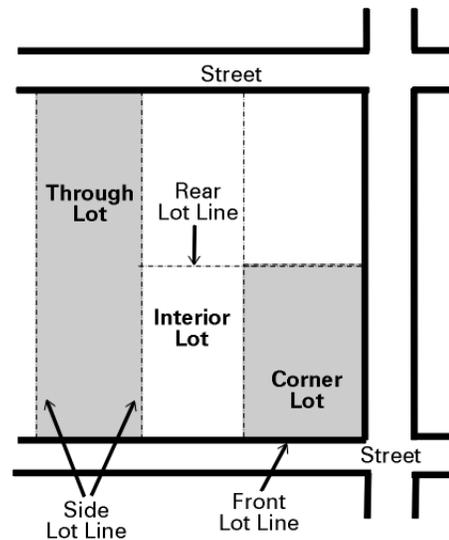
A. **Lot Type**

Within the City, the various types of lots shall be classified as shown in the graphic below:

B. **Lot Line Equivalent**

The following provisions shall apply in the determination of a lot line equivalent.

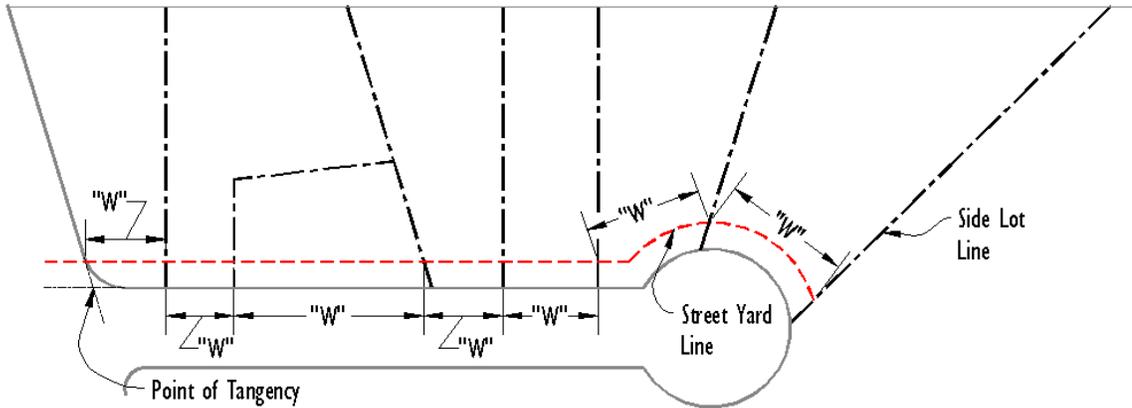
- 1. A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side and the front lot line would have met without such rounding.
- 2. A rear lot line equivalent is a straight line joining the rearmost points of the side lot lines.
- 3. A side lot line equivalent is a straight line joining the ends of the front yard line and the rear yard line on the same side of the zone lot.



C. Lot Width

1. Lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the point of the street yard along a straight line parallel to the front of the property line or to the chord of the front property line.
2. Width between side lot lines at their foremost points (where they intersect with street line) shall not be less than 80% of the minimum required width for the district except in the case of lots on the turning circle of cul – de – sacs, where lot widths may be 50% of district requirements.

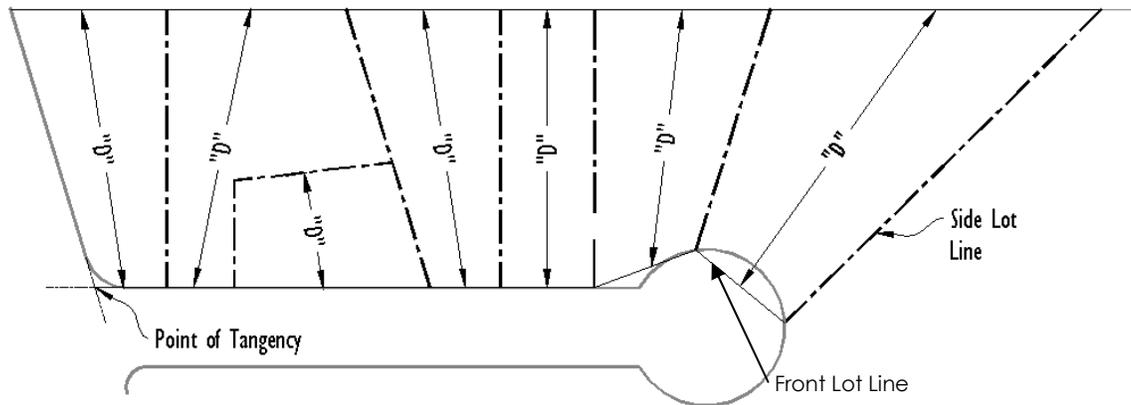
Commentary: In the graphic below, the measurement for lot width is indicated by the “W”



D. Lot Depth

Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear.

Commentary: In the graphic above, the measurement for lot depth is indicated by the “D”



6.2.7 LOT AREA

Lot area refers to the entire horizontal land area of a zone lot, measured in gross square feet. The minimum development area requirements may require a lot larger than the minimum lot area required.

6.2.8 DEVELOPMENT AREA PER DWELLING UNIT (DENSITY)

Commentary: This includes residential development in nonresidential districts and mixed-use projects.

Density refers to the number of dwelling units per unit of land area. For residential development, density is determined by dividing the total area (in acres) of the zone lot by the “development area per dwelling or rooming unit”. The maximum density established for a district is not a guarantee that such densities may be obtained, nor, shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density or dimensional requirements.

A. Adjustment for Lot Area Remainder

In all districts where residential uses are permitted, if an amount of lot area not allocated to a dwelling unit is less than that required for one such dwelling, the remaining lot area may be used to satisfy lot area requirements if it represents not less than 3/4 of the total area required for a dwelling unit. However, the project shall comply with all other applicable regulations including access, setbacks, and yards.

B. Density Transfer

In any instance where a particular development is located in more than one district the density shall be separately computed for each district and no density may be transferred between districts.

6.2.9 YARDS

A. General

1. Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as permitted in Sec. 6.2.9D.
2. Except as may be expressly permitted as part of a Planned Unit Development (Article 7), no part of a required yard may be included as part of a yard for any other building.
3. Yards or lots in existence prior to the adoption of this ordinance shall not be reduced below the minimum dimensions required by this Ordinance unless specifically exempted by 6.2.9E, Shallow Interior Lots or Article 4, Nonconformities.

B. Types of Yards

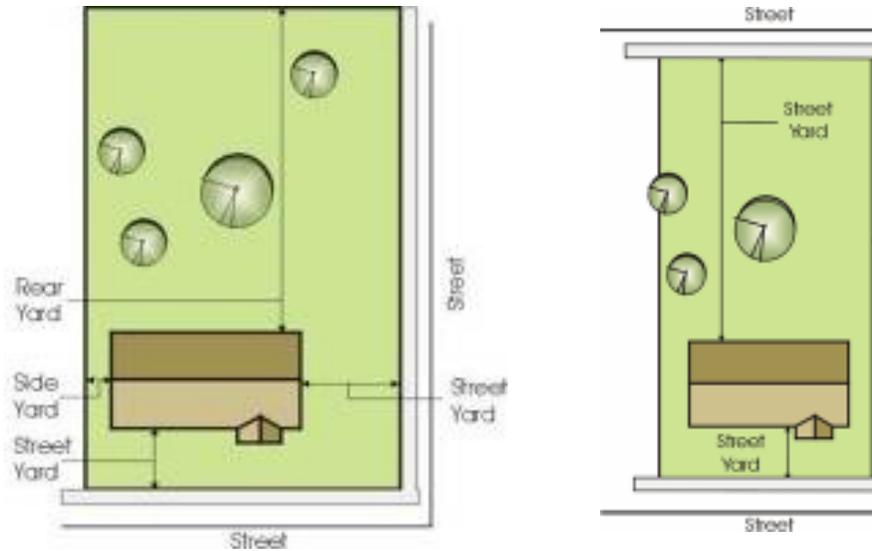
1. There are three types of yards – street, side, and rear.

Commentary: The term “street yard” replaces the ‘front yard’ terminology used in many ordinances. Street yards are any yards between the lot line and a street. This works for both regular lots and corner lots.

2. Corner lots and through lots shall be considered to have two street yards.

Commentary: The images below address almost all potential situations.

- (1) In the image to the left, the house is located on a corner lot with a standard yard (left of the house) and a rear yard (behind the house). The house has 2 street yards (in front of the house and to the right of the house).
- (2) In the image to the right, the house is located on a through lot. This house is considered to have two street lots (in front and behind the house). The house has 2 standard side yards (to the left and right of the house).



C. Measurement of Yards

1. The depth of a required street yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
2. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
3. One side yard may equal the required “Single Side Yard” dimension. However, both yards added together may not be less than the required “Total Side Yard” dimension.

Commentary: In order to promote design flexibility to accommodate individual site characteristics, a “split” side yard measurement approach has been used. Rather than having two minimum side yards this approach has a total side yard dimension that must be met, but allows for one side yard to be smaller than the other. This allows a structures location to be ‘shifted’ while still providing adequate protection to adjacent properties.

D. Permitted Obstruction in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be permitted to violate the provisions of Sec. 6.1.3, Clear Site Triangle.

- I. **In any Required Yard:**
 - a. Plantings and vegetation.
 - b. Arbor and trellises.
 - c. Awnings or canopies projecting from a building wall up to six feet, provided that the awning has no supports other than provided by the wall or its integral part.
 - d. Chimneys projecting not more than three feet into and not exceeding two percent of the area, of the required yard.
 - e. Directional signs may be installed in conformance with the Sign Ordinance.
 - f. Driveways that meet the requirements of this ordinance.

- g. Eaves, gutters, or downspouts, that project into the required yard no more than 24 inches or 20% of the required depth, whichever is less.
 - h. Fire escapes or staircases that project no more than three feet into the required yard. Risers shall be at least 50% open and the fire escape or staircase may not occupy more than 20% of the required yard.
 - i. Flagpoles having only one structural ground member.
 - j. Fountains.
 - k. Mailboxes.
 - l. Open terraces, including natural plant landscaping.
 - m. Project boundary buffers (See Sec. 11.2.7)
 - n. Sculpture or other similar objects of art.
 - o. Sidewalks
 - p. Street buffers (See Sec. 11.2.6)
 - q. Street furniture such as, but not limited to benches, drinking fountains, trash receptacles, ash trays, light standards.
 - r. Retaining walls no more than six feet in height.
 - s. Signage, subject to provisions of the Sign Ordinance of Columbia.
2. **In any Required Side or Rear Yard:**
- a. Clothes poles or clothes lines associated with residential uses.
 - b. Recreational equipment.
 - c. Air conditioning units extending into the required yard no more than three feet or 1/2 the required depth of the yard, whichever is less.

E. Rear Yard Exception for Shallow Interior Lots

Subject to the following, existing interior lots may be permitted a reduction in required rear yard depth.

1. **Applicability**

In order to be considered for a reduction, the subject lot shall be:

- a. Located on the interior of a zoning district (not abutting another zoning district).
- b. Owned separately and individually from all other tracts of land, both on the effective date of this ordinance and on the date of application for a Zoning Permit.

2. **Standards**

- a. On any interior lots measuring between 80 and 100 feet in depth, the required rear yard shall be reduced by an amount equal to 100 feet minus the depth of the interior lot. However, in no case shall this reduction in the required rear yard depth exceed ten feet.

Commentary: For example, if an interior lot is only 95 feet deep, the required rear yard can be reduced by five feet, or 100 ft. – 95 ft. However, if an interior lot is only 80 feet deep, the required rear yard can only be reduced by ten feet.

- b. Within all nonresidential districts, interior lots measuring less than 80 feet in depth may be permitted to reduce the required rear yard depth to zero. However, if any rear yard is provided, the minimum required depth shall be ten feet.

SEC. 6.3 RESIDENTIAL DISTRICT STANDARDS

6.3.1 APPLICABILITY

Unless specifically modified elsewhere in this Ordinance, the standards listed in this Section shall apply to all development within a Residential district.

6.3.2 PERMITTED USES

Only uses specifically listed in the use table in Article 8 as a permitted, conditional, or accessory use shall be permitted in Residential districts.

6.3.3 RESTRICTION OF BUILDINGS PERMITTED ON RESIDENTIAL ZONE LOTS

- A. In general, only one principal building may be permitted on any zone lot. However, exceptions may be approved as follows:
1. As part of a complex of dwellings subject to the provisions of 8.3.2A (attached homes), 8.3.2D (multi-family), or 8.3.2G (manufactured home park),
 2. As part of a PUD as provided in Article 7 of this ordinance, or
 3. With a Conditional Use Permit subject to Sec. 3.15.
- B. All residential buildings, except for those in subparagraphs 1. 2., and 3. above, shall be oriented on the lot that the primary entrance and the street façade of the building fronts on a public street or right of way.

6.3.4 DOUBLE-WIDE MANUFACTURED HOMES

Pursuant to T.C.A. §13-24-201, the provisions applied to manufactured homes in Sec. 8.3.2F shall not apply to double-wide manufactured homes used as a single-family residence, which shall instead be considered a single family home. However, pursuant to T.C.A. §13-24-202, manufactured homes shall have the same general appearance as required for site-built homes and shall comply with all use standards, district standards and other requirements of this ordinance.

6.3.5 RESIDENTIAL DESIGN STANDARDS FOR ALL SUBDIVISIONS

A. Electric Meters

With the exception of manufactured homes located in a manufactured home park or subdivision, electric meters on all one and two-family dwellings shall be permanently affixed to the side of the dwelling.

B. Roof Overhang

1. Eaves shall extend no less than nine inches beyond the supporting walls.
2. Gable end rakes shall overhang at least six inches.
3. Eaves and rakes on smaller accessory buildings and dormers shall overhang at least six inches.
4. Soffits shall be placed perpendicular to the building wall, not sloping in plane with the roof (except for gable end rakes).

C. Parking Structures (Garages)

1. Applicability

Garage placement shall match one of the following options.

2. Side-Loaded

Orient the garage door perpendicular to the street.

3. Rear Yard

Locate the garage behind the rear of the principal building.

4. Front-Loaded

Orient the garage towards the street provided the following conditions are met.

- a. The total length of the garage door is 30 percent or less of width of the primary front wall plane.
- b. Position garage door a minimum of four feet behind the primary front wall plane of the building front; or
- c. Position the garage door flush with the front of the building and provide an architectural treatment such as a trellis to visually diminish the impact of the garage doors. No individual garage door may exceed 12 feet in width when applying this alternative.
- d. No more than three consecutive, adjacent homes may be permitted to have a front-loaded garage.

6.3.6 NEIGHBORHOOD COMMERCIAL

These standards are intended to accommodate limited neighborhood-scale commercial (nonresidential) development that is designed to serve the surrounding community. Larger-scaled commercial development that serves a broader region should be located within zoning districts appropriate to that nature of use.

A. Applicability

Unless specifically exempted in this ordinance, these standards shall apply to all permitted nonresidential uses and development in a Residential district. At a minimum, the following shall be exempt from these requirements:

1. All agricultural and extractive uses;
2. All public and civic uses;
3. Bed and breakfast inns and residences;
4. Conference centers;
5. Golf course, swim club, tennis club, country club;
6. Home occupations, as defined in this ordinance; and
7. Temporary uses permitted in accordance with Sec. 8.5.

B. Review

Design review pursuant to Sec. 3.14 shall be required in addition to all other permits.

C. Location

Commentary: *Because these regulations are intended for neighborhood-oriented developments, they should be located within the neighborhood. Larger commercial and "strip-commercial" projects that have a regional draw should be located on bigger streets and on lots zoned for the more intense use.*

1. A minimum separation of 600 feet shall be required from any street with a classification of arterial or higher.
2. Where permitted, new nonresidential development shall be located on a street with a classification of major collector.
3. Unless adjacent to an existing nonresidential use that meets the requirements of paragraph 2 above, no new nonresidential development may be located on an interior lot.

4. In order to encourage pedestrian activity and discourage continuous strips of commercial development, location at an intersection with existing nonresidential development shall be preferred.
5. To further encourage pedestrian activity and interest, buildings shall be positioned so that the street facades are drawn up to the edge of the sidewalk.
6. Unless a location adjacent to or at the same intersection as an existing property using the Neighborhood Commercial standards is proposed, a minimum separation of 2,500 feet shall exist between existing and proposed uses.
7. The applicant may propose an alternative location for consideration during the Conditional Use Permit process.

D. Size

1. Consolidated Development

For purposes of this Section, a consolidated development shall be a project that has more than one use located on one lot.

- a. No more than two separate buildings or structures shall be permitted within one consolidated development.
- b. No single consolidated development shall have more than 12,500 square feet of total enclosed floor area.
- c. The largest single tenant in the consolidated development may occupy up to 7,500 square feet of total enclosed floor area.
- d. No remaining tenant may exceed 2,000 square feet of total enclosed floor area.

Commentary: *This standard places a limit on the maximum size of a nonresidential development. For example, a development might have a variety of uses: a modest neighborhood food shop, a coffee shop, and a dry cleaner.*

2. Individual Development

For purposes of this Section, an individual development shall be a project that is limited to one tenant located on one lot. An individual development may not have more than 1,500 square feet of total enclosed floor area or less than 500 square feet of total enclosed floor area.

E. Foundation Planting

Foundation planting shall be installed in conformance with Sec. 11.1.3I.

F. Parking

1. No parking shall be permitted in a required street yard. Where multiple uses occupy a consolidated development, a shared parking arrangement shall be required.
2. Between any parking area and any street, a wall or hedge of three feet in height is required. The wall may be constructed of brick or stone and shall be screened with vines, shrubs, or other vegetation. The hedge shall be opaque evergreen material and shall be maintained at a height not to exceed 42 inches. Openings for pedestrian access shall be integrated into the wall.

G. Buffer

1. Portions of the site abutting a residential use shall require a project boundary buffer of a minimum opacity of 0.6 (See Sec. 11.2.7 for buffer description). Openings and pathways for pedestrian access shall be integrated into portions adjoining multifamily development, (although these openings may be gated for limited use of residents of the multifamily development).

2. This requirement may be increased or decreased during the Conditional Use Permit process.

H. Access

1. When located in or near a residential neighborhood, pedestrian access should be located on the front of a structure and should be given priority over vehicular access. Sidewalks should have a minimum width of six feet and bicycle parking facilities should be located near entrances.
2. Dual entrances to establishments are encouraged, allowing pedestrian access to the front of an establishment and access to a parking area through another entrance.
3. On new developments, only secondary vehicle access may be on a minor residential street. Primary vehicle access shall be from the collector street. This requirement may be waived with a finding by the City Engineer that traffic generated shall not have a significant impact on local residential traffic.

I. Conduct of Operations

1. No outdoor display, service, or storage shall be permitted. All sales, service, or display in connection with commercial establishments shall be within completely enclosed buildings, and there shall be outside such buildings.
2. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.
3. Drive-through facilities shall not be permitted.
4. Loading and unloading shall be limited to the hours between 7:00 am and 8:00 pm.

J. Exterior Storage

Exterior storage of goods or materials of any kind is prohibited.

K. Waste Disposal Facilities

Waste disposal facilities may be located in the rear of the commercial operation and shall not be located in any front or side yard. Such facilities shall be totally screened using similar exterior materials from which the outside walls of the principal building is constructed and shall be maintained in a clean and orderly manner. Gates or doors to the waste facility storage area shall be completely opaque and self-closing.

6.3.7 TYPES OF RESIDENTIAL DEVELOPMENT

Development within the Residential districts allows a variety of building types. Two types of subdivisions are permitted, as follows:

A. Conventional Development

Conventional development is a pattern of residential development that provides the majority of property owners with substantial yards on their own property.

B. Alternative Development (Clustering)

Alternative development is a pattern of residential development that allows for smaller yards on individual properties in exchange for the preservation of larger amounts of open space. See 6.3.9, Alternative Development, for these standards.

6.3.8 CONVENTIONAL DEVELOPMENT

Conventional development in any Residential district shall meet the development standards as set forth below.

R Districts	RS-40	R-40	RS-20	R-20	RS-10	R-10	RS-6	R-6	RM-1	RM-2	R-MHP
Height (maximum)	35	35	35	35	35	35	35	35	35	75 ⁽²⁾	35
Lot Coverage (%)	15	15	20	20	30	30	35	35	50	50 ⁽²⁾	35
Residential Development											
Lot Area (minimum)	40,000	40,000	20,000	20,000	10,000	10,000	6,000	6,000	6,000	6,000	6,000
Lot Width (minimum)	150	150	125	125	75	75	50	50	50	50	-- ⁽¹⁾
Street Yard (minimum)											
Arterial Street	50	50	50	50	40	40	40	40	40 ⁽³⁾	20 ⁽³⁾	-- ⁽¹⁾
Collector Street	40	40	40	40	35	35	30	30	35 ⁽³⁾	20 ⁽³⁾	-- ⁽¹⁾
Minor Street	30	30	30	30	30	30	20	20	20 ⁽³⁾	30 ⁽³⁾	-- ⁽¹⁾
Side Yard (single)											
Two Stories or Less	20	20	12	12	8	8	7	7	7	7	-- ⁽¹⁾
Three or More Stories	25	25	20	20	15	15	12	12	10	10	-- ⁽¹⁾
Side Yard (total)											
Two Stories or Less	50	50	30	30	20	20	15	15	15	15	-- ⁽¹⁾
Three or More Stories	60	60	45	45	35	35	35	35	30	25	-- ⁽¹⁾
Rear Yard (minimum)	30	30	30	30	30	30	20	20	20	20	-- ⁽¹⁾
Open Space (% of gross area)	3 ^(4,5)	3 ^(4,5)	3 ⁽⁵⁾	4 ⁽⁵⁾	6 ⁽⁵⁾	7 ⁽⁵⁾	9 ⁽⁵⁾	10 ⁽⁵⁾	12 ⁽⁵⁾	15 ⁽⁵⁾	7 ^(5,6)
Non-Residential Development											
Lot Area (minimum)	60,000	60,000	40,000	40,000	20,000	20,000	12,000	12,000	6,000	6,000	10,000
Lot Width (minimum)	150	150	150	150	150	150	75	75	60	50	150
Street Yard (minimum)											
Arterial Street	50	50	50	50	50	50	40	40	30 ⁽³⁾	10 ⁽³⁾	50
Collector Street	40	40	40	40	40	40	30	30	30 ⁽³⁾	10 ⁽³⁾	50
Minor Street	30	30	30	30	30	30	30	30	20 ⁽³⁾	10 ⁽³⁾	50
Side Yard (minimum)											
Two Stories or Less	15	15	15	15	15	15	12	12	12	12	15
Three or More Stories	30	30	25	25	20	20	20	20	20	20	25
Rear Yard (minimum)	30	30	30	30	30	30	20	20	20	20	30

Notes:

- (1) Within a manufactured home park, dimensional standards shall be as required for the park (Sec. 8.3.2G). All other residential uses (including a manufactured home not in a park) shall conform to the standards found in the R-20 district.
- (2) See Sec. 6.3.8A.2, Height Controls Within RM-2 Districts
- (3) Increased street yard depth may be required. See 6.3.8B.6, Minimum Street Yard.
- (4) Within the R/RS-40 District open space on individual lots may be counted towards the total required provided the open space is protected under a permanent conservation easement.
- (5) Projects under 25 acres or 100 units may not be required to dedicate open space. See 6.3.8C.
- (6) Open space shall be provided at the rate of 250 s.f. per site or 7% of the gross area, whichever is greater.

A. Height

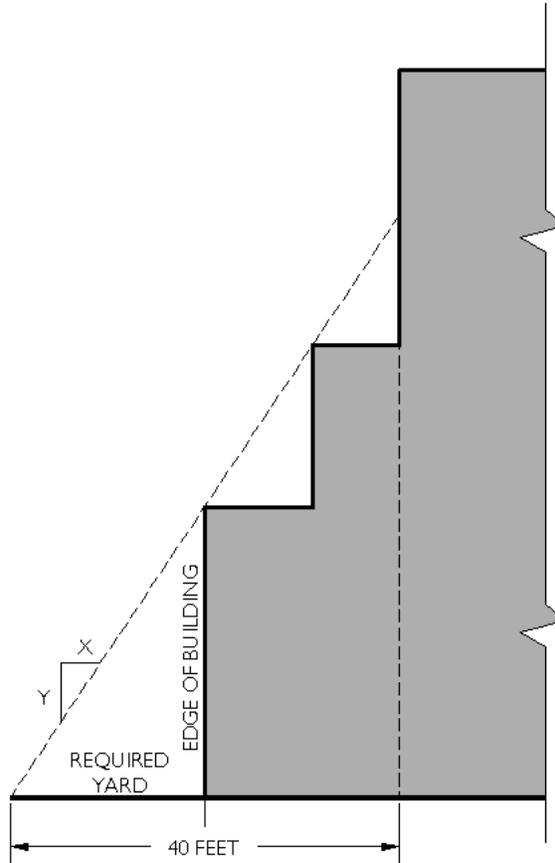
1. General

In addition to the dimensional standards found in the table above, the general height standards found in Sec. 6.2.3 shall apply.

2. Height Controls within RM-2 Districts

Development within the RM-2 districts shall comply with the additional height standards listed below:

- a. Any portion of a building or structure exceeding 30 feet in height shall require a horizontal setback from the edge of the street yard of two feet for every three feet of additional building height.
- b. Any portion of a building or structure exceeding 30 feet in height shall require a horizontal setback from the edge of the side and rear yards of one foot for every two feet of additional building height.
- c. Portions of buildings set back more than 40 feet from the edge of all required yards may extend to the maximum height indicated in the table above, provided total lot coverage does not exceed 40%.



"X" = Horizontal Setback Required
"Y" = Additional Building Height
"REQUIRED YARD" = Required Street, Side, or Rear Yard, as applicable

B. Yards

In addition to the dimensional standards found in the table above and other requirements of this section, the general yard standards found in Sec. 6.2.9 shall apply.

I. Permitted Obstructions

In addition to the obstructions in required yards permitted in Sec. 6.2.9D, the following shall be permitted:

a. In Side and Rear Yards

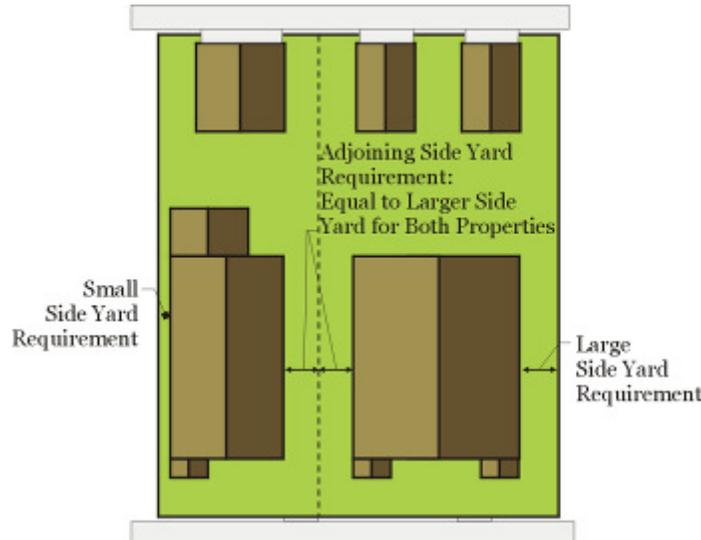
- (1) Garages and carports meeting the standards in Sec. 8.4, Accessory Use Standards.

2. Parking in Required Yards

In Residential districts where parking in the street yard is permitted, only one street yard of a corner lot may have parking.

3. Blocks with Mixed Housing Types

Where housing types are mixed on the same block face and adjacent to one another, the larger of the two adjoining required side yards shall be required for both units.



Commentary: This ensures that single-family detached homes abutting other housing types, such as townhouses or zero lot line units, are adequately protected.

4. Fronting on a Side Lot Line

Any building with a primary entrance or building facade not fronting on a street shall require side yard at least 1/2 the minimum required street yard depth for the district between the entrance and the side lot line.

5. Zone Lots of Unusual Shape

In all Residential districts, wherever a zone lot is of such unusual shape that the yard provisions of these regulations cannot be specifically applied, the Zoning Administrator may substitute special yard requirements for such lot only to the extent that these regulations are inapplicable and not to exceed the average of the yard requirements on adjacent lots in the district.

6. Minimum Street Yard

Within the RM-1 and RM-2 districts:

- a. Any improvement on a zone lot shall extend no closer to the street which abuts the designated street yard than the average of the distances of the buildings located within 100 feet on each side of the subject lot; provided that no building shall be required to provide a street yard of greater than twice the minimum required street yard for the district.
- b. The minimum street yard requirement shall not prohibit alterations or additions to an existing structure which has nonconforming front walls provided said alteration or addition does not increase the amount of nonconformity.
- c. The Board of Appeals may modify this requirement to the minimum extent necessary where strict application would create an undue hardship.

C. Open Space

Commentary: *In order to prevent the possibility of ending up with random leftover slivers of land and the inefficient provision of open space, projects not meeting the threshold requirements below are not required to dedicate open space.*

1. The standards of Sec. 12.7, Open Space shall apply to all required open space.
2. All manufactured home park subdivisions, regardless of size, shall provide open space in accordance with the percentages listed in the table above.
3. All other residential projects less than 25 acres in size and/or 100 dwelling units (whichever is less) shall be exempt from the open space requirements of this ordinance.

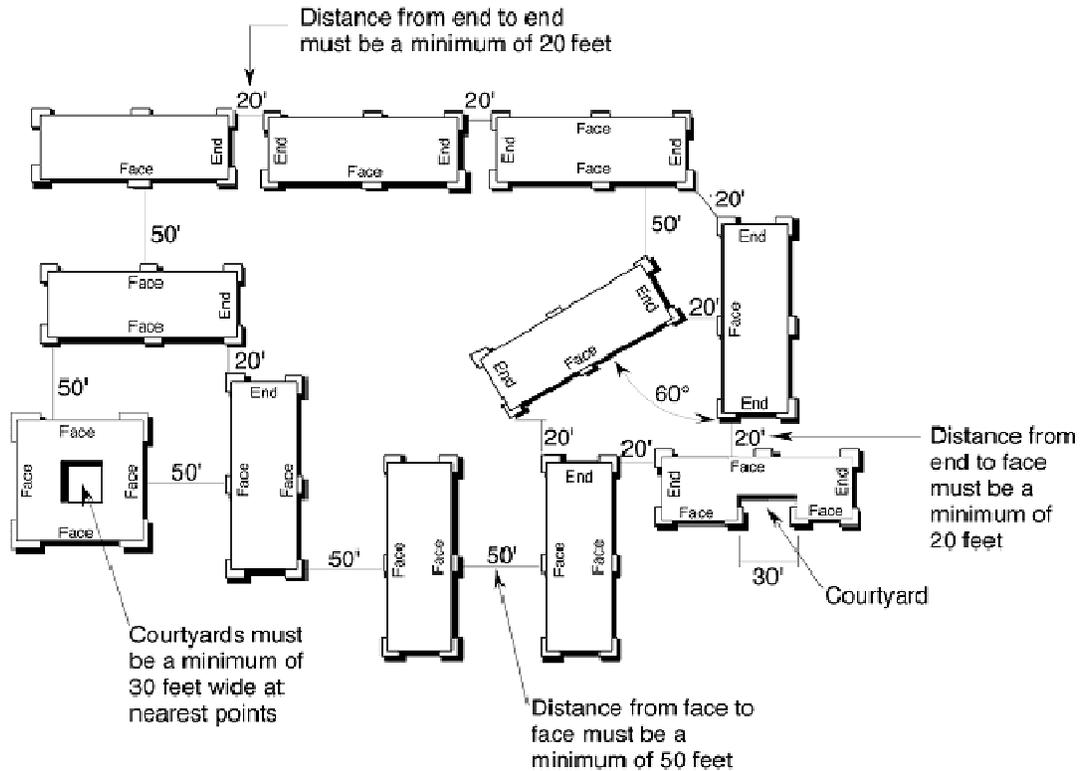
4. Cumulative Impacts

Commentary: *This subsection is to capture phased or separate developments that may, when taken in part fall under the thresholds, but taken in whole will meet the threshold.*

- a. For purposes of this section, the thresholds will be the cumulative size and/or number of units for projects that:
 - (1) Share features such as site access or other roadways, design elements, or other infrastructure with nearby unbuilt, but reasonably foreseeable developments; and
 - (2) When complete, will function in conjunction with such nearby developments as a single project, the impact of which would exceed the thresholds for the provision of open space.

D. Standard Minimum Separation between Buildings

1. In general, the minimum required separation between a building which has windows facing another building shall be as follows:



“Faces” are the two longest planes of a building, or any exterior plane of a building that is 40 feet in length or greater
 “End” is any exterior plane of a building that is not a “face”, as defined above.

6.3.9 ALTERNATIVE DEVELOPMENT (CLUSTERING)

These provisions are intended to provide for variations in lot size and open space requirements within the Residential districts.

A. Planning Commission Approval Required

Alternative developments shall require Site Development Plan (Sec. 3.5) approval by the Planning Commission. In its review, the Planning Commission shall consider the following:

1. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading of streets and building sites;
2. The provisions for surface drainage control, sewage disposal, water supply, recreation and traffic control;
3. The protection of the character, property values, privacy and other characteristics of the surrounding neighborhood;
4. Generally all public utilities, specifically including water and a central sewage collection and treatment system shall be available. Where public sewer is not available, no lot or housing site may be created which is less than 20,000 square feet in area and all septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit; and
5. The standards found in this Section.

B. Permitted Uses

1. Generally, only one-family and two-family residential uses may be permitted in an alternative development. Multifamily and manufactured homes may not be permitted in an alternative development.
2. Up to 10% of the total site may be townhouse units, however all townhouses shall be located on the interior of a site.

C. Minimum Development Size

Alternative development standards may only be used for projects of 10 or more dwelling units.

D. Permitted Net Density

The aggregate density permitted is intended to be within the range of that allowable within a Conventional Development offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

1. From the gross acreage available within the development site shall be subtracted:
 - a. Any portion of the site which is within the right – of – way and/or easement for major utilities such as gas or electric transmission lines; and
 - b. Any portion of the site which lies within a floodway district.
2. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the base district. For developments located in more than one zoning district the density shall be computed separately for portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

E. Minimum Lot Area

Minimum lot dimensions shall be in accordance with the table below. Reductions below the minimum lot dimension by up to 25% may be established by the Planning Commission during the Development Plan review process.

Minimum Lot Area (square feet)*									
RS-40	R-40	RS-20	R-20	RS-10	R-10	RS-6	R-6	RM-1	RM-2
20,000	20,000	10,000	10,000	5,000	5,000	3,000	3,000	3,000	3,000
Townhouses shall be exempt from the minimum lot area requirements.									

F. Yard and Buffer Requirements

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

1. Units located entirely within the interior of a site shall have no minimum yard depth requirements. However, each dwelling unit shall on its own lot have one yard containing not less than 400 square feet with a minimum horizontal dimension of 15 feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off – street parking or for any accessory building. This yard shall not count towards required open space.
2. All lots located along the perimeter of a site shall comply with the Conventional Development yard and buffer provisions for the base district.

G. Building Spacing

All detached structures within an alternative development shall be separated by a minimum of ten feet.

H. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within the respective district. No transfer of coverage is permitted between zoning districts.

I. Access to Dwellings

Access to dwellings shall be provided in accordance with the provisions of Sec. 6.1.4, Access Requirements.

J. Open Space Requirements

1. The quantity of open space required shall be equal to the reduction in aggregate lot area if the project were developed under conventional development standards. In no case shall less than the base district open space requirement be provided. Yards required in Sec. 6.3.9F shall not count towards required open space;
2. Any open space held in common ownership shall be provided for in accordance with the requirements of Sec. Sec. 12.7.

6.3.10 COTTAGE HOUSING OVERLAY DISTRICT (CHO)

A. Purpose

1. The CHO is intended to permit clustering of modest-scaled, high quality residential development on sites within the City of Columbia. It is the intent of the CHO to encourage more compact development and pedestrian activity appropriate to the downtown area. The standards of the CHO are established to provide for a vital downtown economy that strengthens Columbia’s focus as a commercial, cultural and entertainment hub of the region while increasing livability.
2. The CHO shall emphasize architectural detail and human scale design. The focus shall be on promoting street level activity by designing to achieve pedestrian scale, avoiding blank walls, monolithic massing and long expanses of street front parking, and providing pedestrian amenities such as lighting, seating areas, etc. While the design standards and guidelines will not dictate architectural styles, they will suggest a variety of design options for achieving compatibility within the designated boundaries.

B. Applicability

This CHO is intended for properties in and adjacent to the historic downtown of the City of Columbia. The regulations of the overlay district either supplement, or replace, the regulations of the underlying zoning district, as described herein.

C. Design Review

All applications within the CHO shall be reviewed under the Design Review process (Sec. 3.14) in addition to the general development plan review process. The criteria for review shall be limited to the standards set forth in Sec. 6.3.10J, Design Standards.

D. Required District Area

The CHO Overlay shall have a minimum area of two acres and may be no larger than ten acres.

E. Permitted Uses

Only single-family detached housing shall be permitted in the Cottage Housing Overlay District

F. Permitted Residential Density

Residential development within the CHO Overlay shall have no less than 1.0 times the maximum density for the base district and no more than 1.75 times the maximum density for the base district.

G. Lot Dimensions

1. The standard lot requirements of the base district shall not apply within the CHO, but shall be determined as follows:

Lot Dimensions (min. square feet)	
Lot Area (w/o averaging)	4,500
Lot Area (with averaging) ¹	3,600
Lot Width (feet)	40
¹ Lot area with averaging may only be used if the Lot Averaging requirements below are met.	

2. Lot averaging

Lot area averaging shall be permitted, provided that:

- a. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
- b. The overall density of the subdivision does not exceed the maximum permitted residential density in paragraph F, above.

H. Yards

The standard yard requirements of the base district shall not apply within the CHO, but shall be determined as follows:

1. Exterior Lots Adjacent to Residential Use

Yard requirements for lots located on the exterior of a CHO Overlay and adjacent to a residential use shall be as follows.

- a. Side and rear yard requirements between a lot within the CHO Overlay and a lot outside of the CHO Overlay shall be as established for the base district.

2. Interior Lots

For all other required yards, the following standards shall apply:

Yards (min. feet)	
Street Yard	12
Street Yard (with rear vehicular or alley access)	5
Side Yard (single)	6
Side Yard (total)	15
Rear Yard	25

I. Height

The maximum height is 35 feet. However, the maximum height shall not exceed the height of an adjacent structure by more than 14 feet, except for those portions of the new or modified structure that lie more than 25 feet from the adjacent structure.

J. Design Standards and Guidelines

Design standards are mandatory requirements and shall be met for all projects within the CHO. In this section, a “guideline” is a requirement that must be met when it is relevant to the project. The zoning administrator shall determine when a requirement is relevant to the project under consideration. Meeting a guideline shall also require meeting the intent of the appropriate section.

1. Standards

- a. Front porches with a minimum size of 150 square feet and a minimum depth of 10 feet shall be provided;
- b. Building facades visible from a public roadway shall be constructed of stucco, brick, stone, or wood (or a suitable facsimile);
- c. All facades facing a public street shall be at minimum 30% transparent.
- d. When a garage entrance faces a street other than an alley, the garage entrance shall be no more than 22 feet in width and such entrance shall be set back a minimum of 20 feet from the right-of-way or the average setback of the developed residential lots along the block face, whichever is greater.
- e. The construction material of the garage shall match that of the primary structure.

2. Guidelines

- a. Projects located within the CHO Overlay should compliment and enhance surrounding development, rather than ignore or contradict existing patterns.
- b. Facades within the CHO Overlay should continue patterns developed on existing structures within the same block. This may include:
 - (1) Window size and placement;
 - (2) Roof profiles; and
 - (3) Building materials.
- c. Front entries should be elevated a minimum of 18 inches above the adjacent grade;

K. Garages

1. Where alley access is provided and developed, all vehicular access shall be taken from the alley.

L. Landscaping

To the extent possible, development in the CHO Overlay shall continue the pattern of street yard trees that has been established on all lots within 150 feet of the property. When new trees are planted, they shall be a variety that, at maturity will be similar in height, width and form to existing trees in the context area.

SEC. 6.4 COMMERCIAL DISTRICT STANDARDS

6.4.1 APPLICABILITY

- A. In addition to the General Standards listed in Sec. 6.1, all nonresidential development shall be subject to the following base development standards. Additional use standards may be established for a particular district within this section.
- B. Residential development within a commercial district shall be subject to the standards found in Sec. 6.4.3.

6.4.2 DIMENSIONAL STANDARDS

The table below lists the dimensional standards for the commercial districts.

Commercial Districts	OCL	CBD	GCS	MCD	MRC	CSO	ISD
Dimensional Standards							
Lot Coverage (%)	25	--(1)	65	60	--(1)	40	40
Lot Area (minimum)	10,000	--(2)	10,000(3)(14)	--(2)	10,000	10,000	20,000
Height (maximum)	25	45(4)	35	45	45(4)	35	45(4)
Lot Width (minimum)	50	--(5)	50	50	50	50	100
Minimum Yard Requirements							
Street (ft.) (6)	30	0	30	20	20	20	30
Side (ft.) (7)	10	10	10	10	10	10	10
Rear (ft.) (7)	10	10	20	20	20	20	20
Use Standards							
Parking Permitted in the Street Yard?	Yes(8)		Yes(8)	Yes(8)			Yes(8)
Off-site Parking Permitted?	Yes(9)	Yes(9)			Yes(9)		
Outdoor Display Permitted?	Yes(10)	Yes(10)	Yes(10)	Yes(10)			Yes(10)
Outdoor Storage Permitted?	Yes(11)		Yes(11)	Yes(11)			
Additional District Standards?	Yes(12)				Yes(13)		

Notes:

- (1) Lot coverage shall be as required to comply with other provisions of this Section (see Sec.6.4.2A.1).
- (2) The minimum lot area shall be as required to meet other provisions of this district.
- (3) A minimum site of 40,000 s.f. is required to create a GCS district. After creation, sites within a GCS district shall have a minimum lot area sufficient to meet other requirements of this ordinance (such as Buffering, Yards, Lot Width, etc.)
- (4) Additional height may be permitted subject to Sec. 6.4.2A.1.
- (5) The minimum lot width shall be as required to meet other provisions of this district.
- (6) All projects in the GCS or HSD districts or any project adjacent to a Residential district may require additional street yard depth; see 6.4.2B.4, Minimum Street Yard.
- (7) Yard reduction to zero feet may be permitted. See Sec.6.4.2B.3, Zero Lot Line.
- (8) Within this district, required parking may be located within 10 feet of the front lot line. See 6.4.2B.2, Parking in Required Street Yards, below.
- (9) Within this district, off-site parking may be permitted subject to Sec. 10.2.7
- (10) Within this district, outdoor display may be permitted subject to Sec. 12.3.2.
- (11) Within this district, outdoor storage may be permitted subject to Sec. 12.3.3.
- (12) See Sec. 6.4.3B for additional requirements in the OCL district.
- (13) See Sec. 6.4.3C for additional requirements in the MRC district.
- (14) No lot shall be created in a GCS district that is smaller than 10,000 s.f.

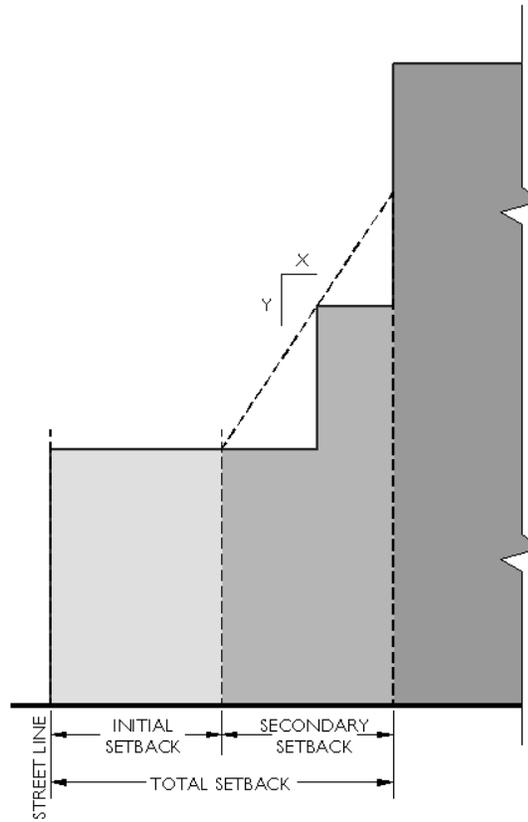
A. Height

In addition to the dimensional standards found in the table above and other requirements of this section, the general height standards found in Sec. 6.2.3 shall apply.

I. Height Controls within CBD, ISD and MRC Districts

Development within the CBD, ISD and MRC districts shall comply with the additional height standards listed below:

a. **Maximum Building Height**



Street Face	CBD	MRC	ISD
Initial Setback (feet)	15	20 ⁽¹⁾	30 ⁽¹⁾
Max. Height (feet)	45	45	45
Secondary Setback (feet) ⁽²⁾	15	20	30
Slope of Sky Exposure Plane (X:Y)	1:2.0	1:1.5	1:1.5
All Faces			
Total Setback (feet)	30	40	40
Max. Height (beyond Total Setback) ^(3,4)	75	75	75

Notes:

- ⁽¹⁾ Within the MRC and ISD district, the “Initial Setback” shall be the same as the required street yard and no building or structure shall be permitted.
- ⁽²⁾ Within the Secondary Setback, building height may not exceed the Sky Exposure Plane along any street face. However, vertical walls on the side and rear may be permitted.
- ⁽³⁾ Beyond the Total Setback, building height may exceed the Sky Exposure Plane provided: A) Total lot coverage does not exceed 40%; and B) Total Setback dimension applies to all lot lines (Front, Side, and Rear).
- ⁽⁴⁾ Increases above 75 feet may be permitted with a Conditional Use Permit (Sec. 3.14).

Commentary: For example, a building in the CBD district may be 45 feet high for the first 15 feet of building depth (from the street). This is the “Initial Setback”. Within the subsequent 15 feet, a building can be taller so long as you step back from the street one foot for every additional two feet of height (Side and rear walls can be vertical). This is the “Secondary Setback”. If you are 30 feet back from all lot lines, the building can go up to 75 feet (or as permitted by Planning Commission).

In the MRC district, all buildings must be set back from the street at least 20 feet.

b. Floor-to-Area Ratio (FAR)

In addition to the height standards listed above, the maximum FAR permitted within the district indicated shall be in terms of a ratio of floor area per total area within a zone lot.

Permitted Floor Area	
District	Ratio
CBD	4.5:1
MRC & ISD	4.0:1
<p>Note: See Sec. 6.2.1B, FAR for measurement information. Required parking (Sec. 10.2.2) shall not be counted towards the gross floor area. In no instance shall the FAR exceed that permitted by Table 400 of the Standard Building Code.</p>	

B. Yards

In addition to the dimensional standards found in the table above and other requirements of this section, the general yard standards found in Sec. 6.2.9 shall apply.

1. Permitted Obstructions

All required yards shall be properly maintained and have no obstructions thereon, except as permitted in Sec. 6.2.9D, Permitted Obstructions.

- a. Waste disposal and recycling facilities shall be located in the rear of a commercial operation and shall be screened in conformance with Sec. 12.5, Screening.

2. Parking and Loading in Required Yards

- a. Unless specifically exempted by this ordinance, all parking and loading areas shall be designed, installed, and maintained in conformance with the standards found in Article 10, Parking Loading and Access.

b. Parking in Street Yard

Where indicated in the table above, off-street required parking per Sec. 10.2 may be located in the street yard subject to the following:

- (1) Off – street parking required shall be permitted within ten feet of the front lot line;
- (2) However, no parking in the street yard shall be permitted on sites abutting (as measured along the block face) a Residential district.

c. Parking in all other Yards

Within all commercial districts, required off-street parking may be located in the side or rear yard.

d. Loading in Rear Yard

Within all commercial districts, required off-street loading may be located in the rear yard.

3. Zero Lot Line

Commentary: This provision does not mean that a yard depth that is in between zero and the other dimension specified is permitted. The required depth would be zero or the other dimension specified.

- a. Projects within a commercial district may be permitted to use a side or rear yard depth requirement of zero along lot lines adjacent to other commercially zoned

districts on which another commercial establishment is located, or is being constructed.

- b. Buffering requirements may be waived only for the yard with zero depth.
- c. The requirements of 6.4.2C, Zero Clearance and Party Walls shall apply.

4. **Minimum Street Yard**

The standards below shall apply to all projects in the GCS and HSD districts and all sites adjacent to a Residential district.

- a. No alteration, addition or construction of a building or structure on a zone lot shall extend closer to the street which abuts the designated street yard than the average of the distances of the buildings located within 100 feet on each side of the lot whereon the alteration, addition or construction is to occur; provided that no building shall be required to provide a street yard of greater than twice the minimum required street yard for the district.
- b. The minimum street yard requirement shall not prohibit alterations or additions to an existing structure which has irregular front walls provided said alteration or addition extends no closer to the street than the existing closest front wall to the street.
- c. The Board of Appeals shall have jurisdiction to vary from this strict application upon property where such provision would create an undue hardship.

C. **Zero Clearance and Party Walls**

1. **Zero Clearance**

Where a structure has zero clearance from an adjacent lot, as defined in the International Building Code:

- a. At all points of attachment along the shared lot line, buildings shall be separated from each other by fire rated walls, as defined by the latest adopted version of the International Building Code and fire prevention codes, extending from footings to the underside of the roof deck without openings which would permit the spread of fire.

2. **Common or Party Wall**

In addition to the requirements listed in the paragraph above, the following shall apply to common or party walls:

- a. A firewall shall bisect the line dividing each portion of the Building or lot so that 1/2 of the firewall is held by each of the abutting properties.
- b. If a firewall is destroyed or damaged by fire or other casualty, any owner may restore said wall and if other owners thereafter make use of the wall, they shall contribute to the cost of the restoration thereof in proportion to such use without prejudice, however, to the Right of any such owner to call for a larger contribution from the others under Rule of Law requiring liability for negligent or willful acts and omissions.
- c. Each abutter who may share in the ownership of any firewall shall have an easement on the property of other owner(s) for the purpose of Reconstruction and protection of remaining property from the elements.

6.4.3 COMMERCIAL DISTRICT USE RESTRICTIONS

A. **General**

See Article 8 for a list of Permitted and Conditional uses and structures. In addition to any specific use restrictions, the following district-wide use standards shall apply:

B. Within the OCL District

1. Maximum Size of Establishments

No individual commercial establishment shall have a gross floor area exceeding 5,000 square feet.

2. Hours of Operation

Except for emergency activities at the offices of physicians and dentists, no commercial establishment shall be open for business between the hours of 12:00 midnight and 8:00 A.M.

3. Conduct of Operations

All sales, service, or display in connection with commercial establishments shall be within completely enclosed buildings, and there shall be no display, service, or storage outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.

4. Lighting

In addition to the standards found in Sec. 12.2, no neon lights inside or outside structures shall be visible from any residential property, or from any street.

C. Within the MRC District

1. Conduct of Operations

All sales, service, or display in connection with commercial establishments shall be within completely enclosed buildings, and there shall be no display, service, or storage outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.

2. Waste Disposal

Waste disposal and recycling facilities shall be located in the rear of the commercial operation and shall be screened in conformance with Sec. 12.5, Screening.

3. Lighting

In addition to the standards found in Sec. 12.2, no neon lights inside or outside structures shall be visible from any residential property, or from any street.

D. Residential Development in Commercial Districts

Residential development in a commercial district may be permitted in accordance with the Use Table in Sec. 8.1, subject to the standards and requirements applicable to the district in which it is located.

1. Residential-Only Buildings

- a. The density, yard, and lot size provisions applicable to the RM – 2 District (see 6.3.8) shall apply to all residential buildings located in a commercial district.
- b. Where more than one building is located upon a single zone lot the building spacing provisions of 6.3.8D shall apply.

2. Mixed Residential-Commercial Buildings

- a. The residential density shall be based only on that portion of the structure(s) dedicated to the residential use.

Commentary: For example, if 25% of a mixed building is to be utilized for commercial purposes then 75% of the lot area will be used in calculating the residential density permitted.

- b. The residential density permitted will then be calculated in a like manner as for any use located within the RM – 2 District.

- c. Within the MRC and CBD districts, the maximum floor-to-area ratio (FAR) as well as the height permitted for any mixed building shall not exceed that established for nonresidential buildings in 6.4.2A.1, Height Controls within the MRC and CBD Districts.

3. Open Space

Open space requirements for the residential portion of a project shall be as required for residential developments the RM-2 district.

E. Non-Residential Use of Manufactured Homes

No permanent nonresidential use of a manufactured home or double-wide manufactured home shall be permitted within the CBD and MRC districts. These structures may only be used for a temporary period in compliance with 8.5.5.

SEC. 6.5 INDUSTRIAL DISTRICT STANDARDS

In addition to the general standards found in Sec. 6.1, General, the standards in this section shall apply to any building or other structure on any zone lot or portion of a zone lot located in any industrial district, including all new developments or enlargements.

6.5.1 DIMENSIONAL STANDARDS

Development in all industrial districts shall conform to the dimensional standards as set forth in the table below:

Industrial Districts	IG	IR	IS
All Nonresidential Development (see Notes below)			
Maximum Lot Coverage (%)	50	70	70
Minimum Lot Area (sq. ft.)	-- (1)	40,000	-- (1)
Minimum Lot Width (ft.)	50	100	100
Maximum Height (ft.)	45	45	45
Minimum Yard Requirements			
Front (ft.)	20 ⁽²⁾	20 ⁽²⁾	20 ⁽²⁾
Side (ft.)	10 ^(2,3)	10 ^(2,3)	10 ^(2,3)
Rear (ft.)	20 ^(2,3)	20 ^(2,3)	20 ^(2,3)

Notes:

- (1) As required to meet the other provisions of this Section.
- (2) Projects abutting Residential districts shall be subject to the additional requirements found in Sec. 6.5.1B.1.
- (3) Additional side or rear depth may be necessary to accommodate buffers and landscaping required in Article 11.

A. Height

In addition to the dimensional standards found in the table above and other requirements of this Section, the general height standards found in Sec. 6.2.3 shall apply.

B. Yards

In addition to the dimensional standards found in the table above and other requirements of this section, the general yard standards found in Sec. 6.2.9 shall apply.

I. Abutting a Residential District

The following shall apply to all projects within an industrial district that abut a Residential district. These requirements shall supersede any yard reduction provisions.

- a. **Minimum Street Yard**

On all sites adjacent to and sharing frontage with a Residential district; no alteration, addition or construction of a building or structure on a zone lot shall extend closer to the street which abuts the designated street yard than the average of the distances of the buildings located within 100 feet on each side of the lot whereon the alteration, addition or construction is to occur. However, no building shall be required to provide a street yard of greater than twice the minimum required street yard for the district.
- b. **Minimum Side and Rear Yard**

A minimum yard depth of 50 feet shall be required along all side and rear site boundaries abutting a Residential district. With the exception items permitted in Sec.6.5.1B.1, Permitted Obstructions, no other use including off-street parking, off-street loading, storage, or other activity shall be permitted in this yard.
2. **Permitted Obstructions**

All required yards shall be properly maintained and have no obstructions thereon, except as permitted in Sec. 6.2.9D, Permitted Obstructions.
3. **Parking, Loading, and Access in Required Yards**

Unless specifically exempted by this ordinance, all parking and loading areas shall be designed, installed, and maintained in conformance with the standards found in Article 10, Parking, Loading, and Access.
- a. **Parking**

Unless specifically prohibited, off-street parking may be located in any required yard.
- b. **Loading**

Unless specifically prohibited, off-street loading may be located in any required side rear yard.
- c. **Access**
 - (1) Driveways may be located within any required yard. However, no more than 50% of the area of any required yard may be used as a driveway.
 - (2) Driveways shall not be permitted within required project buffers, and shall penetrate required street buffers to the minimum amount necessary to comply with this ordinance.
4. **Rear Yard Exception for Shallow Corner Lots**

Corner lots less than 80 feet deep may use the reduced depth standards found in 6.2.9E, Rear Yard Exception for Shallow Interior Lots, provided the applicability requirements are met on the subject lot.
5. **Zero Lot Line**

Commentary: *This provision does not mean that a yard depth that is in between zero and the other dimension specified is permitted. The required depth would be zero or the other dimension specified.*

 - a. Projects within an industrial district may be permitted to use a side or rear yard depth requirement of zero along lot lines adjacent to other industrially zoned districts on which another industrial establishment is located, or is being constructed.
 - b. Buffering requirements may be waived only for the yard with zero depth.
 - c. The requirements of 6.4.2C, Zero Clearance and Party Walls shall apply.

6. Along Railroad Right – of – Way

In all industrial districts, no rear or side yard shall be required along any portion of a side or rear lot line coincident with a railroad right-of-way.

C. Zero Clearance and Party Walls**1. Zero Clearance**

Where a structure has zero clearance from an adjacent lot, as defined in the International Building Code:

- a. At all points of attachment along the shared lot line, buildings shall be separated from each other by fire rated walls, as defined by the latest adopted version of the International Building Code and fire prevention codes, extending from footings to the underside of the roof deck without openings which would permit the spread of fire.

2. Common or Party Wall

In addition to the requirements listed in the paragraph above, the following shall apply to common or party walls:

- a. A firewall shall bisect the line dividing each portion of the Building or lot so that 1/2 of the firewall is held by each of the abutting properties.
- b. If a firewall is destroyed or damaged by fire or other casualty, any owner may restore said wall and if other owners thereafter make use of the wall, they shall contribute to the cost of the restoration thereof in proportion to such use without prejudice, however, to the Right of any such owner to call for a larger contribution from the others under Rule of Law requiring liability for negligent or willful acts and omissions.
- c. Each abutter who may share in the ownership of any firewall shall have an easement on the property of other owner(s) for the purpose of Reconstruction and protection of remaining property from the elements.

Article 7. PLANNED UNIT DEVELOPMENT

SEC. 7.1 GENERAL

The provisions of this Section shall apply to all development within a Planned Unit Development (PUD) unless noted otherwise.

7.1.1 INTENT AND PURPOSE

The purposes of these planned unit development district regulations are as follows:

- A. To promote flexibility in design and permit planned diversification in the location of structures;
- B. To promote the efficient use of land in order to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
- C. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- D. To encourage the total planning of tracts of land consistent with pertinent long – range plans.
- E. It is not the intent that the PUD district become a “loophole” designed to permit otherwise illegal contract, conditional or spot zoning, or the clandestine institution of the unlawful use variance. Rather, the PUD district is intended to permit further refinement and more detailed expression of adopted plans in situations where the owners of the property present a development plan which is found to be in the public interest and consistent with the general comprehensive plan and/or local area plans.

7.1.2 CONTINUANCE OF AN APPROVED PLANNED UNIT DEVELOPMENT

Any planned unit development approved under the earlier versions of the City of Columbia Zoning Ordinance are hereby approved under the original conditions as may have been amended and are hereby incorporated into the zoning map as a part of this ordinance. However, any alterations or amendments to any such projects shall be under the procedures as set forth in Sec. 3.20 of this Ordinance.

7.1.3 PLANNED UNIT DEVELOPMENT REVIEW APPROVAL REQUIRED

Approval of a Planned Unit Development proposal is required prior to initiation of any site preparation or construction activity (see Sec. 3.20).

7.1.4 COMMON OPEN SPACE

Any common open space established by an adopted final master development shall be subject to the following:

A. Standards

Any open space provided within a PUD shall be subject to the standards of Sec. 12.7, Open Space.

B. Change of Use

No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended under the provisions of Sec. 3.20.16.

C. Conveyance of Common Open Space

All land shown on the final development plans as common open space shall be conveyed per the requirements of Sec. 12.7.5, Ownership and Management of Open Space.

7.1.5 DEDICATION OF PUBLIC FACILITIES

The Planning Commission and the City Council may, as a condition of approval and adoption of the final development plan, require that suitable areas for streets, public rights – of – way, schools, parks, and other public areas be set aside, improved and/or dedicated.

7.1.6 WAIVER OF BOARD OF APPEALS ACTION

No action of the Board of Appeals shall be required in the approval of a planned unit development including those activities which would otherwise require conditional use permits under other articles of this ordinance. Such activities shall generally comply with the applicable criteria stipulated for such activities in Sec. 8.3, Limited Use Standards of this ordinance as determined by the Planning Commission and the City Council. In any instance where a use does not fully comply with the criteria, the deviation may be approved as part of the overall development plan.

SEC. 7.2 PUDs Located Along Certain Major Highways

7.2.1 PURPOSE AND INTENT

These design standards are intended to accomplish the following:

- A. Promote and protect the public health, safety, comfort, and convenience and general welfare of the people.
- B. Protect the public safety on the public traffic ways by promoting improved vehicular movement, facilitating ingress and egress and providing for parking of motor vehicles.
- C. Promote economic development through orderly and systematic design of the approaches into the city.
- D. Protect the desired character and maintain the stability of the highway design district by promoting uses, buildings, and site development which are compatible with the existing character of the land and natural features.
- E. Provide for open space in useful and meaningful locations and arrangements.

7.2.2 APPLICABILITY

These special provisions shall apply to all proposals located along Highway 31 from the northern most corporate limits to Baker Road; along Highway 99 from I – 65 to Highway 31; or along Highway 43 from Mount Pleasant City Limits to the Columbia City Limits; and which meet any of the following criteria:

- A. The property fronts on the highway; or,
- B. The property’s primary route of access includes the highway; or,
- C. The property will benefit from the City of Columbia’s investment in utilities, road improvements, fire and police protection or other investment; or,
- D. Development of the property will significantly affect the view shed of the highway.

7.2.3 TOPOGRAPHY AND GRADING

The following standards are required to reduce the impact of development and protect the existing character of the topography.

A. Design Criteria, General

1. Grading shall be kept to a minimum.
2. Buildings and parking areas on steep slopes shall be terraced to reduce excessive cut banks.
3. Finished grade shall tie in smoothly with the existing grades, and shall reflect the character of the existing topography.
4. The placement of buildings on top of ridges shall be avoided.

B. Design Criteria, Detailed

The amount of grading permitted on a site shall be controlled by the natural topography of that site. The chart below indicates the maximum percentage of the land area within various slope groupings which is “buildable”, (which may be graded), and on which buildings and parking may be placed. The remainder of the slope areas shall be left in a natural and undisturbed condition, except for necessary roads.

Natural Slope (%)	0-12	13-18	19-25	25+
Percent Buildable	100	60	30	15

7.2.4 LANDSCAPING AND SCREENING

The landscaping and screening of sites is intended to support and enhance the scenic character of the area while buffering the effects of various internal uses upon one another and upon properties which adjoin and surround the site.

A. Design Criteria, General

1. Proposed plantings shall be placed in an informal, meandering fashion within the required setbacks.
2. A variety of plant types and forms (e.g., canopy trees, understory trees, deciduous shrubs, evergreen trees and shrubs, groundcover) shall be used throughout the planting areas.
3. Rigid rows and monocultures are discouraged.
4. The use of indigenous plant materials is strongly encouraged, and all plantings should be consistent with the character of the existing landscape.
5. Exotic species and plant forms shall be used only in the immediate area of the buildings.
6. Framing of outstanding views with landscape materials is strongly encouraged.
7. Landscape materials, particularly large deciduous trees, shall be used to soften the impact of buildings and help blend them into the natural surroundings.
8. Berms, when used repeatedly, shall create a soft, gently rolling, irregular appearance with variations in both height and width.

B. Design Criteria, Detailed

1. Existing trees which have a diameter of eight inches or greater at breast height and in good condition shall be preserved.
2. Within the required setbacks, clusters of three or more trees shall be preserved, even if less than eight inches at breast.
3. Berms used for screening shall have a minimum height of four feet (or two feet with screen plantings to reach four feet).
4. Berms shall have a maximum slope of 3 to 1. Finished grade shall be visually continuous with the existing grade, with no abrupt changes.
5. Screen plantings shall consist primarily of evergreen shrubs or evergreen trees, arranged in at least two staggered meandering rows. Canopy or flowering trees

and deciduous shrubs may be incorporated into the screen to provide diversity, but shall not be used in such a way that screening effect is substantially lessened.

6. In areas where the highway is elevated, the screen planting shall be placed in the bottom of the slope adjacent to the highway. When the highway is depressed, however, plantings shall be placed at the top of the slope, away from the highway.

7.2.5 VEHICULAR CIRCULATION AND PARKING

A. Design Criteria, General

1. In order to reduce curb cuts and provide a unified corridor image, a secondary frontage road may be required along selected portions of the highway as determined by the Planning Commission. Access points to the highway will be predetermined based on topography, highway alignment, vegetation, etc.
2. Points of access from individual sites onto the highway or frontage road shall be coordinated so as to pair entrances wherever possible.
3. Roads and parking areas shall follow the natural topography whenever possible to minimize cutting and filling.
4. Parking areas shall be screened from view by using natural vegetation, berming, and/or informal plantings. The extent of screening is based on the depth of the front setback.

B. Design Criteria, Detailed

1. All curb cuts and driveways shall have a minimum separation of 300 feet.
2. Driveways and entrance roads shall be designed according to the following criteria:
 - a. The surface shall be a permanent, all-weather pavement, such as asphalt or concrete.
 - b. The design speed shall be 15 mph.
 - c. Maximum slope shall be 5% in the first 200 feet of the drive. The slope may be increased to 7% if the applicant can show that a lesser slope would result in undue hardship.
 - d. All drives and roads shall intersect the highway at 90⁰ angles.
 - e. Where the projected Average Daily Trips (ADT) for a driveway or road is greater than 500, islands extending 20 feet into the property shall be provided for channelization of traffic.
 - f. Where feasible, curb cuts shall be aligned with existing median cuts.
 - g. Proposed median cuts must receive the approval of the Planning Commission before being submitted to the State Department of Transportation (DOT) for approval. State DOT approval shall be required for all curb cuts.
 - h. All intersections shall comply with the “clear sight triangle” requirements described in Sec. 6.1.3
 - i. Placement of parking areas shall be based on the depth of the front setback.
 - j. The Planning Commission may determine that, due to the natural topography or the presence of outstanding natural features, a site shall be designed with parking areas in locations other than the standard locations based on front setbacks.
 - k. Parking areas may not be placed closer than 200 feet to the highway right – of – way.

3. Additional median cuts shall be required to meet the requirements of “Memorandum to Designers No 617,” Design Division, Tennessee Department of Transportation.

7.2.6 ROAD IMPROVEMENT REQUIREMENTS

- A. Where the projected ADT for a crossroad is greater than 1,000 acceleration and deceleration lanes are required. The length of those lanes shall be 450 feet and two 250 feet, respectively.
- B. The need for signalization shall be explored with the Tennessee Department of Transportation under the following circumstances:
 1. The ADT for the highway is greater than 6,720, and the projected ADT exiting a crossroad is greater than 1,600 for one lane or 2,248 for two lanes.
 2. The ADT for the highway is greater than 10,080, and the projected ADT exiting a crossroad is greater than 850 for one lane or 1,120 for two lanes.
 3. The Planning Commission determines that signalization may be warranted.

7.2.7 BUILDING SETBACKS

A. Design Criteria, General

1. Side yard and rear setbacks not located along a primary arterial route shall be as set forth for the PUD District within which the use is located.
2. Deep front setbacks are recommended in order to be compatible with existing development, retain an open, rural image from the highway, protect views, create a quality image, and maintain natural edges.

B. Design Criteria, Detailed

For projects with frontage along existing primary arterial routes (i.e., US 31, 99, and 43) the following setbacks shall apply to all frontages along primary arterial routes:

1. Required front setbacks shall range from 100 feet to 300 feet and are based on three site plan factors:
 - a. the height of the building;
 - b. the placement of the parking; and
 - c. the amount of parking which is screened from view from the highway.
2. The site plan factor which results in the deepest setback shall be used to determine the setback for each individual site. The site plan factors allowed for each setback are as follows:
 - a. **100 Feet** – All parking behind or below buildings; 100% of parking shall be screened from view; buildings shall be limited to one story.
 - b. **200 Feet** – Parking may be placed behind, below, above, or to the side of buildings; 75% of parking shall be screened from view; buildings shall be limited to two stories.
 - c. **300 Feet** – Up to 50% of parking may be placed in front of building; 50% of parking shall be screened from view; buildings shall be limited to three stories.
 - d. If there are existing buildings within 200 feet of the proposed structure (as measured along the highway frontage) which are set back farther than the proposed setbacks, then the proposed building must match the average of the existing setbacks.
 - e. No building shall be required to set back more than 400 feet.

7.2.8 LIGHTING

A. Design Criteria, General

1. The style and design of lighting fixtures shall be consistent and harmonious from site to site and within sites, as the function changes from roadway to parking to pedestrian orientation.
2. All lighting used for exterior illumination shall be directed away from adjoining properties.
3. No glare, whether direct or reflected, shall be visible at any property line.

B. Design Criteria, Detailed

1. No light may exceed 30 feet in height. The following recommended heights are considered appropriate:
 - a. **Pathway Lighting** – Up to three feet.
 - b. **Pedestrian** – 12 feet
 - c. **Plaza Lighting** - 15 feet.
 - d. **Roadway** – 30 feet.
 - e. **Parking** – 30 feet.
2. Poles are to be a neutral, preferable dark, color.
3. All parking, road, and security lights are to be cut – off luminaries.
4. All bulbs are to be color – corrected high – pressure sodium.
5. The intensity of lighting at entrances and use areas should be two footcandles, at paths and steps an average of one footcandle; and in parking areas 0.05 footcandle minimum.

7.2.9 BUILDING AND ARCHITECTURE

A. Design Criteria, General

1. All buildings and structures are to be of a permanent, fixed nature; temporary and portable structures are not allowed.
2. All building and site layout shall complement the physical conditions of each individual site.
3. Finish building materials shall be applied to all sides of a building visible to the general public.
4. Exterior building materials shall have good weathering qualities, be subdued in color, and reflect the character of existing buildings in the area.
5. All building elevations shall be faced in a uniform and constant manner.
6. All buildings are limited to three stories as seen from the highway.

B. Design Criteria, Detailed

1. Recommended materials are natural wood; stone and brick in muted tones of brown, gray and red; and dark metal finishes.
2. Exterior building materials which are not acceptable include exposed standard concrete blocks; prefabricated metal buildings; simulated brick, stone or wood; weeping mortar joints; unnatural brick tones; and silver finish aluminum doors and windows.
3. Building roofs are to be uncluttered; cooling towers, rooftop mechanical units and ventilating fans are to be either integrated into the design of the structure or

screened from view. Roofs normally visible to the general public are to be black, brown or gray, or are to be cedar shakes or shingles.

4. Any outside mechanical equipment, trash receptacles, etc., which are visible to the general public are to be screened by plantings, walls or fences in character with the building style and material.

SEC. 7.3 RESIDENTIAL (PUD-R)

7.3.1 PURPOSE AND INTENT

These districts are designed to accomplish the following:

- A. To encourage variety, flexibility and innovation in land development and land – use for basically residential areas which is consistent with the overall goals and objectives of the general plan.
- B. To encourage a mixture of housing types.
- C. To provide a harmonious blending with the surrounding development, minimizing such negative influences as land use conflicts, heavy traffic congestion and excessive demands on existing or proposed public facilities.
- D. To provide for increased safety, amenity and livability through improved design.
- E. To provide open space.
- F. To provide for the best use of the site consistent with the goals of protecting and enhancing the natural environment.

7.3.2 GENERAL STANDARDS GOVERNING PROJECT APPROVAL

- A. In addition to recording the findings required by Sec. 3.20, PUD Approval, the Planning Commission and City Council shall consider the proposed planned unit development from the point of view of the standards and purposes of the regulations governing the residential planned unit development so as to achieve a maximum of coordination between the proposed development and the surrounding uses; the conservation of woodland and the protection of water courses from erosion and siltation; and a maximum of safety, convenience and amenity for the residents of the development. To these ends the reviewing agencies shall consider the location of building, parking areas and other features such as streams and trees; the efficiency, adequacy and location of green areas provided; the adequacy of public services and facilities; and such other matters as such agencies may find to have a material bearing upon the stated standards and objectives of these regulations.
- B. Unless specifically exempted, the standards and requirements contained in this Section shall be in addition to any other applicable standards and requirements established in this Ordinance.

7.3.3 USES PERMITTED WITHIN A RESIDENTIAL PUD

Uses within a Residential PUD shall be permitted in accordance with the use table in Sec. 8.1, subject to any applicable use standards and Residential PUD district design standards established in this Section.

7.3.4 MINIMUM SIZE OF RESIDENTIAL PUD DISTRICTS

No residential planned unit development may contain less than the minimum area as stipulated herein unless the Planning Commission and City Council find that a tract containing less than this minimum is suitable as a planned unit development by virtue of its historical character, unique scenic qualities, ecological or topographic features. Whenever a residential planned unit development is proposed to be located within two or more zoning districts with different required minimum areas, the largest required minimum area shall control.

BASE ZONING DISTRICT	MINIMUM
R – 40 OR RS – 40	10 ACRES
R – 20 OR RS – 20	7 ACRES
R – 15 OR RS – 15	4 ACRES
R – 10 OR RS – 10	3 ACRES
R – 6 , RS – 6, RM-1	2 ACRES
RM – 2	1 ACRE
MRC	1 ACRE
CBD	5 Units

7.3.5 DENSITY PERMITTED

The density permitted within a planned unit development is to be derived from that permitted within the base zoning district which the residential PUD District is to overlay (see Sec. 6.3.8, Residential Districts, Conventional Development for district intensity standards). The maximum number of dwelling units permitted shall be calculated as follows:

- A. From the gross area proposed for development as a residential planned unit development shall be subtracted:
 - 1. All land to be utilized as public street right – of – way.
 - 2. Any portion of the site lying within a floodway district.
- B. The remaining net development area is then divided by the “minimum development area per dwelling unit”. Any fractions of .5 or greater shall be rounded to the next whole number.
- C. In any instance of a site located within two or more zoning districts the density permitted within each district shall be separately calculated for the portion of the site lying within each district. No transfer of density may be permitted among base zoning districts.

7.3.6 YARDS AND OPEN SPACE REQUIREMENTS

In addition to the standards established in Sec. 12.7, Open Space, Private or shared limited use areas shall generally be provided as required herein for all dwellings located within any residential planned unit development. Such areas shall be designed so as to assure privacy and control of access by and for the exclusive use of the intended residents. In any instance where an alternative to this provision is recommended the Planning Commission shall make a specific finding (and enter its finding into its recommendation to the City Council) that an equal or greater measure of controlled use outdoor living area is to be provided.

A. One to Four Family Dwellings – Including All Attached Dwellings

Each dwelling unit shall on its own lot have one yard containing not less than 750 square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off – street parking or for accessory buildings.

B. Multi – Family Dwellings

Each multi – family complex shall be provided with private or shared limited use area of at least 500 square feet in area per dwelling unit. Such open area may provide for a variety of activities but must be for the sole use and enjoyment of the residents of that building or complex only.

7.3.7 BUFFERS ALONG PERIMETERS

Along the perimeter of a Residential PUD, the requirements of Article 11, Landscaping and Buffering shall apply.

7.3.8 BUILDING SPACING

The requirements of 6.3.8D, Minimum Distance between Buildings, shall apply to all buildings located on the interior of a site.

7.3.9 LOT COVERAGE

No lot coverage standards shall apply to each individual lot within a PUD-R. However, impervious cover across the entire site shall not exceed the amount of impervious cover permitted for similar uses under the base district standards. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zoning district shall apply to those dwellings located within it. No transfer of bulk is permitted among zoning districts.

7.3.10 SETBACK REQUIREMENTS

For all buildings located within the internal portion of the site, setbacks are to be established through review of the development proposal. To the maximum feasible extent, any building located along the periphery of the site shall be set back so as to insure that lots located along a street with a more conventional lot pattern are compatible with the established pattern.

7.3.11 PEDESTRIAN CIRCULATION

The pedestrian circulation system and its related walkways shall be isolated as completely as possible from the street system in order to provide separation of pedestrian and vehicular movements. This may include, where deemed necessary by the Planning Commission or City Council, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood uses which generate a considerable amount of pedestrian traffic.

7.3.12 HEIGHT RESTRICTIONS

A. General

In general the height restrictions applicable within the base zoning district (s) underlying any planned unit development shall apply to all uses permitted within the PUD District. However, the Planning Commission or City Council may act to restrict height in any instance where visual privacy of adjoining property may be threatened as a result of height variation along the periphery of the PUD District. All structures exceeding 35 feet in height are subject to specific approval by the City Fire Department.

B. Height Limitations at the Edges of a Residential PUD

In general the height provisions applicable to all base districts which the residential planned unit development overlays shall apply to all buildings and structures located therein. However, along any district boundary where the adjoining district permits less height than the residential planned unit development no building within the residential planned unit development shall project through imaginary planes starting at the maximum height permitted in the adjoining district and leaning inward from district boundaries at an angle representing an increase of 1/2 foot in height for each foot of horizontal distance perpendicular to the boundary.

7.3.13 ACCESS REQUIREMENTS

Every dwelling unit shall meet the provisions for access set forth in Sec. 6.1.4.

7.3.14 REQUIRED OFF – STREET PARKING

- A. In general, the parking and loading ratios established in Article 10, Parking and Loading shall apply.
- B. In a residential planned unit development or portions of a residential PUD especially designed for the use and occupancy of persons of 60 years of age or older a minimum of one off – street parking space for two dwelling units shall be required.

SEC. 7.4 COMMERCIAL (PUD-C)

7.4.1 PURPOSE AND INTENT

These districts are designed to accomplish the following:

- A. To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas;
- B. To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated;
- C. To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, ingress and egress, loading, landscaping, and buffer strips; and
- D. To encourage commercial development which is consistent with the long – range general plan for Columbia.

7.4.2 LIMITATIONS

This chapter shall only be used for commercial planned unit developments upon a determination by the Planning Commission that the proposed development is in harmony with the purpose and intent as stipulated in this section and is consistent with any applicable adopted land use plans.

7.4.3 TYPES OF COMMERCIAL PLANNED UNIT DEVELOPMENTS

This section indicates the various types of commercial planned unit developments along with the intended general function of each.

A. Convenience Retail/Service

This commercial planned unit development type is intended to provide a means of introducing convenience retail and service activities within residential neighborhoods. It is intended that where such districts are permitted they shall be strictly limited in scope of goods and services offered to those of a convenience nature only. Moreover, it is intended that such centers shall remain small in size and that the overall bulk and appearance of buildings as well as open space and landscaping requirements shall assure continuing compatibility with surrounding property.

B. Commercial Enterprise – General

This commercial planned unit development is intended as a mechanism for encouraging the coordinated development of relatively large tracts into employment centers focused upon business and office related activities. In addition certain retail and service functions are permitted which are intended to support the overall focus as a center for business and business related services. It is expressly intended that developments of this type shall not become principally oriented toward retailing or personal, (as opposed to business) service.

C. General Retail Sales and Service

This commercial planned unit development is intended to provide overall guidance for development of large scale retail/service complexes such as shopping centers. It is intended that developments approved under this provision shall be so located in relation to major streets and surrounding land uses as to assure adequate traffic carrying capacity and a high level of compatibility with, and protection for, surrounding activities.

7.4.4 LOCATION AND REQUIRED AREA OF COMMERCIAL PUD

A. Review of Adopted Long – Range General Plan Required

In no event shall the location, composition, and extent of a proposed commercial planned unit development be approved unless such proposed development is consistent with the actions and policies regarding land development adopted by the Planning Commission.

B. Market Analysis for Commercial Planned Unit Development

The Planning Commission may require a market analysis for any proposed commercial planned unit development. The market analysis will be utilized, among other things, to determine the impact of the proposed development on the long – range development of the commercial land use in the Columbia Area, to determine the timing of any proposed development, to limit the extent of the Planned Unit Development – Convenience District, serving a particular residential area; to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes; to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided by the landholder and the landholder shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or City Council.

C. Minimum Required Site

The minimum site required for the various types of commercial planned unit developments shall be as shown below:

Commercial PUD Type	Min. Site Requirement (s.f.)
Convenience Retail/Service	20,000
General Retail Sales and Service	40,000
Commercial Enterprise – General	40,000

7.4.5 ACTIVITIES PERMITTED WITHIN A COMMERCIAL PUD

The provisions of this section shall apply to all uses and activities permitted within any commercial planned unit development.

A. Principal Permitted Uses and Structures

1. General:

Uses within a Commercial PUD shall be permitted in accordance with the use table in Sec. 8.1, subject to any applicable use standards and Commercial PUD district design standards established in this Section.

2. Findings of Appropriateness:

- a. Due to the unique ability of the planned unit development process to tailor individual developments so as to achieve balanced and reasonable use of the land while maintaining an assured measure of protection for surrounding owners, it is necessary that limited discretion be afforded the Planning Commission and City Council in the process of selecting uses within particular developments.
- b. In this regard, it is necessary that the uses permitted within a particular development not distract from the overall intent of each type district as established in 7.4.3, Types of Commercial PUDs. To this end, the selection of uses permitted within each individual commercial planned unit development will be guided by:

- (1) The use provisions established for the district in the use table found in Sec. 8.1;
 - (2) The appropriateness of each use given the intended function of each type commercial planned unit development;
 - (3) The unique nature of the property surrounding each development; and
 - (4) Consistency with any adopted area development plan which may be applicable to the proposed site.
- c. This process may result in limitations, restrictions, or the prohibition of particular uses permitted within a base zoning district from a commercial planned unit development which overlays that district.

B. Accessory Uses

Any accessory use permitted within any commercial district may be permitted within a commercial planned unit development to the extent that such activities:

1. Meet the general definition for accessory activities; and
2. Are found to be appropriate under the provisions of Sec. 8.4, Accessory Use Standards.

C. Conditional Uses

The provisions of Sec. 3.14 and Sec. 8.3 shall apply to the process of considering conditional uses for location within commercial planned unit development districts.

D. Temporary Uses

A temporary use permit shall be required in conformance with Sec. 3.8. The standards specified in Sec. 8.5 shall apply.

E. Prohibited Uses

Any use, other than a temporary use, not approved within an overall development plan or subsequent amendment thereto shall be prohibited.

7.4.6 BUILDING SPACING REQUIREMENTS

All buildings located within any commercial planned unit development shall be located such that the minimum space between such shall be the greater of:

- A. That required by minimum yard standards established in this Section, or
- B. That required by the minimum spacing standards of Sec. 6.3.8D, Standard Minimum Spacing between Buildings.

7.4.7 YARD AND LANDSCAPING REQUIREMENTS

The following yard requirements shall be applied to the various types of commercial planned unit developments.

A. Provisions Applicable To Convenience Retail/Service Planned Unit Developments

I. Minimum Yard Requirements

- a. A street yard 20 feet in depth shall be provided.
- b. Side yards adjacent to Residential districts or uses shall be a minimum of 15 feet in width.
- c. Side yards adjacent to a lot on which another commercial establishment is located, or is being constructed, or is definitely to be constructed need not be provided if the structures involved have no space between their walls. If there is

to be space between the walls of adjacent structures such space shall be at least five feet in width.

- d. Rear yards shall be a minimum of 25 feet in depth.

2. Landscaping Requirements; Buffering; Control of Appearance

- a. As minimum requirements except for drives and walkways, any yard adjacent to a street shall be landscaped and maintained in a manner appropriate to a residential neighborhood for a distance of ten feet from the lot line adjacent to the street, except for portions which adjoin lots in residential use, which shall be so landscaped and maintained for full width or depth of the required yards within 25 feet of adjoining lot lines.
- b. Side yards adjacent to lots in residential use shall be similarly landscaped and maintained for their full required minimum width. No such required landscaped area shall be used for off – street parking or loading. No nature which impairs visibility of or from approaching traffic, or creates potential hazards for pedestrians shall be permitted.
- c. Where the site plan indicates potential adverse effects of parking or other characteristics of a use on the lot on which the convenience facilities are to be located, a wall, fence, or appropriate vegetative screening shall be required to be erected and maintained in such manner as to eliminate such effects or reduce them to an acceptable level. If there is to be parking on the premises after dark, such buffering shall at a minimum prevent lights from automobiles parked or maneuvering incidental to parking from shining across adjacent residential property below a height of five feet at the residential windows.

3. Building Setback

Along all portions of the boundary of any convenience retail/service commercial planned unit development district which adjoins other portions of a combined planned unit development or any commercial or industrial district the building setback shall be established during the process of review and approval required by this article. However, in any instance where this district may abut property zoned for residential use and not included within the planned unit development district of which the commercial use is part, all building shall be set back as follows:

- a. Where the property is zoned, but not currently utilized, for residential purposes, a distance equal to the setback established for the Residential district.
- b. Where the property is currently utilized for residential purposes, a distance equal to the present average setback of properties located 200 feet from the nearest point on the subject property. Provided, however, that in no instance shall this distance exceed twice the minimum setback established for the OCL District.

B. Provisions Applicable To All Other Commercial Planned Unit Development Districts

Except as required by 7.4.8, (along district boundaries), and Sec. 7.4.6 applying to building spacing, open space within all commercial planned unit development districts other than convenience retail/service districts shall be established during the process of plan review and approval.

7.4.8 BUFFER REQUIREMENTS

Commercial PUDs shall provide project boundary buffers and street buffers in conformance with Article 11, Landscaping and Buffering, and Vehicular Use Area buffers in conformance with Sec. 10.5.7.

7.4.9 HEIGHT REQUIREMENTS

A. Building Height

The height of buildings permitted within commercial planned unit developments shall be controlled as provided herein.

1. Basic Requirements

No portion of any building or other structure may exceed 35 feet in height, except as provided in Sec. 6.2.3D, Permitted Obstructions.

B. Height Limitations at Edges of Commercial Planned Unit Developments

Along any district boundary where a commercial planned unit development district adjoins a Residential district and such property is not included within a commercial planned unit development no building within the commercial planned unit development shall project through imaginary planes starting at the maximum height permitted in the adjoining district and leaning inward from district boundaries at an angle representing an increase of 1/2 foot in height for each foot of horizontal distance perpendicular to the boundary.

7.4.10 PROVISIONS GOVERNING OFF – STREET PARKING AND LOADING

A. Approval of Vehicular Circulation Plan

Portions of the plan relating to location and design of ingress and egress traffic control, arrangement of off – street parking and loading facilities, and internal circulation shall be referred to the city engineer for study, and no commercial planned unit development shall be approved by the Planning Commission without consideration of the recommendations of the city engineer. Additional conditions and safeguards on such matters may be included by the Planning Commission or City Council.

B. General Provisions

Parking and loading shall be provided in the ratios required in Article 10, Parking and Loading, in conformance with the parking area design requirements contained in that Article, subject to the following additional requirements:

1. Vehicular access locations shall be provided so that vehicles entering or departing a commercial planned unit development site shall do so only at such locations.
2. Elsewhere along the property lines of said commercial planned unit development a physical separation between the said site and public rights – of – way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular access location serving a commercial planned unit development site shall be within one hundred (100) feet of the intersection of street right – of – way lines, bounding, in part, the same commercial planned unit development site.

7.4.11 CONVENIENCE RETAIL/SERVICE COMMERCIAL PLANNED UNIT DEVELOPMENTS

A. Distance to Alternate Facilities or Locations

No establishment within this district shall be permitted closer than 1,000 feet to the boundary of any district where similar facilities are generally permitted, nor shall any new establishment of a specific kind be located within 1,000 feet of an active establishment of the same nature found suitable for supplying the same needs for the general area involved, provided however that medical and dental offices may include groups or combinations of physicians and dentists. Measurement of distances indicated shall be along usual routes of pedestrian travel.

B. Grouping of Convenience Establishments

Strong preference shall be given to location of complimentary additions in the immediate vicinity of existing convenience establishments of other types in patterns which facilitate easy pedestrian circulation from the surrounding area and from one establishment to another, and to arrangements which encourage joint use of parking areas and automotive entrances and exits. In cases where a proposed location is suitable for later addition of other permitted convenience facilities, an isolated food service or general personal service activity may be permitted. Separate medical services activities (other than professional offices conducted as accessory uses in residences of such physicians and dentists) shall also be so located unless substantial public advantage can be demonstrated for other locations.

C. Maximum Size of Establishments

In the environment in which convenience establishments are intended to be permitted, it is the intent of this chapter that no such establishment or group of establishments shall be of such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, no individual convenience establishment shall have a gross floor area exceeding 5,000 square feet.

D. Hours of Operation

Except for emergency activities at the offices of physicians and dentists, no convenience establishment shall be open for business between the hours of 11:00 p.m. and 6:00 a.m.

E. Conduct of Operations

1. All sales, service, or display in connection with convenience establishments shall be within completely enclosed buildings, and there shall be no display, service or storage outside such buildings.
2. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.
3. No drive-through facilities shall be permitted.

F. Outdoor Display and Storage

1. Outdoor display and/or storage of goods or materials of any kind is prohibited.
2. The placement of waste disposal facilities is permitted in the rear of the commercial operation only and shall not be located in any required yard. Such facilities shall be totally screened using similar exterior materials from which the outside walls of the principal building is constructed and shall be maintained in a clean and orderly manner.

SEC. 7.5 INDUSTRIAL (PUD-I)

7.5.1 INTENT

These districts shall be designed to accomplish the following:

- A. To provide sufficient opportunity and flexibility for manufacturing activities to take place at feasible locations without an adverse impact upon surrounding non – manufactured areas.
- B. To permit a broad group of manufacturing activities under controlled conditions.
- C. To encourage the application of sound planning and design principles in the orderly development of manufacturing activities.
- D. To provide for the integration of manufacturing activities into large scale developments which incorporate residential and commercial as well as industrial activities.
- E. To maximize manufacturing potentialities within the community without adversely affecting its living environment.

This chapter shall only be used for industrial planned unit developments upon a determination that the proposed development is in harmony with the purpose and intent as stipulated in this section and warrants the finding required by Sec. 3.20.2.

7.5.2 LOCATION AND SITE OF INDUSTRIAL PLANNED UNIT DEVELOPMENT

The location and required area of industrial planned unit development districts shall be as follows:

A. Location

An industrial planned unit development may be developed independently or as part of a combined planned unit development as set forth in Sec. 3.20.4, provided:

1. The location, composition and extent of any proposed industrial planned unit development is consistent with the adopted long – range general plan.
2. The site of the proposed development possesses manufacturing locational attributes such as proximity and immediate access to major thoroughfares, rail service, adequate utilities and fire protection.
3. The proposed development of the site will not have an adverse impact on the surrounding area, such as the generation of high volumes of traffic or truck traffic through future or existing residential areas.

B. Minimum Required Area

The required minimum area within an industrial planned unit development district shall be as follows:

1. **Three acres:** For an industrial planned unit development located within or contiguous to an existing industrial district.
2. **Ten acres:** For an industrial planned unit development located within any area which is not within or contiguous to an existing industrial district.

7.5.3 USES AND STRUCTURES

The provisions of this section shall apply to all uses and activities permitted within any industrial planned unit development.

7.5.4 BULK REGULATIONS FOR INDUSTRIAL PLANNED UNIT DEVELOPMENT

A. Principal Permitted Uses and Structures**1. General:**

Uses within an Industrial PUD shall be permitted in accordance with the use table in Sec. 8.1, subject to any applicable use standards and Industrial PUD district design standards established in this Section.

2. Findings of Appropriateness:

a. Due to the unique ability of the planned unit development process to tailor individual developments so as to achieve balanced and reasonable use of the land while maintaining an assured measure of protection for surrounding owners, it is necessary that limited discretion be afforded the Planning Commission and City Council in the process of selecting uses appropriate within particular developments. In this regard, it is necessary that the uses permitted within a particular development not distract from the overall intent of each industrial development. To this end, the selection of uses permitted within each individual industrial planned unit development will be guided by:

- (1) The use provisions established for the district in Subpart (c) of this section;
- (2) The appropriateness of each use given the intended function of each type commercial planned unit development;
- (3) The unique nature of the property surrounding each development; and
- (4) Consistency with any adopted area development plan which may be applicable to the proposed site.

b. This process may result in limitations, restrictions or the prohibition of particular uses permitted within a base zoning district from an industrial planned unit development which overlays that district.

B. Accessory Uses

Any accessory use permitted within any industrial district may be permitted within an industrial planned unit development to the extent that such activities:

1. Meet the general definition for accessory activities; and
2. Are found to be appropriate under the provisions of Sec. 8.4, Accessory Use Standards.

C. Conditional Uses

The provisions of Sec. 3.14 and Sec. 8.3 shall apply to the process of considering conditional uses for location within industrial planned unit development districts.

D. Temporary Uses

A temporary use permit shall be required in conformance with Sec. 3.8. The standards specified in Sec. 8.5 shall apply.

E. Prohibited Uses

Any uses or structures not of a nature specifically permitted herein.

7.5.4 BULK REGULATIONS FOR INDUSTRIAL PLANNED UNIT DEVELOPMENT

The following building, site and yard requirements shall be applied in industrial planned unit development.

A. Building Height Limitation

1. General

The maximum height of buildings or structures within an industrial planned unit development shall be 65 feet.

2. Limitations

Any building exceeding 35 feet in height shall be approved by the fire department prior to the issuance of a building permit. The fire department may stipulate special fire protection measures as a condition of approval of any such structure. In such instance the stipulations made by the fire department shall be required.

B. Minimum Building Site Area Requirements

No industrial establishment may be located on a site within any industrial planned unit development district unless the site contains the following minimum area:

1. For an industrial planned unit development located within or contiguous to an existing industrial district one acres.
2. For an industrial planned unit development located within any area which is not contiguous to an existing industrial district two acres.

C. Minimum Open Space, Setback and Boundary Requirements

Without the industrial planned unit development district the following open space, setback and boundary requirements shall apply.

1. Open Space Requirements

The ratio of all open space to floor area shall not be less than the following minimums:

- a. For an industrial planned unit development located or contiguous to an existing industrial zone 3/10 square foot of open space per square foot of gross floor area.
- b. For an industrial planned unit development not within or contiguous to an existing industrial district 1/2 square foot open space per square foot of gross floor area.

2. Boundary Setback and Building Spacing Requirements

a. General

Along all portions of the boundary of any parcel located within any industrial planned unit development district the building setbacks shall generally be established during the process of review and approval required by this article.

b. Building Separation

The minimum building spacing provisions of Sec. 6.3.8D shall be met.

7.5.5 BUFFER AND HEIGHT REQUIREMENTS

Where an industrial planned unit development district adjoins either a residential planned unit development district or any base Residential district without intervening open space at least 200 feet in width serving as a separation between buildable areas, the following provisions shall apply.

A. Buffers

Project boundary buffers and street buffers shall be provided in conformance with Article 11, Landscaping and Buffering.

B. Height Limitations at Edges of Residential Planned Unit Developments

Along any district boundary where an industrial planned unit development district adjoins a Residential district, no building within industrial planned unit development shall project through imaginary planes starting at the maximum height permitted in the adjoining

7.5.6 STREET LAYOUT, REQUIRED OFF – STREET PARKING AND LOADING

district and leaning inward from district boundaries at an angle representing an increase of 1/2 foot in height for each foot of horizontal distance perpendicular to the boundary.

7.5.6 STREET LAYOUT, REQUIRED OFF – STREET PARKING AND LOADING

Within industrial planned unit developments the following principles of street layout and minimum standards for required off – street parking and loading shall be applicable.

A. Street Layout

In order to encourage the sound development of major thoroughfares and to reduce the intrusion of industrial traffic into non – manufacturing areas, the following principles shall be followed:

1. The vehicular access to an industrial planned unit development shall be principally from an arterial or collector street as shown on the adopted Major Street Plan for Columbia, Tennessee.
2. Each building or group of buildings and their parking and service areas in an industrial planned unit development shall be physically separated from any major street, identified as above, by a curb, planting strip or other suitable barrier against unchanneled vehicular access, except for access ways as permitted by paragraph (3) below.
3. Access ways to an industrial planned unit development shall be designed so as to minimize traffic conflicts. In no event shall an access point be closer than one 100 feet from any intersection of street right – of – way lines.
4. All industrial planned unit developments shall be designed so as to reduce to an absolute minimum the flow of traffic moving to and from industrial areas through residential areas.

7.5.7 REQUIRED ACCESSORY OFF – STREET PARKING AND LOADING AREAS

Accessory parking and loading areas shall be provided in accordance with the provisions set forth in Article 10, Parking, Loading, and Access, except as provided below. The design, lighting provisions, etc., contained in Article 10, Parking, Loading, and Access, are fully applicable to all industrial planned unit developments.

A. Off – Site Parking In Industrial Planned Unit Developments

Off – site parking spaces accessory to any permitted use in an industrial planned unit development may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory, provided that:

1. Such spaces are located within the area encompassed by the industrial planned unit development.
2. There is no way to arrange such spaces on the same zone lot as such use;
3. Such spaces are located to draw an absolute minimum of vehicular traffic to through streets having predominantly residential frontage;
4. Such spaces are located no further than 600 feet from the nearest boundary of the zone lot to which they are accessory;
5. Such spaces are in the same ownership as the use to which they are accessory or necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use; and
6. Such spaces conform to all applicable regulations of the industrial planned unit development of which they are a part.

SEC. 7.6 OFFICE PARK (PUD-OP)

7.6.1 PURPOSE

A. The PUD-Op District Is Intended To:

1. Accommodate office activities— as well as related manufacturing, business, and science activities
2. Accommodate office complexes, research facilities, pilot plants, prototype production facilities, and other manufacturing operations that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process;
3. Ensure that such facilities are developed to help provide the district a campus or park like character that emphasizes natural characteristics and landscaping; and
4. Encourage originality and flexibility in development, and to ensure that development is properly related to its site and to surrounding developments.

7.6.2 STANDARDS

A. Permitted Uses

1. General:

Uses within a PUD-OP shall be permitted in accordance with the use table in Sec. 8.1, subject to any applicable use and district design standards established in this Section.

B. Lot and Building Standards

1. General

Unless expressly exempted, the following specifications detailed shall apply to all development within the PUD-OP district.

PUD-OP	
Minimum Lot Area (acres)	6
Minimum Lot Width (feet)	400
Maximum Lot Coverage (percent)	30
Maximum Building Height (feet)	45 feet above centerline of adjacent road + 1 foot for each 2 feet of building setback exceeding 100 feet
Minimum Required Setbacks⁽¹⁾ (feet)	
Right-of-Way 300 feet wide or greater	175
Right-of-Way 150-300 feet wide	150
Right-of-Way 150 feet or less with more than 8 acres of lot coverage	100
Right-of-Way 150 feet or less with less than 8 acres of lot coverage	75
Abutting any lot line other than right-of-way or separated from street by natural area preserve	150
Abutting a floodplain	150 feet from the closest edge of the floodplain
(1) Note: No minimum setback shall be required abutting the right-of-way of a railroad track or siding.	

2. Structures Allowed within Required Setbacks

The following structures are allowed within required setbacks to the extent indicated:

- a. structures below and covered by the ground;

- b. steps and walkways;
- c. driveways;
- d. approved signs and lighting devices;
- e. planters, retaining walls, fences, fountains, park tables and seating, hedges, and other landscaping structures;
- f. gate or security stations;
- g. roof overhangs; and
- h. utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures).

3. Use of Required Setbacks

- a. Except for structures allowed within required setbacks by Sec. 6.5.2B.2.b., above, the area of required setbacks must be either retained and maintained in a natural state or landscaped and maintained as attractive natural areas that include lawns, wooded areas, decorative planting, outdoor recreation areas, and/or water surfaces.
- b. If a natural area preserve is considered part of the lot for purposes of applying the minimum setback requirements in Sec. 7.6.2B.1, these exclusions also apply to that portion of the preserve located within the required setback area.

C. Other District Specific Standards

1. Natural Area Preserves

The district may include natural area preserves— that is, a parcel of land primarily intended to function as permanent open space providing environmental, scenic, or recreational benefits to adjacent development, and which has been designated as such on a recorded plat. If the recorded plat designates any portion of the natural area preserve as providing permanent open space to the benefit of an abutting lot, that portion of the natural area preserve must be considered as part of the abutting lot for purposes of applying the maximum lot coverage and minimum setback provisions in 7.6.2B, and the sign regulations in Article 15 to development of the abutting lot.

2. Storage

Outside storage of any materials, supplies or products is not permitted within any required setback area, and further, outside storage areas must be located, constructed, or landscaped to not be visible from any other lot or public street right-of-way.

3. Performance Standards

All development must comply with applicable federal and State requirements and regulations with regard to dust, smoke, odors, noise, air and water pollutant emissions, hazardous waste, solid wastes, radioactive wastes, ionizing radiation, radioactivity, and sewage and industrial wastes. In addition, development must also comply with the performance standards described in Sec. 12.8.

SEC. 7.7 VILLAGE CENTER (PUD-VC)

7.7.1 VC DISTRICT

- A. The purpose of the VC District is to encourage mixed-use, compact development that is sensitive to the environment and allows for greater flexibility in site layout and design.
- B. The VC District is intended to provide the following:
1. A mix of uses, including residential, commercial, civic and open space all situated in close proximity to one another.
 2. A variety of housing types to accommodate households of all ages and incomes.
 3. A network of interconnecting streets and blocks that maintains respect for the natural environment.
 4. A hierarchy of streets that equitably serves the needs of the pedestrian, the bicycle and the automobile.
 5. Natural features and undisturbed areas that are incorporated into the open space of the district.
 6. Efficient use of land within the District.
 7. Spatially defined squares and parks that provide places for social activity and recreation.
 8. Buildings that form a consistent, distinct edge that defines the border between the public street space and the private block interior.
 9. Architecture and landscaping that responds to the unique character of the region.

7.7.2 VILLAGE CENTER DISTRICT APPROVAL

- A. All VC District applications shall be reviewed in conformance with Sec. 3.20, Planned Unit Development Review.
- B. In addition to the review required above, the Architectural Standards required in Sec. 7.7.13 shall be submitted to the Architectural Design Review Team for review as established in Sec. 3.14.

7.7.3 VILLAGE CENTER SIZE AND LOCATION

In general, the minimum size of a development in the VC district shall be 20 contiguous acres and the maximum size shall not exceed 200 acres. The development may be located adjacent to, but shall not be bisected by an arterial street.

Commentary: *This district is intended for property that has very little, if any, existing development. Infill development projects of a smaller scale should consider the Cottage Housing Overlay (CHO).*

7.7.4 VILLAGE CENTER SUB-DISTRICTS

A. Mandatory Sub-Districts

A VC District shall be divided into at least two mandatory sub-districts. Each sub-district will have different land use and site development regulations. A VC District shall have one Village Center – Neighborhood (VC-N) sub-district and at least one Village Center – Residential (VC-R) sub-district.

1. **Village Center – Neighborhood (VC-N)**

The VC-N sub-district shall serve as the focal point of the district, containing retail, commercial, civic, and public services to meet the daily needs of community residents. The sub-districts shall be designed to encourage pedestrian movement. A square shall be required and commercial uses should generally be located adjacent to the square.

2. **Village Center – Residential (VC-R)**

The VC-R sub-district shall include a variety of residential uses. Residential-scale commercial uses shall be permitted with strict architectural and land use controls designed to blend into the residential character of the area. Open space shall be required, including small squares, pocket parks, community parks, and greenbelts. The VC-R sub-district should promote pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic.

B. **Optional Sub-Districts**

A VC District may also contain the three following optional sub-districts.

1. **Village Center – Fringe (VC-F)**

The VC-F sub-district shall be the least dense portion of the district, with larger lots and wider street yards than the rest of the district. The VC-F sub-district shall only be allowed along the perimeter of the district and shall be mandatory when the VC District abuts existing or platted conventional low density single-family housing.

2. **Village Center – Workshop (VC-W)**

The district may contain one VC-W sub-district. Commercial and light industrial uses that are not appropriate for the VC-N or VC-R districts but which serve the local residents may be located in a VC-W sub-district.

Commentary: *Examples of these VC-W uses include modest auto repair shops, carpentry workshops, small print shops, and other similar intensity operations.*

3. **Village Center – Employment (VC-E)**

The district may contain one VC-E sub-district. Large office, large commercial and low-impact manufacturing uses that are not appropriate in the VC-N, VC-R or VC-W sub-districts may be located in a VC-E sub-district.

C. **Sub-District Distribution**

The table below indicates the percentages of each sub-district that may be apportioned within a larger VC District.

VC District	-N	-R	-W	-E	-F
Sub-District	10%	90%	10%	10%	See
Percentage	Min.	Max.	Max.	Max.	7.7.7E

7.7.5 PRINCIPAL USES

- A. The following principal uses are permitted by right, or permitted as a limited use by the governing body in accordance with Sec. 3.20, Planned Unit Development Review.

VC District	-N	-R	-W	-E	-F	NOTES:
RESIDENTIAL USES						
Single-family detached					✓	
Zero lot line, patio home					✓	
Semi-detached house		✓				
Attached		✓				
Townhouse	✓	✓				
Multifamily / apartment	✓	L				
Congregate living facility, retirement apt.	✓	✓				
Upper-story residential, live work studio	✓	✓	✓			
PUBLIC AND CIVIC USES						
Clubs and lodges	✓		✓			
Museums	L	L	✓	✓		
Day care centers	✓	✓	✓	✓	✓	
Family day care facilities and group care	✓	✓	✓			
School, Elementary		✓	✓		✓	
School, middle or high					✓	
Railroad, Bus, and Transit Terminals	L	L	L	L		
Neighborhood primary health care clinics	✓	L	✓			
Hospitals, centers for observation or rehabilitation				L		
All parks and open areas	✓	✓	✓	✓	✓	
All personal and group care facilities, except as listed below			✓			
Group home (non-profit, 8 or fewer residents)	✓	✓	✓			
Family care and group care facility		✓	✓			
All religious facilities	✓	✓	✓	✓	✓	
Minor utilities	✓	✓	✓	✓	✓	
Telephone Facilities	✓	✓	✓	✓	✓	
COMMERCIAL USES						
Bed and breakfast inn and residence	✓	L	✓			
Hotel, motel,			L	L		
Nightclub or bar	L					
Restaurants	✓		✓			
Retail sales and service, neighborhood	✓	L	✓	✓		
Retail sales and service, general	✓		✓	✓		
Studio or gallery	✓		✓	✓		
Veterinary clinic	✓		✓	✓		
OFFICE						
Office	✓		✓	✓		
INDUSTRIAL USES						
Light industrial uses				L		

- B. Cell phone towers and similar wireless communication facilities may be permitted in accordance with Sec. 8.3.3U.

7.7.6 ACCESSORY STRUCTURES AND USES

All accessory structures and uses shall meet the standards as set forth in Sec. 8.4.

7.7.7 LAND USE ALLOCATION

A. Residential and Non-Residential Uses

The amount of land that shall allocated to a residential, public or civic, or commercial/ office/ industrial use, excluding streets, alleys, drainage and water controls, shall be as follows.

VC District	-N	-R	-W	-E	-F
Residential Uses					
Single-family detached					80% min.
Zero lot line, patio home					
Semi-detached house		40% to			
Attached		50%			
Townhouse		15% max.			
Multifamily / apartment	20% min.	20% min.			
Congregate living facility, retirement apt.					
Upper-story residential and live-work studio	2% min.	1% min.	5% max.		
All Public and Civic Uses	5% min.	2% min.	5%min.	5% min.	5% min.
Open Space	Aggregate 20% min. of entire VC Distric				
All Commercial, Office, and Industrial uses	30% min.	1% to 2%	60% min.	60% min.	

B. Open Space

Open space shall be a significant part of the district design. Formal and informal spaces shall be required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space in the VC District shall include squares, plazas, greens, preserves, parks and greenbelts.

1. The only buildings permitted on an open space area shall be public uses, community centers, and cultural structures identified in conformance with Sec. 7.7.8. Building coverage shall not exceed 15% of the gross lot area. Building setbacks shall be indicated on the site plan at time of review.
2. At least one public square shall be located within 600 feet of the geographic center of the VC-N sub-district. The required square shall be at least one-half acre in size in a VC District of 100 acres or less, or at least one acre in size in a VC District that is more than 100 acres. A square must adjoin streets along at least 75% of its perimeter.
3. In addition to the square, at least one open space area not less than two acres in size shall be located within a VC District.
4. The remaining open space shall be divided into smaller tracts and shall be distributed so that no use within the VC District is further than a 600-foot radius from a public outdoor space.
5. No individual open space shall be less than 7,500 square feet in size. With the exception of greenbelts, the length to width ratio of an individual open space shall be at most, 3:1.
6. Greenbelts shall have an average width of not less than 200 feet, but in no case shall be less than 50 feet in width. A greenbelt shall have not less than 25% of its boundary abutting a street. A greenbelt shall not be located behind dwellings. The approving authority may permit exceptions where topography, existing street layout, or other good reasons that make this restriction impractical.

7.7.8 Protection of Sensitive or Important Features

7. The portions of drainage and water quality facilities that are usable by the public for recreational purposes, as determined by the Planning Commission, may be designated as parks or greenbelts.

C. Community Center

1. A community center for the use by VC District residents shall be required.
2. A community center shall be located so that it is easily accessible to all residents and may be placed in a square, park, or other suitable public outdoor space.
3. The minimum size of a community center shall be 2,000 square feet and shall be large enough to meet the needs of district residents at ultimate District buildout.

D. Civic Uses

Civic uses are essential components of the social and physical fabric of the district. Special attention should be paid to the design and location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community.

E. Location of Village Center – Fringe Sub-District

1. Unless there is a park, green, greenbelt or preserve at least 100 feet wide along the perimeter of the District, a VC-F sub-district shall be designated along the perimeter of those portions of a VC District that abut:
 - a. Land zoned R/RS-40, R/RS-12, or R/RS-6;
 - b. Land included in an approved preliminary subdivision plan or final subdivision plat that is designated on the plan or plat for an R/RS-40, R/RS-12, or R/RS-6 district.
2. A VC-F sub-district shall be not less than 100 feet in width and not more than 250 feet in width. If the 250 foot width line falls within a block, the width may be extended to the nearest block edge.

7.7.8 PROTECTION OF SENSITIVE OR IMPORTANT FEATURES

- A. In general, sensitive or important environmental and/or cultural features shall be protected through buffering, or incorporation into the VC District layout. A plan for the protection and preservation of these features shall be submitted to the Design Review Board for review.
- B. The lands or structures associated with the protection or preservation of the feature(s) may be counted towards the open space requirement with approval from the Planning Commission during the PUD Review.

Commentary: For example, a historic house or structure could become the new community center or a museum which is incorporated into the proposed street pattern in a culturally sensitive manner. Similarly, a stream or existing wooded area could be integrated into the greenbelt system.

7.7.9 DISTRICT RESIDENTIAL DIMENSIONAL STANDARDS

Residential development in any VC District shall meet the dimensional standards as set forth below.

	Single-Family	Zero Lot Line	Semi-Detached	Attached	Townhouse	Multifamily or Apartment	Upper-Story or live-work
Maximum Density (units/acre)							
VC-N	--	--	--	--	25	25	25
VC-R	--	--	12	12	12	12	12
VC-W	--	--	--	--	--	--	12
VC-F	6	6	--	--	--	--	6
Lot Width (minimum feet)							
VC-N	--	--	--	--	--	35	
VC-R	--	--	16	32	16	35	See
VC-F	35	35	--	--	--	--	7.7.10
Yards (minimum feet)							
Street yard							
Side yard (single)	20*	20*	15*	15*	15*	15	
Side yard (total)	5	0	5	5	5	10	
Rear yard	10	10	5	10	10	10	
Building separation	25	25	25	25	25	25	
Parking area setback from principal structure	--	--	--	--	10	10	See
	--	--	--	--	--	--	7.7.10
Garage Setback (minimum feet)							
Street setback (including corner lot)							
Rear setback (including alley access)	--	--	20	20	20	20	--
	5	5	5	5	5	5	--
Bulk (maximum)							
Height (feet)	35	35	35	35	45	45	See
Building coverage	50%	50%	50%	50%	40%	--	7.7.10

* Required front porches and stoops may extend into the required street yard setback.

7.7.10 DISTRICT NONRESIDENTIAL DEVELOPMENT STANDARDS

Nonresidential development in any VC District shall meet the development standards as set forth below.

VC District	-N	-R	-W	-E	-F
Lot Dimensions (minimum)					
Lot area (square feet)	3,000	3,000	3,000	5,000	3,000
Lot width (feet)	30	30	30	40	30
Yards (minimum feet)					
Street yard	--	--	--	20	20
Side yard (single)	0 or 5	5	5	5	5
Side yard (total)	0 or 10	10	10	10	10
Rear yard	5	10	10	10	10
Building separation	10	10	0 or 10	0 or 10	10
Build-to line (feet)					
From ROW (maximum)	10	15	15	--	--
Building frontage (minimum)	70%	70%	70%	--	--
Gross Floor Area (maximum square feet)	10,000	2,500	25,000	40,000	2,500
Bulk (maximum)					
Height (feet)	50	35	50	50	35
Building coverage	60%	60%	60%	60%	50%

7.7.11 LAYOUT STANDARDS

All applications for a VC District shall comply with the following parameters:

A. Lots and Buildings

1. All lots shall share a frontage line with a street, square or pedestrian walkway.
2. Except detached accessory structures, all buildings shall have their main entrance facing a street, square or pedestrian walkway.
3. Unless otherwise specified, all uses shall be conducted within completely enclosed buildings.

B. Streets, Alleys and Pedestrian Walkways

1. Pedestrian and non-motorized vehicular mobility shall be prioritized over motorized vehicle circulation within the VC District.
2. Sidewalks shall be required on all streets. Alleys shall not be required to have sidewalks.
3. Street crosswalks shall be clearly differentiated from the roadway by use of brick pavers or similar materials that are visibly and texturally different from the road surface.
4. Medians on divided streets shall contain openings where crosswalks are installed to provide unobstructed pedestrian travel.
5. Streets or alleys shall provide access to all buildings and lots.
6. Except in a VC-F sub-district, each lot shall abut an alley unless the approving authority determines that good cause exists to omit an alley or portion of an alley.
7. All required alleys shall be to the rear of a lot, except that corner lots may have an alley located along the side lot line.
8. All streets, alleys and pedestrian walkways shall connect to other streets within the district and shall connect to existing and projected streets outside the district, if applicable. Cul-de-sacs, T-turnarounds and gated or dead-end streets are not permitted.

9. The average perimeter of all blocks shall not exceed 1,300 feet. No block face shall have a length greater than 600 feet without an alley or pedestrian walkway providing through access to another street or alley.
10. A warranted traffic control device shall be placed at intervals no further than 600 feet on all streets internal to the district.
11. Utilities lines shall be installed underground.
12. Right-of-way shall extend a minimum of 18 inches beyond the edge of the sidewalk, measured away from the right-of-way centerline.
13. Street furniture such as trash containers and bus benches shall be permanently secured to the sidewalk. One bench shall be provided along each edge of a square, green, plaza or park.

7.7.12 ADDITIONAL STANDARDS

1. A front stop or porch with a minimum area of 150 square feet and a minimum depth of 10 feet shall be required on all single-family detached, zero lot line, semi-attached and two-family dwelling units.
2. Drive-thru facilities and other facilities that allow people to remain in vehicles while receiving products and services shall not be permitted. Gasoline pumps at service stations may be exempted from this provision with Planning Commission approval.
3. Any off-street parking use, including parking accessory to another use, may not exceed one acre in size.
4. The VC-N sub-district shall be easily accessible by pedestrians from all parts of any VC-R sub-district. At least 90% of the lots in a VC-R sub-district shall be within 200 linear feet of a VC-N sub-district boundary.
5. All uses with a nonresidential component shall require bicycle parking facilities in unless adequate publicly-provided facilities exist within 200 feet of the primary entrance.

7.7.13 ARCHITECTURAL STANDARDS

The conditions, covenants, and restrictions shall establish architectural standards for the property within the district.

- A. The architectural standards developed for the district shall achieve the following objectives:
 1. Architectural compatibility;
 2. Human scale design;
 3. Integration of uses;
 4. Encouragement of pedestrian activity;
 5. Buildings that relate to and are oriented toward the street and surrounding buildings
 6. Residential scale buildings in any VC-R sub-district;
 7. Buildings that contain special architectural features to signify entrances to the VC-N sub-district and important street intersections; and
 8. Commercial buildings that focus activity on the required square in the VC-N sub-district.
- B. No sign, awning, lighting, wiring or other object higher than 30 inches from the ground shall extend more than four inches horizontally over any sidewalk from the column, post

or wall on which it is mounted or shall hang down above the sidewalk unless its bottom edge is more than 80 inches above the sidewalk.

7.7.14 PROPERTY OWNERS' ASSOCIATION

- A. Conditions, covenants, and restrictions for all the property within a VC District shall be filed with City of Columbia by the owner before a final subdivision plat may be approved, a lot sold, or a building permit issued.
- B. Conditions, covenants, and restrictions must be approved by the City Attorney, as appropriate, and shall:
 - 1. Create a Property Owners' Association with mandatory membership for each property owner;
 - 2. Establish architectural standards that are in conformity with the requirements of this section;
 - 3. Create an Architectural Control Committee to review development for compliance with the architectural standards and issue certificates of approval;
 - 4. Provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), community parking facilities, community meeting hall, and other common areas;
 - 5. Provide for the maintenance of the landscaping and trees within the streetscape;
 - 6. Require the collection of assessments from members in an amount sufficient to pay for its functions;
 - 7. Be effective for a term of not less than 50 years;
 - 8. Require that the Property Owners' Association obtain the approval of the approving authority regarding the disposition and management of private open space, community parking facilities, community meeting hall, and other common areas before it may be dissolved; and
 - 9. Require that the Property Owners' Association obtain the approval of the approving authority for amendments to the conditions, covenants, and restrictions which relate to provisions required by this section.

Article 8. USE REGULATIONS

SEC. 8.1 USE TABLE

8.1.1 USE TABLE KEY

A. Types of Uses

1. Permitted (P)

A “P” in the use table indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of this ordinance. They are not subject to the limited use standards found in Sec. 8.3.

2. Permitted Subject to Limited Use Standards (L)

An “L” indicates that a use shall be permitted by right, provided that the use meets the additional limited use standards set forth in Sec. 8.3. Such uses are subject to all other applicable requirements of this ordinance. The applicable limited use standards are cross-referenced in the far right column of the use table. Uses subject to Limited Use standards may be approved by the Zoning Administrator subject to the procedure established in Sec. 3.7, Administrative Adjustment.

3. Conditional Use Permit Required (C)

A “C” indicates that a use is only allowed where approved as a special exception by the Board of Zoning Appeals in accordance with the procedures set forth in Sec. 3.14. Conditional uses are subject to any other applicable requirements in this ordinance, including any additional limited use standards in Sec. 8.3 except where expressly modified by the Board of Zoning Appeals as part of the conditional use approval.

4. Not Permitted (Blank Cell)

A blank cell in the use table indicates that a use is not allowed in the respective district.

5. Notes

The “Notes” column on the use table is a cross-reference to the applicable limited use standards in Sec. 8.3.

B. Principally Permitted Uses

1. Characteristics, principal uses, and associated accessory uses of the various Use Classifications are found in Sec. 8.2.

C. Accessory Uses and Activities

1. Standards for select accessory structures and uses are established in Sec. 8.4.
2. No accessory use may be established on a site without a principal use. The Zoning Administrator may be permitted to grant an exception to this rule subject to the requirements of Sec. 3.7, Administrative Adjustment.

D. Temporary Uses and Activities

1. Standards for select temporary uses are established in Sec. 8.5.
2. All temporary uses shall require a Temporary Use Permit pursuant to the procedure established in Sec. 3.8.

E. Uses Not Specifically Listed

1. Any use not specifically set forth in this Article is expressly prohibited, unless the Zoning Administrator determines in accordance with Sec. 3.7 Administrative Adjustment, that the use is similar to a permitted use as set forth in this Article. Where such similar permitted use is subject to any limited use standard contained in Sec. 8.3, or conditional use review, the proposed use shall also be subject to such regulation or approval. The Zoning Administrator shall not amend these regulations by adding to or eliminating any use regulation for the proposed use.
2. Determination of the appropriate group for a proposed principal use not currently listed shall be made by the Zoning Administrator by applying the following criteria.
 - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each group of uses.
 - b. The relative amount of site area or floor space and equipment devoted to the activity.
 - c. Relative amounts of sales from each activity.
 - d. The customer type for each activity.
 - e. The relative number of employees in each activity.
 - f. Hours of operation.
 - g. Building and site arrangement.
 - h. Types of vehicles used and their parking requirements.
 - i. The relative number of vehicle trips generated.
 - j. Signs.
 - k. How the use is advertised.
 - l. The likely impact on surrounding properties.
 - m. Whether the activity is likely to be found independent of the other activities on the site.
3. Where a use is not expressly listed as permitted in one district, and that use is specifically listed as permitted in another district in this Article, such use shall be prohibited in the district under consideration and the Zoning Administrator shall have no authority to consider it to be a similar use.
4. Where a use not listed in this Article is found by the Zoning Administrator not to be similar to any other use in a district use table, the use shall be permitted only following a zoning ordinance amendment in accordance with Sec. 3.17, and such a decision shall not be appealed to the Board of Appeals.

F. Classification of Combination of Principal Activities

The following rules shall apply where a single zone lot contains activities which resemble two or more different principle uses and which are not classified as accessory activities.

Sec. 8.1 Use Table
8.1.1 Use Table Key

1. When all principal uses of a development fall within one group of uses, the entire development shall be assigned to that group.
2. When the principal uses of a development fall within different groupings of use, each principal use shall be classified in the applicable group and each use shall be subject to all applicable regulations for that group of uses.
3. A development comprised of uses regulated by separate rows on the use table shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: *If a proposed development includes a convenience store, fuel sales and a restaurant, including outparcels, and one of those uses is only permitted as a conditional use in the district, then the entire development requires conditional use approval.*

4. Where a use requiring approval as a conditional use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the conditional use request shall describe the relationship of the outparcel to the remaining site.

Commentary: *For example, where a vehicle repair shop is an outparcel within a larger retail development, the conditional use shall review the outparcel only – not the entire development. However, where a conditional use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require conditional use review.*

		Residential					Commercial						Industrial			Planned								
KEY: "P" = Permitted "L" = Limited "C" = Conditional Use Permit "+/" = Master Development Plan Required Blank cell = not allowed		R/RS-40	R/RS-20	R/RS-10	R/RS-6	RM-1	RM-2	R-MHP	MRC	MCD	CSO	OCL	CBD	ISD	GCS	IR	IG	IS	PUD-R	PUD-C	PUD-I	PUD-OP	PUD-VC	NOTES:
USE CATEGORY	SPECIFIC USE																							
AGRICULTURAL AND EXTRACTIVE USES																								
Agriculture	All agriculture, except as listed below	L																						8.3.1A
	Feedlots and stockyards	C																						8.3.1B
	Plant and Forest Nurseries	C																						
Extractive Uses	All extractive uses	C																						8.3.1C
RESIDENTIAL USES																								
Household Living (Note: Two-family dwellings shall not be permitted in any district with "RS-__" zoning)	Single-family detached	L	L	L	L	L	L	L	L				L						‡					8.3.2J
	Zero lot line, patio home					L	L	L	L				L						‡					8.3.2I
	Semi-detached house					P	P												‡					
	Attached	L	L	L	L	L	L	L	L				L						‡					8.3.2A
	Townhouse					L	L	L	L				L						‡	‡		‡		8.3.2H
	Multifamily / apartment					L	L	L	L			L	L	L					‡	‡		‡		8.3.2D
	Congregate living facility, retirement apt.					L	L	L	L				L						‡	‡				8.3.2C
	Manufactured home							L																8.3.2F
	Manufactured home park or subdivision							L											‡					8.3.2G
	Manufactured Home-Class A																							
Upper-story residential								P				P						‡	‡		‡			
Group Living	All group living, except as listed below					L	L	C	C	C	C	C	C	C					‡					8.3.2D
	Boarding or rooming house					L	L	L				L												8.3.2B
PUBLIC AND CIVIC USES																								
Community Service	All community service, except as listed below	P	P	P	P	P	P	P	P	P	P	L	P						‡	‡	‡	‡		
	Auditoriums										C	C			C							‡		8.3.3A
	Clubs and lodges	C	C						C	C	C	L	L		L				C					8.3.3B

		Residential					Commercial					Industrial			Planned									
KEY: "P" = Permitted "L" = Limited "C" = Conditional Use Permit "+" = Master Development Plan Required Blank cell = not allowed		R/RS-40	R/RS-20	R/RS-10	R/RS-6	RM-1	RM-2	R-MHP	MRC	MCD	CSO	OCL	CBD	ISD	GCS	IR	IG	IS	PUD-R	PUD-C	PUD-I	PUD-OP	PUD-VC	NOTES:
USE CATEGORY	SPECIFIC USE																							
	Library, museum	C	C			C	C		C	L			L	L	L				‡		‡	‡		8.3.3O
	Philanthropic institutions						C		C	C		C	L		L	L				‡				8.3.3R
Day Care Facilities	All day care, except as listed below	C	C						C	C	C	C			C	C			‡	‡	‡	‡	‡	
	Adult day care facility					L	L		P				P						‡	‡			‡	8.3.3E
	Day care center	C	C			C	C		C	L	C	C			L	C			‡	‡	‡	‡	‡	8.3.3F
	Day care facility	L	L			C	L	C	L	L	L	C	C		L	C			‡	‡	‡	‡	‡	8.3.3G
Educational Facilities	School, Elementary	C	C	C	C	C	C		C										‡					8.3.3H
	School, middle or high	C	C						C										‡					
	Universities or colleges	C								C	C		C		C					‡	‡	‡		
	Vocational, trade or business schools									C	C		C		C	C				‡	‡	‡		
Extensive Impact Facilities	All extensive impact facilities, except as listed below														C		C	C		‡		‡		8.3.3I
	Passenger Terminals						C		C				P		P					‡		‡	‡	
Government Facilities	All government facilities, except has listed below	L							L	L	L	L	L	C	L	L	L	L	‡	‡	‡	‡		8.3.3K
	Correctional facilities												C		C		C							8.3.3D
Health Care Facilities	All health care facilities, except as listed below				C	C	C		P	P	P	C	P						‡	‡		‡	‡	
	Neighborhood primary health care clinics	C	C		C	C	C		C	L	L	C	L	L	L	L	L		‡	‡	‡	‡		8.3.3P
	Hospitals, centers for observation or rehabilitation	C								C	C	C	C	C	C				‡	‡	‡	‡		8.3.3M
Intermediate Impact Facilities	All intermediate impact facilities																						8.3.3N	
Parks and Open Areas	All parks and open areas, except as listed below	L	L	L	L	L	L	L	L	L	L	L	L	L		L			‡	‡	‡	‡		8.3.3Q

		Residential										Commercial					Industrial			Planned				
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USE CATEGORY	SPECIFIC USE																							
	Cemeteries, mausoleums, columbaria, memorial gardens	P	P	L					L				L	L	L									8.3.3B
Personal and Group Care Facilities	All personal and group care facilities, except as listed below												C											
	Group home (non-profit, 8 or fewer residents)	L	L	L	L	L	L	L	L										†					8.3.3L
	Family care and group care facility	C	C						C	C	C	C	C		C					†	†			8.3.3I
Religious Facilities	All religious facilities	L	L	C	C	C	C	C	C	C	C	C		C										8.3.3R
Utility Facilities	Major utilities		C										C	C	C	C	L	L		†		†		8.3.3V
	Minor utilities	L	L	L		L	L	L	L	L	L	L	L	L	L	L	L	L	†	†	†	†	†	8.3.3T
	Telephone Facilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	†	†	†	†		
	TV/HDTV/AM/FM Broadcast Antennae	L											L		L	L	L			†		†		8.3.3U
	Wireless Communication Facility	L	L	C	C	C	C	C	C	C	C	C	C	C	L	L	L		†	†	†			

		Residential					Commercial					Industrial			Planned									
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USE CATEGORY	SPECIFIC USE																							
COMMERCIAL USES																								
Accommodations	Bed and breakfast residence	C	C	L	L	L	L	C	C			L												8.3.4B
	Bed and breakfast inn	C	C	C	C	C	L	C	C			L												
	Hotel, motel, Extended stay						C		L	L	L	L	L	P	P	P			‡	‡	‡	‡		8.3.4I
Indoor Recreation	All indoor recreation, except as listed below	C	C						C	C	L		L	L	L	L			‡	‡	‡			[Standards]
	Adult establishment															C	C							8.3.4A
	Nightclub or bar									C			C	C	C								‡	8.3.4K
Group Assembly	Group Assembly – Limited								L	L		L		L								‡		8.3.4H
	Group Assembly - General									L			L											
Outdoor Recreation	All outdoor recreation, except as listed below	C	C	C	C	C	C	C																8.3.4L
	Golf course, swim club, tennis club, country club	L	L	C	C														‡			‡	‡	8.3.4G
	Marina, boating facility	C	C						C				C		C								‡	
	Stadium, arena									C					C									
Parking, Commercial	All commercial parking								L	L	L		L		L	P	L		‡	‡	‡			8.3.4D
Restaurants	All restaurants, except as listed below						P		P	P	P	P	P	P	P	P			‡	‡	‡	‡	‡	
	Drive-through facilities										P			P	P	P				‡	‡			8.3.4F
Retail Sales and Service	Convenience store with gasoline sales						C		C	L	L		C	L	L	L	L						‡	8.3.4E
	Drive-through facilities									L	L	L	C	L	L	L								8.3.4F
	General equipment repair and service													P	P	P								
	On-street vending												L											8.3.4M
	Retail sales and service Less than 20,000 s.f.	C			C	C	L		L	L	L	L	L	C	L	L			‡	‡	‡	‡	‡	8.3.4N
	Retail sales and service 20,000 s.f. – 80,000 s.f.								L	L	L		L	L	L					‡	‡			

		Residential					Commercial					Industrial			Planned									
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USE CATEGORY	SPECIFIC USE																							
	Retail sales and service Over 80,000 s.f.									C				C	C					‡				
	Veterinary clinic, animal hospital, kennel	C				C	C			P				P	P	L	P							8.3.4R
Self-Service Storage	All self-service storage													L	L	P	P				‡			8.3.4N
	Car wash									L			L	P	P	P	P							8.3.4C
	Manufactured home sales													L	L	L	L							8.3.4J
Vehicle Sales and Service	Vehicle sales, leasing or rental									L			L	L	L	P	P							8.3.4P
	Vehicle service, general													C	L	P	P							8.3.4Q
	Vehicle service, limited								L	L	L		L	C	L	P	P							8.3.4S
Wholesale trade	All wholesale trade								P						P	P	P							8.3.4S
OFFICE																								
Office	All office uses, except those listed below	C	C	C	C	C	C		P	P	P	P	P		P					‡	‡	‡		
	Conference center	C												C	C							‡		8.3.5A
	Drive-through facilities								L	L	L	L		L	L									8.3.4F
	Financial Institution								P	P	P	P	P	P	P									
	Non-Banking Financial Institution									L					L									8.3.5B

		Residential					Commercial					Industrial			Planned									
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USE CATEGORY	SPECIFIC USE																							
INDUSTRIAL USES																								
Heavy Industrial	All heavy industrial, except as listed below																	C						8.3.6D
	Asphalt plant																	C						8.3.6A
	Concrete manufacturing plant																L	L						8.3.6B
	Hazardous and low-level nuclear disposal and storage																	C						8.3.6C
	Wrecking, junk, and salvage yards, scrap operations																	L						8.3.6F
Light Industrial Service	All light industrial service, except as listed below															P	P				†	†		
	Research and development															P	P			†	†	†		
Warehouse and Freight Movement	All warehouse and freight movement															P	P							
Waste-Related Service	All waste-related services, except as listed below																C	C						8.3.6F
	Transfer and recycling stations															C	L							8.3.6D

SEC. 8.2 USE CLASSIFICATIONS

8.2.1 USE CLASSIFICATION TABLES

A use classification table is divided into three columns.

- A. In the leftmost column are Principal Uses. These are the major uses within a larger use classification.
- B. In the center column are Accessory Uses. These are accessory uses often associated with the principal use and many are permitted by right. Some, (Such as Home Occupations) require an additional permit. See Sec. 8.4, for further information regarding accessory uses.
- C. The rightmost column lists the uses specifically not included within a larger use classification. Most indicate the correct classification to find the use.

8.2.2 AGRICULTURAL AND EXTRACTIVE USES

A. Agricultural Uses

Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

Principal Uses	Accessory Uses	Uses Not included
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, fish hatchery, aquaculture, dairying, personal or commercial animal breeding and development Greenhouse or nursery not engaged in retail trade, floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Livestock auction Riding academy or boarding stable	Ancillary indoor storage Animal (including poultry) processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activity Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Home occupations Sales of agricultural products grown or raised on the premises Docks, noncommercial	Animal waste processing (see Waste-Related Service) Commercial feed lots (see Heavy Industrial) Livestock slaughtering (Heavy Industrial) Processing of food and related products (see Heavy Industrial) Solid or liquid waste transfer or composting (see Waste-Related Service) Housing for ranch or farm labor (Household Living) Resource Extraction

B. Extractive Uses

Characteristics: Characterized by uses that extract minerals and other solids or liquids from the earth		
Principal Uses	Accessory Uses	Uses Not included
Chemical fertilizer and non-metallic mineral mining Clay, ceramic, and refractory Minerals Coal mining Crude petroleum and natural gas production field Metal ore and mineral mining Sand, stone, and gravel quarrying	Ancillary indoor storage Associated offices Equipment storage	Solid or liquid waste transfer or composting (see Waste-Related Service) Stockpiling of sand, gravel, and or aggregates (see Warehouse and Freight management)

8.2.3 RESIDENTIAL USES

A. Household Living

Characteristics: This category is intended to include permanent residential activities which involve the occupancy of a residential unit as defined by this ordinance.		
Principal Uses	Accessory Uses	Uses Not included
Manufactured Home, manufactured home park or subdivision Single-family detached, zero lot line, semi-detached, attached, townhouse Two-family: Detached, Semi-detached, Attached Multiplex, apartment, congregate care facility with individual units that meet the definition of a dwelling unit, or retirement center apartment Upper-story residential	Accessory dwelling unit, (i.e. granny flats and mother-in-law apartments) Accessory structure Ancillary indoor storage Children's play area or equipment Greenhouse or nursery not engaged in retail trade Home occupation In-house care for four or less persons Private community center Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Docks, noncommercial	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Accommodations) Group Home (see Personal and Group Care) Nursing or convalescent house (see Personal and Group Care) Residential assisted living facility not having individual dwelling units (see Personal and Group Care)

B. Group Living

<p>Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.</p>		
Principal Uses	Accessory Uses	Uses Not included
<p>Boarding house, fraternity, sorority, or orphanage Commercial dorm Monastery, convent Rooming house</p>	<p>Ancillary indoor storage Associated offices Food preparation and dining facility Recreational facility</p>	<p>Alternative or post-incarceration facility (see Social Service Institutions) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Congregate care facility, retirement apartment where individual units meet the definition of a dwelling unit (see Household Living) Group home for the care and treatment of psychiatric, alcohol, or drug problems where patients are residents (see Personal and Group Care) Group home for the physically disabled, mentally retarded, or emotionally disturbed (see Personal and Group Care) Hospice, nursing or convalescent house Membership club or lodge (see Indoor Recreation) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living) Retirement center or life care community without individual dwelling units (see Personal and Group Care) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)</p>

8.2.4 PUBLIC AND CIVIC USES [FORMERLY COMMUNITY FACILITY ACTIVITIES]

A. Community Service

Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not included
Auditorium (non-profit) Club or lodge (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Senior center Union hall	Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area	Athletic, tennis, swim or health club (see Retail Sales and Service) Auditorium (for-profit) (see Intermediate Impact Facility) Church, mosque, synagogue, temple (see Places of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Soup kitchen (see Social Service Institutions) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

B. Day Care Facilities

<p>Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.</p>		
Principal Uses	Accessory Uses	Uses Not included
<p>Adult day-care program Child care center, nursery school, preschool Latch-key program</p>	<p>Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility</p>	<p>Counseling in an office setting (see Office) In-home day care for 4 or fewer (see Household Living: Accessory Use) Nursing or Convalescent Homes (see Personal and Group Care) On-site school or facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use) Senior Center (See Community Service)</p>

C. Educational Facilities

<p>Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.</p>		
Principal Uses	Accessory Uses	Uses Not included
<p>Business, truck driving, vocational, trade and other commercial schools College, community college or university Nursing or medical school not accessory to a hospital Public, private and charter schools Seminary</p>	<p>Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater (non-profit) Cafeteria or other food service Day care Dormitory Health facility Housing for students or faculty Laboratory, library Maintenance facility Meeting area Play area, recreational or sports facility Support commercial, internal (college-operated bookstore, for example)</p>	<p>Dance, art, music or photographic studio or classroom (see Retail Sales and Service) Driving (see Retail Sales and Service) Martial Arts (see Retail Sales and Service) Preschool or nursery school (see Day Care)</p>

D. Extensive Impact Facilities

Characteristics: Public activities and facilities which have a high degree of impact upon surrounding uses due to hazards and nuisance characteristics, traffic generation, parking requirements, or other factors.		
Principal Uses	Accessory Uses	Uses Not included
Airports, air cargo terminals Garbage dumps, sanitary landfill Heliport, helistop Major mail processing centers Major petroleum and natural gas transmission lines, storage facilities, and other ancillary facilities Military bases or reservations Motion picture production lots Railroad, bus, and transit terminals Rail, bus, and other transportation equipment storage and marshalling Water and wastewater processing facilities (for profit)	Ancillary indoor storage Associated offices Food preparation and dining facility Recreational facility On-site day care facilities	Electricity generating facilities Water and wastewater processing facilities (not-for-profit)

E. Government Facilities

Characteristics: Offices, storage, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses Not included
City, county, state, or federal government office Correctional facilities, jail, prison Emergency services, fire, sheriff or medical station Post office	Ancillary indoor storage Helistop Associated offices Auditorium, meeting room (non-profit) Cafeteria Day care Holding cell, infirmary Limited fueling facility	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

F. Health Care Facilities

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses Not included
Blood plasma donation center Rehabilitation clinic Medical center Medical clinic Medical laboratory Medical office Hospital	Ancillary indoor storage Helistop Associated office Cafeteria Chapel, ancillary worship space Day care Housing for staff or trainees Laboratory Limited internal support retail Maintenance facility Meeting area Out-patient clinic Pharmacy Recreational facility	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities) Urgent care or emergency medical office (see Retail Sales and Service)

G. Parks and Open Areas

Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses Not included
Botanical garden, nature preserve, recreational trail Cemetery, columbaria, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Park Playground Reservoir, control structure, drainage well, water supply water well Zoo	Campground (public park only) Concessions Dock, pier or wharf (noncommercial) Maintenance facility Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private (see Outdoor Recreation) Crematorium (see Light Industrial Service) Firing Ranges (see Indoor or Outdoor Recreation) Golf course, country club (see Outdoor Recreation) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water park (see Outdoor Recreation) Water tower, tank, standpipe (see Utilities)

H. Personal and Group Care Facilities

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.		
Principal Uses	Accessory Uses	Uses Not included
Group home for the care and treatment of psychiatric, alcohol, or drug problems where patients are residents and up to 8 patients are housed., not for profit Family care and group care facility Hospice, nursing or convalescent house Retirement center or life care community without individual dwelling units	Ancillary indoor storage Associated offices Food preparation and dining facility Recreational facility	Alternative or post-incarceration facility (see Social Service Institutions) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Boarding house, fraternity, sorority, or orphanage Commercial dorm Congregate care facility, retirement apartment where individual units meet the definition of a dwelling unit (see Household Living) Membership club or lodge (see Indoor Recreation) Monastery, convent Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living) Rooming house Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

I. Religious Facilities

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not included
Church, mosque, synagogue, or temple	Ancillary indoor storage Associated office Columbaria, memorial garden Day care Food services, dining area Meeting room/classroom for meetings or classes not held on a daily basis Multipurpose activity center Staff residence located on-site	Athletic, tennis, swim or health club (see Retail Sales and Service) Educational Facility (see Educational Facilities) Facilities for distribution or production of products, including printed matter, for groups other than immediate membership Neighborhood arts center or similar community facility, public (see Community Service) Private community center (see Household Living: Accessory Use) Revival or gospel tent (see Sec. 8.5, Temporary Uses) Senior center (see Community Service) Social service facility (see Social Service Institution) Treatment center, transient lodging, shelter for the homeless (see Social Service Institutions)

J. Utility Facilities

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses Not included
<p>Major Utilities: Waste treatment plant, water tower or tank, water treatment facility, water reclamation facility</p> <p>Minor Utilities: AM/FM/TV/HDTV broadcast facility Electrical substation Telephone facilities Water or wastewater pump station Wireless Communication Facility</p>	<p>Control, monitoring, data or transmission equipment Associated storage</p>	<p>Maintenance yard or building (see Light Industrial Service) Utility office (see Office) TV and radio studio (see Office) Reservoir or water supply (see Parks and Open Areas)</p>

8.2.5 COMMERCIAL USES

A. Accommodations [Formerly Transient Habitation]

Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not included
<p>Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Residency or Single Room Occupancy Hotel</p>	<p>Ancillary indoor storage Associated offices Food preparation and dining facility Laundry facility Meeting facility Off-street parking Recyclable material storage (temporary) Swimming pool, other recreational facility</p>	<p>Campground, private (see Outdoor Recreation) Hunting/fishing camp, dude ranch (see Outdoor Recreation) Patient overnight accommodations (see Medical Facilities) Transient lodging, shelter for the homeless (see Social Service Institutions) Recreational vehicle (RV) park (see Outdoor Recreation)</p>

B. Indoor Recreation

Characteristics: Generally commercial, for-profit uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not included
<p>Adult entertainment Bar, nightclub Bowling alley, game arcade, pool hall, skating rink Gymnastic facility, indoor sports academy Indoor firing range Membership club and lodge Movie or other theater</p>	<p>Ancillary indoor storage Associated office Concessions Food preparation and dining area Pro shop or sales of goods related to the on-site activities of the specific use</p>	<p>Athletic, tennis, swim or health club (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)</p>

C. Outdoor Recreation

Characteristics: Commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.		
Principal Uses	Accessory Uses	Uses Not included
Campground, summer camp, recreational vehicle (RV) park Drive-in theater Firing range such as rifle range, archery range, handgun, or skeet shooting Golf course, country club, swim club, tennis club Marina, boating facility Outdoor entertainment activity such as batting cage, golf driving range, amusement park, miniature golf facility, swimming pool, tennis court or water park Paintball Skateboard or BMX bicycle park Stadium or arena, commercial amphitheater, ballfield	Ancillary indoor storage Associated offices Caretaker or security person housing Classroom Clubhouse Concessions Day care facility Equipment storage Food preparation or dining area Maintenance facility Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

D. Parking, Commercial

Characteristics: Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses Not included
Short- or long-term stand-alone parking facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

E. Restaurants

Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not included
Restaurant, fast-food restaurant pizza delivery facility, drive-in, yogurt or ice cream shop Small-scale catering establishment	Ancillary indoor storage Associated offices Deck, patio for outdoor seating or dining Drive-through facility Valet parking facility	Bar or tavern (see Indoor Recreation)

F. Retail Sales and Service

Characteristics: Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal services or repair to the general public.		
Principal Uses	Accessory Uses	Uses Not included
<p>Sales-Oriented: Convenience store (with or without gas sales) Drive-through facility Store selling, leasing or renting consumer, house, and business goods including alcoholic beverages, antiques, appliances, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gasoline, gifts, groceries, hardware, house improvement, household products, jewelry, medical supplies, musical instruments, outdoor farmers market, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos</p> <p>Personal Service-Oriented: Art, music, dance, or photographic gallery or studio Athletic, tennis, swim or health club Bulk mailing service Catering facility (small-scale) Dry-cleaning or laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy and personal care service Photocopy, blueprint, and quick-sign service Psychic or medium Security service Tailor, milliner, upholsterer Taxi dispatch center Taxidermist Veterinary clinic, animal hospital or kennel Urgent care or emergency medical office</p> <p>Repair-Oriented: Appliance, bicycle, canvas product, clock, computer, gun, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair Locksmith</p>	<p>Ancillary indoor storage Associated offices Food preparation and dining area Manufacture or repackaging of goods for on-site sale Public recycling drop-off site Residential unit for security purposes (single unit) Storage of goods</p>	<p>Adult videos (see Indoor Recreation) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial) Car wash (see Vehicle Sales and Service) Crematorium (see Light Industrial) Large-scale catering (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering (see Restaurants)</p>

G. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not included
Mini-warehouse Multi-story enclosed storage facility Storage garage	Associated office Outside storage of boats and campers On-site recycling facility Residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

H. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Principal Uses	Accessory Uses	Uses Not included
Car wash Manufactured housing sales Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles) Vehicle service, full; including alignment shop, auto body shop, auto paint facility, auto upholstery shop, trucks, RVs and boats, towing service Vehicle service, limited; including auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, tire sales and mounting Retail sale of farm equipment and machinery and earth moving and heavy construction equipment	Ancillary indoor storage Associated offices Incidental sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage	Convenience store with gasoline sales (see Retail Sales and Service) Vehicle parts sale as a principal use (see Retail Sales and Service)

I. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses Not included
Mail-order house Sale of building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesaling of food, clothing, auto parts, and building hardware	Accessory medical clinic Ancillary indoor storage Associated offices Cafeteria Day care Minor fabrication services Product repair Repackaging of goods Residential unit for security purposes (single unit) Warehouse	Store selling, leasing, or renting consumer, house or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

8.2.6 OFFICE USES

Characteristics: Activities conducted in an office setting and focusing on business, government, professional, medical or financial services.		
Principal Uses	Accessory Uses	Uses Not included
Advertising office, business management consulting, data processing, financial business such as lender, investment or brokerage house, collection agency, real estate or insurance agent, professional service such as planner, lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, business incubator Financial Institution Non-Banking Financial Institution Conference center, retreat Counseling in an office setting Government office Medical, dental office TV or radio studio Utility office	Ancillary storage Cafeteria Day care Health facility Helistop Meeting room On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Internal support retail Restaurants (without drive through)	Contractor or others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Office/warehouse (see Warehouse and Freight Movement) Research, testing, and development laboratory (see Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service)

8.2.7 INDUSTRIAL USES

A. Heavy Industrial Service

<p>Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited</p>		
Principal Uses	Accessory Uses	Uses Not included
Animal processing, packing, treating, and storage, livestock slaughtering, processing of food and related products, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill Asphalt plant Concrete manufacturing plant Hazardous or low-level nuclear material disposal Railroad freight yard Sale of farm equipment and machinery and earth moving and heavy construction equipment Wrecking, junk or salvage yard	Associated offices Cafeteria Product repair Repackaging of goods Warehouse, storage	Animal waste processing (see Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Store selling, leasing, or renting consumer, house, and business goods (see Retail Sales and Service)

B. Light Industrial Service

<p>Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.</p>		
Principal Uses	Accessory Uses	Uses Not included
<p>Building, heating, plumbing, or electrical contractor, contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site</p> <p>Catering facility, large-scale</p> <p>Clothing or textile manufacturing</p> <p>Commercial bakery</p> <p>Crematorium</p> <p>Equipment rental</p> <p>Janitorial and building maintenance service, exterminator, maintenance yard or facility</p> <p>Laundry, dry-cleaning, and carpet cleaning plants</p> <p>Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys</p> <p>Movie production facility</p> <p>Photo-finishing laboratory</p> <p>Printing, publishing, and lithography</p> <p>Production of artwork</p> <p>Repair of scientific or professional instruments, electric motors</p> <p>Regional recycling center</p> <p>Sheet metal shop</p> <p>Sign-making</p> <p>Soft drink bottling</p> <p>Storage area used for manufacturing</p> <p>Welding, machine, tool repair shop</p> <p>Woodworking, including cabinet makers and furniture manufacturing,</p>	<p>Accessory medical clinic</p> <p>Ancillary indoor storage</p> <p>Associated office</p> <p>Cafeteria</p> <p>Day care</p> <p>Employee recreational facility</p> <p>On-site repair facility</p> <p>Residential unit for security purposes (single unit)</p>	<p>Manufacture and production of goods from composting organic material (see Waste-Related Service)</p> <p>Outdoor storage yard (see Warehousing and Freight Movement)</p> <p>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)</p> <p>Small-scale catering establishments (see Restaurants)</p>

C. Warehouse and Freight Movement

Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers.		
Principal Uses	Accessory Uses	Uses Not included
Bulk storage, including nonflammable liquids, feed and grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Outdoor storage yard Parcel services Stockpiling of sand, gravel, or other aggregate materials Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Daycare Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

D. Waste-Related Services

Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not included
Animal waste processing Landfill, incinerator Manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling center Transfer station	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials (see Warehouse and Freight Movement)

SEC. 8.3 LIMITED USE STANDARDS

These standards shall only apply to those districts and uses where the “L” and / or “C” is designated on the use table in Sec. 8.1.

8.3.1 LIMITED USE STANDARDS FOR AGRICULTURAL AND EXTRACTIVE ACTIVITIES

Commentary: Pursuant to T.C.A. 44-18-104(c)(4), certain enterprises that produce the majority of their income from agricultural activities may be exempted from certain zoning restrictions. Typically, these are pre-existing enterprises annexed after the effective date of this ordinance.

A. Agricultural Activities, Unless Otherwise Listed

Agricultural activities not listed may be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Barns, feed lots, and pens where animals are kept and maintained shall require a minimum separation of 200 feet from all property lines.

B. Feedlots and Stockyards

Feedlots and stockyards may be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Barns, feed lots, and pens where animals are kept and maintained shall require a minimum separation of 200 feet from all property lines.
2. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated;
3. The site area shall be a minimum of twice the minimum required for the base district. Sites containing outdoor animal pens shall require a minimum site area of four acres.
4. All proposals shall include a site plan which contains, at minimum, the following information:
 - a. Existing and proposed contours of the site and up to 100 feet beyond the site boundary. Contour intervals shall be at two foot intervals;
 - b. Location of the area in which the proposed keeping of animals is to be conducted;
 - c. Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site;
 - d. Proposed method of drainage of the animal pens and any proposed waste lagoons;
 - e. Proposed fencing of the site; and
 - f. Location of all existing or platted residences on adjacent properties.
5. Where sales of any type are to be conducted at the site, the Board of Appeals shall determine the amount of off-street parking required.

C. Extractive Uses

Extractive uses may be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The application for the use shall include a plan for restoration procedures once the operation ceases.
2. When the use is located within a Residential district, the requirements of Sec. 6.3.6, Neighborhood Commercial shall not apply.
3. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated;

4. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - a. Existing contours of the site and up to 100 feet beyond the site boundary. Contour intervals shall be at two foot intervals.
 - b. Location of the area in which the proposed quarrying activity is to be conducted.
 - c. Location of all proposed buildings, crusher and screening equipment, roadways, and other facilities proposed on the site.
 - d. Proposed method of drainage of the quarry area.
 - e. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - f. Methods proposed for blasting. Open blasting commonly referred to as “pop shots” shall be prohibited.
 - g. Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
 - h. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and / or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back – filled shall be left so that adequate drainage is provided.
5. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/ or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line;
6. Before issuing a permit the Board of Appeals shall require the owner of the quarry facility to execute a bond not less than \$1,000 per acre or more than \$2,000 per acre of active quarry throughout a five year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery;
7. Any permit issued hereunder shall not be for a period exceeding five years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.

8.3.2 LIMITED USE STANDARDS FOR RESIDENTIAL USES

A. Attached Dwelling

Commentary: It is intended that attached dwellings are appropriately intermingled with other types of housing and are grouped to make efficient economical, comfortable, and convenient use of land and open space.

Attached dwellings shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Party walls, subject to the provisions of the Standard Building Code and National Fire Protection Association Fire Code, shall be provided along all points of attachment.
2. For single-family attached dwellings, a fence or wall shall be provided along the common property line.
3. Where shared driveways are used, a permanent easement shall be granted for the use by the property not containing the driveway.

4. Two family attached dwellings shall be required to have 150% lot area requirement for that district.
5. Accessory structures less than eight feet high may be placed on the common property line. All other standards for accessory uses and structures shall apply.

B. Boarding or Rooming Homes

Boarding or rooming homes shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A site plan shall be required. The site plan shall include an approved floor plan showing the number of rooms and the proposed number of tenants. The floor plan shall be kept on file with the Inspections Department.
2. Off-street parking shall be provided in conformance with Article 10.
3. In granting any use permit, the Board of Appeals shall find that the use will not be detrimental to adjacent uses due to noise, glare, traffic or other factors.
4. In cases where a conditional use permit is required, the Board of Appeals may require additional conditions to protect public health, safety, and welfare.

C. Congregate Living Facility, Nursing Homes, Retirement and Rest Homes

Congregate living facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district, whichever is greater.
2. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
3. The application shall first be reviewed by the County Department of Health and Environment, and the site plan for such a facility be approved by the Zoning Administrator, taking into account the above conditions as well as any other pertinent factors.
4. The Board of Appeals shall be permitted to reduce the required yards, the required amount of off-street parking, and the minimum required vehicular use area landscaping for parking when the application involves a change in activities in existing structures. The plan shall provide for compensating features to offset any potentially adverse conditions that might be brought about by said modification.
5. Residential suites or assisted living units are considered to be rooms or suites with bathrooms but without cooking facilities designed for habitation by one or two individuals in a project designated for senior housing. They shall be permitted to be constructed at the same density as the base density for dwelling units.
6. If the congregate living facility has the following on-site common use facilities: dining, recreation, health care, and a convalescent center; the density shall not exceed two times the allowed base density for the district.

D. Group Living

Group living shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking, or other activities.
2. When located in a residential neighborhood, the home shall maintain a residential appearance compatible with the neighborhood.
3. The home shall meet all state requirements, and all applicable housing and building codes.

E. Multi-Family Dwellings

Multi-family dwellings shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Applications for a multi-family dwelling shall be subject to the Site Development Plan Review requirements of Sec. 3.5 and shall require Planning Commission approval.
2. The site plan shall include an approved floor plan showing the number of rooms and the proposed number of dwelling units. The floor plan shall be kept on file with the Inspections Department.
3. Multi-family dwellings shall not contain more than 12 dwelling units per floor on a single unbroken frontage and no more than 24 units within a single structure.
4. Design Criteria, General
 - a. Multi-family dwellings may be appropriately intermingled with other types of housing.
 - b. Each dwelling unit shall be provided with reasonable visual and acoustical privacy.
 - c. Sidewalks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
 - d. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
 - e. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
 - f. All dwelling units shall be so positioned as to assure the availability of adequate fire protection. The fire department shall adjudge the adequacy of protection.
 - g. Access and circulation shall adequately provide for fire fighting and other emergency equipment, service deliveries, furniture moving vans, and refuse collection.

F. Manufactured Homes

Manufactured homes shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No person shall place a manufactured home on any zone lot within a Residential district, unless it is used actively for residential purposes. Non-residential use of a manufactured home may be permitted as a temporary use subject to 8.5.5, Temporary Construction Offices.

G. Manufactured Home Parks

Commentary: *Manufactured home parks should be designed and constructed to the same standards as a site-built subdivision to assure a safe, healthy residential environment.*

Manufactured home parks shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

I. General

- a. Applications for a multi-family dwelling shall be subject to the Site Development Plan Review requirements of Sec. 3.5 and shall require Planning Commission approval.
- b. Where permitted, manufactured homes shall be located to minimize hazards due to possible subsidence, flood or erosion, or insect or rodent infestation.
- c. Landscaping and buffering shall be provided in conformance with Article 11. A planting plan shall be submitted with the final site development plan.

2. Services and Facilities

Publication “NCSBCS Standard for Manufactured Home Installations” (ANSI A 225.1 – 1982) including NFPA Standard for Firesafety Criteria for Manufactured Home Installations, Sites and Communities (NFPA 501A – 1982), which is hereby adopted by reference.

- a. Each manufactured home park shall be served by a public water supply of adequate quantity, quality and pressure. Adequate fire protection, as determined by the Municipal Fire Department, shall be provided for each manufactured home located within the park.
- b. Each and every manufactured home within a manufactured home park shall be served by a central sewage collection and treatment system.
- c. Solid waste collection stands shall be provided for waste facilities. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Stands shall be screened in accordance with Sec. 12.5, Screening.
- d. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- e. All manufactured home sites shall be located within reasonable proximity to a fire hydrant or similar fire protection facilities.

3. Access and Circulation

- a. A safe, convenient, all season pedestrian circulation system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have an adequate gradient and a minimum width of three feet.
- b. Direct vehicular access to the manufactured home park shall be provided by means of an abutting improved public street or way and access to each manufactured home stand shall be by a permanently maintained private street or way which is protected by a permanent easement. Sole vehicular access shall not be by an alley.
- c. All vehicular use areas used for common access for two or more residents shall be suitably paved and maintained as a condition of approval of the project.

4. The Individual Manufactured Home Lot

- a. The limits of each manufactured home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans.
- b. Manufactured homes shall have a minimum side-to-side clearance of 25 feet and a minimum end-to-end clearance of 15 feet.
- c. There shall be a minimum distance of ten feet between the nearest edge of any manufactured home stand and an abutting street.
- d. Manufactured home lot coverage may not exceed 50%. The manufactured home stand may not cover more than 25% of the lot.
- e. Each manufactured home lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall not be less than 300 square feet with a minimum dimension of 15 feet. This area shall not be counted towards required Open Space
- f. All manufactured home stands shall be connected to common walks, streets, driveways, garages, and parking spaces by individual walks. Such individual walks shall have a minimum width of two feet and be constructed of concrete, pavers, or similar dust-free, all-weather material.

H. **Townhouse or Rowhouse**

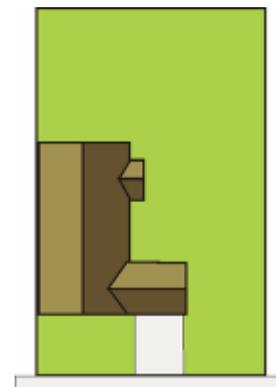
Townhouses or rowhouses shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A townhouse or rowhouse shall have a front, side, or rear privacy yard having a minimum area of 100 square feet on each lot.
2. The maximum lot coverage ratio set forth for the district may be exceeded for a given lot within a townhouse or rowhouse development. However, such ratio shall apply to the project when considered in aggregate (i.e., total building coverage divided by total gross development site area). In any instance where a development may lie within two or more zoning districts the coverage ratio for each district shall apply to all development within it. No transfer of bulk or site coverage shall be permitted among zoning districts.
3. Minimum width for the portion of the lot on which a townhouse or rowhouse is to be constructed shall be 22 feet.
4. Not more than six townhouses or rowhouses shall be built in a row with the same or approximately the same front line and not more than 12 dwellings shall be contiguous.
5. Party walls, subject to the provisions of the Standard Building Code and National Fire Protection Association Fire Code, shall be provided along all points of attachment.
6. Street sidewalks and on – site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
7. Additional pedestrian access shall be provided at the rear of each attached dwelling.
8. When locating the parking facilities required under Article 10, Parking, Loading, and Access, at least one parking space per dwelling unit shall be located within 200 feet from the nearest entrance of the dwelling unit and space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use.

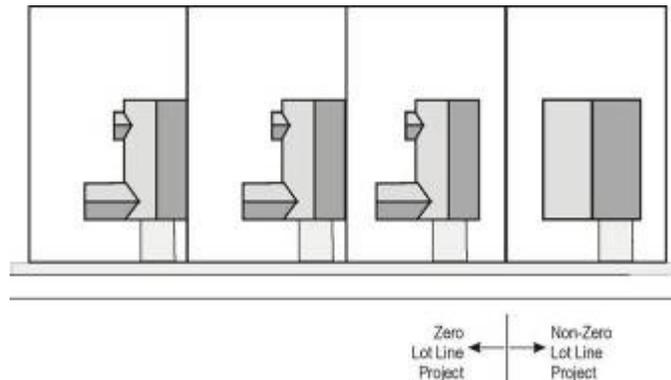
I. **Zero Lot Line House**

Zero lot line houses shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line project.
2. The total side yard depth shall be the greater of 12 feet or 150% of the required single side yard depth for the district.
3. No obstructions shall be permitted into adjacent lots.
4. The subdivision shall be designated as a zero lot line subdivision on the plat at the time of approval.
5. Easement agreements shall be recorded to allow maintenance and access for that side of the dwelling adjacent to the property line. The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.
6. On the property line that the structure is built to, a privacy fence or wall at least six feet high is required between lots, to the rear of the structure.



7. If the side wall of the house is located on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.
8. Where a zero lot line house abuts another residential use type, the required side yard for the zero lot line house shall be the minimum required for the district.



J Single Family Dwelling

1. Houses within a CBD district shall be permitted subject to the following:
 - a. Single Family Dwellings shall meet the requirements of the RS/R-6 Districts.
2. For purposes of this chapter, a dwelling unit shall be considered a single-family residence only if permanent occupants are limited to one of the following categories:
 - a. One individual.
 - b. Any number of persons related by blood, marriage, adoption or foster care.
 - c. A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the "primary occupant(s)" for the purposes of this section; plus no more than two persons who are not related to a primary occupant, and the biological or adoptive children of that person; all of whom occupy the dwelling unit and function as a single housekeeping unit with or without common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the "primary occupants" of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.
 - d. Not more than eight unrelated mentally retarded, mentally handicapped or physically handicapped persons (as determined by any duly authorized entity, including governmental agencies or licensed medical practitioners) pursuant to the requirements of T.C.A. § 13-24-102. Such a residence may also be occupied by three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the other persons residing in the home. Notwithstanding the foregoing, a group home operated as a for-profit commercial enterprise shall not be a permitted use within a

residential zoning district. As used in this section, "mentally handicapped" does not include:

- (1) Persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in T.C.A. § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.
 - (2) The current, illegal use of a controlled substance.
3. For purposes of this section, a person will be considered "not related" to a primary occupant if the relationship between such person and such primary occupant is more distant in degree than that of first cousins.
 4. If a person:
 - a. Occupies a dwelling for more than 21 days within any 12-month period;
 - b. Registers to vote using the address of a dwelling;
 - c. Receives mail at a dwelling;
 - d. Registers a vehicle or applies for a driver's license using the address of the dwelling; or
 - e. Is registered to attend school, using the address of the dwelling, or is registered as a home school student at such address; then such person is considered to be a permanent occupant of a dwelling for purposes of this section, and shall be subject to the limitations on the number of permanent occupants established herein.
 5. For purposes of this chapter, the following are not considered to be single-family residences:
 - a. Boarding houses.
 - b. Apartment houses.
 - c. Dwelling units in which more than two rooms are rented to unrelated tenants.
 - d. Structures or portions of structures which are designed or constructed for any of the above purposes; and such structures and uses of structures are explicitly prohibited in each residential zoning district unless otherwise specifically permitted. Notwithstanding the foregoing, "single-family residence" may include a dwelling unit which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling unit, and are not rented to any unrelated tenants or otherwise used in violation of this chapter. If more than one meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family residence.
 6. Notwithstanding any other provisions to the contrary, subject to the City Manager's

approval, and for such periods of time as the city manager deems reasonable and necessary, a single-family residence may include, on a temporary basis, one or more persons, not related to the primary occupants, who have been dislocated from their permanent residence due to an officially recognized local, regional or national emergency. A report shall be provided to advise the City Council, Planning Commission, and Development Services Department of any such situations approved by the City Manager.

8.3.3 LIMITED USE STANDARDS FOR PUBLIC AND CIVIC USES

A. Auditoriums

Auditoriums shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Auditoriums shall not be located adjacent to residential uses.
2. The lot on which the facility is located shall contain twice the lot area requirements of the districts; provided, however, that if such facility includes outdoor activities the minimum lot area shall be four acres.
3. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
4. Off-Street Parking and Loading
 - a. Parking shall not be located between the auditorium and a fronting street. The exception shall be when the lot is two acres or larger, in which case parking may be in the front but not in the required street yard.
 - b. Off-street loading shall not be permitted between the auditorium and a fronting street. The approving authority may modify this requirement when site conditions render this requirement impracticable.
 - c. All other parking and loading standards found in Article 10 shall apply.

B. Cemeteries, Mausoleums, Columbaria

Cemeteries, mausoleums, and columbaria shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Cemeteries shall be limited to 250 grave sites.

C. Clubs and Lodges (Non-Profit)

Clubs and lodges shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. All structures shall be located at least 30 feet from property lines. This distance may be reduced to 15 feet if a masonry wall at least six feet high is provided
2. No outdoor public address systems shall be allowed.
3. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
4. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
5. **Off-street parking**
 - a. Parking shall not be located between the club or lodge and the fronting street. The exception shall be when the lot is two acres or larger, in which case parking may be in the front but not in the required street yard.
 - b. The number of required off-street parking spaces shall be in conformance with the requirements of Sec. 10.2.

D. Correctional Facilities

Correctional facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. In order to accommodate outdoor recreational facilities and to allow for potential building expansion, the site size for facilities located outside the CBD district shall be a minimum of one acre in size or the minimum of the zoning district, whichever is larger.
2. Facilities within the CBD district have no minimum site size.
3. The facility shall be established at least 650 feet from the nearest property which is residentially zoned or used.
4. The facility shall not be established within 1,320 feet of a public or private school, day care, or place of worship.
5. Site development shall be in conformance with the landscaping and dimensional requirements of the zoning district.
6. The Board of Appeals may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.

E. Adult Day Care Facilities

A facility to provide ten or more adult recipients care and supervision for more than three hours per day but less than 24 hours per day by a provider of such services who is not related to such adults, provided that:

1. No facility shall be permitted on a zone lot unless it contains the minimum lot area requirement of the zone district.
2. All bulk regulations of the district shall be met.
3. Drop off areas shall be provided consistent with Article 10. All required parking should be in the rear or side yards; however, required parking may be located in the street yard if the Zoning Administrator finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
4. All regulations of the State of Tennessee as outlined in Chapter 1240 – 7 – 10 of T. C. A. and any subsequent revisions shall be met.
5. All local and State fire codes shall be met.

F. Day Care Centers

Day care facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Between 13 and 50 clients may be served at any one time.
2. Overnight accommodation shall not be permitted.
3. When the center is located in a Residential district, no outdoor public address systems shall be permitted.
4. The center shall contain twice the minimum lot area requirement of the zone district plus any additional lot area which may be required by the Maury County Health Department or the Tennessee State Department of Human Services.
5. The center shall meet all applicable State and County requirements for standards, licensing, and inspections.
6. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
7. When the center is located within a nonresidential area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.

8. Drop off areas shall be provided consistent with Article 10. All required parking should be in the rear or side yards; however, required parking may be located in the street yard if the Zoning Administrator finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
9. All other standards of the district shall be met.
10. When a conditional use permit is required, the city council may deny the use permit, or add additional conditions and safeguards as necessary to protect the health and welfare of the day care clients, adjacent properties, or the neighborhood. Conditions may include a reduction in the maximum number of individuals to be cared for on site, restrictions on the hours of operation to less than that allowed by state or federal regulations, and such other conditions as may be required to address the findings required for the permit.

G. Day Care Facilities

Family day care facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A maximum of 12 clients may be served at any one time.
2. Overnight accommodation shall not be permitted.
3. No outdoor public address systems shall be allowed.
4. The facility shall contain twice the minimum lot area for the underlying district.
5. When the facility is located within a nonresidential area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.
6. Drop off areas shall be provided consistent with Article 10. All required parking should be in the rear or side yards; however, required parking may be located in the street yard if the Zoning Administrator finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
7. All other standards of the district shall be met.

H. Educational Facilities, Elementary, Middle, Or High

Elementary, middle, or high school educational facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The minimum site sizes established below may be recommended whenever none of the “optional programmatic activities” (subparagraph 2.d) are to be present on the site, no hazardous site characteristics exist, and adequate buffering can be accomplished without additional land.

Enrollment Capacity	Minimum Site Size
1-49	1.5 Acres
50-99	2.0 Acres
100-149	2.5 Acres
150 or more	0.5 Acres for each additional 50 students

2. Increases above the minimum site area may be required in order for site plan approval by the Board of Appeals. The site plan review and recommendation by the Planning Commission as to the appropriate site size and site plan for the proposed school shall take into account:
 - a. Proposed enrollment levels;
 - b. physical site characteristics, such as steeply sloped areas, areas subject to flooding, or unstable soils;

- c. the need for buffers, such as screening, fencing, unused open spaces, and access and traffic control, to protect surrounding land use; and
- d. “optional programmatic activities” to be conducted on the site including:
 - (1) Indoor or outdoor interscholastic competitive sports;
 - (2) Outdoor intramural competitive sports;
 - (3) Outdoor physical education activities requiring large land areas, such as baseball, softball, football, soccer, golf, field hockey, and track and field events;
 - (4) Marching band;
 - (5) Outdoor concerts, assemblies, and theatrical performances;
 - (6) Vocational training facilities; and
 - (7) Outdoor education space such as nature study areas and experimental gardens.
3. The Board of Zoning Appeals may waive minimum yard requirements whenever an existing structure is proposed for conversion to a community education activity. Said schools shall be subject to all other code requirements including fire, electrical, plumbing and building codes.
4. Following the initial approval of schools through the conditional use permit process, expansions of up to 20% of the area originally approved through the conditional use permit process pursuant to Sec. 3.14 may be approved administratively. Alternatively, at the discretion of the Zoning Administrator, such expansion may require application of the conditional use permit process.
5. Administrative approvals of expansions of schools shall not waive any conditions of approval of the conditional use permit.

i. Extensive Impact Facilities

Extensive impact facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A Heavy Manufacturing Permit (see Sec. 3.21) shall be required, unless specifically exempted by the Zoning Administrator.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
4. The location, size and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
5. The off – street parking requirements shall be determined by the Board of Appeals.
6. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

j. Family Care and Group Care Facilities

Family care and group care facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The purpose (s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose (s). Group care facilities accommodating from seven to 12 individuals shall have 24-hour staff and professional services in the behavioral sciences available. Group care facilities accommodating more than 12 individuals shall have resident 24-hour staff, and shall

provide professional services in the behavioral sciences. The Planning Commission must make a written finding to the Board of Zoning Appeals regarding these requirements based on advice from such agencies as the Tennessee Department of Human Services.

2. An appropriate license must be secured for any activity regulated by any public agency, including the Tennessee Department of Human Services. Any activity lawfully regulated by any public agency may be permitted for only that time period for which a valid license is obtained. Where grades or classes of approvals are granted, only the most restrictive may be permitted.
3. No more than one of either a family care or group care community facility may be permitted on a single block having a residential or MRC zone classification or situated on any opposing block faces having a residential or MRC zone classification. Other criteria may be used to avoid a concentration of such facilities.
4. Family care community facility may not accommodate more than one individual (excluding staff) per living room.
5. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking or other activities.
6. The home shall maintain a residential appearance compatible with the neighborhood.
7. The home shall meet all state requirements, and all applicable housing and building code requirements.
8. Group care community facility must contain 1,500 square feet of net floor space for the first six residents including resident staff and 150 square feet of net floor space per person above six residents.
9. Necessary utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
10. Group care facilities accommodating from seven to 12 persons, and family care facilities accommodating from one to six persons shall meet all bulk regulations of the district for a residence.
11. Group care facilities accommodating from 13 to 50 persons shall have a minimum lot area of five acres. When more than 50 persons are accommodated, there shall be one additional acre required for each ten persons accommodated.
12. The minimum side and rear yards for group care facilities accommodating 13 or more persons shall be 50 feet for a one – or two – story building, increased by five feet for each story above two.
13. One accessory off – street parking space for each three individuals accommodated shall be provided, except that this requirement may be altered depending on the specific program.
14. The site plan shall be approved by the Planning Commission taking into account but not limited to the following considerations:
 - a. Compatibility with the surrounding area;
 - b. Any adverse impact of the proposed activity on the character of the area;
 - c. Needed fencing and screening;
 - d. Adequate open space and recreation space if appropriate; and
 - e. All other requirements of this section.
15. Notwithstanding the provisions listed above, the Board may be permitted to vary the required yards, the screening strip for parking when the application involves a change in activities in existing structures. The plan shall provide for compensating features to offset

any potentially adverse conditions that might be brought about by said modification to the requirements.

K. Government Facilities [Formerly Administrative Services]

Government facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Following the initial approval of government facilities through the conditional use permit process, expansions of up to 35% of the area originally approved through the conditional use permit process pursuant to Sec. 3.14 may be approved administratively, unless such administrative approval is explicitly prohibited as a condition of the conditional use permit. Alternatively, at the discretion of the Zoning Administrator, such expansion may require application of the conditional use permit process.
2. Administrative approvals of expansions of government facilities shall not waive any conditions of approval of the conditional use permit.

L. Group Home (Non-Profit, Eight or Fewer Residents)

Group homes for eight or fewer residents shall be permitted in accordance with the use table in Sec. 8.1, subject to *T.C.A. 13-24-101 et seq.* and the following:

1. The home shall not be operated on a commercial basis;
2. The home shall be limited to eight mentally retarded, mentally handicapped, or physically handicapped persons; and
3. Up to three additional people acting as house parents or guardians may occupy the home.
4. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking or other activities.
5. The home shall maintain a residential appearance compatible with the neighborhood.
6. The home shall meet all state requirements, and all applicable housing and building code requirements.

M. Hospitals, Centers for Observation or Rehabilitation

Hospitals, centers for observation or rehabilitation shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be 50 feet for one or two story building, increased by five feet for each story above two stories.
2. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.
3. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.

N. Intermediate Impact Facilities

Intermediate impact facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
2. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

3. The location, size and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
4. The off – street parking requirements shall be determined by the Board of Appeals upon recommendation by the Zoning Administrator.

O. Libraries and Museums

Libraries and museums shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Within residentially-zoned districts, libraries and museums shall be required to have 175% of the minimum area required for the zoning district.
2. The site shall have direct access to a street which is adequately sized to accommodate traffic generated by the library or museum.

P. Neighborhood Primary Health Care Clinics

Neighborhood primary health care clinics shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The location, site, size, design and operation of the proposed facility shall be compatible with the character of the surrounding area and shall not adversely affect other properties within the area.
2. The proposed facility shall provide a community function and fulfill general health needs of service area residents.
3. The location of the proposed facility shall be such that it effectively, conveniently and safely serves residents of the area.
4. The proposed site shall be conveniently located in regard to major thoroughfares which allow access to hospitals, ancillary health facilities, and services likely to be needed by users of the proposed facility.
5. The application for a proposed facility shall be approved by the Middle Tennessee Health Systems Agency.
6. All public utilities and sewage disposal shall be available to the site and shall be approved by the County Department of Health and Environment.
7. The location, grading, site, and architectural plans shall first be approved by the Board of Zoning Appeals taking into account the above conditions as well as any other pertinent factors.

Q. Parks and Open Areas

Parks and open areas shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Parking Lot Landscaping Standards

On sites greater than two acres, the vehicle use area landscaping requirements (Sec. 10.5) shall not apply if the parking areas are located 100 feet or more from property lines, and at least 25% of the total site area is left in natural vegetation. In addition, vehicle use area landscaping requirements on all sites may be considered for adjustment at time of site plan approval when site size, site orientation, natural features, adjacent uses, topography or public safety and welfare would warrant modifications to the requirements of Article 11, Landscaping and Tree Standards.

Commentary: *The parking lot and landscape design shall take into consideration the need for protecting the personal safety of the patrons using the park.*

2. Setbacks

- a. Park facilities shall maintain a minimum setback of ten feet. A 50-foot setback should be maintained for all structures, picnic areas, playgrounds, basketball courts and athletic fields from property lines adjacent to residentially zoned or used property; however, the Board of

Appeals may reduce setback requirements at the time of site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to off site improvements, physical obstructions, developability of the park site or developability of the adjacent site, or natural features.

- b. Lighted facilities (such as tennis courts, ball fields, basketball courts) shall maintain a 50-foot setback from property lines adjacent to residentially zoned or used property. This setback may be reduced at time of site plan approval if the site plan depicts measures used to reduce light and glare onto adjacent residentially zoned or used property. Possible measures include, but are not limited to directional lighting, lower fixture heights, berms, vegetation, and fences. In addition, the site plan shall include documentation from a registered professional with experience in lighting certifying that the lighting does not exceed one foot candle at the property line of adjacent residentially zoned or used properties.

R. Philanthropic Institutions

Philanthropic institutions shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Following the initial approval of philanthropic institutions through the conditional use permit process, expansions of up to 20% of the area originally approved through the conditional use permit process pursuant to Sec. 3.14 may be approved administratively, unless such administrative approval is explicitly prohibited as a condition of the conditional use permit. Alternatively, at the discretion of the Zoning Administrator, such expansion may require application of the conditional use permit process pursuant to Sec. 3.14.
2. Administrative approvals of expansions of philanthropic institutions shall not waive any conditions of approval of the conditional use permit.

S. Religious Facilities

Religious facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in RS – 40 and R – 40 Districts where the minimum district lot size shall apply.
2. The location, size and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Educational facilities and other uses located in separate buildings from the place of worship shall be considered a separate use and considered subject to standards applicable to that use.
4. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
5. All bulk regulations of the district shall be met.
6. Parking shall not be permitted in the required street or side yards.
7. Following the initial approval of a religious facility through the conditional use permit process, expansions of up to 20% of the area originally approved through the conditional use permit process pursuant to Sec. 3.14 may be approved administratively. Alternatively, at the discretion of the Zoning Administrator, such expansion may require application of the conditional use permit process.
8. Administrative approvals of expansions of religious facilities shall not waive any conditions of approval of the conditional use permit.

T. Telephone Facilities

Telephone facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Telephone facilities shall be subject to any permit requirements, landscaping, off-street parking, or setback lines of the underlying district.

U. Wireless Communication Facilities

Wireless communication facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Applicability

- a. The requirements set forth in this subsection shall govern the location of towers that exceed, and antennas that are installed at a height in excess of 70 feet. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- b. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this subsection, provided a license or lease authorizing such antenna or tower has been approved by City Council.
- c. This subsection shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally – licensed amateur radio station operator or is used exclusively for receive – only antennas.

2. Conditional Use Permit Submittal Requirements

The following requirements are in addition to any that may be required for a conditional use permit pursuant to the procedure detailed in Sec. 3.14.

- a. Site and landscape plans drawn to scale;
- b. A report including a description of the tower with technical reasons for its design;
- c. Documentation establishing the structural integrity for the tower’s proposed uses certified by a professional engineer licensed in the State of Tennessee competent in such design, the general capacity of the tower and information necessary to assure that ANSI (American National Standard Institute) standards are met;
- d. A statement of intent whether excess space on the tower will be leased;
- e. Proof of ownership of the site or a copy of the owners authorization to use the site;
- f. Copies of any easements necessary to gain access or limited development areas;
- g. An analysis of the site containing existing topographical contours;
- h. A written opinion from an appropriate authority that the soils and underlying materials will support the intended structure;
- i. Evidence that the tower facility meets technical emissions standards set by the FCC (Federal Communication Commission);
- j. Evidence of “Determination of No Hazard” from the FAA (Federal Aviation Administration), as well as all required FCC permit information;
- k. Alternatives to the tower location and why this site was selected; and
- l. Evidence that the site complies with requirements of the NEPA (National Environmental Policy Act) in regard to impact on wildlife, endangered species, historical sites, Indian religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods and frequency emissions in excess of FCC guidelines.

3. Other Requirements

- a. Communication towers can be built on the same zone lot with another principal use. A separation a minimum of the tower height between the tower and any other principal use is required in order to provide for the health, safety and welfare of individuals and structures

occupying the same site. Joint use is prohibited on a zone lot where a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous wastes such as LP gas, propane, gasoline, natural gas and corrosive or dangerous chemicals.

- b. Towers 80 feet or more in height shall be located on the lot so that the distance from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of 100% of the proposed tower height. No variance shall be granted from this minimum setback requirement.
- c. Except as specifically required by the FAA (Federal Aviation Administration) or the FCC (Federal Communication Commission), transmission structures shall:
 - (1) use colors such as gray, blue or green which reduce their visual impacts; provided, wooden poles do not have to be painted; and
 - (2) not be illuminated, except equipment shelters may use lighting for security reasons which is compatible with the surrounding neighborhood;
 - (3) not use strobe lights unless specifically required by FAA.
- d. Any proposed tower shall be structurally designed so as to accommodate the minimum number of foreseeable shared users.
- e. No advertising or display is permitted on any communication tower.
- f. Any accessory buildings or structures shall be located a minimum of 50 feet from any adjoining property line. The accessory facilities may not include offices, long term vehicular storage, other outdoor storage or broadcast studios; except for emergency purposes, unless the use is permitted in the zone district.
- g. The tower base and equipment area shall be enclosed with a fence no less than six feet in height. Access shall be locked at all times when the site is not occupied.
- h. Where the tower site abuts or is contiguous to any Residential district, there shall be provided a continuous, solid screening and it shall be of such plant material as will provide a year – round evergreen screening as required by Article 11. Screening as required herein shall be not less than four feet in height at the time of planting and shall be permanently maintained.
- i. Location on any other structure other than a tower (i.e. water tank, utility poles, roof tops, etc.) is permitted subject to the provisions listed above relating to a tower location.
- j. Co – location on communication towers is encouraged. The Zoning Administrator has authority to approve a co – location on an existing tower subject to:
 - (1) a letter from a licensed engineer stating that the tower is structurally adequate to handle the additional load; and
 - (2) the FCC technical emissions standards will not be exceeded.

4. **Tower Not in Use**

- a. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower, as well as any shared user(s) of the tower or antenna, shall remove same within 90 days of receipt of notice from the City notifying the owner and shared user(s) of such abandonment. If such antenna or tower is not removed within said 90 days, the City may remove or have the structure removed at the owner's expense.

V. **Utility Facilities**

Utility facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Utility facilities in residential areas or adjoining residential uses shall maintain residential setbacks, be fenced (unless totally enclosed with a structure), and either be screened from view or designed to have a residential appearance.
2. Expansion of major utility facilities originally approved through the issuance of a conditional use permit pursuant to Sec. 3.14 of up to 20% or 1,000 square feet, whichever is greater, may be approved administratively.

8.3.4 LIMITED USE STANDARDS FOR COMMERCIAL ACTIVITIES

A. Adult Establishment

Adult establishments shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No adult – oriented establishment shall be operated or maintained in the city within 1,000 feet, measured from property line to property line, of a school, religious facility, public recreation facility or licensed day care facility.
2. No adult – oriented establishment shall be operated or maintained in the city within 1,000 feet, from property line to property line, of a boundary of a Residential district or a residential use.
3. No building or structure associated with the use shall be closer than 50 feet to a property line of an adjacent nonresidential zone or use.
4. No adult – oriented business establishment shall be operated or maintained in the city within 1,000 feet, measured from property line to property line, of another adult – oriented business establishment.

B. Bed and Breakfast Residences and Inns

Bed and Breakfast Residences and Inns shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Exemption from Maximum Size Standards

Bed and breakfast residences and inns shall be exempt from the maximum enclosed floor area requirements found in Sec. 6.3.6, Neighborhood Commercial, when established and operated in conformance with all other requirements of this Section.

2. Health and Safety Requirements

All bed and breakfast facilities shall:

- a. All bed and breakfast residences shall comply with the current building codes.
- b. Comply with CHAPTER 20, NFPA, 101 LIFE SAFETY CODE, as it pertains to “Lodging or Rooming Houses”.
- c. Be required to present evidence of the adequacy of sewage disposal and fire protection facilities.
- d. Be required to continuously maintain current licenses and permits required by all state and local agencies.
- e. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

3. Conduct of Operations

- a. Overnight paying guest occupancy shall be limited to two people or one family unit per guest sleeping room.
- b. In addition to the off – street parking required by Article 10, for the residence, one additional space shall be provided for each room offered for rent. Such spaces shall be screened from view from adjoining property and shall not be located within any required front yard,

provided, however, garage spaces and tandem or stacked parking spaces on a paved driveway shall qualify for guest room requirements. Generally, no credit shall be given for on-street parking.

- c. Overnight guest rentals may not exceed 21 consecutive days.
- d. The facility shall be owner occupied and managed.
- e. Unless otherwise specified, meals available from the commercial portion of the bed and breakfast shall be limited to breakfast for overnight guests of the bed and breakfast.
- f. When located within an historic overlay district, all standards and requirements of the overlay shall apply.

4. Bed and Breakfast Residences

Bed and breakfast residences are to be of a residential nature and shall have a negligible impact on the surrounding neighborhood. In addition to the requirements of subsection 1 above, bed and breakfast residences shall be subject to the following requirements:

- a. Not more than two guest sleeping rooms shall be permitted for paying overnight guests.
- b. May be established only within preexisting one – family residences and accessory structures located upon the same zone lot;
- c. The primary use of the dwelling shall be residential and the dwelling shall not be altered in any manner which would hamper return of the dwelling to its original state upon cessation of the bed and breakfast operation.
- d. The architectural integrity and arrangement of existing interior spaces within the dwelling shall be maintained and rooms used for sleeping shall not have been specifically constructed or remodeled for rental purposes.
- e. No exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing any bed and breakfast facility.
- f. No signs, other than those permitted by the City of Columbia Sign Ordinance, shall be located upon any site utilized as a bed and breakfast residence.

5. Bed and Breakfast Inns

Bed and breakfast inns may have a more noticeable presence in the community and as such may be established within historic landmark buildings and one – family dwellings and accessory guest houses. In addition to the requirements of subsection 1 above, bed and breakfast inns shall be subject to the following requirements:

- a. In general, not more than five guest sleeping rooms shall be permitted for paying overnight guests. Bed and breakfast inns with more than five guest sleeping rooms for paying overnight guests may be permitted if the inn is either listed on the National Register of Historic Places or is a contributing structure as defined in the Code of Federal Regulations.
- b. No new structures may be built for this use.
- c. Except for documented historic landmark structures, no nonresidential structures of any type shall be eligible to be used for bed and breakfast inns.
- d. Any interior modification proposed for a bed and breakfast inn shall be described in the application for a permit and shall not be injurious to the character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, moldings, chair rails and light fixtures.
- e. Occasional family-style meals may be provided for guests of the inn.

- f. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood or area and the intent of the zoning district in which it is located.
- g. The architectural integrity and arrangement of existing interior spaces shall be maintained and the number of guest rooms shall not be increased, except as may be required to meet health, safety and sanitation requirements.
- h. No signs, other than those permitted by the City of Columbia Sign Ordinance shall be located upon any site utilized as a bed and breakfast inn.

C. Car Wash

Car wash facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No storage, repair, or sales of vehicles shall be allowed on the site.
2. Provisions shall be made for an on-site drainage system to capture water used to wash vehicles. This water shall be discharged into a sanitary sewer system or another approved on-site system and shall not be discharged into the stormwater system.
3. All wash bays shall front on the side or rear of the facility. The Zoning Administrator shall have the authority to modify this requirement when the facility is located on a corner lot.

Commentary: *The goal is to improve the public realm and present a pleasant experience to people passing the facility.*

D. Commercial Parking Area

Commercial parking facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The facility shall be landscaped in conformance with the vehicular use area landscaping (See Sec. 10.5) in addition to the landscaping and buffering standards in Article 11.
2. No storage, repair, or sales of vehicles shall be allowed on the site.
3. A wall or fence no more than 30 inches in height shall be placed around the perimeter of the parking area to prevent encroachment of vehicles into the surrounding area.
4. Driveways shall be designed with sufficient depth to prevent vehicles from backing up into the street.

E. Convenience Stores with Gasoline Sales Facilities

Convenience stores with gasoline sales facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Fuel pumps shall be located at least 15 feet from the property line.
2. No outdoor storage shall be allowed.
3. Storage of vehicles for 15 days or more shall be prohibited.
4. A spill prevention and counter measures plan shall be provided prior to construction plan approval that includes, at a minimum:
 - a. Clean up procedures for fuel (or other hazardous material) spills occurring inside and outside the building;
 - b. Counter measures for use in preventing fuel (or other hazardous material) spills from entering the stormwater collection system; and
 - c. Routine cleanup procedures for work areas and parking areas. Washdown water shall not be permitted to enter the stormwater collection system.
5. Pump island canopies shall be so located that a vertical downward projection of the edge nearest the front lot line shall not be closer than 1/2 the building setback for the district in which the use is located.

6. Within the CBD district, the maximum number of fueling stations shall be limited to eight district-wide.

Commentary: *The goal is to preserve the character and enhance the pedestrian environment of the CBD by placing a limit on the number of fueling stations permitted.*

F. Drive-Through Facilities

Drive-through facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Where no street separates the use and a residentially zoned property, at least 40 feet of separation shall be maintained between the residential lot line and the drive-through facility
2. The location of drive-through windows and associated facilities (for example: communications systems and access aisles) shall be identified on all site plans.
3. Any speaker systems associated with a drive-through facility shall be designed and located so as not to adversely affect adjacent uses.
4. Drive-through alleys between the right-of-way of a roadway and a building shall require a parking buffer pursuant to Sec. 10.5 if the drive-through alley is within 50 feet of, and visible from, the roadway. Such buffer shall be installed and maintained along the entire length of the drive-through alley and the adjacent roadway.
5. Vehicle stacking areas shall be provided in accordance with Sec. 10.4, Vehicle Stacking Areas.

G. Golf Course, Country Club, Swim Club, Tennis Club

Golf course, country club, swim club, and tennis club facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No maintenance building or clubhouse shall be closer than 100 feet to any residential use.

H. Group Assembly Activities

Group assembly facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The locations, size and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area;
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets;
3. The off – street parking requirements shall be based upon a recommendation from the Planning Commission; and
4. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed:
 - a. The minimum site area shall 25 acres;
 - b. The minimum setback of all structures from all public roads shall be 100 feet;
 - c. Such facility shall be situated so that no residential use is located closer than 500feet from building entrance of the principal use at the time of approval;
 - d. Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets;
 - e. Off – street parking shall be provided at a minimum of one space for each four patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may

be provided on adjacent parcels of land provided further that any parcel so used is located no more than 500 feet from the lot boundary.

- f. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
 - g. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
 - h. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.
- i. Hotels, Motels, and Extended Stay Residences**
Hotels, motels, and extended stay residences shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:
- 1. The parcel shall be accessed from a major or minor thoroughfare.
 - 2. Where the property line of the hotel or motel is adjacent to property in a Residential district or use, the minimum depth for the required yard shall be 50 feet and structures or parking shall be permitted in the required yard.
 - 3. Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a residential zone or use.

j. Manufactured Home Sales

Manufactured home sales shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

- 1. The boundary of the property shall be a minimum of 500 feet from any Residential district or use.
- 2. The display area shall be set back a minimum of 25 feet from the street right-of-way.
- 3. In addition to the landscaping requirements found in Article 11, Landscaping and Buffering, the following landscaping shall be provided within any street yard:
 - a. An evergreen hedge which is at least 24 inches in height; or
 - b. Plantings which meet the requirements for plantings for 8.3.4P.5, Special Standards for Vehicle Sales Lots.
- 4. Storage and repair activities shall be screened from off-site views.
- 5. A minimum separation of at least 10 feet shall be maintained between display homes. Display homes which are visible off-site shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the manufactured home.

k. Nightclubs, Taverns, or Bars

Nightclubs, taverns, or bars shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

- 1. With the exception of nightclubs, taverns, or bars located within the CBD District, the applicant shall demonstrate that no pre-existing place of worship is located within 500 feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed night club or similar establishment and from the property line of any separate parking lots to be used by the nightclub or similar establishment.
- 2. Except in the CBD district, no nightclub, tavern, or bar shall be located within 500 feet of a Residential district or use.

3. No outside storage or activities shall be located on the site. Outdoor activities occupying no more than 400 square feet may be permitted by the Planning Commission with a Conditional Use Permit.

L. Outdoor Recreation

Outdoor recreation shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The use shall have direct access from a major or minor thoroughfare.
2. Food sales shall be provided for patrons of the recreational activity only.

M. On-Street Vending

On-street vending shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A minimum horizontal clearance of six feet shall be required on the sidewalk between the display area and any adjacent wall.
2. The maximum display area shall be 40 square feet per vendor.
3. Gas generators shall be prohibited.
4. On-street vending may require additional permits. The Zoning Administrator may impose additional requirements at the time of application for a permit.

N. Retail Sales and Service

Retail sales and service facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. When located in a Residential district, the requirements found in Sec. 6.3.6, Neighborhood Commercial shall apply.
2. All individual uses with an enclosed floor area in excess of 60,000 square feet shall comply with Sec. 12.1, Large Scale Commercial.
3. Retail sales development projects with an aggregate enclosed floor area in excess of 200,000 square feet shall be required to comply with Sec. 12.1, Large Scale Commercial.
4. Outdoor storage and display, when permitted, shall be in conformance with Sec. 12.3
5. When vehicle service facilities are included as an accessory use to a primary retail use, such accessory service facilities should be located to the side or rear of the primary use. To the maximum extent possible, the accessory service facility should not be visible from the roadway.

Commentary: For example, if an auto center is associated with a larger retail store, the auto center shall be located to the side or rear of the larger store.

O. Self-Storage

Self-storage facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Except when located within an industrial district, the use shall have a perimeter fence no less than four feet and no more than eight feet in height. Such fence shall be screened in accordance with Sec. 12.5, Screening.
2. Barbed-wire, razor wire, or similar accoutrements may not be used on portions of the fence visible from a roadway. Acceptable materials include wrought iron, aluminum, stone, brick or other materials with similar appearance.
3. One loading area shall be provided for each 10,000 square feet of enclosed storage area.

P. Vehicle Sales, Leasing, and Rentals

Vehicle sales, leasing, and rentals shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. All junked or inoperable vehicles or equipment shall be within a completely enclosed building.
2. Vehicle or equipment repairs made on-site shall be subject to the same restrictions under Sec. Q, Vehicle Services, below.
3. Adequate on-site area shall exist for the loading and unloading of vehicle from car carriers to ensure that no such loading or unloading occurs in any public right of way.
4. No vehicles shall be displayed in required landscaping or in rights-of-way.
5. Vehicle sales, leasing, and rental facilities shall meet the following parking area landscaping standards rather than those of Sec. 10.5, Vehicular Use Area Landscaping:
 - a. Trees shall be planted at the rate of one tree per 50 linear feet, and shrubs at the rate of one shrub per five linear feet of display area.
 - b. Plants may be grouped together, provided that at least 250 square feet of contiguous growing area, not encroached upon by impervious surfaces, surrounds each planted tree.
6. The provisions of Sec. 12.3, Outdoor Display, shall not apply.

Q. Vehicle Service

Vehicle service, limited shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. Fuel and oil pumps, if present, shall be at least 15 feet from property lines.
2. Pump island canopies shall be so located that a vertical downward projection of the edge nearest the front lot line shall not be closer than 1/2 the required yard depth for the district in which the use is located.
3. Any repair, servicing, maintenance or other work on vehicles shall be conducted within an enclosed structure.
4. No outdoor storage shall be allowed.
5. Storage of vehicles for 15 days or more shall be prohibited.
6. A spill prevention and counter measures plan shall be provided prior to construction plan approval that includes, at a minimum:
 - a. Cleanup procedures for spills occurring inside and outside the building;
 - b. Counter measures for use in preventing spills from entering the stormwater collection system; and
 - c. Routine cleanup procedures for work areas and parking areas. Wash-down water shall not be permitted to enter the stormwater collection system.

R. Veterinary Clinics, Animal Hospitals, and Kennels

Veterinary clinics, animal hospitals, and kennels shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A 500-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a Residential district or any use in the CBD, or MRC districts.
2. Overnight boarding of more than 15 animals shall not be permitted in the CBD, MRC, RM-2, and RM-1 districts.
3. A minimum six-foot tall wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-Residential district.

S. Wholesale Trade

Wholesale trade shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. No more than 10,000 square feet shall be devoted to the use.
2. Outside storage or operations shall be prohibited.

8.3.5 LIMITED USE STANDARDS FOR OFFICE USES

A. Conference Centers

Conference centers shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. If available, housing and meals shall be provided for participants and caretakers only.
2. Parking shall not be located in the street yard.

B. Non-Banking Financial Institution

Non-Banking Financial Institutions shall be permitted in accordance with the use Table in Sec. 8.1, subject to the following:

1. A non-banking financial institution shall be located no less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another non-banking financial institution is located.

8.3.6 LIMITED USE STANDARDS FOR INDUSTRIAL USES

A. Asphalt Plants and Other Facilities for the Manufacture and Storage of Chemicals, Petroleum Products, Explosives, and Allied Products (When Not an Accessory Use – Service Stations and Research Laboratories Are Not Addressed By This Provision)

Asphalt plants and other facilities for the manufacture and storage of chemicals, petroleum products, explosives, and allied products shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A Heavy Manufacturing Permit shall be required (See Sec. 3.21).
2. The boundary of the property shall be at least 1,500 feet from any residential use or zone.
3. The use shall be totally enclosed by a security fence or wall at least 8 feet high or enclosed within a fire proof building.
4. All plans shall be reviewed by Fire and Emergency staff prior to approval in order to determine that existing services provide adequate protection for citizens.

B. Concrete Plants

Concrete plants shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The facility shall be at least 1,500 feet from any residential use or zone.
2. The property may not be adjacent to an existing hospital, day care facility, educational facility, religious facility, convalescent center, or assisted living center.
3. The site shall be at least four acres in size and shall have access on a major or minor thoroughfare.
4. Property boundaries facing public streets shall be fenced with a six foot high fence.

C. Hazardous and Low Level Nuclear Material Disposal and Storage Areas

Hazardous and low level nuclear material disposal and storage areas shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A Heavy Manufacturing Permit shall be required (See Sec. 3.21).

2. The facility shall comply with all applicable State and federal regulations.
3. The facility shall be located at least 1,500 feet from any residential property.
4. Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within ¼-mile of the property line.
5. The site shall be enclosed by a fence or wall at least 6 feet high. Entrance and exit shall be through a gate which shall be locked during non-business hours.

D. Heavy Industrial, Not Otherwise Classified

Heavy industrial facilities may be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A Heavy Manufacturing Permit shall be required (See Sec. 3.21).
2. The facility shall comply with all applicable State and federal regulations.
3. Any additional conditions imposed during the Heavy Manufacturing Permit or Conditional Use Permit process.

E. Transfer Stations and Recycling Facilities

Transfer stations and recycling facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. The transfer station shall handle only waste that can be legally handled or disposed of in a solid waste landfill facility. This limitation shall not preclude use of the transfer station site for collection, processing, storage, and transfer of recyclable materials or for other waste reduction activities.
2. Recycling facilities shall handle only recyclable materials for which a permit has been obtained through the appropriate regulatory agency.
3. The entrance driveway shall be located on a major thoroughfare located within 2,000 feet of an interstate highway interchange.
4. There shall be at least 500 feet of separation between the facility [building and vehicular use areas adjacent to the building] and the nearest residential structure.
5. The facility shall conform to all applicable State and federal regulations.

F. Waste Handling Facility, Not Otherwise Classified

Waste handling facilities, not otherwise classified may be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A Heavy Manufacturing Permit shall be required (See Sec. 3.21).
2. The facility shall comply with all applicable State and federal regulations.
3. Any additional conditions imposed during the Heavy Manufacturing Permit or Conditional Use Permit process.

G. Wrecking, Junk, and Salvage Yards, Scrap Operations

Wrecking, junk, and salvage yards shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A Heavy Manufacturing Permit shall be required (See Sec. 3.21).
2. The facility shall not be within 1,000 feet of property zoned residential; however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 1,000-foot measurement.
3. The facilities shall be enclosed by a fence and shall be screened from view. The fence shall be six-feet high, measured from the lowest point of grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.

4. A spill prevention and countermeasures plan shall be provided prior to construction plan approval that includes, at a minimum:
 - a. Cleanup procedures for spills occurring inside and outside the building;
 - b. Countermeasures for use in preventing spills from entering the stormwater collection system; and
 - c. Routine cleanup procedures for work areas and parking areas. Washdown water shall not be permitted to enter the stormwater collection system.

SEC. 8.4 ACCESSORY USE STANDARDS

Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this Section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.

8.4.1 ACCESSORY STRUCTURES

All accessory buildings and structures, including accessory dwellings (see Sec. 8.4.2) shall be subject to the following additional requirements:

- A. An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects.
- B. The building or structure shall not be located between the front wall of the primary structure and the street.
- C. Structures with two street yards (Corner Lots) shall observe the side yard setback established for the zone district for any accessory structure.
- D. The building or structure may be located in a required side or rear yard. However, a separation of at least five feet is required between the building or structure and an adjacent lot line.
- E. In all Residential districts except RM-1, and RM-2, the height of an accessory building shall not exceed 15 feet when the building is within ten feet of a lot line. In the RM-1 and RM-2 districts, the height of an accessory building shall not exceed 20 feet when the building is within five feet of the property line. Accessory buildings or structures may not exceed the height limit for the zoning district.

8.4.2 ACCESSORY DWELLINGS

When permitted, accessory dwellings shall be subject to the following additional requirements:

A. Requirements Applicable in all districts

1. The accessory dwelling shall be located within the primary dwelling or shall meet the locational and dimensional requirements for accessory structures.
2. Only one accessory dwelling may be allowed on a lot.
3. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a Residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits 14 days or less shall be permitted. No RV or travel trailer shall be permanently connected to public or private utilities.
4. One additional off-street parking space shall be provided.

B. Additional Requirements Applicable in any R/RS District

1. The owner of the property shall occupy either the primary or the accessory dwelling.
2. The property shall retain a single or two-family (as applicable) appearance from the street.

3. The dwelling shall be located on a corner lot with a minimum site area of 150% of the base district. Location on other lots or on lots not meeting the dimensional requirements may be considered through the Conditional Use Permit process.
4. Except in the R/RS-40 district, the heated floor area of the accessory dwelling shall not be less than 400 square feet, but shall not exceed a maximum of 30% of the floor area of the primary dwelling. In the R/RS- 40 District, the maximum floor area may be 50% of the floor area of the primary dwelling on lots of 4 acres or larger.

Commentary: *Examples of accessory dwelling square footage are:*

A 1,333 square foot primary dwelling is needed for a 400 square foot accessory dwelling. (30% of 1,333 = 400 square feet)

A 2,000 square foot primary dwelling is needed for a 600 square foot accessory dwelling.

8.4.3 AMATEUR WIRELESS FACILITY

- A. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height less than 50 feet in Residential districts or with an overall height less than 70 feet in all other zoning districts may be developed in accordance with the following additional requirements.
 1. Structures, including towers, shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located, but in all events shall be at least 100% of the tower height.
 2. The applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.
- B. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, greater than as provided above shall be regulated in accordance with Sec. 8.3.3U, Wireless Communication Facilities.

8.4.4 HOME OCCUPATION

When allowed, home occupations shall be subject to the following additional regulations:

- A. No display of goods, products or services shall be visible off site.
- B. Only handmade items, foodstuffs, and crafts made on the premises may be offered directly for sale. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. Catalog and electronic business orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and shipped from the premises to fulfill catalog or electronic business orders.
- C. Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located. Vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. Only one commercially licensed vehicle shall be allowed. This vehicle may not exceed 1-ton capacity.
- D. No equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site.
- E. No hazardous materials may be manufactured, stored, processed or disposed of on the premises.
- F. In all Residential districts other than R/RS-40, or in R/RS-40 - zoned properties less than ten acres, the following standards apply:
 1. Only family members residing on the premises and up to one nonresident employee may be engaged in the home occupation.
 2. With the exception of a barber shop or beauty salon having only one chair, customers shall be prohibited from coming to the residence to conduct business.
 3. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of

the livable portion of the dwelling. Internal alterations or construction modifications not customary in dwellings shall be prohibited. Exterior modifications to the dwelling to accommodate the home occupation shall be prohibited.

4. No outside storage use or activity (except parking) shall be associated with the home occupation.
- G. On properties zoned R/RS-40 containing at least 10 contiguous acres, the following standards shall apply:
1. Agricultural uses shall not be considered home occupations.
 2. In addition to family members residing on the premises, up to three nonresident employees may be engaged in the home occupation.
 3. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling or 1,250 square feet, whichever is less. Internal alterations or construction modifications not customary in dwellings shall be prohibited.
 4. An accessory building or an accessory dwelling may be used for all or a portion of the floor area of the home occupation but the combined total square footage devoted to the home occupation whether located in the dwelling, an accessory building, an accessory dwelling, or a combination thereof, may not exceed the limits described in paragraph G.2 above. The accessory building may not be located closer to the side property line than the closest side of the dwelling to the side property line or 100 feet, whichever is a lesser distance, and not closer than 75 feet to the rear property line.
 5. The home occupation may include outdoor uses or activities. Any areas used for outdoor activities shall be at least 250 feet from any property line and shall also be closer to the principal dwelling on the site than to any dwelling on an adjoining site.
 6. Any home occupations utilizing these provisions shall be required to cease operations if the parcel size is reduced to less than 10 acres.

8.4.5 JUNK VEHICLES

Junk vehicles shall be prohibited within a Residential district or on a property devoted to residential use, except that junk vehicles owned by an occupant of the dwelling and stored within an enclosed building so that they are not visible from an adjacent property or a public right-of-way may be allowed. Within the R/RS-40 and R/RS-20 districts, junk vehicles may also be screened with a permanent enclosure to meet this standard.

8.4.6 MANUFACTURED HOME STORAGE

Storage of a manufactured home, and use of a manufactured home for storage, shall be prohibited within a Residential district or on property devoted to residential use, unless the manufactured home is lawfully permitted under provisions found elsewhere in this ordinance.

8.4.7 RECYCLING DROP-OFF SITES

Commentary: *On-site recycling facilities and public recycling drop-off sites should not be confused with recycling centers which are much larger regional centers that process recyclables. Examples of on-site recycling facilities include cardboard or aluminum can recycling bins. Public recycling drop-off sites include facilities located in church or school parking lots where the public may deposit recyclables.*

- A. Recycling facilities and drop off sites shall be encouraged and permitted as an accessory use in all nonresidential districts and multi-family residential property.
- B. The drop off site shall be kept free of litter, residue and debris by the party responsible for the maintenance and management of the drop off facility.
- C. Recycling drop off sites shall be located at least 50 feet away from adjoining residentially zoned property.

- D. The drop off site containers shall be durable, waterproof, covered and of uniform color. The name and phone number of the party responsible for maintenance shall be posted on the container.

8.4.8 SATELLITE DISHES

Satellite dishes that are less than one meter (39.37 inches) in diameter in Residential districts and less than two meters in diameter in all other zoning districts shall be exempt from the standards of this section. Satellite dishes exceeding these dimensions shall be subject to the following additional requirements:

- A. The provisions of 8.3.3U, Wireless Communication Facility.
- B. If attached to a roof or building, a letter certifying the roof's and building's structural stability shall be written and sealed by a licensed engineer, prior to any approval of a roof-mounted satellite earth station. No commercial messages shall be placed on the dish.

8.4.9 SWIMMING POOLS

When allowed, in-ground and above ground swimming pools which have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

- A. Private swimming pools (as well as the decking and equipment associated with the pool) on single-family, duplex, and triplex lots shall not be located in the street yards and not be closer than 10 feet to any property line.
- B. Outdoor Community Pools, Private Club Pools, or Pools in Multifamily Complexes
1. Outdoor pools including decking shall be located at least 100 feet inside the property lines adjacent to a single family Residential district or use, and at least 50 feet from any property line adjacent to any other district or use.
 2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

8.4.10 VEHICLE REPAIR

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence and stored on a paved surface outside of street yard. Other than emergency repairs, vehicle repair shall not be permitted within a public right-of-way.

8.4.11 VEHICLE SALES

Vehicle sales shall be prohibited within a Residential district or on property devoted to residential use, except that the sale of a one private vehicle and/or recreational vehicle, including water craft and trailers registered to the occupant of the residence shall be allowed within a six month period. No more than one such vehicle shall be displayed at a time. These same provisions shall apply to farm and lawn tractors/trailers and lawn mowers of any type.

SEC. 8.5 TEMPORARY USE STANDARDS

Commentary: *Temporary uses should not be confused with permanent outdoor activities (for example, a car sales lot) that are only allowed in certain zones and require site plan approval, nor should they be confused with an outdoor display area (for example, a garden center that is part of a building supply store) that may be a part of a retail store and require site plan approval.*

The uses listed below may be considered temporary in nature and may be approved as temporary uses in any zoning district (unless otherwise provided below), subject to the following requirements. With the exception of yard sales in residential districts, all temporary uses shall require the issuance of a Temporary Use Permit Sec. 3.8. Additional restrictions regarding the operation of these uses may be imposed through the City code, as applicable.

8.5.1 CIRCUS OR CARNIVAL

Permit may be issued for a period of not longer than 15 days. Such use shall only be permitted in the districts listed below on lots where adequate off – street parking can be provided:

- A. Commercial Districts – CBD, GCS, MCD, and HSD
- B. Industrial Districts – IR and IG

8.5.2 CHRISTMAS TREE SALE

Christmas tree sales may be permitted in any district. Permit may be issued for a period not longer than 30 days. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

8.5.3 RELIGIOUS TENT MEETINGS

Permit shall be issued for not more than a 14 day period. May be permitted in any district. Such activity shall be permitted only on lots where adequate off – street parking can be provided.

8.5.4 SPECIAL CIVIC EVENTS INCLUDING FESTIVALS, BAZAARS, ETC

May be permitted in any district. Such permit may be issued for a period not longer than 15 days. Such activity shall be permitted only on lots where adequate off – street parking can be provided.

8.5.5 TEMPORARY CONSTRUCTION OFFICES

May be permitted in any district for 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. Such use shall be removed immediately upon expiration of the temporary use permit, or completion of the project.

8.5.6 TEMPORARY DWELLING UNIT IN CASES OF SPECIAL HARDSHIP

A manufactured home may be permitted as a temporary use in any Residential district on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The temporary use permit may be initially issued for nine months. A permit may be renewed for up to six months at a time for all permits not exceeding 21 months.

Article 9. FLOODPLAIN PROTECTION

SEC. 9.1 AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

9.1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Columbia, Tennessee Mayor and City Council, does ordain as follows:

9.1.2 FINDINGS OF FACT

1. The Columbia Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

2. Areas of Columbia 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.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

9.1.3 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:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

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

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

9.1.4 OBJECTIVES

The objectives of this Ordinance are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

9.1.5 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:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered **"New Construction"**.

"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 (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (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 permanent 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 fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"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 landmasses. This peril is not per se 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 first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"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" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"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 flood plain 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 factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"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:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. 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.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. 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.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"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" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"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, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"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.

9.1.6 GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the incorporated area of Columbia, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Maury County, Tennessee, and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) Number 470123C0000E, dated April 16, 2007 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47119C0145E, 47119C0160E, 47119C0165E, 47119C0170E, 47119C0180E, 47119C0190E, 47119C0195E, 47119C0260E, 47119C0280, 47119C0285E dated April 16, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

D. 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.

E. 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.

F. 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.

G. 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 Columbia, 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.

H. 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 of Columbia, Tennessee from taking such other lawful actions to prevent or remedy any violation.

9.1.7 ADMINISTRATION

A. Designation of Ordinance Administrator

The Director of Development Services and/or assignee is hereby appointed as the Administrator to implement the provisions of this Ordinance.

B. 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:

C. Application stage

1. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
2. 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.
3. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in 9.1.7B, 9.1.7C, and 9.1.8 of this ordinance.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

9.1.8 CONSTRUCTION STAGE

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

9.1.9 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 9.1.7B, 9.1.7C, and 9.1.8.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 9.1.7B, 9.1.7C and 9.1.8.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 9.1.7 B, 9.1.7C and 9.1.8.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.
 - a. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a

building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 9.1.5 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 9.1.7B, 9.1.7C and 9.1.8.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

9.1.10 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction.

Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 9.1.10 B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 9.1.5 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 9.1.7 B, 9.1.7C and 9.1.8.

2. 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 floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 9.1.5 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 9.1.7 B, 9.1.7C and 9.1.8.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 9.1.7 B, 9.1.7C and 9.1.8.

3. Elevated Building.

All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

- 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- 2) The bottom of all openings shall be no higher than one foot above the finish grade;
and
- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- 4) 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
- 5) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 9.1.10 B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- (1) 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.

- (a) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - (2) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - (3) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- (a) Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Section 9.1.10 B. 4 of this Ordinance.
- (b) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (4) All recreational vehicles placed on identified flood hazard sites must either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) 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.
 - (c) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.

9.1.11 Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

- (2) 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.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

9.1.11 STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD WITH ESTABLISHED BASE FLOOD ELEVATIONS AND WITH FLOODWAYS DESIGNATED

Located within the Areas of Special Flood Hazard established in Section 9.1.6 B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- (2) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 9.1.10.

9.1.12 STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD ZONES AE WITH ESTABLISHED BASE FLOOD ELEVATIONS BUT WITHOUT FLOODWAYS DESIGNATED

Located within the Areas of Special Flood Hazard established in Section 9.1.6 B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 9.1.10 B.

9.1.13 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS OR FLOODWAYS (A ZONES)

Located within the Areas of Special Flood Hazard established in Section 9.1.6 B, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Section 9.1.6, 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 9.1.10. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (3) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 9.1.10 B, and "Elevated Buildings".

9.1.14 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the Areas of Special Flood Hazard established in Section 9.1.6 B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM),

in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 9.1.10 B, and "Elevated Buildings".

- (2) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 9.1.7 B, 9.1.7C and 9.1.8.
- (3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- (4) The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

9.1.15 STANDARDS FOR AREAS PROTECTED BY FLOOD PROTECTION SYSTEM (A-99 ZONES)

Located within the areas of special flood hazard established in Section 9.1.6B. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Sections 9.1.7 and 9.1.10A shall apply.

9.1.16 STANDARDS FOR UNMAPPED STREAMS

Located within Columbia, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- (1) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

- (2) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section 9.1.7.

9.1.17 VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Columbia, Tennessee.

A. Board of Zoning Appeals

- (1) The Columbia Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site,
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
- (5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

- (1) 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.
- (2) 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.
- (3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- (4) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

9.1.18 LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Columbia, Tennessee, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Article 10. PARKING AND LOADING

SEC. 10.1 GENERAL

10.1.1 INTENT

These standards are intended to provide needed spaces for parking and loading in connection with all activities located in the City, and to reduce traffic, protect the character of neighborhoods and the City as a whole, buffer incompatible uses, and promote pedestrian safety.

10.1.2 APPLICABILITY

The provisions of this Article shall apply to all proposed development, whether new construction, conversion to another use, or modification or expansion of an existing use.

10.1.3 VEHICLE PARKING PERMITTED IN RESIDENTIAL DISTRICTS

- A. Vehicles parked in residential areas that exceed 35 feet in overall length, eight feet in width or 12 feet in height shall be stored or parked in the rear of the lot.
- B. Single-family residential uses may devote yard space to designated driveways. Single-family driveways shall be surfaced with an all-weather material with edges clearly delineated. Except for these driveways, no additional curb cuts or vehicle access points shall be permitted. Only designated driveways shall be used for the parking of vehicles between a street and a house. Parked vehicles shall not block pedestrian walkways.
- C. Domestic and recreational vehicles such as boats, camper trailers, and utility trailers shall be stored off the street and may not be located in street yard spaces. Multifamily developments may designate a specific area on a site plan for boat and trailer parking for residents of the development.
- D. Parking of buses on the site of and directly associated with a permitted nonresidential use shall be permitted.
- E. Parking of heavy equipment or tractor trailers (including trailers as storage) shall not be permitted. This requirement shall not prohibit commercial vehicles from making deliveries in a Residential district. Trailers may be permitted for temporary storage in association with a construction with a Temporary Use Permit (Sec. 3.8).
- F. Single and double axle trucks that exceed 90 inches in width and are greater than 12 feet in height are prohibited from parking on a public street for more than four consecutive hours; unless it is related to performing a service for a property owner, ie. construction, remodeling, etc.

10.1.4 USE OF PARKING SPACES AND LOADING FACILITIES

- A. Required parking spaces and loading facilities shall not be used for the storage or sale of merchandise, vehicle storage, vehicles for sale, or vehicle repair. Non-required spaces proposed for these uses shall be designated on a site plan.
- B. Notwithstanding the standards established in subparagraph A above, the private sale or storage of one vehicle per dwelling unit may be permitted in association with a residential use (see Sec. 8.4.11, Vehicle Sales as an Accessory Use).
- C. Any area designated for required off-street parking or loading shall not be changed to another use until adequate parking and/or loading facilities in conformance with this Article have been established.

- D. Required parking spaces and loading facilities may be temporarily used for other uses besides parking and loading with the issuance of a Temporary Use Permit (Sec. 3.8); provided such use does not negatively impact adjacent roadways, neighborhoods, or other uses and is clearly temporary in nature.

SEC. 10.2 PARKING

10.2.1 CALCULATION OF REQUIRED PARKING SPACES

- A. Where a calculated number of required parking spaces results in a fraction, any fraction that is $\frac{1}{2}$ or greater shall be rounded up to the nearest whole number. Any fraction less than $\frac{1}{2}$ shall be rounded down to the nearest whole number.
- B. Any modification to a structure resulting in an increased floor area shall require a corresponding increase in the number of required parking spaces and loading facilities (where applicable).
- C. Buildings with multiple principle uses shall calculate required parking based on the separate requirements of each use in the building.

10.2.2 MINIMUM REQUIRED OFF-STREET PARKING SPACES

- A. Off-street parking spaces shall be provided for all uses listed below in the amounts listed below. Unless a calculation of the required parking spaces is subject to a determination by the Board of Appeals, uses not listed shall be reviewed by the Zoning Administrator for a determination of the required parking spaces.
- B. In the case of uses where the Board of Appeals is required to prescribe the number of parking spaces, the Board shall base its determination on recommendations from the Planning Commission and such other factors as the traffic generation of the facilities, the time of operation of such facilities, their location and, other such factors as affect the need for off – street parking as required under the conditional use provisions.

USE CATEGORY	SPECIFIC USE	PARKING SPACES
AGRICULTURAL AND EXTRACTIVE USES		
Agriculture	All agriculture	1 per site + 1 per 1,000 SF enclosed area
Extractive Uses	All extractive uses	
RESIDENTIAL USES		
Household Living (Note: Two-family dwellings shall not be permitted in any district with "RS-__" zoning)	All household living, except as listed below	1.5 per unit
	Multifamily / apartment	1 per 2 bedrooms
	Congregate living facility, retirement apt.	1 per 2 units + 1 per 2 employees, minimum 4 spaces
	Manufactured home park or subdivision	1 per unit + 2 for office
	Upper-story residential	1 per 2 bedrooms
Group Living	All group living, except as listed below	1 per 4 beds
	Boarding or rooming house	1 per bedroom
PUBLIC AND CIVIC USES		
Community Service	All community service, except as listed below	1 per 500 SF floor area
	Auditoriums	As determined by BOA
	Clubs and lodges	1 per 150 SF floor area, minimum 5 spaces
	Museums	1 per 300 SF floor area, minimum 10 spaces
Day Care Facilities	All day care	1 per employee + 1 per each 10 attendees
Educational Facilities	School, Kindergarten, Elementary or Middle	1 per classroom + 1 per 300 SF of administrative office space
	School, High	6 per classroom + 1 per 300 SF of administrative office space
	Universities, Colleges, Vocational, Trade or Business schools	1 per 600 SF of classroom, laboratory, or workshop + 1 per 5 seats in a principal assembly room + 1 per 2 beds in an on-campus residential facility
Extensive Impact Facilities	All extensive impact facilities	As determined by BOA
Government Facilities	All government facilities, except has listed below	1 per 400 SF floor area + 1 per 4 employees
	Correctional facilities	1 per 300 SF office area + 1 per 5 beds
	Fire, police, or other emergency services	1 per employee per shift + 1 per facility vehicle
Health Care Facilities	All health care facilities, except as listed below	1 per 300 SF floor area
	Medical laboratories	1 per 500 SF floor area
	Hospitals, centers for observation or rehabilitation	1 per 1,000 SF floor area + 1 per 3 beds
Intermediate Impact Facilities	All intermediate impact facilities	As determined by BOA
Parks and Open Areas	All parks and open areas, except as listed below	As determined by the Zoning Administrator in consultation with Director of Parks and Recreation
	Cemeteries, mausoleums, columbaria, memorial gardens	1 per 5 seats in chapel or assembly area, minimum 3 spaces
Personal and Group Care Facilities	All personal and group care facilities, except as listed below	4 spaces + 1 per 400 SF
	Group home (non-profit, 8 or fewer residents)	1 per 4 beds + 1 per employee or caretaker
	Family care and group care facility	1 per employee + 1 per 6 attendees
Religious Facilities	All religious facilities	1 per 3 seats or 8 linear feet of seating area (if pews) in the assembly area (day care, schools, and other uses calculated separately)
Utility Facilities	All utilities, except as listed below	1 per 1,000 SF enclosed floor area
	TV/HDTV/AM/FM Broadcast Antennae	1 per 500 SF enclosed floor area
COMMERCIAL USES		
Accommodations	Bed and breakfast residence or inn	1 per guest room + 2 per owner/manager
	Hotel, Motel, Extended Stay Residence	1.25 per guest room + 1 per 100 SF conference/banquet/restaurant

USE CATEGORY	SPECIFIC USE	PARKING SPACES
Indoor Recreation	All indoor recreation, except as listed below	1 per 250 SF enclosed floor area
	Adult establishment, nightclub, or bar	1 per 100 SF seating area
Group Assembly	All Group Assembly	As determined by BOA
Outdoor Recreation	All outdoor recreation, except as listed below	1 per 500 SF enclosed floor area + 1 per 1,000 SF outdoor use area
	Golf course, swim club, tennis club, country club	1 per 500 SF floor area + greater of: 4 per hole; 1 per 400 SF swim area; or 2 per court (parking for eating facilities calculated separately)
	Stadium, arena	1 per 4 seats
Parking, Commercial	All commercial parking	1 per employee + parking required for customers
Restaurants	All restaurants	1 per 100 SF floor area
Retail Sales and Service	All retail sales and service, except as listed below	1 per 400 SF floor area
	All convenience store	1 per 150 SF floor area
	General equipment repair and service	1 per 500 SF floor area
	Veterinary clinic, animal hospital, kennel	1 per 300 SF floor area
Self-Service Storage	All self-service storage	1 per 75 storage units, 5 minimum
Vehicle Sales and Service	All vehicle sales, leasing or rental; manufactured home sales	1 per 500 SF enclosed floor area
	All vehicle service	2.5 per service bay
	Car wash	2 per wash bay
Wholesale trade	All wholesale trade	1 per 1,000 SF floor area
OFFICE		
Office	All office uses, except those listed below	1 per 300 SF floor area
	Conference center	1 per 250 SF seating area
INDUSTRIAL USES		
Heavy Industrial	All heavy industrial, except as listed below	1 per 1,000 SF enclosed floor area
	Wrecking, junk, and salvage yards	2 + 1 per 10,000 SF of yard area
Light Industrial Service	All light industrial service, except as listed below	1 per 1,000 SF of enclosed floor area
Warehouse and Freight Movement	All warehouse and freight movement	1 per 2,000 SF of enclosed floor area + 1 per 5,000 SF outside storage area
Waste-Related Service	All waste-related services	1 per 750 SF of enclosed floor area + 1 per 5,000 SF outside storage or processing area

10.2.3 RESIDENTIAL USES IN THE CENTRAL BUSINESS DISTRICT

- A. Minimum off-street parking requirements shall be waived for residential projects of four units or fewer (including upper story residential) in the CBD.
- B. Required parking for residential projects of four or more units in the CBD shall be determined by the Board of Appeals.

10.2.4 MAXIMUM PARKING PERMITTED

- A. No use shall provide more than 150% of the required parking shown in the table above unless any parking above the 150% threshold is pervious or located in structured (decked) parking facilities.
- B. Where a project is intended to be developed in phases, the Board of Appeals may approve development of a parking area intended to serve current and future development.

10.2.5 REDUCTION OF OFF – STREET PARKING REQUIREMENT

In all districts the Board of Appeals may, by conditional use permit, reduce the number of required off – street parking spaces by up to 50% when the following conditions are certified to the Board:

- A. That federal funds are used to supplement rent or income of the occupants;

- B. That public and other services are reasonably accessible and within easy walking distance; and
- C. Occupancy is to be primarily by elderly persons 65 years of age or over. However, in no case shall the number of spaces be reduced below one space per two dwelling units; nor shall the number of spaces be reduced merely to accommodate additional dwelling units.

10.2.6 HANDICAPPED ACCESSIBLE PARKING

Parking spaces in accordance with the following table shall be provided to accommodate the needs of handicapped individuals. See Sec. 10.2.13 for accessible parking design standards.

OFF-STREET PARKING SPACES PROVIDED	MINIMUM ACCESSIBLE SPACES
1-200	1 for every 25 required spaces
201-500	1 for every 50 spaces
501 or more	10 spaces, plus 1 for every 100 spaces above 500 spaces
Note: One out of every eight spaces shall be van accessible. A minimum of one van accessible space shall be provided.	

10.2.7 REQUIRED PARKING LOCATED OFF – SITE

Required off-street parking may be located off – site, provided that:

- A. No required parking for a convenience store may be located off – site;
- B. No required handicapped accessible parking may be located off – site;
- C. Such spaces are not located within a residential or agricultural district;
- D. There is no way to arrange such spaces on the same zone lot as such use;
- E. Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage;
- F. No off-site parking space is located further than a 750-foot walking distance from the primary entrance of the anticipated use. Off-site parking spaces shall not be separated from the use by an arterial street right-of-way unless a grade-separated pedestrian walkway is provided, or traffic control or remote parking shuttle bus service is provided;
- G. Such spaces are in the same ownership as the use to which they are accessory and/or necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use; and
- H. Such spaces conform to all applicable district regulations of the district in which they are located.

10.2.8 VALET PARKING

The Board of Appeals may approve valet parking as a means of satisfying the otherwise applicable off-street parking requirements where all of the following standards have been met:

- A. Adequate assurance of the continued operation of the valet parking, such as a contractual agreement for valet services or the tenant’s firm affidavit agreeing to provide such service; and
- B. An equivalent number of valet spaces shall be available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.

10.2.9 CREDIT FOR PUBLIC SPACES

- A. Some or all of the required off-street parking spaces may be waived by the Board of Appeals if publicly-controlled parking is available within a 750-foot walking distance along public walkways

from the main entrance of the proposed use and the Board also determines that adequate parking spaces are available within the publicly-controlled parking area to accommodate the anticipated use.

- B. However, in no case shall the credit for publicly-available parking reduce the requirements for on-site handicapped accessible parking.

10.2.10 SHARED PARKING

The Zoning Administrator may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

A. Ineligible Activities

Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

B. Location

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served.

C. Zoning Classification

Shared parking areas for uses located in a nonresidential district shall not be located in any Residential district.

D. Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Zoning Administrator that clearly demonstrates the feasibility of shared parking. The study must be provided to the Zoning Administrator and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

E. Agreement for Shared Parking

A shared parking plan shall be enforced through written agreement among all owners of record. The owner of the shared parking area shall enter into a written agreement with the City with enforcement running to the City providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns. An attested copy of the agreement between the owners of record shall be submitted to the Zoning Administrator for recordation in a form established by the Office of the City Attorney. Recordation of the agreement must take place before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided on-site in accordance with the off-street parking schedules in this Section. The written agreement shall be voided by the City if other off-street facilities are provided in accord with these zoning regulations.

F. Change in Use

Where the uses subject to a shared parking agreement change, the Zoning Administrator shall have the authority to require a revised shared parking study and a new shared parking agreement when the revised shared parking study indicates additional parking is required.

10.2.11 GENERAL DESIGN REQUIREMENTS

Commentary: *Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design. For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining wall or landscaped banks. Efforts shall be made to assure*

that a parking area does not dominate a site or building. Such efforts may include depressing the level of the parking area, construction of earth berms, dividing large lots into smaller sub – lots, and other similar techniques.

A. Use of Compact Spaces

Up to 10% of the off-street parking spaces may be sized and designated for compact vehicles, by right; and up to 20% may be allowed by the Board of Appeals. Compact parking spaces shall be accommodated throughout the parking area and appropriately marked. No more than ten compact spaces shall be located in any given row of parking.

B. Location of Parking

Commentary: *Where possible, parking should be located to the rear or side of the principle structures. A reduction of the amount of parking between the street and the buildings will improve the appearance of the site and road corridor and enhance pedestrian mobility.*

1. No off-street parking may be located in required street buffers or project boundary buffers.
2. No off-street parking facility or other vehicular use area shall be located over a drainage field or septic system.
3. In Residential districts where parking in the street yard is permitted, only one street yard of a corner lot may have parking.

C. Marking of Spaces

Nonresidential parking spaces and multifamily parking spaces shall be striped on pavement or designated with some other form of permanent marking.

D. Storage Area

1. An area not to exceed 25% of the gross parking area can be designated separately for storage related to the principal use for inventory, materials, supplies, finished products, etc..
2. Storage area is not required to be paved but shall have a minimum of four inches of 3 to 4 inch stone base with 2 inches of compacted stone as topping.
3. The storage area cannot be located any closer to a right of way than the front of the principle structure and in the case of a corner lot. Any closer to the right of way than the side of the principal structure.
4. Landscaping material shall be required along any storage area boundary that is visible from a public right of way. Landscaping material shall be a minimum of five (5) feet tall and be maintained at the height of at least five (5) feet in order to block visibility of the storage area. Landscaping shall be permanently maintained by the owner of the property and replaced if damaged by weather, neglect or any other occurrence.

Example: *4,000 sqft. of parking area would allow 1,000 sqft. of storage area to be unpaved.*

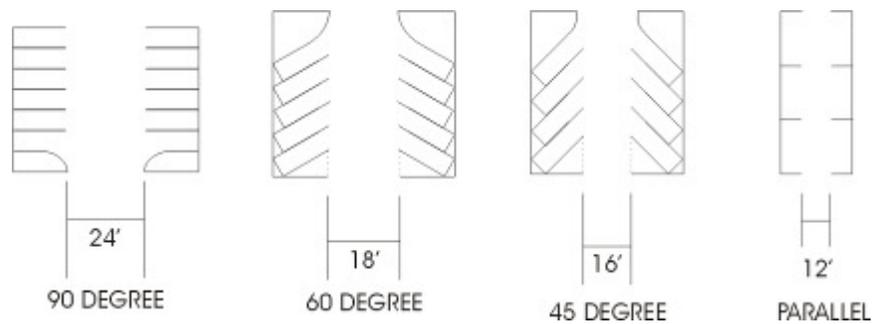
10.2.12 PARKING FACILITY DESIGN STANDARDS

Each required off-street parking space shall open directly onto an aisle or driveway which is designed to provide safe and efficient access to each parking space. Parking shall not be allowed to impede traffic movement on alleys or streets or to impede pedestrian or bicycle activities.

A. Dimensions

1. A required off-street parking space shall be at least nine feet in width and 19 feet in length exclusive of any access drives, aisles, or columns; however, for nonresidential uses, parking spaces of a reduced size may be permanently designated, by signs, for compact vehicles. A compact vehicle space shall be at least seven feet, six inches in width and at least 16 feet in length, exclusive of access drives, aisles, or columns. Parallel parking spaces shall be increased by five feet in length for both regular and compact parking.
2. All spaces shall have a minimum vertical clearance of eight feet.
3. Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, 16 feet wide for 45 degree parking and 12 feet wide for parallel parking. The angle shall be measured between the centerline of the parking space and the centerline of the

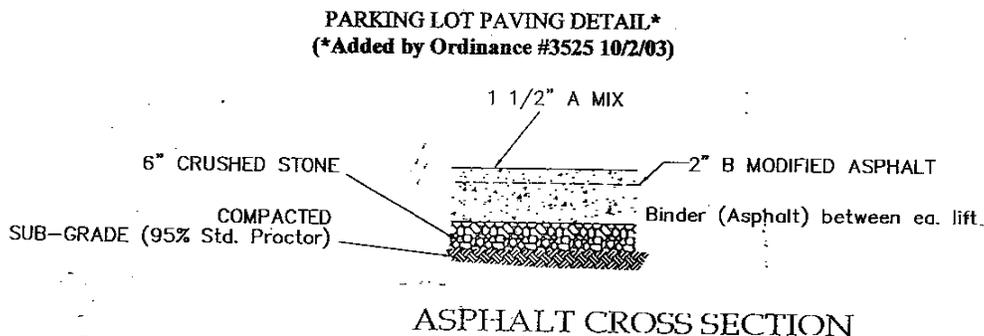
aisle. With the exception of an approved Valet Parking operation, no parking shall be allowed in the aisles.



4. The maximum grade permitted for any required parking shall not exceed 8%.
5. Parking spaces using geometric standards other than those specified in this ordinance may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the City Engineer that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using standard ordinance dimensions.

B. Surfacing

1. Where an existing tree is adjacent to a parking area, paver bricks, tree grates, or other pervious surface shall be used within the dripline of the tree.
2. Unless alternative parking surfaces are permitted, all off – street parking areas shall be surfaced with asphalt or concrete to establish a dust free environment. Asphalt parking lots shall be compacted sub-grade with a minimum two inches of modified asphalt binder and a minimum 1-½ inches of asphalt mix topping and must follow the construction detail provided below. Concreted parking lots shall be constructed according to recognized construction standards. All parking lot construction plans shall be reviewed and approved by the City Engineering Department.



3. All parking lots shall be paved prior to issuance of the Final Certificate of Occupancy. No Final Certificate of Occupancy for any buildings to be served by such parking lots shall be issued until such parking lots are completed pursuant to the provisions herein.
4. All property owners, whether commercial or residential, are required to contain all dirt and rock from washing onto adjacent properties, including the public right of way. If washed material from a parking lot or driveway continues to present a problem, the City of Columbia Engineering Department can require the property owner to install the concrete apron described above at any time to rectify the problem.

C. Driveway Design and Construction

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply. Alternative driveway designs may be approved by the City Engineer with the submission of a detailed traffic management plan.

1. Minimum Driveway Separation

- a. No driveway may be constructed within 25 feet of a street intersection. This dimension may not be reduced with an alternative driveway design and additional separation may be required by the City Engineer or TDOT standards.
- b. For residential uses (excluding multifamily), driveways for residential uses shall not be located within five feet of a side or rear lot line unless a shared driveway is used.
- c. For all other uses, driveways shall not be located within 12.5 feet of a side or rear lot line unless a shared driveway is used.
- d. No driveway shall be constructed within 25 feet of an adjacent driveway. This dimension shall be increased to the greater of 40 feet or the width of the adjacent driveway on State highways.
- e. No driveway curb return shall extend beyond an adjacent side or rear lot line or more than one-half the distance to a driveway located on the same property. This provision may require increased separation from adjacent properties over the minimum indicated in paragraphs b. or c. above.

2. Maximum Driveway Width

With the exception of driveways providing access to a state highway, driveway width shall not exceed the maximum listed below:

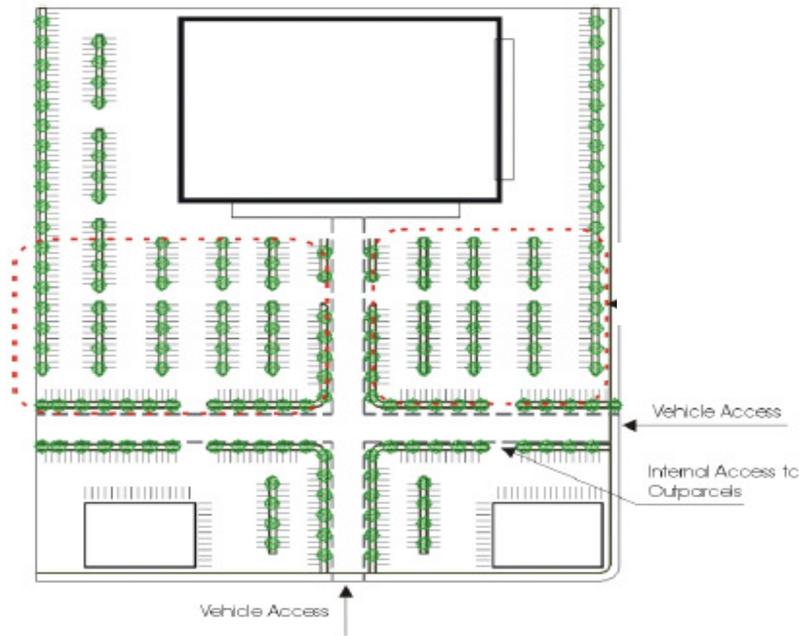
USE	DRIVEWAY WIDTH	
	MIN.	MAX.
Residential, excluding multifamily	10	25
Commercial and industrial uses customarily having a large volume of tractor-trailer vehicle traffic, gas stations	25	40
All other uses		
One Way	15	20
Two Way	25	35
Note: All one-way driveways shall be signed to indicate "entrance only" and "exit only"		

3. Minimum Driveway Depth

Commentary: *Minimum driveway depths are intended to allow smooth traffic flow into and out of the parking lot area. Projects that have large parking lots, and subsequently high traffic flow, should provide an area where cars may queue up as they enter or exit the site.*

In order to provide safe access and exit and promote orderly circulation within a parking facility, a minimum driveway depth shall be required for all parking facilities with 100 spaces or more.

- a. All driveways providing access to an arterial roadway shall be a minimum of 60 feet deep. A continuous median extending from the entire length of the driveway shall be required on each side of the driveway to block all vehicular access from each side.
- b. Outparcels shall be accessed from within the project site.



10.2.13 Design Standards for Handicapped Accessible Parking

Drainage

In addition to any drainage requirements imposed by other applicable City, County, or State regulations, all driveways shall be constructed with proper drain pipes sized for the amount of water each should carry. Such pipes may be of concrete or metal, and headwalls and endwalls shall be constructed. Larger pipes and culverts that may pose a safety hazard shall require the installation of protective grates at each end to prevent child entry into the culvert.

4. Surfacing

All access to any city street from a driveway and/or parking lot shall have a concrete driveway apron as approved by the City of Columbia Engineering Department as set forth by the engineering detail in the Street Cut Permit Manual dated February 2002, (ref. Sub Manual CD-1).

D. Lighting

Parking lot lighting shall be shielded so that it does not cast direct light beyond the property line (see Sec. Sec. 12.2, Outdoor Lighting).

E. Landscaping within Parking Areas

Landscaping shall be provided in conformance with the standards listed in Sec. 10.5, Vehicular Use Area Landscaping.

10.2.13 DESIGN STANDARDS FOR HANDICAPPED ACCESSIBLE PARKING

A. Handicapped accessible parking shall be located as near as possible to the main public entrances of a single building or centrally located in parking lots that serve more than one building.

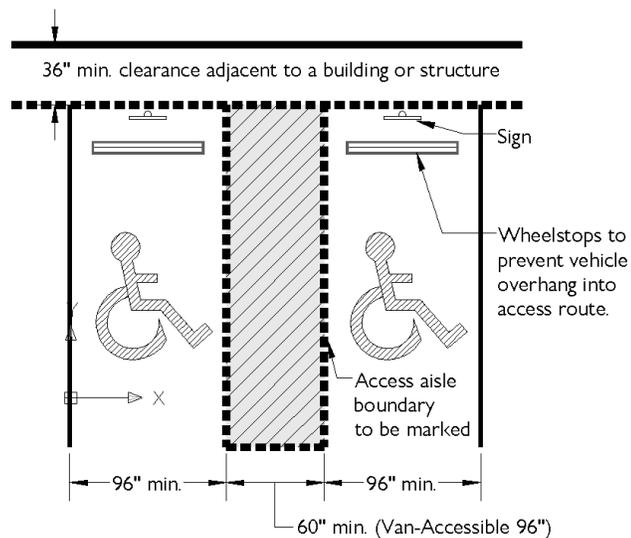
B. All off-street handicapped accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than 250 feet from such entrance.

C. No stairs or curbs are permitted between an accessible parking space and the entrance which it is intended to serve and the slope along the accessible route shall not exceed 1:12.

D. All off-street handicapped accessible parking spaces shall be designated by a sign or other means accepted by State requirements. Van accessible spaces shall be designated by a sign indicating "Van Accessible" in addition to any other mean used.

E. A minimum width of 96 inches shall be required for all accessible spaces. Van accessible spaces shall further require a minimum vertical clearance of 98" inches.

F. An access aisle of 60 inches shall be provided for all standard spaces and an aisle of 96 inches shall be provided for all van-accessible spaces (one 96 inch aisle may serve both types of spaces.. No ramps may project into this access aisle.



SEC. 10.3 OFF-STREET LOADING

10.3.1 PLAN REQUIRED

All applications for Zoning Permit or certificates of occupancy for any use proposing to provide off-street loading facilities shall include an off-street loading plan. This plan shall be drawn to scale and designate the proposed off-street loading spaces, access thereto, dimensions and clearance. Such plan shall be reviewed by the Zoning Administrator.

10.3.2 FACILITIES REQUIRED

A. Residential Uses

Each multifamily building containing 100 or more dwelling units shall provide one off-street loading space per building.

B. Commercial and Industrial Uses

1. Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, warehouses, freight terminals, hospitals and retail establishments.
2. Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, restaurant, laundry, dry cleaning establishment or similar use shall provide loading according to the following table:

Square Feet of Floor Area (Aggregate)	Spaces Required
Over 5,000 but not over 25,000	1
25,001 to 60,000	2
60,001 to 120,000	3
120,001 to 200,000	4
200,001 to 290,000	5
290,001 and over	5+ 1 additional off-street loading space for each additional 90,000 square feet

3. Vehicles shall have access to loading areas only from arterial or collector roadways – not from local streets.
4. Loading areas shall be signed to indicate “no idling.”
5. Any loading area located adjacent to a residential use shall not receive deliveries between the hours of 11 PM and 6 AM.

C. Combined Off-Street Loading

Collective, joint or combined provisions for off-street loading facilities for two or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

D. Exemption for Certain Uses

The Zoning Administrator may waive or reduce the loading requirements of this Section where the applicant can demonstrate that vehicles requiring loading areas are not an integral part of the proposed or future use of the proposed facility.

E. Additional Facilities

The Zoning Administrator, in consultation with the City Engineer, may require additional loading facilities where traffic generation, amount and frequency of loading and unloading operations, the time of operation, and other determining factors indicate the need for expanded service.

F. Change in Use, Enlargement or Expansion

1. When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be supplied and maintained.
2. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

10.3.3 OFF-STREET LOADING FACILITY DESIGN

A. Utilization

1. Space allocated to any off-street loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-street parking or trash handling facilities.
2. Off-street loading facilities provided to meet the needs of one use may not be considered as meeting the needs of another use without prior approval from the Zoning Administrator.
3. Off-street parking facilities may not be used or counted as meeting off-street loading requirements.

B. Location

1. In all Commercial districts, off-street loading facilities shall not be permitted in required street yards or side yards.
2. Off-street loading facilities may not obstruct facilities required for emergency access, including fire lanes.
3. No off-street loading facility shall be located within 30 feet of street intersections.
4. Off-street loading facilities are required by these zoning regulations so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets, sidewalks, and alleys by automotive vehicles or pedestrians and so that adequate space is available for the unloading and loading of goods, materials, items or stock for delivery and shipping.

C. Access

Each off-street loading facility shall be directly accessible from a street or alley without crossing or entering any other required off-street loading facility. Such loading facility shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

D. Size of Required Facilities

1. Off – street loading facilities shall have a minimum dimension of:

Length –55 feet; **Width** –12 feet; and **Vertical** clearance –15 feet.

These dimensions of off – street facilities shall not include driveways or entrances to, or exits from, such off – street facilities.

2. The size may be modified by the Zoning Administrator where site or use conditions warrant changes to this standard.

E. Surfacing

All open off – street loading facilities shall be surfaced with asphalt, concrete, or other hard surfaced material, and constructed so as to support the heaviest anticipated load, provide for adequate drainage,

and prevent the release of dust. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.

F. Markings and Curbing

Each off-street loading space shall be permanently marked and identified as a loading area in which no parking is allowed. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment on the required street yards, side yards, or adjacent property.

G. Landscaping

Loading areas shall be screened in conformance with Sec. 12.6, Screening.

SEC. 10.4 VEHICLE STACKING AREAS

10.4.1 INTENT

Vehicle stacking standards prevent lines of automobiles from backing out into a street, creating a traffic hazard and a general nuisance. These standards also address some of the external impacts of drive-through type facilities including noise, exhaust, and other problems.

10.4.2 VEHICLE STACKING AREAS

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the City Engineer. Additional stacking spaces may be required where trip generation rates suggest that additional spaces will be needed.

10.4.3 MINIMUM NUMBER OF SPACES

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Stacking Spaces	Measured From:
Automated teller machine	3	Teller
Bank teller lane	4	Teller or Window
Car wash bay, full-service	6	Bay
Car wash bay, self-service	3	Bay
Dry cleaning/laundry drive-through	3	Cleaner/Laundry Window
Gasoline pump island	2	Pump Island
Gatehouse, staffed	4	Gatehouse
Gate, unstaffed	2	Gate
Pharmacy pickup	3	Pharmacy Window
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Between Order Box and Pick-Up Window
Valet parking	3	Valet Stand
Other	Determined by Zoning Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering.	

10.4.4 DESIGN AND LAYOUT OF STACKING SPACES

Required stacking spaces shall be subject to the following design and layout standards:

A. Size

Stacking spaces shall be a minimum of eight feet in width by 25 feet in length.

B. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

C. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the City Engineer, for traffic movement and safety.

SEC. 10.5 VEHICULAR USE AREA LANDSCAPING

10.5.1 INTENT

Landscaping of vehicle use areas is intended to buffer adjacent uses from parking areas and minimize large unbroken areas of parking.

10.5.2 APPLICABILITY

With the exception of vehicular use areas located in an Industrial District and vehicle sales areas, the following standards shall apply to all development. These requirements shall be in addition to any required project boundary buffers or street buffers (See Sec. 11.2).

10.5.3 GENERAL

- A. Wherever in any zoning district off-street facilities are provided for parking or any other vehicular uses as provided in this Section, such off-street facilities and land shall conform to the minimum landscaping requirements set forth in these zoning regulations; except that single- and two-family residential uses on individually platted lots and multi-level parking structures shall be exempt from such requirements.
- B. All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar devices. All landscape islands shall be curbed. With the approval of the Zoning Administrator, grass, gravel, or other permeable surface parking areas may be used.
- C. The use alternative forms of curbing, including, but not limited to, railroad ties with approval of the Zoning Administrator.
- D. The use of existing trees to meet the requirements of this Section is encouraged.

10.5.4 LANDSCAPING REQUIRED

A. Landscaping Required Prior to Occupancy Permit

Completion of landscape improvements in off-street vehicular facilities is required prior to issuing any final certificate of occupancy for construction subject to these landscaping regulations. A temporary certificate of occupancy may be issued in cases where planting is delayed until the appropriate planting season. However, no temporary certificate may be issued for a period in excess of six months.

B. Required Interior Landscaping

Each off-street facility for parking or any other vehicular uses shall be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved, but shall be landscaped in accordance with this Section.

C. Relocation of Required Landscaping

In some vehicular use areas, the strict application of this subsection would seriously limit the function of said area, such as vehicle storage/display areas and grass parking areas. In such areas, the square footage of required landscape islands and medians, along with the required trees, may be located near the perimeter of the area. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.

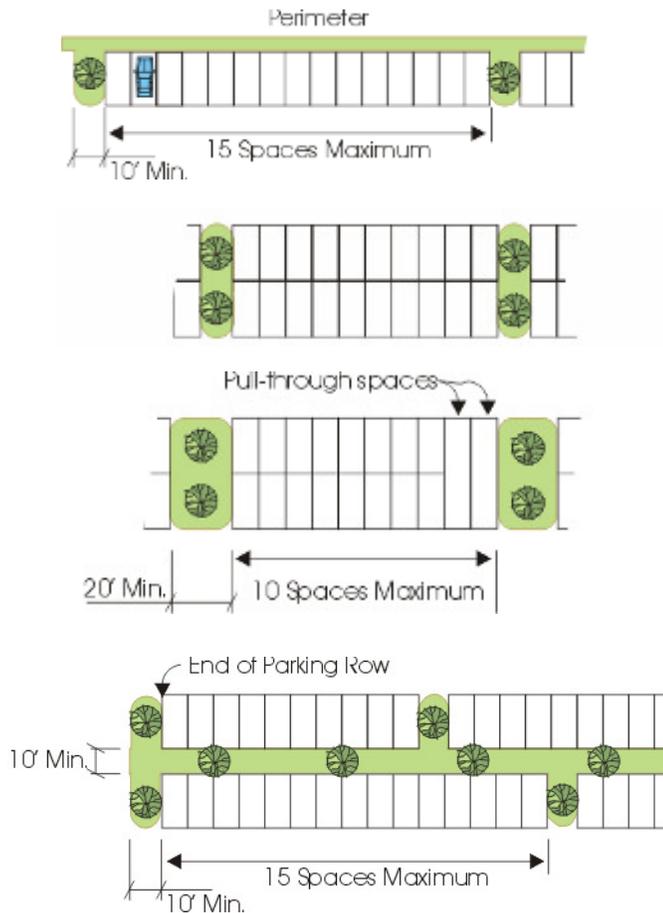
D. Preparation for Planting

1. All parking lot planting areas receiving trees shall have uncompacted coarse loam that is a minimum of 36 inches deep. All compacted soil, contaminated soil or roadbase shall be removed. Under no circumstances shall median soils with greater than five percent or less than 0.5 percent organic matter be accepted. Soils in planting areas must be appreciably free of gravel, stones, rubble or trash.
2. No heavy machinery shall be allowed in medians and planting areas once the final grade has been established.

10.5.5 PARKING LOT LANDSCAPE ISLANDS

Off-street vehicular use areas in excess of 1,500 square feet or five spaces shall provide interior landscaped areas in accordance with the following requirements.

- A. Landscaped islands shall be located to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
- B. All rows of perimeter parking spaces shall contain no more than 15 parking spaces uninterrupted by a required landscape island, and no parking space in any such row shall be separated from a required landscape island by more than seven parking spaces.
- C. All rows of parking spaces shall terminate in a curbed landscaped island. Each island shall contain a minimum of 170 square feet with a minimum width of ten feet inside the curb and include one tree for each 50 lineal feet of landscaped area.
- D. The remaining area within a landscaped island shall be surfaced with shrubs, ground cover, grass, or other landscape material (excluding rock).
- E. Avoid running utility lines and pipes under islands.



10.5.6 MEDIANS BETWEEN TIERS

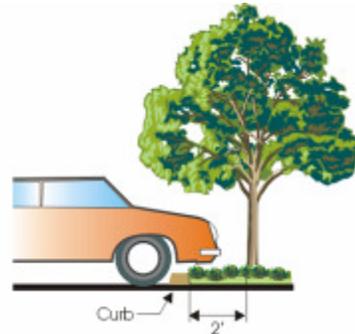
- A. Where tiers of interior parking spaces are proposed to abut one another, they shall be designed so as to have a landscape median area of not less than 10 feet in width between such tiers, measured to back of curb.
- B. The medians shall be landscaped in accordance with this Section and shall contain one tree for each 50 lineal feet. There shall be no more than 15 parking spaces uninterrupted by a landscape island at least 10 feet in width. No parking space in any such tier shall be separated from a required landscape island by more than seven parking spaces.

10.5.7 Vehicle Encroachment into Required Landscaped Islands

- C. Required medians may be eliminated. Where the median is eliminated, the landscape islands shall be increased in width to 20 feet inside of curb. There shall be no more than 10 spaces in a row without a landscape island.
- D. Where medians have been eliminated, up to ten percent of the spaces may be designed as pull-through spaces for trailers and oversized vehicles.

10.5.7 VEHICLE ENCROACHMENT INTO REQUIRED LANDSCAPED ISLANDS

- A. The front of a vehicle may encroach upon any interior landscaped island or walkway when said area is at least four and one-half feet in depth per abutting parking space and protected by curbing. Two feet of such interior landscaped island or walkway may be part of the required depth of each abutting parking space. No tree or shrub more than two feet in height shall be planted within two feet of the edge of the landscape island.
- B. Curbs shall be installed to prevent vehicles from overhanging on or into adjacent property, or landscaped areas. Where vehicles will overhang over medians or islands, shrubs and trees shall be planted minimum of two feet from back of the curb. Where alternative parking surfaces are provided the Zoning Administrator may allow wheel stops in place of curbs.
- C. The front of a vehicle shall not encroach within any project boundary or street buffer area.



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10.5.8 MAINTENANCE

Required landscaping shall be maintained pursuant to the requirements of Sec. 11.2.14, Requirements for Maintaining Buffers and Landscaping.

Article 11. LANDSCAPING, BUFFERING, AND TREE PROTECTION

SEC. 11.1 GENERAL

COMMENTARY: There are three basic types of landscaping that may be required for any project. They include (1) project boundary buffers, (2) street buffers (which may include project boundary buffers or vehicular use area landscaping) and (3) vehicular use area landscaping. Each is further described below.

11.1.1 PURPOSE

In order to minimize negative effects between adjacent uses and zoning districts, this Section requires that landscaped buffers be provided for certain uses. The separation of land uses and the provision of landscaping along public and private rights-of-way through a required buffer is designed to eliminate or minimize potential nuisances, and to enhance community image and roadway beautification. Such nuisances may include dirt, litter, noise, lights, signs, unsightly buildings and structures, off-street loading and refuse areas, or parking areas. In addition, buffers provide spacing and landscaping to reduce potentially adverse impacts of noise, odor or lighting. Landscaping shall be coordinated with all site design elements including building layout, parking, access and signs.

11.1.2 APPLICABILITY

- A. Landscaping and buffers shall be provided as set out in these zoning regulations. Buildings and structures lawfully existing as of October 5, 2006 may be modernized, altered, or repaired without providing or modifying landscaping and buffers in conformance with this Section, provided there is no increase in floor area in such building or structure or impervious area on the site. This shall not be construed as prohibiting the provision of landscaping or buffers in full conformance with these zoning regulations.
- B. Where a building or structure existed as of October 5, 2006 and such building is enlarged in floor area or impervious area on the site by ten percent or 2,000 square feet, whichever is less, landscaping and buffers as specified in this Section shall be provided.
- C. The regulations herein set out for landscaping and buffers shall not apply to one- or two-family dwellings on a single lot or parcel, temporary uses, or to development or site alterations on relatively undeveloped sites which do not involve significant ground disturbance.
- D. The required buffers, as specified in these regulations, are minimum standards. The amount of land and type and amount of planting or other screening specified for each buffer requirement are designed to mitigate nuisances or incompatibility between adjacent land uses or between a land use and a public road, and have been calculated to ensure that they do, in fact, function as "buffers." In those instances where these regulations specify different buffering requirements (e.g., a different type of buffer), then the more restrictive specific provisions shall govern.
- E. None of the provisions of these regulations shall be construed as prohibiting additional plant material, screening and/or buffer area above that required by these regulations; or prohibiting the modification of existing landscaped buffers to perform to an equivalent degree as the buffer required by these regulations.

11.1.3 DESIGN OF LANDSCAPING AND BUFFERS

A. Existing Vegetation**1. General**

The retention of “existing vegetation” shall be maximized within the proposed landscaping, parking and buffer areas. When retaining existing vegetation within the buffer area, only clearing methods that do not disturb the root structure shall be allowed within the dripline of tree canopies. Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the requirements of these regulations may be counted toward the total buffer required between adjacent land uses, or toward total landscaping requirements. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material.

2. Heritage Trees

- a. For purposes of this ordinance, a heritage tree shall be any tree species included in the Canopy Trees planting table (see Sec. 11.1.3F.1) with a trunk caliper measurement of 24” or greater.
- b. With the exception of clearing required for required driveways, the retention of heritage trees within a proposed landscaping or buffer area shall be required. The Zoning Administrator shall have the authority to permit the selective removal of heritage trees on a case by case basis.
- c. The preservation of heritage trees located on the interior of the lot is encouraged, but shall not be required.

3. Credit for Existing Vegetation

In order to encourage the preservation of established vegetation, credit shall be given for preservation within the proposed buffer or other required landscaping areas (see Sec. 11.2.8, Credit for Existing Buffer). In limited cases, the applicant may be permitted to count established vegetation located outside of the required planting area towards the landscaping requirement.

B. Design, Installation and Establishment Standards

Location of plants and design of landscaping, including maintenance, shall be according to sound landscape and horticultural principles. The use of native vegetation and other lower maintenance landscape materials is desired to promote environmental protection, energy efficiency, and water conservation.

1. Landscape plans submitted for approval for the purposes of satisfying the requirements of this Section shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.
2. Plant material should be chosen from the lists of recommended plant species contained within this Section, and shall adhere to the minimum specifications therein. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.

C. Plant Material and Minimum Plant Size

The following lists of plant materials shall be used as a guideline to define the required plant unit. Although the lists may be expanded, they are intended to provide guidance in selecting predominately hardy natural species. All materials shall be of high-quality nursery grade.

D. Cold Hardy and Drought Tolerant Plants

Required trees and shrubs shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be drought tolerant and able to survive on natural rainfall once established with no loss of health.

E. Soils

All landscaped areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or roadbase fill shall be removed. Under no circumstances shall soils with greater than 5% or less than 0.5% organic matter be accepted.

F. Required Plant Species

The following list shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant. Plants identified in the guide, “Native Plants of the Tennessee Valley”, published by the Tennessee Valley Authority (TVA) shall be acceptable as well.

1. Canopy Trees

The following will count as one canopy tree toward the total number specified. Canopy trees shall be a minimum of ten feet in height with a four- to five-foot spread and a 2-inch caliper trunk at time of planting.

Common Name	Botanical Name	Common Name	Botanical Name
American Beech	<i>Fagus grandifolia</i>	Nuttall Oak	<i>Q. nuttalli</i>
American Linden	<i>Tilia americana</i>	Overcup Oak	<i>Q. lyrata</i>
Baldcypress	<i>Taxodium distichum</i>	Pecan	<i>Carya illinoensis</i>
Black Cherry	<i>Prunus serotina</i>	Persimmon	<i>Diospyros virginiana</i>
Black Locust	<i>Robinia pseudoacacia</i>	Post Oak	<i>Q. stellata</i>
Black Oak	<i>Q. velutina</i>	Red Maple	<i>Acer rubrum</i>
Black Walnut	<i>Juglans nigra</i>	River Birch	<i>Betula nigra</i>
Blackgum	<i>Nyssa sylvatica</i>	Sassafras	<i>Sassafras albidum</i>
Buckeye	<i>Aesculus spp.</i>	Scarlet Oak	<i>Q. coccinea</i>
Bur Oak	<i>Q. macrocarpa</i>	Shortleaf Pine	<i>Pinus echinata</i>
Cherrybark Oak	<i>Q. pagoda</i>	Shumard Oak	<i>Q. shumardii</i>
Chestnut Oak	<i>Q. prinus</i>	Silver Maple	<i>Acer saccharinum</i>
Chinkapin Oak	<i>Q. muehlenbergii</i>	Silverbell	<i>Halesia carolina</i>
Cucumber tree	<i>Magnolia acuminata</i>	Southern Red Oak	<i>Q. falcata</i>
Eastern Hemlock	<i>Tsuga canadensis</i>	Sugar Maple	<i>Acer saccharum</i>
Eastern Red-Cedar	<i>Juniperus virginiana</i>	Swamp Chestnut Oak	<i>Q. michauxii</i>
Eastern White Pine	<i>Pinus strobus</i>	Sweetgum	<i>Liquidambar styraciflua</i>
Green Ash	<i>Fraxinus pennsylvanica</i>	Sycamore	<i>Platanus occidentalis</i>
Hickories	<i>Carya spp.</i>	Water Oak	<i>Q. nigra</i>
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	White Ash	<i>Fraxinus americana</i>
Loblolly Pine	<i>Pinus taeda</i>	White Oak	<i>Quercus alba</i>
Northern Catalpa	<i>Catalpa speciosa</i>	Willow Oak	<i>Q. phellos</i>
Northern Red Oak	<i>Q. rubra</i>	Yellow-Poplar	<i>Liriodendron tulipifera</i>

2. Accent Trees

The following will count as one Accent Tree toward the total number specified. Accent trees shall be a minimum of eight feet in height with a three- to four-foot spread and a 1½ -inch caliper trunk at time of planting.

Common Name	Botanical Name	Common Name	Botanical Name
Alder	<i>Alnus serrulata</i>	Red Buckeye	<i>Aesculus pavia</i>
Allegheny Chinkapin	<i>Castanea pumila</i>	Redbud	<i>Cercis canadensis</i>
American Holly	<i>Ilex opaca</i>	Serviceberry	<i>Amelanchier arborea</i>
Buckthorn Bumelia	<i>Bumelia lycioides</i>	Shining Sumac	<i>Rhus copallina</i>
Carolina Buckthorn	<i>Rhamnus caroliniana</i>	Smoketree	<i>Cotinus obovatus</i>
Devil’s Walking Stick	<i>Aralia spinosa</i>	Smooth Sumac	<i>Rhus glabra</i>
Dogwood	<i>Cornus florida</i>	Snowbell	<i>Styrax spp.</i>
False Indigo	<i>Amorpha fruticosa</i>	Sourwood	<i>Oxydendron arboreum</i>
Fringetree	<i>Chionanthus virginicus</i>	Staghorn Sumac	<i>Rhus typhina</i>
Hawthorn	<i>Crateagus spp.</i>	Striped Maple	<i>Acer pensylvanicum</i>

Hophornbeam	<i>Ostrya virginiana</i>	Sweetbay	<i>Magnolia virginiana</i>
Hornbeam	<i>Carpinus caroliniana</i>	Sweetleaf	<i>Symplocus tinctoria</i>
Mountain Maple	<i>Acer spicatum</i>	Witch Hazel	<i>Hamamelis virginiana</i>
Pawpaw	<i>Asimina triloba</i>	Yellowwood	<i>Cladrastis lutea</i>

3. Mixing of Trees

When more than 20 canopy or accent trees are required to be planted on a site to meet these regulations, a mix of trees (genera) shall be provided. The following table indicates the maximum percentage of same trees (same genus) that may be planted.

Total Trees Planted on Site	Minimum Number of Genera Required	Maximum Percentage of Any Genera
20 trees or less	1	not applicable
21 to 50 trees	2	70 percent
51 to 100 trees	3	50 percent
101 to 200 trees	4	40 percent
200 to 500 trees	5	30 percent
Over 500 trees	6	25 percent

4. Shrubs

- a. All required shrubs shall be a minimum of 20-inches in height in a minimum 3-gallon container.
- b. Shrubs shall be of a species that under average conditions will reach a minimum height of 24 inches within 12 months.
- c. When planted as a hedge, the maximum spacing for 20-inch high shrubs shall be 40 inches on center.

G. Minimum Planting Areas

Canopy trees shall have a planting area no less than 10 feet wide in all dimensions. Accent and substitution trees shall have a planting area no less than eight feet wide in all dimensions. This requirement may be modified administratively by the Zoning Administrator.

H. Mulch

Plants shall be mulched a minimum of three inches deep. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the City as part of the landscape plan. Mulch shall be kept away from tree trunks.

I. Foundation Planting

Commentary: *Foundation planting should enhance and highlight building architecture. The use of foundation plantings is particularly important on blank walls (i.e. to window or door openings).*

Foundation plantings are intended to soften building edges and screen foundations. Where specified, building foundation planting shall meet the following requirements:

- 1. Required foundation planting shall be in addition to other required site landscaping.
- 2. Foundation plantings shall be placed within five feet of the building perimeter. If the Zoning Administrator determines that, due to site design considerations such as the location of sidewalks, plazas or service areas, this is not feasible, such plant materials may be located in planter boxes or



Foundation Planting

in the areas of the site in a manner that enhances the overall landscape plan for the development.

3. Ten shrubs shall be required for every one hundred linear feet of building perimeter for nonresidential uses.

SEC. 11.2 REQUIRED BUFFERS

11.2.1 BUFFER DEFINED

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm, fence or wall, or combination thereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or the term "stormwater management area."

11.2.2 TYPES OF REQUIRED BUFFERS

There are two types of required buffers that may occur on any given development site, as follows.

A. Street buffers; and

Commentary: Generally, a street buffer is located along the street(s) that border a development. The buffer requires a modest amount of landscaping, enhancing the "public" environment.

B. Project boundary buffers.

Commentary: Generally, a project boundary buffer is located around the sides and rear of a development. This buffer ensures an appropriate transition between uses.

11.2.3 LOCATION

- A. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.
- B. Buffers may be constructed in any required yard.

11.2.4 PLANTING IN EASEMENTS

- A. No trees shall be planted in wet retention ponds or drainage maintenance easements.
- B. Trees and shrubs shall be installed at least five feet away from the flow line of a swale.
- C. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.
- D. Accent trees and shrubs listed above shall be allowed in access easements, provided a minimum 20-foot wide travelway is maintained clear of vegetation, and all clear sight triangles are met.
- E. Trees may be planted in easements for underground utilities with City approval, provided the root structure of the proposed tree is not anticipated to extend more than three feet below the ground. Shrubs may be planted, provided they are only within the outer three feet of the easement. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.
- F. A minimum buffer width of five feet, or at least half the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.

11.2.5 DETERMINATION OF BUFFER REQUIREMENTS

To determine the type of buffer required between two adjacent lots or parcels, or between a lot or parcel and a street, the following procedure shall be followed:

A. Street Buffers

Determine the appropriate street buffer based on Section 11.2.6.

B. Project Boundary Buffers

Identify the zoning districts of the subject parcel and all adjacent properties. Determine the buffer opacity class required on each boundary (or segment thereof) of the subject parcel. Refer to the minimum project boundary buffer table in Section 11.2.7.

C. Design Variations (Buffer Width Averaging)

While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet or portion thereof. Minimum depth of buffer in any case shall not be less than one-half the required depth of the buffer chosen, or less than five feet, whichever is greater. Maximum depth for the purposes of installing required landscaping, or receiving credit for existing vegetation, shall not be more than one and one-half times the required depth of the buffer chosen.

D. Multi-Tenant Expansion and Redevelopment

Any expansion or redevelopment of a multi-tenant development shall be required to provide a percentage of the required project boundary buffer, and a percentage of the required street buffer, including any required parking buffer, when improvements are made that trigger the provisions of this Section. This percentage shall equal the total gross leasable area of the proposed expansion or redevelopment, divided by the total gross leasable area of the entire existing multi-tenant development (including the proposed expansion or redevelopment).

11.2.6 STREET BUFFERS

The following types of street buffers shall be required. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection (See Sec. 6.1.3). Berms constructed in accordance with Section 11.2.9B are encouraged as a component of any street buffer.

A. Arterial or Collector Street Buffers

All development located along either an arterial or a collector street shall be required to provide one of the following buffers along the entire street frontage.

1. Three canopy trees per 100 linear feet of property frontage, located within a ten-foot landscape buffer; OR
2. Two canopy trees and two accent trees per 100 linear feet of property frontage, located within a ten-foot landscape buffer; OR
3. Under utility lines only, four accent trees per 100 linear feet of property frontage, located within a ten-foot landscape buffer. No trees under utility lines shall have a natural height over 25 feet.
4. Arterial or collector street buffers may average ten feet in width provided that no portion of the street buffer shall be less than five feet in width.

B. Local Street Buffers

With the exception of one- or two-family dwellings on a single lot or parcel, all development across a local street from a Residential district or use shall require a buffer with a minimum opacity of .1 (see 11.2.7A) and a minimum width of six feet.

C. Measurements

1. Required driveways may penetrate required street buffers.
2. Driveway widths (measured at the inside edge of the buffer) shall not be counted in the calculation of the plant material required.
3. All buffers shall be measured from the future right-of-way line determined during site and development plan review.

4. Vehicular access easements shall not be treated as a street, but shall be buffered as a project boundary buffer outside the easement area. The buffer may be provided on either side of the easement.
5. Additional measurement methodologies related to buffer depth and height are found in Section 11.2.5C, Buffer Width Averaging.

11.2.7 PROJECT BOUNDARY BUFFERS

Commentary: *Project Boundary Buffers ensure a landscaped transition between different types of uses and/or zoning districts. At first glance, the following method may seem complicated. In reality, this is a fairly easy approach to implement. A few simple steps will provide the total amount of plants that are required to be in a buffer as well as the buffer width.*

This approach also addresses the following criticisms that are raised when a city requires buffers and landscaping.

1. *What about unusual site circumstances? The table provides a number of alternative approaches to achieving the requirements.*
2. *Why do I have to put all the plants in- the lot next to me is vacant? This approach anticipates this type of situation. The initial developer will have a reduced buffer requirement.*
3. *What if I want to put in a narrower buffer? The developer may select Alternative 3, Canopy and Wall. This will allow the developer to reduce the buffer width while still providing appropriate screening.*
4. *There are already plants there- why do I have to put in new plants? Credit is given for existing plants (that meet a minimum size requirement) on a one-for-one basis.*

A. Required Project Boundary Buffer Table

COMMENTARY: *The requirements for project boundary buffers may create a tree canopy that is too thick to support the accent trees and shrubs below it over time. This crowding out of understory is anticipated to occur, and has been taken into account in the requirements for these buffers. The intent is to achieve an immediate buffering effect based on the smaller species, and a long-term effect based on growth of the canopy trees.*

1. The buffer standards in the table below address the opacity of the buffer that is required on the property boundary between zoning districts, and in some instances within a zoning district.
2. An opacity of 0.1 screens ten percent of an object, and an opacity of 1.0 would fully screen the adjacent development during summer months after five years of growth.
3. **How to Read the Buffer Table**
 - a. The required opacity of project boundary buffers is represented in the Table below by two numbers (for example, .3/.5).
 - b. The second number represents the total required buffer opacity between any two properties.
 - c. Where the proposed project is located adjacent to vacant property, the first number represents the project's required buffer opacity.
 - d. Where the adjacent property is already developed with no buffer, the proposed project is responsible for providing the total required opacity (the second number).
 - e. Where the adjacent property is already developed with a partial buffer, the proposed project is responsible for providing the remaining opacity required.
 - f. A zero means no project boundary buffer is required.

		ZONING DISTRICT of ADJACENT PROPERTY							
		R/RS-40 and PUD-R at Similar Density	R/RS-20, -15, -10, and PUD-R at Similar Density	R/RS-6 and PUD-R at Similar Density	R-MHP, RM-1, RM-2	MRC, CSO, PUD-MU, PUD-VC	MCD, OCL, PUD-OP	GCS, ISD, PUD-C	IR, IG, IS, PUD-I
ZONING DISTRICT of SUBJECT PROPERTY	R/RS-40 and PUD-R at Similar Density	0/0	0/.2	.2/.6	.2/.8	.2/.8	.2/.6	.2/.8	.2/1.0
	R/RS-20, -15, -10, and PUD-R at Similar Density	.2/.2	0/0	.2/.4	.2/.6	.2/.6	.2/.6	.2/.8	.2/1.0
	R/RS-6 and PUD-R at Similar Density	.4/.6	.2/.4	0/0	.2/.6	.2/.6	.2/.6	.2/.8	.2/1.0
	R-MHP ⁽¹⁾ , RM-1, RM-2	.6/.8	.4/.6	.4/.6	.2/.4	.2/.4	.2/.6	.2/.8	.2/1.0
	MRC, CSO, CBD, PUD-MU, PUD-VC	.6/.8	.4/.6	.4/.6	.2/.4	0/0	.2/.6	.2/.6	.2/1.0
	MCD, OCL, PUD-OP	.4/.6	.4/.6	.4/.6	.4/.6	.4/.6	0/0	.2/.6	.2/1.0
	GCS, HSD, PUD-C	.6/.8	.6/.8	.6/.8	.6/.8	.4/.6	.4/.6	.2/.4	.2/1.0
	IR, IG, IS, PUD-I	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.8/1.0	.2/.4
Notes:		(1) See 11.2.7B.2 for additional requirements in the R-MHP District.							

COMMENTARY: A .1/.3 requires a 10 percent opaque buffer for property adjacent to vacant land or a 30 percent opaque buffer when adjacent to existing development. A .3/.3 requires a 30 percent opaque buffer property adjacent to either vacant or developed land. A zero means no project boundary buffer is required.
EXAMPLE: A new development in the GCS District abutting a developed RM-1 District would be required to provide a buffer with an opacity of .8 (80% opaque) If the adjacent RM-1 property were vacant, the requirement would be .6 since the adjacent property is vacant.

B. Minimum Project Boundary Buffers

I. General

The table below shows the minimum width and plant units required for a project boundary buffer meeting the required opacity.

Opacity (from table)	MINIMUM REQUIRED PROJECT BOUNDARY BUFFER			
	Width and Plants Required Per 100 Lineal Feet			
	Alternative 1 Canopy	Alternative 2 Mixed	Alternative 3 Canopy + Wall	Alternative 4 Powerline
0.2	10 feet 1 canopy 1 accent 7 shrubs	10 feet 1 canopy 2 accent 3 shrubs	Not available	10 feet 0 canopy 3 accent 8 shrubs
0.4	15 feet 2 canopy 4 accent 25 shrubs	15 feet 2 canopy 6 accent 9 shrubs	Not available	15 feet 0 canopy 8 accent 24 shrubs

MINIMUM REQUIRED PROJECT BOUNDARY BUFFER				
Opacity (from table)	Width and Plants Required Per 100 Lineal Feet			
	Alternative 1 Canopy	Alternative 2 Mixed	Alternative 3 Canopy + Wall	Alternative 4 Powerline
0.6	25 feet 3 canopy 6 accent 34 shrubs	25 feet 3 canopy 8 accent 13 shrubs	12.5 feet 3 canopy 0 accent 6 shrubs 6-foot wall	25 feet 0 canopy 9 accent 27 shrubs 6-foot wall
0.8	30 feet 4 canopy 7 accent 43 shrubs	30 feet 4 canopy 10 accent 17 shrubs	15 feet 5 canopy 0 accent 9 shrubs 6-foot wall	30 feet 0 canopy 14 accent 40 shrubs 6-foot wall
1.0	40 feet 4 canopy 8 accent 49 shrubs	40 feet 4 canopy 11 accent 19 shrubs	20 feet 5 canopy 0 accent 9 shrubs 6-foot wall	40 feet 0 canopy 16 accent 48 shrubs 6-foot wall

*EXAMPLE: Continuing the example of a site in the GCS District next to a developed RM-1 District with no buffer, the required .8 opacity (from the previous table) would allow for the following options:
 Alternative 1: 30-foot buffer with 4 canopy trees, 7 accent trees and 43 shrubs
 Alternative 2: 30-foot buffer with 4 canopy trees, 10 accent trees and 17 shrubs
 Alternative 3: 15-foot buffer with 5 canopy trees, 9 shrubs and a 6-foot wall
 Alternative 4: 30-foot buffer with 0 canopy trees, 14 accent trees, 40 shrubs, and a 6-foot wall.*

2. R-MHP District

Projects in the R-MHP District shall provide a continuous, opaque fence at least eight feet in height or a landscaped, evergreen screen of 1.0 opacity within 15 feet of the perimeter of the site.

11.2.8 CREDIT FOR EXISTING LANDSCAPING

A. Within Required Buffer Area

1. Credit is permitted for existing plant material within the proposed buffer area, provided such plant material meets the minimum standards of this Section.
2. In an existing buffer where canopy trees shade the buffer such that they meet the required opacity, any missing accent trees or shrubs shall not be required to be replaced.
3. Credit shall be allocated on a one-for-one basis for shrubs or trees. The size of material shall not be taken into account, except where such material is below the required minimum planting size.
4. Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to:
 - a. A conservation easement or preserve area on adjacent property.
 - b. An existing City-approved landscape buffer on adjacent property may receive credit for the existing material and width.
 - c. Any existing utility or drainage easement exceeding 100 feet in width.

B. Located on the Interior of Property

1. The Zoning Administrator may, at his or her discretion, provide credit for existing plant material located on the interior of the property towards the planting requirement within a buffer area. However, nothing in this subsection shall require the Zoning Administrator to grant such credit.

2. With the exception of heritage trees, credit shall be allocated on a 50% basis for shrubs or trees. The size of material shall not be taken into account, except where such material is below the required minimum planting size.
3. Heritage trees located on the interior of a site shall be credited at a rate of 200%, where each heritage tree preserved shall count for two required canopy trees.
4. In order for credit to be considered, the following requirements and guidelines shall apply:
 - a. The vegetation being saved serves the intent of the planting area requirement.
 - b. Preference shall be given for the preservation of stands of trees (over five trees).
 - c. Preference shall be given for trees of significant size (over 10 inch caliper trunk).
 - d. A tree preservation plan, containing the following information, shall be required.
 - (1) A detailed listing of all existing vegetation proposed to be credited showing plant species and diameter, and the designation of trees in close proximity as “stands” of trees with the predominate type, estimated number, and diameter distributions noted.
 - (2) Footprints of buildings, roads, and retaining walls,
 - (3) Location of existing and proposed utility services,
 - (4) Boundaries of all required buffer planting areas, and
 - (5) A detailed drawing of tree protection zones around each tree or groups of trees being preserved along with descriptions of protection methods.

11.2.9 STRUCTURES WITHIN REQUIRED BUFFER AREA

A. Where structures are built within any required buffer area, they shall meet the following requirements.

1. Walls shall be constructed in conformance with the requirements of Sec. 12.4, Fences and Walls.
2. No wall shall be located within any required drainage, utility or similar easement.
3. All walls, when used as part of a buffer abutting developed land without a buffer, shall be planted on the face towards the adjacent property with at least one shrub for every eight feet of wall length, or one vine for every twelve feet of wall length. These vines or shrubs may be counted towards meeting the opacity requirement for the buffer. Where the buffer tables require additional shrubs, the excess shrubs shall be waived.
4. The applicant shall be required to demonstrate provision for access and maintenance of landscaping at the time of landscape plan approval.
5. Pedestrian connections through walls that connect to adjacent neighborhoods or other uses are encouraged.

B. Berms

Berms shall have a minimum average height of 2.5 feet with side slopes of not less than four feet horizontal for each one foot vertical. Slopes in excess of four feet horizontal for each one foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.

C. Fences in a Buffer Area

1. Fences may be constructed in a required buffer in compliance with Sec. 12.4.2; however, they shall not be counted towards required opacity of the buffer.

11.2.10 PLANT AND STRUCTURE LOCATION

The placement of required plants and landscape structures shall be the decision of each user, except that the following requirements shall be satisfied:

- A. Although this Section does not generally specify the location or spacing of required plant material, all plant materials shall be installed to achieve the purposes for which that planting is required. This means that plant materials shall be located so as to achieve the maximum level of protection to the less intense zoning district or use. Unless otherwise required by these regulations, such as in the case of a hedge, the required planting should generally be in an irregular line and spaced (or grouped) at random. Plant material shall meet the buffer requirements every 100 feet.
 - B. Canopy trees shall be located no closer than five feet from any structure. Other trees and shrubs shall be planted no closer than three feet from any structure. Where vines are planted, the minimum distance shall be two feet. Trees, shrubs and vines planted in constrained buffers shall be exempt from this requirement.
 - C. All trees adjacent to utility lines shall conform to any City requirements for tree setbacks. For further information, consult the publication "Trees to Plant Under Powerlines" produced by the University of Tennessee Agricultural Extension.
 - D. Where a separate legal parcel is permitted for stormwater management, it shall be included as part of a common development plan. The following buffer shall be required:
 1. A buffer with a minimum opacity of 0.1 on the street and residential sides of the stormwater parcel;
 2. A project boundary buffer along the interior lot line, screening the development; and
 3. A locked gate for maintenance purposes shall be permitted through the buffer wall.
 - E. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. No turfgrass shall be planted under the dripline of trees. Inorganic ground cover shall not exceed 20% of the total required area of the buffer.
- Commentary:** *This limits the amount of stone, concrete, bare soil, or similar materials.*
- F. **In parking lots and loading areas foliage or other landscape structures shall not be allowed to obstruct visibility or to create hazards for ingress or egress to these areas.**

11.2.11 PERMITTED USE OF BUFFER AREA

- A. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian, bike, or equestrian trails, provided that:
 1. Minimal existing plant material is eliminated;
 2. The total width of the buffer is maintained; and
 3. All other requirements of these regulations are met.
- B. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and school bus or other bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances is required.
- C. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention/retention facilities. However a minimum 10-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.
- D. Ingress and egress to the proposed use, and utility lines and appurtenances, may cross the buffer provided they minimize the amount of buffer taken.
- E. The buffer area may be included as part of the calculation of any required open space.

- F. Identification signs may be located within a buffer as specifically permitted in the Sign Ordinance. The landscape buffer shall be designed to address visibility of permitted ground signs.
- G. Lighting may be located within a buffer as specifically permitted in Sec. 12.1, Outdoor Lighting.
- H. Any other uses may be located within the buffer where specifically permitted elsewhere in these regulations.

11.2.12 PROHIBITED USE OF BUFFER AREA

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

11.2.13 OWNERSHIP OF BUFFERS

Buffers may remain in the ownership of the original developer (and assignees) of a lot or parcel of land; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as a park or forest preserve, the City, open space held by association (homeowners, etc.), or conservation group. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of these regulations.

11.2.14 REQUIREMENTS FOR MAINTAINING BUFFERS AND LANDSCAPING

A. Responsibility

The responsibility for maintenance of a required buffer or other landscaping shall remain with the owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.

B. Maintenance

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as *lollipop* or *meatballing* that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of these zoning regulations.
3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as Accent Trees shaded by Canopy Trees), replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
4. Natural water courses within a buffer shall be maintained in a natural condition consistent with any applicable regulations.
5. A water source shall be supplied within 100 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the buffer, an irrigation system shall be required.
6. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
7. Where other uses, including pedestrian, bike or other trails, are allowed within a buffer, these uses shall be maintained to provide for their safe use.

11.2.15 FAILURE TO MAINTAIN

In the event that any owner of a buffer area or vehicular use landscaping area fails to maintain same according to the standards of these regulations, these regulations shall be enforceable by the City with the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the buffer area to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the buffer area.

11.2.16 HARDSHIP RELIEF

The buffer requirement may be modified by the Zoning Administrator upon a finding that a modification would be consistent with the purpose and intent of this Article, with any adopted land use plans, that such modification would not adversely affect the land use compatibility or public interest, and complies with one or more of the following criteria:

- A. The affected buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
- B. The affected buffer is between uses that are to be developed under a common development plan or series of development plans;
- C. The affected buffer is adjacent to a property that has a joint use agreement with the parcel under site plan; or
- D. The affected buffer is parallel and adjacent to an existing railroad right-of-way.
- E. The topography of the lot is such that buffering would not be effective.

Article 12. DESIGN AND PERFORMANCE STANDARDS

SEC. 12.1 LARGE SCALE COMMERCIAL

12.1.1 GENERAL PURPOSE AND INTENT

- A. The purpose of this Section is to supplement development standards elsewhere in these zoning regulations with specific criteria that apply to the design of certain commercial buildings and projects,
- B. The applicable commercial development depends on high visibility from public streets. In turn, design of certain commercial buildings and sites determines much of the image and attractiveness of the streetscapes and character of the community. Massive, duplicative or generic projects that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image and sense of place.
- C. The City's goal is to create and maintain a positive ambiance and community image and identity by providing for architectural and site design treatments that will enhance the visual appearance of certain commercial development and the quality of life.
- D. This Section incorporates a basic level of architectural design which, in conjunction with site design, landscaping, lighting and sign treatments located elsewhere in this Zoning Ordinance, is intended to result in a comprehensive scheme for building design and site development. However, this Section is not intended to require any specific style of architecture.
- E. This Section is also intended to:
 - 1. Promote high standards in architectural design and the construction of creative, innovative, aesthetically pleasing structures;
 - 2. Encourage landowners, designers and developers to look closely at local conditions and the development site, and produce new development that enhances and complements both the built and natural environment;
 - 3. Ensure that development and building design is sensitive to the specific site, consistent with the existing and proposed character of the area, including residential and nonresidential uses in the surrounding area, and does not detract from the positive elements existing neighborhood characteristics.

12.1.2 STANDARDS

The standards found in this section shall be in addition to all other applicable standards found in this ordinance.

Commentary: *Compliance with the requirements for items such as parking, landscaping, screening, and other components of this ordinance is still required.*

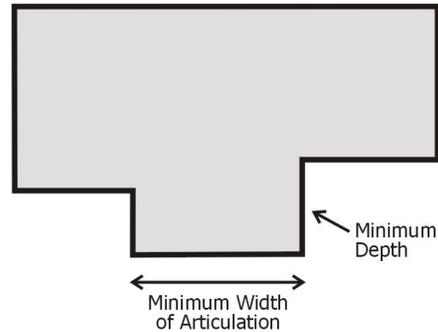
A. Building Materials

Predominant exterior building materials shall be high quality material. These include, without limitation: brick, natural decay resistant quality exterior wood siding, rock, stone or tinted and textured concrete masonry units, and transparent glass windows and doors. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15% of any building facade.

B. Requirements for Building Massing and Articulation

- 1. The design shall help integrate the development with its surroundings by breaking down the apparent mass and scale of the building on all sides. This provision shall not be required in the immediate area surrounding loading docks, where specific heights may be required.

2. No more than 60,000 gross square feet of the structure shall be designed as a distinct mass. Preferably, two or more building masses shall be expressed.
3. No single retail structure may exceed 225,000 of enclosed floor area.
4. All facades visible from a public roadway shall be given equal design significance. There shall be no blank, featureless walls, including rear walls. The design shall present a continuity of style on all facades visible from the public roadway, except where separated by a party wall located on a lot line.
5. Outparcels shall be designed and integrated with the main project.
6. The primary (front) facade shall include projections or recesses (articulation) of not less than 10 feet in depth for every 100 feet in length. Such articulation shall extend at least ten feet horizontally.



C. Requirements for Building Entries

1. The design shall use architectural features which clearly define the public entry.
2. Multiple entryways shall be incorporated into the design wherever possible in order to break up the apparent mass and scale of the project. Buildings with more than 75,000 square feet of floor area (including attached outdoor sales areas such as garden centers) shall provide at least two clearly articulated entrances on the primary façade.
3. At least one clearly articulated entrance shall be visible from a public street, and connected to that street with a pedestrian sidewalk. Such a sidewalk may cross vehicular traffic within the parking area, provided that a change in surfacing materials clearly designates the pedestrian crosswalk.



D. Integration into the Street Network

Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.

E. Demonstration of Compliance

Compliance with the large-scale commercial requirements shall be demonstrated through submittal of architectural drawings at the time of site development plan review in accordance with Sec. 3.14, Design Review or where no site development plan is required, submittal directly to the Zoning Administrator. Drawings shall include, but not be limited to, a floor plan, roof plan and all exterior building elevations, and any other information deemed necessary to demonstrate compliance with this Section.

F. Review by Zoning Administrator

The Zoning Administrator shall review the required drawings and accompanying materials and make a determination as to whether or not the proposed development meets the requirements set forth above. In making a determination, the Zoning Administrator may consult with the Architectural Design Review Team (2.2.5), architects, engineers, planners, or other design professionals. The determination shall be provided in writing to the applicant, and once approved by the Zoning Administrator; the site development plan review for the project may proceed (Sec. 3.5). Applicants

may revise the proposal and re-submit the application; however, such application shall be considered a new application.

G. Criteria for Approval

The Zoning Administrator shall apply the following criteria in making a determination of compliance with these large-scale commercial requirements.

1. The petition is complete and the information contained within the petition is sufficient and correct enough to allow adequate review and final action.
2. The petition illustrates compliance with the large-scale commercial requirements of this Section.
3. The design demonstrates unique, site-sensitive architecture.
4. The design is compatible with surrounding properties.

H. Appeal of Zoning Administrator’s Determination

The applicant may appeal the Administrator’s decision in conformance with Sec. 3.16, Appeal of Administrative Decision.

I. No Variance Permitted

No variance from the Board of Zoning Appeals from requirements of this Section shall be permitted.

12.1.3 ALTERNATIVE COMPLIANCE

Alternative compliance may be obtained using the Design Review process. In such cases, the Architectural Design Review Team shall have the authority to approve the following:

- A. Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area;
- B. Use of additional landscaping to screen portions of a building, provided additional landscaping shall not be credited towards any required landscaping.
- C. Increase the maximum size of a single retail structure, provided the structure is designed in a manner that enhances the surrounding area.

SEC. 12.2 OUTDOOR LIGHTING

12.2.1 PURPOSE AND INTENT

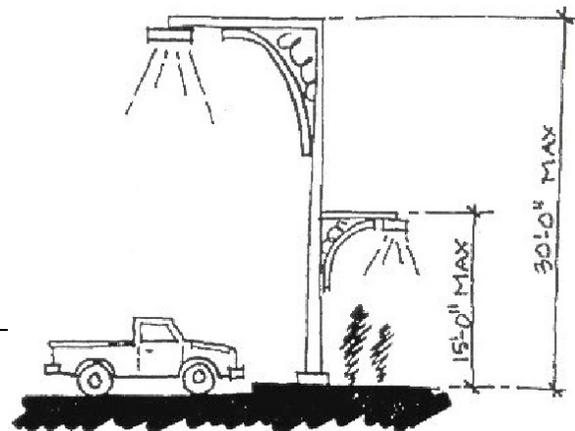
Nonresidential and multifamily buildings and projects, including their outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjacent properties.

12.2.2 APPLICABILITY

A site lighting plan shall be required during review of any nonresidential or multifamily site and development plan.

12.2.3 SITE LIGHTING DESIGN REQUIREMENTS

Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color. All lighting fixtures designed or placed so as to



illuminate any portion of a site shall meet the following requirements:

A. Fixture (Luminaire)

1. The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjacent properties.
2. Additional fixture standards may apply within a historic district.

B. Fixture Height

Lighting fixtures shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.

C. Light Source (Lamp)

Only incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

D. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

E. Limit Lighting to Periods of Activity

1. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Zoning Administrator to conserve energy, provide safety, and promote compatibility between different land uses.
2. Outdoor recreation areas adjacent to residential uses or districts shall not be illuminated after 10 PM Sunday through Thursday, and 11 PM Friday and Saturday.

12.2.4 EXCESSIVE ILLUMINATION

Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.

- A. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed 0.2 on adjacent residential uses, and 0.5 on adjacent commercial sites and public rights-of-way.
- B. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets
- C. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.
- D. Illumination using illuminated tubing or strings of lights that outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes, as determined by the Zoning Administrator, is prohibited. Architectural Design Review Team may grant a wavier to this requirement if the lighting is essential to the facade design.

SEC. 12.3 OUTDOOR DISPLAY AND STORAGE

12.3.1 APPLICABILITY

- A. Outdoor display shall be permitted in any nonresidential district only through the administrative adjustment process in Sec. 3.7. A binding site plan illustrating the extent of the permitted area for outdoor display shall be required.
- B. Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this Section.
- C. Plant material at a Plant Nursery or Plant Nursery with Landscape Supply shall not be considered merchandise material or equipment subject to the restrictions of this section.
- D. Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
- E. Temporary uses permitted by these zoning regulations are not subject to the requirements of this Section.
- F. The requirements of this Section do not supersede any previously issued special exception for outdoor display or storage.

12.3.2 OUTDOOR DISPLAY

- A. The outdoor location of soft drink or similar vending machines shall be considered outdoor display where the location is visible from adjacent residential development.
- B. Acceptance of remittance outdoors (including cash registers or similar devices) shall not be permitted, except for activities permitted through a temporary use permit.

12.3.3 OUTDOOR STORAGE

A. Located Outside of Right-of-Way

Where permitted by this ordinance, all outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.

B. Storage Not Permitted in Required Street or Side Yards

1. Unless expressly permitted by this ordinance, no outdoor storage shall be allowed in street yards or otherwise forward of the front building line.
2. Outdoor storage may be located to the side or rear of a building, provided it is outside of the required side and rear yard area.

C. Screening Required

All outdoor storage shall be screened in conformance with Sec. 12.6 Screening.

SEC. 12.4 FENCES AND WALLS

12.4.1 HEIGHT

- A. The maximum height of a fence or wall shall be as shown in the table below, unless a higher fence or wall is required by other provisions of this ordinance.

District	Street Yard	All Other Yards	With BZA Adjustment
Residential Districts			
R/RS-40	6	8	8
All Other Residential Districts	4	6	8
Commercial Districts			
MRC, CSO, OCL, CBD	4	8	8
MCD, HSD, GCS	6	8	8
Industrial Districts			
All Industrial Districts	8	10	10+

*Note: Fences and walls over 50 feet from the right-of-way are subject to the "All Other Yards" standards

- B. Fences or walls within required yards fronting on a public street shall comply with the street frontage height standard. The Board of Zoning Appeals may approve an increase in height to the maximum indicated in the column "With BZA Adjustment". Increases over this height will require a conditional use permit as indicated in paragraph D below.
- C. Minor adjustments to the height limits up to 25% may be permitted by the Zoning Administrator due to field conditions or in order to accommodate decorative features on the fence or wall.
- D. The Board of Zoning Appeals may issue a conditional use permit to allow fences or walls to exceed the height limits above where all of the following findings are made:
 - 1. That the fence or wall does not impede the natural light from reaching the subject or surrounding properties to their detriment;
 - 2. That normal circulation of air is not unreasonably impeded by the fence or wall for the subject or surrounding properties;
 - 3. That the fence or wall will not hinder access to the subject or surrounding properties for emergency services;
 - 4. That the fence or wall shall be reasonably compatible with the surrounding properties in that it will not adversely affect property values; and
 - 5. That vision clearances for pedestrian and vehicular traffic will not be impeded. Conditions may be specified to protect the welfare of the neighborhood and adjacent properties.

12.4.2 FENCES

- A. A finished side of all fences shall face off site.
- B. Razor wire, concertina wire, barbed wire, and similar fencing materials shall be prohibited in, and directly adjacent to, all Residential districts.
- C. The use of chain link fences in yards fronting on public streets is discouraged.

12.4.3 WALLS

- A. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition. Alternative walls may be permitted with the approval of the Zoning Administrator if such alternative walls provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development. No walls of exposed, painted-only, plain concrete cinder block shall be permitted.
- B. No wall shall be located within any required drainage, utility or similar easement.
- C. Pedestrian connections through walls that connect to adjacent neighborhoods or other uses shall be encouraged.

12.4.4 RETAINING WALLS

- A. Retaining walls may be located within required yards.
- B. Retaining walls built to support a grade eight feet or more higher than the grade at the interior edge of a required buffer shall also be set back 10 feet from the interior edge of the buffer.

SEC. 12.5 UTILITY, DUMPSTER, RECYCLING AND TRASH HANDLING

12.5.1 APPLICABILITY

This section shall apply to all nonresidential development and multifamily development and all manufactured home parks.

12.5.2 LOCATION

All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Planning Commission. No such facilities shall be located in a required street yard.

12.5.3 SCREENING

All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be screened in conformance with Sec. 12.6.

12.5.4 ACCESS

All required dumpster, recycling and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.

12.5.5 UTILIZATION

Space allocated to any off-street dumpster, and trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

12.5.6 PERFORMANCE

All food-related businesses shall provide water quality treatment to mitigate runoff from trash handling facilities. All storage areas, waste disposal areas, and trash handling facilities shall be designed to prohibit wind blown debris from leaving the site.

SEC. 12.6 SCREENING

12.6.1 APPLICABILITY

- A. The following uses shall be screened as required by this section:
 - a. Outdoor storage and loading areas.
 - b. Self-storage warehouses not located in an industrial district.
 - c. Air handlers and similar mechanical equipment in multifamily or nonresidential development
 - d. Trash handling facilities, including dumpsters and recycling
- B. The features and uses listed above need not be screened from similar features and uses on adjacent lots, except where project boundary buffers would be required pursuant to Sec. 11.2.7.

12.6.2 STANDARDS

Features and uses specified above shall provide a visual obstruction from adjacent properties in conformance with the following standards:

- A. Unless specifically exempted in Sec. 12.6.2B, below, the screen shall be composed of view-obscuring vegetation (used individually, or in combination with), a wall, semi-opaque fence, or berm designed to obscure views to a height of eight feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
- B. Walls and fences shall be constructed in conformance with Sec. 12.4, Fences and Walls.
- C. Outdoor storage and mechanical equipment may be screened by chain link fencing with slats inserted, except where located abutting or across the street from a residential use or residentially-zoned property.
- D. Plant materials shall be at least two feet tall at the time of installation and reach the desired height within three to five years of planting.
- E. Except for screening around roof-top equipment, one upright evergreen shrub shall be installed per four linear feet of any screen wall or fence that faces off-site. These may be credited toward any plantings required elsewhere in this ordinance.
- F. All berms shall be covered with plant materials within three to five years.

12.6.3 CREDIT FOR OTHER LANDSCAPING

Plant material in project boundary buffers may be counted towards the requirements of this section when located to serve both functions.

SEC. 12.7 OPEN SPACE

12.7.1 INTENT

It is the intent of the City to have open space of significant area and quality to contribute to the visual character and uniqueness of each development and allow for recreational and aesthetic enjoyment by the residents.

12.7.2 USE OF REQUIRED OPEN SPACE

Required open space may consist of any of the following, up to the maximum percent credit shown in the table.

Open Space Use	
Percent of required total open space that must be useable	33%
Natural Open Space	
Agriculture, horticulture, silviculture or pasture uses	Up to 50%
Naturally vegetated or revegetated to appear naturally vegetated.	Up to 100%
Severe development constraints or other conditions that affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, or steep slopes.	Up to 67%
Useable Open Space	
Property developed for active recreational purposes (ballfields, tennis or basketball courts, golf courses, swim clubs, etc.).	Up to 50%
All-weather walking paths, benches, picnic tables, shelters, gazebos, prepared play areas, play equipment	Up to 50%
Publicly accessible plazas and courtyards	---
Other Open Space	
Stormwater management and community wastewater disposal systems. Easements for drainage, access and underground utilities	Up to 25%
Tree save areas, project boundary buffers	Up to 67%

12.7.3 OPEN SPACE CALCULATION

- A. Streets, driveways, parking lots and required yard spaces provided for residences may not be counted toward the open space requirement.
- B. Any property having a horizontal dimension of less than 15 feet shall not be considered open space.
- C. Buffer areas required per Sec. 11.2, Required Buffers, may be included in the open space calculation.
- D. Except in the R/RS- 40 Districts, open space shall be measured exclusive of any individual lots.

Commentary: *This means that individual yards cannot be counted towards open space requirements except in the R/RS-40 district.*

12.7.4 USEABLE OPEN SPACE DESIGN

A. General

- 1. Useable open space areas shall have at least one side with street frontage of at least 30 feet in length, and shall be accessible to residential development by sidewalks.
- 2. Useable open space shall have a minimum area of 1,000 square feet.

B. Proximity

Useable open space shall be located so that 95% of the residential units in the subdivision or development are within a 2,600-foot walking distance of an accessible, usable open space.

12.7.5 OWNERSHIP AND MANAGEMENT OF OPEN SPACE

- A. Prior to approval of a final plat, a program for continued maintenance of all open space areas shall be submitted. The submission shall include agreements, contracts, deed restrictions, sureties, or other legal instruments approved by the City Attorney, as appropriate, to guarantee the provision and continued maintenance of such common areas and facilities.
- B. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - 1. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be *bona fide* and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this section acceptable to the City, as appropriate.
 - 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - 3. An equivalent legal tool that provides permanent protection, if approved by the City, as appropriate.
 - 4. Dedication of the land to an established homeowner's association (with legal standing in the property) that accepts permanent maintenance responsibility.
- C. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the applicant chooses to place on the use of the open space.

SEC. 12.8 GENERAL PERFORMANCE STANDARDS

12.8.1 AIR POLLUTION

Any activity which releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all applicable federal and State regulations.

12.8.2 FIRE, EXPLOSION AND STORAGE OF FLAMMABLE MATERIALS

All activities shall comply with the City Fire Codes.

12.8.3 HAZARDOUS MATERIALS AND WASTES

All activities shall comply at a minimum with all applicable State and federal regulations as well as the appropriate County Health Department regulations and City and County fire department regulations for hazardous materials and wastes.

12.8.4 ELECTROMAGNETIC TRANSMISSIONS

All activities shall control electromagnetic frequencies so that there is no interference in the operation of equipment off-site and no adverse effects to persons off-site.

12.8.5 WASTE PRODUCTS

Any activity which discharges material or liquids into sanitary sewers shall conform to all federal, state and local discharge and release regulations. City sanitation ordinances may also apply. The drainage of waste or stored materials onto adjacent properties or directly into creeks and watercourses or into the stormwater conveyance system is prohibited. Only uncontaminated stormwater runoff may be discharged into the stormwater conveyance system.

12.8.6 RADIATION

All activities shall comply with all federal and State regulations which apply to the handling, storage, and disposal of nuclear material.

12.8.7 NOISE

All activities shall comply with all City regulations which pertain to the emanation of soundwaves.

Article 13. DEFINITIONS

SEC. 13.1 INTERPRETATION OF CERTAIN WORDS OR TERMS

For the purpose of these zoning regulations, certain terms or words used herein shall be interpreted as follows:

- 13.1.1 The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 13.1.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 13.1.3 The word “shall” is mandatory; the word “may” is permissive.
- 13.1.4 The words “used” or “occupied” includes the words intended, designed, or arranged to be used or occupied.
- 13.1.5 The word “lot” includes the words plot, parcel, or tract.
- 13.1.6 The word “structure” includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.
- 13.1.7 The word “land” includes the words water, marsh, or swamp.
- 13.1.8 The word “applicant” includes any authorized agent of the applicant.

SEC. 13.2 DEFINED TERMS

ABUTTING: Sharing a common property line. For the purposes of this definition, properties across an intervening right-of-way shall not be considered abutting.

ACCESSORY: An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off – street parking.

ACCESSORY USE OR STRUCTURE: A use or structure of a nature customarily incidental and subordinate to the principal use or structure and unless otherwise provided, on the same premises. “On the same premises” with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building.

ACCESSORY DWELLING: See Sec. 8.4.2

ACTIVITY: The performance of a function or operation which constitutes the use of land.

ACTIVITY – PRINCIPAL: (See Principal Activity.)

ACTUAL CONSTRUCTION: The excavation of a site and/or the systematic placement of building materials in conjunction with the construction of a building or other structure.

ADDITION (TO AN EXISTING BUILDING): Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall or is separated by independent perimeter load – bearing walls is new construction.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin – operated or slug – operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image – producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORES OR ADULT VIDEO STORES: An establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any other kind of video tape or any other form of electronic media, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas, as defined below.

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ADULT MOTION PICTURE THEATER: An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below, for observation by patrons therein.

ADULT – ORIENTED ESTABLISHMENT: Includes, but is not limited to, adult bookstores or adult video stores, adult motion picture theaters, adult arcades, adult theaters or cabarets and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult – oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult – oriented establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

ADULT THEATER OR ADULT CABARET: A theater, concert hall, auditorium, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

1. Live performances, displays or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated “specified sexual activities” or “specified anatomical areas” or the removal of articles of clothing or appearing partially or totally nude; or
2. Films, motion pictures, video cassettes, slides or other video or photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

ALLEY: A public way intended to provide only secondary vehicular access to abutting properties.

ALTERATION: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

ALTERNATIVE TOWER STRUCTURE: When related to Wireless Communication Facilities, trees, clock towers, bell steeples, light poles, water tanks and similar alternative – design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA: any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

APARTMENT HOTEL: (See Lodging House.)

APPEAL: A request for a review of an administrative interpretation of any provision of this ordinance.

ATTACHED: An enclosure having continuing walls, roof and floor.

BASEMENT: Means that portion of a building having its floor subgrade (below ground level) on all sides.

BILLBOARD SIGN: An off – premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

BREAKAWAY WALL: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING: Any structure which:

1. Is permanently affixed to the land;
2. Has a roof supported by columns or walls;
3. Is intended for the shelter or enclosure of goods or persons; and
4. Is bounded by either open area or the lot lines of a zone lot.
5. A building shall not include such structures as billboards, fences, radio or TV towers, or structures not normally accessible for human use, such as gas storage tanks, smoke stacks, grain elevators, exposed industrial equipment, (i.e., oil or chemical processing apparatus) or similar structures.

BUILDING – PRINCIPAL: (See Principal Building.)

BULK: Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

1. The size (including height and floor area) of buildings or other structures;
2. The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot;
3. The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
4. All open area relating to buildings or other structures and their relationship thereto.

CENTRAL SEWAGE COLLECTION AND TREATMENT SYSTEM: A wastewater collection and/or treatment system owned and operated by a public or quasi – public organization and approved by all appropriate licensing and oversight agencies. This term shall not be construed to include any type of privately owned and operated individual disposal system to include septic or other similar systems.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the historic zoning commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an historic district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate issued by the Historic Zoning Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

CERTIFICATE OF OCCUPANCY: A written permit which is required before occupying or commencing to use any building or any zone lot.

COMMERCIAL COMPLEX: A commercial complex shall mean a building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

COMMON OPEN SPACE: A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyment of the occupants of said development. “Common Open Space” may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development. Required Open Space shall meet the standards found in Sec. 12.7, Open Space

COMPLETELY ENCLOSED: Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

COMPREHENSIVE (GENERAL) PLAN: an analysis of existing conditions, and is a compilation of policies, guidelines, standards, goals, and objectives, including but not limited to detailed elements of planning (as described and outlined in TCA Section 13-4-201, TCA Section 13-3-301 (b), and the Powers and Functions of the Local Planning Commission in Tennessee, p. 7), along with accompanying maps, tables, plats and illustrations, developed by the Planning Commission subsequent to substantial public review and active participation in the planning process, and officially adopted by the City Council to provide a vision which guides and directs the present and future physical, social, and economic development that occurs within the planning jurisdiction as well as a unified physical design for both the private and public development of land within the community.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13 – 7 – 206, *Tennessee Code Annotated*.

CONSTRUCTION: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

COURT: An open unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

COURT, INNER: An open area, other than a yard or portion thereof, which is unobstructed from its lowest level of the sky and which is bounded by either:

1. Building walls;

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2. Building walls and one or more lot lines other than a front lot line; or
3. Building walls, except for one opening on any open area along a side lot line or rear lot line which has a width of less than thirty (30) feet at any point.

COURT, OUTER: Any open area, other than a yard or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

1. A front lot line;
2. A front yard;
3. A rear yard; or
4. Any open area along a rear lot line or along a side lot line having a width or depth of at least thirty (30) feet, and which open area extends along the entire length of such rear or side lot line, is bounded by either:
5. Building walls; or
6. Building walls and one or more lot lines other than a front lot line.

CURB LEVEL: The mean of the elevations of the side lot lines extended to the street line.

CURB LINE: The line formed by a curb extending along its roadbed or streetbed.

DAY CARE CENTERS: A place other than an occupied dwelling, which provides for the care of more than 13 adults or pre-teenage children. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made.

DAY CARE FACILITY: A facility for the keeping of more than four and up to 13 individuals.

DEMOLITION: When relating to a historic district or structure, any act or process that destroys in part or in whole a landmark or a structure within an historic district.

DESIGN GUIDELINE: When relating to a historic district or structure, a standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

DESIGNED FOR RESIDENTIAL USE: A building located in a Residential district, which was originally designed for residential use and in which at least 25% percent of the floor area is occupied for residential use.

DEVELOPMENT: Any man – made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DWELLING: A building, or portion thereof, designed or used exclusively for residential occupancy, but not including transient occupancy.

DWELLING, MANUFACTURED HOME: See Sec. 6.1.2, Housing Types.

DWELLING, DOUBLE-WIDE MANUFACTURED HOME: A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer in two or more sections to be attached on site. As used in this ordinance the term “double-wide manufactured home” does not include “manufactured homes” constructed as a single self-contained unit and mounted on a single chassis and as further defined in Section 68-126-202, (4), (6) and (7), of the *Tennessee Code Annotated*. For purposes of this ordinance, when such a structure meets the above stated definition of a double-wide manufactured home, it shall qualify as a “single-family dwelling” as defined below (See Sec. 6.1.2, Housing Types).

DWELLING, MULTI – FAMILY: A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. (See Sec. 6.1.2, Housing Types).

DWELLING, SINGLE – FAMILY ATTACHED: See Sec. 6.1.2, Housing Types.

DWELLING, SINGLE-FAMILY DETACHED: A building containing not more than one dwelling unit located upon one zone lot (Sec. 6.1.2, Housing Types). See Sec. 8.3.2, Single Family Dwelling for use conditions.

DWELLING, TWO – FAMILY ATTACHED: See Sec. 6.1.2, Housing Types.

DWELLING UNIT: A room or rooms connected together constituting a separate, independent housekeeping establishment for one – family only for owner occupancy or for rental, lease or other occupancy on a monthly or longer basis with none of the living units under the same ownership, control, or management on the same zone lot being occupied on a shorter basis, and containing independent cooking, living, sleeping and sanitation facilities.

DWELLING, ZERO LOT LINE: See Sec. 6.1.2, Housing Types.

ECONOMIC HARDSHIP: An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs and appurtenant elements.

FAA: Federal Aviation Administration. Added:

FAMILY: A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the "primary occupant(s)" for the purposes of this section; plus no more than two persons who are not related to a primary occupant, and the biological or adoptive children of that person; all of whom occupy the dwelling unit and function as a single housekeeping unit with or without common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the "primary occupants" of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.

FCC: Federal Communication Commission.

FINANCIAL INSTITUTION - An establishment that is regulated by the Federal Deposit Insurance Corporation (FDIC) and/or Tennessee Department of Financial Institutions and provides a variety of financial services, generally including banks, credit unions, and mortgage companies.

FLASHING SIGN: (See Sign, Flashing.)

FLOOD: (See Article 9, Floodplain Protection).

FLOOR AREA: The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

1. Areas used for off – street parking spaces or loading berths and driveways and maneuvering relating thereto where required by this ordinance.
2. In the case of nonresidential facilities: Arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

FLOOR AREA RATIO: The total floor area on a zone lot, divided by the lot area of that zone lot. *For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.*

FREESTANDING SIGN: (See the City of Columbia Sign Ordinance)

GROSS AREA: An area of land which is inclusive of all land uses and streets, and other public areas located within the development.

HAZARDOUS OCCUPANCY: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard and as further defined as a "Type II" occupancy in Section 407 Standard Building Code.

HEIGHT: when referring to a tower, the distance measured from ground level to the highest point on the tower, even if said highest point is an antenna.

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HISTORIC DISTRICTS: A geographically definable area which possesses a significant individual structure, landmark or site or a concentration, linkage or continuity of such sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

1. That is associated with an event which has made a significant contribution to local, state or national history;
2. That it includes structures associated with the lives of persons significant in local, state or national history;
3. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;
4. That has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. That it is listed in the National Register of Historic Places.

HISTORIC STRUCTURE: Means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior: or
4. individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 5. by an approved state program as determined by the Secretary of the Interior; or
 6. directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: See Sec. 8.4.4.

HOTEL: This is a general term and includes all places where transient lodging activities (as herein defined) are provided for compensation. The term hotel is intended to include motels, motor courts, tourist courts, auto courts, motor lodges and all similar facilities.

INDIRECT ILLUMINATION: (See Sign, Indirect Illumination.)

INTERNALLY ILLUMINATED SIGN: (See Sign, Internally Illuminated.)

JUNK VEHICLE: A vehicle which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

KENNEL: An establishment engaged in boarding, breeding, buying, selling, grooming, or training of pet animals

LABORATORY: A place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land which contains improvements including buildings or other structures having a total assessed valuation of \$5,000 or less.

LANDHOLDER: The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed (See Article 11).

LEGALLY REQUIRED WINDOWS: A window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a living room.

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LIVING ROOM: A room designed for general living purposes in a dwelling unit. Every dwelling unit shall be deemed to have a living room.

LIVING SPACE: Utilized in planned unit development, outdoor areas including recreation areas but excluding streets and parking.

LODGING HOUSE: This is a general term and includes all places of semi – transient residential occupancy (as herein defined). The term lodging house is intended to include rooming houses, boarding houses, apartment hotels, residential hotels, and all similar facilities coming within the general definition of semi – transient residential activities.

LOT: (See Lot of Record and Zone Lot.)

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

LOT LINE: A boundary of a zone lot.

LOT LINE EQUIVALENT: A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

1. Joins points specified in these regulations; or
2. Is an extension of a street line or lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MANUFACTURED HOME PARK OR SUBDIVISION: Means an area, tract, site, or parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale and shall include all accessory buildings used or intended to be used in conjunction therewith..

MARQUEE SIGN: (See Sign, Marquee.)

MIXED BUILDING: A building containing residential activities with commercial and/ or community facility activities for the purpose of determining bulk regulations.

MANUFACTURED HOME: 6.1.2, Housing Types

MANUFACTURED HOME SPACE: A designated area within a manufactured home park for the exclusive use of the occupants of a single home.

MANUFACTURED HOME STAND: That part of an individual manufactured home space which has been reserved for the placement of the manufactured home.

NEON TUBE ILLUMINATED SIGN: A sign with a light source supplied by a neon tube which is bent to form letters, symbols or other shapes.

NON-BANKING FINANCIAL INSTITUTION - Non-Banking Financial Institution- A financial institution that is not regulated by the Federal Deposit Insurance Corporation (FDIC) and governed by Title 45 Chapters 15, 17, and 18 of the Tennessee Code Annotated. Common businesses include, by are not limited to, Title Loan Lenders, Cash Advance Lenders, and Check Cashing.

NONCOMPLYING: (See Article 4, Nonconformities).

OCCUPANCY: The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this ordinance there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

OFF – PREMISES SIGN: (See Sign, Off – Premises.)

ON – PREMISES SIGN: (See Sign, On – Premises.)

ORDINARY REPAIR AND MAINTENANCE: Any work, the purpose of which is to correct any deterioration, or decay of, or damage to a structure, or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

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OUTDOOR AREA: In residential planned unit developments as a partial substitution of yard requirements, it includes the total uncovered open area of a planned unit development including streets, parking, lawn, patios, recreation areas as well as usable roofs and uncovered balconies.

OVERALL DENSITY: The residential density, stated in dwelling units per gross acre of the total development area, which are permitted within a residential planned unit development.

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two or more buildings; such walls shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

RELIGIOUS FACILITY: A building primarily used by a non-profit for organized religious services and supporting uses.

PLANNED UNIT DEVELOPMENT: See Article 7, Planned Unit Development.

PORTABLE SIGN: (See Sign, Portable.)

PRINCIPAL ACTIVITY: An activity which fulfills a primary function of an establishment, institution, household, or other entity.

PRINCIPAL BUILDING: A building which contains the principal activity or use of any zone lot.

RECREATION AREA: Utilized in planned unit development is that part of living space in a relatively large contiguous area for recreational purposes.

RECREATIONAL VEHICLE: Means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projection;
3. designed to be self – propelled or permanently towable by a light duty truck: and
4. designed primarily for use as a non – permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REQUIRED YARD: (See Yard, Required.)

RESIDENCE: A building or part of a building containing one or more dwelling units or rooming units, including one – family or two – family dwellings, multi-family dwellings, boarding or rooming houses, or apartment hotels. However, residences shall not include:

1. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments;
2. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations;
3. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities; or
4. In a mixed building, that part of the building used for any nonresidential uses, except uses accessory to residential uses.

RESIDENTIAL: Pertaining to a residence.

RESIDENTIAL BUILDING: Any building utilized solely for residential activities and their accessory functions.

RIGHT – of – WAY LINE: Right – of – way line is a line contiguous with a lot line dividing a lot from an abutting street.

ROOMING UNIT: A unit of occupancy of semi – transient residential activity.

SEMI – TRANSIENT RESIDENTIAL ESTABLISHMENT: An establishment where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership management on the same zone lot being occupied on a less – than monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

SINGLE OWNERSHIP: A proprietary interest of a landholder as defined herein.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered:

1. Human genitals;
2. Pubic region;
3. Buttocks;
4. Female breasts below a point immediately above the top of the areola, and;
5. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

START of CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include 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 building. 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.

STREET: A publicly or privately maintained right – of – way, other than an alley, which affords a primary means of access to abutting property.

STREET LINE: A lot line dividing a lot from an abutting street.

STRUCTURE: Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.

SURFACE AREA DISPLAY: The display surface area of a sign shall mean and include the entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event the supports or uprights on which such sign is supported shall not be included in determining the display surface area of a sign.

TELEPHONE FACILITIES: include those essential to the provision of telephone and telegraph services, such as central office exchanges and microwave towers, that require a specific location in order to provide the most efficient service to the public (T.C.A. 13-24-301-303).

TEMPORARY, SIGN: (See Sign, Temporary.)

TOURIST HOME: (See Lodging House.)

TOWER – any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self – supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

USE: The performance of an activity, function, or operation which constitutes the use of land.

WATERCOURSE: Any depression serving to give direction to flow of water, having a bed and well – defined bank, where the drainage area above the same is 25 acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface run – off of precipitation.

YARD, REQUIRED: See Section 6.2.9, Yards.

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ZONE OR ZONING LOT: For the purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots or record, of complete lots of record and portions of lots of records;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
5. For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

ZONING MAP: A map or series of maps and special overlap (the official copy being maintained by the Zoning Administrator) showing districts and special districts that are established under the provisions of and, hereby, being a part of this ordinance.

ZONING PERMIT: A permit required to construct, reconstruct, alter or use any building or other structure on any zone lot.

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APPENDIX “A”

Article 15. SIGN REGULATIONS

WHEREAS, the specifications set forth in these sign regulations are designed to address aesthetic and traffic safety concerns for the benefit of the public health, safety and welfare, while allowing the use of signs as a medium for conveying messages; and

WHEREAS, left unregulated, the height, sign face area, number and location of signs can result in visual clutter, confusion for drivers, and interference with efforts to establish a desirable community identity; and

WHEREAS, *Context-Sensitive Signage Design*, a publication of the American Planning Association (2001), encourages the development of good sign regulations for both aesthetic and economic purposes, providing as follows:

Successful urban design involves the encouragement of projects that can enhance the physical setting. Streetscape enhancements, including landscaping, street furnishings, public art, and signage, can be powerful in establishing a sense of place. . . . Taking a holistic approach to all aspects of the built environment results in a place that many people can benefit from in tangible ways. When a place feels like it has been cared for, people enjoy spending time there, and purchasing goods and services. By the same token, businesses feel comfortable investing in such a location. In this sense, the issues of urban design in general and sign design in particular are not just aesthetic, but economic as well.

The enhancement of pedestrian environments, the creation of attractive gateways, and the strengthening of the overall economic vitality and image of the community are all helped by adopting a good set of sign regulations.

WHEREAS, the City of Columbia has recently experienced a great deal of development and growth and seeks to manage continued development and growth in an attractive manner; and

WHEREAS, in establishing parameters for height, area, number, location and other physical attributes of signs, the City of Columbia has examined the regulations of other cities which have been looked upon as examples of aesthetic quality and has sought input and assistance from area business persons, the Maury Alliance, and the sign industry; and conducted public hearings; and

WHEREAS, visual comparisons of areas where signs have been uncontrolled to those in areas where signs have been controlled show the obvious advantages and aesthetic benefits of good sign regulations.

WHEREAS, the City has created a new Interstate Zoning District, and finds it desirable to regulate signage at the newly created zone in a manner separate from the remaining zoning districts in the City so as to provide for larger signs in that zone while still protecting the aesthetics of the City;

WHEREAS, for the reasons stated heretofore, it is desirable to revise the City's sign regulations and reduce the allowable height, size and number of signs within the City, and to allow for larger signs only in the newly created Interstate Zoning District, in the interest of pursuing aesthetic quality and relative uniformity of signs within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COLUMBIA ,AS FOLLOWS:

SIGN REGULATIONS

Sec. 15.1 Findings, purpose and effect.

15.1.1 *Findings.* The Columbia City Council hereby finds as follows:

- (a) Exterior signs have a substantial impact on the character and quality of the environment.
- (b) Signs provide an important medium through which individuals may convey a variety of messages.
- (c) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare. Shorter, smaller signs are less likely to create aesthetic concerns, traffic hazards, and detriments to property values.
- (d) The city's regulations regulate signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within cities have had positive impacts on traffic safety and the appearance of the communities.

15.1.2 **Purpose and intent.** It is not the purpose or intent of these provisions to regulate the message displayed on any sign; nor is it the purpose or intent of the provisions to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

- (a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
- (b) Maintain, enhance, and improve the aesthetic environment of the city by preventing visual clutter that is a threat to traffic safety and is harmful to the appearance of the community.
- (c) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees.
- (d) Provide for fair and consistent enforcement of the sign regulations set forth herein under the regulatory authority of the city.

15.1.3 **Effect.** A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations, applicable building and electrical codes, and other provisions of the municipal code. The effect of this article, as more specifically set forth herein, is to:

- (a) Allow a wide variety of sign types in commercial and interstate zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
- (b) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this article.
- (c) Provide for temporary signs in limited circumstances.
- (d) Prohibit signs whose location, size, type, illumination or other physical characteristics are potentially dangerous or negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- (e) Regulate signs in all zoning districts in the City.
- (f) Provide for the enforcement of the provisions of this article.

Sec. 15.2 PERMITS:

A sign permit shall be issued by the building codes office in accordance with the provisions of this Ordinance and shall be regulated by Article 15 of the Zoning Code for the City of Columbia.

Sec. 15.3 Definitions.

The words, terms and phrases set out below, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned sign means a sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 90 days or more or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Banners and pennants means any sign of fabric or other flexible material. . Flags shall not be considered as banners under this article.

Building marker means any sign indicating the name of a building or date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Canopy sign means any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

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.

Community facilities are churches, schools, and parks and recreation facilities which are located in residential zoning districts.

Construction sign means a sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

Dilapidated sign means any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign means a permanent sign erected for or by a public entity for purposes of identification, direction or public safety.

Directory sign means a sign providing orientation within an office or commercial subdivision, listing such information as on-site businesses and other tenants and their respective activities.

Electronic message display means any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series of grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Freestanding sign means any sign supported by structures or supports that are anchored in the ground and that are independent of any building or other structure.

Front facade means the front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front facade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front facade.

Illegal sign means any sign which is a prohibited sign or does not comply with the requirements established herein, is not a lawful nonconforming sign and is not exempted by law from the requirements established herein.

Illuminated sign, (internally) means any sign that transmits light through its face or any part

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Inflatable sign means any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. For purposes of this definition and ordinance, a simple helium balloon is not considered to be an inflatable sign.

Lot Frontage is the distance for which a lot line adjoins a public street from one lot line intersecting said street to the furthest distant lot line including the distances along not more than two streets for a corner lot or a double frontage lot.

Marquee sign means any sign attached to, or made part of, a marquee or other permanent roof-like structure that projects beyond a building face and is not supported from the ground.

Menu board means a structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Nonconforming sign or sign structure means any existing permanent sign or sign structure which does not conform to the provisions of this article, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Painted wall sign means any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

Pennant. See definition of "banners, pennants, and balloons."

Permanent sign means any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

Political preference sign means any temporary sign erected on private property for the purpose of supporting a political candidate, stating a position regarding a political or ideological issue or similar purpose.

Portable sign means any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as a sidewalk sign; A-frame sign; any sign attached or painted on a trailer; or any sign in excess of nine (9) square feet attached to or any sign attached to or painted on a vehicle or trailer parked and visible from the public right-of-way for more than two consecutive hours or more than four total hours between sunrise and sunset. For the purposes of this article, portable signs shall not be considered permanent signs. Real estate signs and other temporary signs which are otherwise provided for in this article shall not be considered portable signs for purposes of this article.

Projecting sign means any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.

Public-right-of-way/public way means a strip of ground dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this article, such rights-of way shall be considered to extend a minimum of five (5) feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.

Real estate sign means a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or sale.

Roof line means the highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.

Roof sign means any sign erected wholly or partially above the roof line.

Scoreboard means a structure located within an athletic field, displaying changing scores and related information; provided, however, the scoreboard may also display additional content, including but not limited to the names and logos of any sponsors.

Sign means any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity, or to communicate information of any kind.

Sign area means square foot area enclosed by the perimeter of the sign face. With respect to signs that are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all such components together with their background, within a surrounding frame, and any "cutouts" or extensions. The sign area shall not include any supporting structure or bracing.

Sign face means the entire area of a sign upon, against or through which sign copy is placed.

Sign Code Enforcement Officer, or Sign Administrator shall mean the City of Columbia Development Services Director or his/her designee.

Sign structure means any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign means any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign allowed pursuant to Section 1-103 herein.

Subdivision means the division of land into smaller tracts for any planned, self-contained residential or office development which, for the purpose of this article, shall initially consist of a minimum of 10 or more individual lots.

Subdivision sign means any sign located at the entrance to a subdivision as defined in this article, for the purpose of identifying the subdivision.

Subdivision temporary development sign means any temporary sign for the purpose of advertising the sale of lots and the development of the subdivision. The names of participating home builders may be included on such signs. For purposes of this article, such signs shall not be classified as the same as a construction sign.

Temporary sign means any sign with any message that is intended for temporary use and a limited period, as allowed by this article. Temporary signs include but are not limited to political preference signs, ideological signs, yard sale signs, special event signs, help wanted signs, and banners which are allowed pursuant to the applicable provisions of this ordinance. If sign display area or structure is permanent but the message displayed is intended to be displayed for a temporary period, that sign shall not be regarded as a temporary sign.

Two sign faces means any sign constructed on a single set of supports, with messages visible on either side, or a "V" type sign with a common support in the center of the "V".

Wall sign means any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning or canopy and projects from the plane of the wall, canopy or awning less than 12 inches. This definition shall not include freestanding walls or multiple sign surfaces.

Window sign means any sign, graphic, or interior design element placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way. For purposes of this article, window signs may be permanent or temporary and are subject to applicable provisions herein.

Sec. 15.4. General provisions.

15.4.1 Nonconforming signs.

- (a) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business(es)), the signs on that property must be brought into compliance with the provisions of this article.
- (b) With the exception of repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of

the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

15.4.2 Calculations-measurement standards. The following principals shall control the computation of sign area, sign height, and number of permanent signs allowed per lot:

- (a) Computation of the area of individual signs. The sign area shall be determined by computing the area of the smallest square, rectangle, circle and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face (see definition, sign area).
- (b) Computation of area of two-faced signs. The sign area for a two faced sign shall be computed by adding together the area of **one** individual sign face as defined in 15.4.2(a) above, unless provided otherwise herein.
- (c) Computation of height. Sign height is measured from the average level of the grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.
- (d) Lot frontage is the distance for which a lot adjoins a public street from one lot line intersecting said street to the furthest distant lot line including the distances along not more than two streets for a corner lot or a double frontage lot.

15.4.3 Design, construction and maintenance of signs. *All signs shall be designed, constructed and maintained in accordance with the following standards:*

- (a) General provisions. *All signs shall comply with applicable provisions of the adopted building codes and the state electrical code. Except for banners, flags, pennants, temporary signs and window signs allowed hereunder, all signs shall be constructed of permanent materials that are permanently attached to the ground or a structure. All signs shall be maintained in good structural condition, in compliance with all applicable codes.*
- (b) Spacing. *All permanent freestanding signs on any single lot shall be spaced at minimum 100-foot intervals along each public way that*

views the premises, and shall be measured from the closest parts of any two signs unless otherwise provided for by this article.

- (c) Sight distance triangle. *All* entrance signs and freestanding signs located near the corners of an intersection, shall be located outside of the sight distance triangle. Such triangle shall be measured at a distance of 25 feet running parallel along each leg of the road surfaces and connecting them to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight visibility for motorists.
- (d) Sign illumination. Sign illumination shall only be achieved through the following standards:
 - i. A white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.
 - ii. Internal illumination shall provide steady, stationary lighting through translucent materials.
 - iii. If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.
 - iv. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.
- (e) Setback. *All* permanent and temporary signs shall be located at least five (5) feet back from the street curb, edge of pavement or stabilized shoulder, **or** the edge of the public right-of-way, whichever is greater, unless a greater distance is required to remove such sign from the sight distance triangle, or otherwise specified by these provisions. No permanent sign shall be located within a public utility or drainage easement, without written approval from the affected agencies. No temporary signs shall be permitted within any median which is within a public right-of-way.

- (f) Design. The following materials are considered to be appropriate (but not mandatory) for sign backgrounds, frames, supports, and ornamentation:
- i. Brick;
 - ii. Natural stone, including panels. The use of natural materials is favored, however, the use of imitation stone is appropriate;
 - iii. Stained split-face block;
 - iv. Wood;
 - v. Exterior insulation and finish systems (EIFS, trade name DryVit), or similar material, in combination with brick, split face block or stone;
 - vi. Metal panels when used in combination with brick, split-face block, or stone;
 - vii. Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.
- (g) Unlawful Cutting of Trees and Shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees shrubs, or other vegetation located:
- i. Within the right-of-way of any public street or road, unless the work is done pursuant to an approved site or grading plan;
 - ii. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express written authorization of the owner of the property where the trees or shrubs are located;
or
 - iii. In any area where such trees or shrubs are required to remain pursuant to an approved site plan, grading plan, or plat.

Sec. 15.5. Prohibited signs.

Except as may be authorized by this article, the following signs shall be prohibited, and may neither be erected nor maintained.

- (a) Snipe signs.
- (b) Any sign erected in a public right-of-way, except for signs placed by or on behalf of a governmental entity.
- (c) Roof signs, or signs extending beyond the main roof line, provided that signs may be mounted on an architectural feature extending beyond the roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.
- (d) Abandoned or dilapidated signs.
- (e) Portable signs.
- (f) Inflatable signs.
- (g) Projecting signs – except in the Central Business District with the signs not to exceed 8 (eight) square feet per sign face.
- (h) Any internally illuminated sign, not provided for herein in Section 15.4.3(d).
- (i) Marquee signs.
- (j) Any commercial sign located in a residential district not otherwise provided for in this article.
- (k) Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
- (l) Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise interfere with the view of, or be confused with, any traffic control sign or signal erected by a public authority. To those ends, no sign shall use the words, "slow", "stop", "caution", "yield", "danger", "warning" or "go" in a manner that misleads, confuses or distracts a vehicle driver.

- (m) Any sign which by reason of its location, position, size, shape, materials or other physical characteristics poses a safety hazard to drivers, pedestrians or residents.
- (n) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- (o) Signs that emit audible sound, odor or visible matter such as smoke or steam.
- (p) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (q) Signs that are painted, pasted or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic-control signs.
- (r) Any other sign not specified in Section 15.6 herein and which is not a lawful nonconforming sign.

Sec. 15.6 Allowable signs by zoning district.

All signs designated in this section shall conform to the standards established herein, in addition to those applicable standards set forth elsewhere herein.

15.6.1 Signs allowed in all zoning districts.

The signs listed below are allowed in all zoning districts, provided that such signs are on private property unless otherwise provided; that such signs are maintained in a manner that does not create a safety hazard; and that the specific restrictions set forth for each type of sign listed below shall apply wherever such a sign is erected, displayed or maintained:

- (a) An official sign or notice issued or required to be displayed on private property by any court, public agency or public office, whether permanent or temporary.
- (b) A traffic directional, warning or information sign authorized by any public agency, whether permanent or temporary.
- (c) A private street or road name sign located at an intersection shall meet applicable City of Columbia specifications for street or road name signs.

- (d) Incidental signs not exceeding four and one-half (4 ½) square feet in area per face. Such signs proclaiming "no trespassing", "no hunting", "no parking", "entrance", "exit", "loading only", "phone", "ATM" and the like shall be considered incidental to the use of property.
- (e) Temporary window signs that do not exceed twenty-five percent (25 %) of the area of the window or any glass door to which they are attached. All window signs shall be in conformance with all applicable safety and electrical codes.
- (f) Permanent window signs, that do not exceed twenty-five percent (25%) of the area of the window or any glass door to which they are attached. All window graphics signs shall be in conformance with all applicable safety and electrical codes.
- (g) Signs denoting a property as historic. Such signs shall be authorized by the State of Tennessee or Columbia Historic Zoning Commission and shall not exceed 16 square feet per sign face nor exceed nine (9) feet in height.
- (h) Building marker. Any permanent building marker shall be limited to four square feet of sign face and composed of materials compatible to the identified building.
- (i) Holiday/seasonal. Temporary signs or displays of a seasonal or holiday occasion may be displayed on any lot for periods of up to 60 days, provided that they do not contain any commercial message or logo and do not create a sight visibility hazard.
- (j) Non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight visibility hazard, and is not of an obscene nature as defined by the United States Supreme Court. Where such outdoor art is part of a site that is subject to the planning commission's jurisdiction, the outdoor art shall be considered part of the development that is subject to the planning commission's review and approval.
- (k) Real estate signs. Temporary, freestanding real estate signs may be erected for any property that is offered for sale, rent or lease. One such sign is allowed per lot road frontage at a maximum height of 4 feet. Each sign shall be limited to two sign faces with a maximum of 9 square feet per sign face.*Property in excess of three acres shall have one sign per lot road frontage at a maximum height of 4 feet. Each sign shall be limited to two sign faces with a maximum of 16 square feet per sign face.* All signs

shall not be located within a public right-of-way and shall not create any sight visibility hazard.

- (l) Real estate signs for large tracts. For lots of ten (10) or more acres, one real estate sign per lot per street, with a maximum sign face area of thirty two (32) square feet, with a maximum of two sign faces per sign. A maximum height of six (6) feet shall be allowed. The signs shall be spaced at 200 foot minimum intervals. Said signs may be maintained no longer than one (1) year or seven (7) days after the sale or lease of the property, whichever period ends later. Real estate signs for lots less than ten acres in size shall be restricted to those real estate signs provided for in Section 1-106.1 (k).
- (m). Athletic field signs and other temporary signs on athletic field fences not to exceed the height of the athletic field fence. Scoreboard signs that are part of the actual scoreboard may exceed the height of the athletic field fence.
- (n) Signs smaller than nine (9) square feet attached to or painted on a motor vehicle.

15.6.2 Signs permitted in all residential districts (R/RS-40; R/RS-20; R/RS-10; RM-1; RM-2; R-MHP):

- (a) Signs listed in Section 15.6.1 herein.
- (b) Permanent residential subdivision signs. Such signs shall be located at the primary entrance(s) to a development as identified on a preliminary plan approved by the Development Services Department. The signs shall be located on private property and may be within any platted sign and/or landscape easement or within the common open space and approved by the Development Services Department. Such signs shall be maintained by an established property owners' association.

Specifications: One sign per entrance, with a maximum of three entrances per subdivision. Maximum sign face area, 100 square feet per sign face, with a maximum of two sign faces. Maximum sign height twelve (12)feet. Setback - ten (10) feet from edge of pavement or the edge of the public right-of-way, whichever is greater, unless more space is necessary to preserve the sight distance triangle.

- (c) Subdivision temporary development sign. One such sign may be erected on-site for the purpose of advertising the development of a subdivision and the sale of included lots. The sign may remain until sale of all subdivision lots is completed. No other temporary development signs shall be allowed, including individual builder signs. The names of participating builders may be included on the subdivision temporary development sign.

Specifications: Maximum sign face area, thirty two (32) square feet. If only one (1) sign face is used per sign and sixteen (16) square feet per sign face if two sign faces are used on one (1) sign. Maximum sign height, eight (8) feet.

- (d) Home Occupation Wall Sign. One identification wall sign may be displayed at a permitted home occupation for the purpose of identifying the use.

Specifications: Maximum sign face area, three (3) square feet, to be contained on a maximum of one sign face per lot per street, and may extend no more than 1 foot from the building.

- (e) Residential personal identification signs. One personal identification sign per residence not to exceed two (2) square feet shall be allowed, with two sign faces per sign; except that residential tracts of ten (10) acres or more shall be allowed two such signs not to exceed two (2) square feet per face.

- (f) Temporary signs. In addition to the other signs identified in this subsection, three (3) temporary, free-standing, non-commercial signs may be posted on any lot in a residential district at any given time. Such signs are limited to six (6) square feet per sign face, with a maximum of two sign faces per sign, and a maximum height of four (4) feet. This category includes, but is not limited to: political preference signs; garage sale signs; non-commercial baby announcements; yard sale signs; lost pet signs; social/special event announcements; or any other non-commercial messages. Any such signs announcing a social/special event shall be removed within 48 hours after the event.

- (g) Signs for community facilities located in residential districts shall conform to the provisions applicable to the Permanent Residential Subdivision Signs, provided for in (b) above.

15.6.3 Signs allowed in OCL, CSO and MRC:

- (a) Signs listed in Section 15.6.1, and in Section 15.6.2(b) thru (e), herein.

(b) Freestanding signs specified in this subsection.

1. Directory signs. Such signs shall be located at driveway intersections within a development, and shall be limited to one freestanding sign per driveway entrance from a public street.

Specifications: Maximum sign face area - 32 square feet, with a maximum of two sign faces per sign; Maximum sign height – 8 feet.

2. Other permanent freestanding signs shall be allowed in the size and number set out in Table I below:

Table I

Lot Frontage in Feet	Max. No. of Signs	* Max. Area of Any One Sign Face in Sq. Ft.	Maximum Sign Faces per Sign	* Max. Height in Feet
Less than 200	1 per lot per street	40	2	15 ft.
More than 200	1 per lot per street	60	2	20 ft.

* If signs are constructed from materials provided in Sec. 15.4.3(f) and are less than 8 ft. tall, the sign face area may be increased by twenty-five percent (25%) per sign face.

(c) Wall signs. Wall signs shall be mounted in a flat fashion, and shall be limited to ten percent (10%) of the building elevation at which they are installed. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area. In no event shall canopy signage exceed 30 square feet.

1. Retail or service use/individual principal entrance. The primary entrance to the occupied space shall be considered the front facade.

Specifications: Sign area - Two square feet of signage per linear foot of front facade space for the building, maximum, provided that no single sign shall exceed 90 square feet, with a total signage limitation of three signs and 270 square feet per business.

2. Retail or service use/common principal entrance. Each business, of a retail or service nature, sharing a common entrance shall be allowed to have at least one wall sign.

Specifications: Maximum sign face area, 40 square feet per sign face.

3. Office use.

- (i). One-story building (any) or multistory building with single tenant. The primary entrance to the enclosed space shall be considered the front facade.

Specifications: Sign area - One square foot of signage per linear foot of front facade space used in the building, maximum, provided that no single sign shall exceed 60 square feet with a total signage limitation of three signs and 180 square feet per business.

- (ii). Multistory building with multiple tenants or service/institutional uses. Wall signage shall be used for building identification only, not to identify individual tenant businesses or institutions.

Specifications: Sign area- Total Sign area is limited to 40 square feet, using a maximum of three wall signs.

- (d). Gasoline pump signs. Petroleum product pumps and dispensers that are within view of a public way shall be allowed to display that information required by law on gasoline trade signs, along with the brand name and type of product being dispensed.

- i. Gas Pump Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign.

Specifications: One canopy sign per street frontage; sign area - 40 square feet, maximum, divided between each canopy sign (no single sign shall exceed twenty (20) square feet).

- (f) Decorative pennants. Decorative pennants may be displayed on poles within a planned commercial retail development, the Downtown Commercial Historic District, and on campus of educational institutions. Such pennants shall not contain any message. Pennants shall be hung no higher than 20 feet from the ground.
- (g) Temporary signs. In addition to the other signs identified in this subsection, three (3) temporary, free-standing, signs may be posted on any lot at any given time. Such signs are limited to six (6) square feet per sign face, two sign faces per sign; and four (4) feet in height. This category includes, but is not limited to: political preference signs; special sale signs; help-wanted signs; social/special event announcements; or any other messages. Any such signs announcing a special event shall be removed within 48 hours after the event.

15.6.4 Signs allowed in MCD, GCS, CBD, I-R, I-G, and I-S districts:

- (a) Signs listed in Section 15.6.1; Section 15.6.2 (b)thru(e) and Section 15.6.3 (c)thru(f) herein; and
- (b) Freestanding signs specified in this subsection.
 - i. Office subdivision signs. Such signs shall be located at the primary entrance(s) to the development. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if such easement is specifically approved by the sign code enforcement officer prior to construction.

Specifications: Maximum sign face area, 40 square feet, with a maximum of four sign faces. Maximum sign height - eight(8) feet, Minimum setback of five (5) feet from the edge of the pavement, of the edge of the public right of way, whichever is greater.

- ii. Other permanent signs as specified in Table II below.

Table II

Lot Frontage in Feet	Max. No. of Signs	* Max. Area of Any One Sign Face in Sq. Ft.	Maximum Sign Faces per Sign	* Max. Height in Feet
Less than 200	1 per lot per street	100	2	25 ft.
More than 200	1 per lot per street	100	2	25 ft.

* If signs are constructed from materials provided in Sec.15.4.3(f) and are less than 8 ft. tall, the sign face area may be increased twenty five percent (25%) per sign face.

- iii. Temporary signs. Temporary freestanding signs shall be limited to three per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements and other messages. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Maximum sign face area - 16 square feet, with a maximum of two sign faces per sign; Maximum sign height eight (8) feet.

- iv. Large real estate signs. In lieu of real estate signs allowed under Section 15.6.1, one temporary, freestanding real estate sign per lot per street may be maintained no longer than one year, or seven days after the sale or lease of the property, whichever period ends later.

Specifications: Maximum sign face area - 16 square feet, with a maximum of two sign faces per sign; Maximum sign height - eight (8) feet.

15.6.5 Signs allowed in ISD Districts

- (a). All signs provided for in Section 15.6.4, EXCEPT those provided for in Section 15.6.4 (b)(ii).
- (b). In lieu of the freestanding permanent signs provided for in Section 1-106.4(b)(ii), each parcel may have one permanent sign per lot per street with a maximum sign area of 900 square feet per sign face, with a maximum of two sign faces: maximum sign height of 100 feet; spaced at intervals no less than 500 feet apart. The edge of the sign face shall be a minimum of 30 feet from any public right of way or street.

Sec. 15.7. Administration, and enforcement.

(a) *Regulatory enforcement.* The sign administrator and/or his designees are hereby authorized and directed to enforce all of the provisions of this article. This authority empowers such individuals to perform any necessary inspections, including entering upon private property, and to issue related citations for the enforcement of this article.

- (1) Violation notice. The sign administrator shall order the removal of any sign erected or maintained in violation of this article, providing ten (10) days' written notice to the owner of the premises upon which the offending sign is located to achieve compliance with provisions of this article. If, after ten (10) days, the property owner has failed to achieve compliance with this article, a citation to municipal court shall be issued. When good faith efforts to bring a sign into compliance have begun within ten days of notice of violation, the sign administrator may extend the time period for compliance with this article to a period not to exceed 30 days. In cases where the owner of the premises has previously been notified of violations on two or more occasions, a citation may be issued without prior written notice.
- (2) Impoundment/disposal of signs. The sign administrator, the municipal codes officer and their designees shall have the authority to remove without notice any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles or other natural features. Such signs shall be considered litter and shall be subject to disposal.
- (3) Each day that a violation of this ordinance remains shall constitute a separate violation of this ordinance for purposes of the Court's assessment of fines or penalties.

Sec. 15.8. Conflict

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

Sec. 15.9 Severability

If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance. It is the intent of the City that each provision in this ordinance stand or fall on its own, and not rely upon the effectiveness of other provisions in the ordinance.