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ORDINANCES

CITY OF PIPERTON, TN.

CONTENTS

		Page
ARTICLE 1	<u>GENERAL PROVISIONS RELATING TO ZONING</u>	2
ARTICLE 2	<u>DEFINITIONS</u>	3
ARTICLE 3	<u>GENERAL PROVISIONS</u>	13
ARTICLE 4	<u>ESTABLISHMENT OF DISTRICTS</u>	17
ARTICLE 5	<u>PROVISIONS GOVERNING RESIDENTIAL DISTRICTS</u>	18
ARTICLE 6	<u>PROVISIONS GOVERNING COMMERCIAL AND OFFICE DISTRICTS</u>	25
ARTICLE 7	<u>PROVISIONS GOVERNING MANUFACTURING DISTRICTS</u>	38
ARTICLE 8	<u>SIGN ORDINANCE</u>	74
ARTICLE 9	<u>SITE PLAN REVIEW REQUIREMENTS</u>	90
ARTICLE 10	<u>OFF-STREET PARKING AND LOADING REQUIREMENTS AND GUIDELINES</u>	94
ARTICLE 11	<u>LANDSCAPING, SCREENING AND LIGHTING REQUIREMENTS</u>	104
ARTICLE 12	<u>ADMINISTRATION AND ENFORCEMENT</u>	109
ARTICLE 13	<u>PLANNED DEVELOPMENT OVERLAY DISTRICT (PD-O)</u>	134
ARTICLE 14	<u>CONSERVATION DESIGN OVERLAY DISTRICT (CD-O)</u>	150
ARTICLE 15	<u>LEGAL STATUS PROVISIONS</u>	170

ARTICLE 1

GENERAL PROVISIONS RELATING TO ZONING

- 1.1. **Authority** - An ordinance, pursuant to the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, authorizing the City of Piperton, Tennessee, to establish districts or zones within the corporate limits; to regulate, within such district, the location, height, bulk, number of stories and size of buildings or structures, the percentage of lot occupancy, the required open spaces, the density of the population and the uses of land, buildings, and structures, to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the City Council of the City of Piperton, Tennessee, as follows:

- 1.2. **Title** - This ordinance shall be known as the “Zoning Ordinance of Piperton, Tennessee.” The map herein referred to, which is identified by the title “Zoning Map of Piperton, Tennessee,” and the signature of the Mayor attested by the City Recorder, and all explanatory matter thereon are hereby adopted and made a part of this ordinance.
- 1.3. **Purpose** - The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the street, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of services. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability of particular uses, and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE 2

DEFINITIONS

- 2.1. **Definitions** - Except as specifically defined herein all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail. The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the City of Piperton

Accessory Building and Use: A use or building on the same lot with and of a nature customarily incidental and subordinate to the principle use or building. For purposes of this Ordinance, such structures include, but are not limited to, storage sheds, workshops, satellite dishes and pads.

Alley: A thoroughfare which affords only a secondary means of access to the abutting property and has a right-of-way width of thirty (30) feet or less.

Apartment: One unit, including living, cooking and sanitary facilities in a multi-family dwelling.

Automobile Storage Yard: Any land used for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Berm: A mound made of soil, either natural or manmade, used to obstruct views.

Boarding House or Rooming House: A building in which lodging and/or meals are provided for compensation for two or more persons for a prearranged time period.

Buffer Strip: A strip of land, established to protect one type of land use from another with which it is incompatible and which is landscaped and kept in perpetual open space uses.

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building, Height of: The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

Building Line - Front, Side, Rear: Lines which define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Business Service: Establishments which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp services; excluding warehousing and storage services. (See Code 63 in the Standard Land Use Coding Manual.)

Carport: A canopy attached to the main building, open and to remain open on two sides providing a sheltered place for parking an automobile and for entering and alighting from said automobile.

Child Care: Refers to the various arrangements made by parents for the care outside their home of children under 17 years of age, for less than 24 hour periods as provided in the Tennessee Code Annotated, as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

Child Care Facility: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types:

- a. Family Day Care Home: A home operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for children under 17 years of age who are not residents of the household.
- b. Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 year of age less than 24 hours per day for care outside their own homes, without transfer of custody. A group day care home may care for no more than 12 children.
- c. Day Care Center: A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

Clinic: An establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.

Condominium: An ownership arrangement in which the buyer purchase only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses.

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums. (See Code 71 in the Standard Land Use Coding Manual.)

Driveway: A paved or gravel way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling: Any building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls, and each dwelling located on a separate lot. This shall include zero lot line development and patio homes.

Dwelling, Single-family - Detached: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

Dwelling, Multi-family: A building designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Patio Home: A one-family dwelling on a separate lot with open space setbacks on three (3) sides and with a court.

Dwelling, Semi-Attached: A one-family dwelling attached to a one-family dwelling by a common vertical wall or walls and each dwelling located on a separate lot. This shall include two-family townhouses, zero lot line development and patio homes.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit consisting at least two (2) stories and each dwelling unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no opening in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this ordinance a townhouse designation shall apply to three (3) or more units built contiguous to each other (The definition includes townhouses and condominiums). This definition does not preclude condominium standards as set forth in the Southern Standard Building Code.

Dwelling, Two-family (duplex): A building designed to be occupied by two families, living independently of each other having one wall common to both dwelling units, and located on one lot.

Dwelling Unit: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family duplex, townhouse, or multi-family structures.

Educational Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools, (See Code 68 in the Standard Land Use Coding Manual).

Essential Service: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or sub-stations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Family: One or more persons related by blood, marriage, or other legal arrangement, or group of unrelated individuals, not to exceed two persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

Garage, Private: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: An agency of the Federal, State or the local governmental or any combination thereof.

Grade: The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Gross Floor Area: The total floor area, including basements, mezzanines and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

Habitable Space: Areas within a building designed and/or used as living quarters for human beings.

Health Officer: The term "Health Officer" shall mean health officer for the County of Fayette or his authorized representative.

Hospital: An establishment which provides out-patient, inpatient and emergency services of a medical, surgical and obstetrical nature to ill or injured human patients.

Impervious Surface - Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

Impervious Surface Ratio - A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.

Incidental Home Occupation: A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than twenty (20) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. Incidental home occupations shall include: arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of an eleemosynary character to the public.

Junk or Salvage Yard: Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot: A legally recorded parcel of land.

Lot Area: The total horizontal area included within lot lines.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot of Record: A parcel legally recorded in the Office of the Fayette County Register of Deeds at the date of the adoption of this Ordinance.

Lot Coverage: The lot area covered by all buildings located therein.

Lot Width: The horizontal distance between side lot lines measured at the front lot line.

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual).

Mobile Home: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: Any plat of ground upon which two or more mobile homes are parked for occupancy as dwelling units.

Mobile Home Space: An area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Non-conforming Use: Any use of building on premises which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

Pads: The surface on which a mobile home is located consisting of concrete footings and a masonry block or steel pier support for the mobile home.

Park: An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as, but not limited to playgrounds, athletic or play fields and picnic areas.

Parking Space Required: A paved and properly drained area enclosed or unclosed required by this Ordinance to be permanently reserved for parking one (1) motor vehicle. Each required parking space shall have a minimum area of two hundred (200) square feet and not less than ten (10) feet wide, exclusive of driveways, and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be so arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

Personal Services: Establishments which provide services to persons or households, crematory services and cemeteries. (See Code 62 in the Standard Land Use Coding Manual.)

Planting Screen: A strip of land containing trees, bushes or shrubbery which serves as a buffer between lots and/or land uses.

Plat: A map, plan, or layout indicating the location and boundaries of individual properties and which may indicate structure location and horizontal measurements.

Principal Building: A building in which is conducted the primary use of the lot on which it is located.

Principal Use: The specific primary purpose for which land or a building is used.

Professional Services: Those services normally provided by the established professions such as, but not limited to, physicians' services, dental services, legal services, engineering services, architectural services and accounting services, not to include sanitariums, convalescent and rest home services. (See Code 65 in the Standard Land Use Coding Manual.)

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs; lodges; meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, play fields and parks.

Public Uses: Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

Public Utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly to or for the public. (See Codes 47 and 48 except Codes 4823 and 485.)

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops. (See Code 64 in the Standard Land use Coding Manual.)

Retail Trade: Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

School, Parochial: An institution of learning owned and/or operated by a recognized church or religious institution.

School, Private: An institution of learning that is not parochial or public in nature.

School, Public: An institution of learning owned and/or operated by a governmental body.

Service Station: Any facility used for dispensing or sale at retail of any motor vehicle fuels.

Setback: The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this Ordinance.

Site Plan, Sketch Plan, General Plan: A plan delineating the overall scheme of the development of a tract including all the items as specified in this Ordinance.

Story: That portion of a building included between included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Half Story: A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

Street or Road: A way for vehicular traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations "roads" are divided into the following categories:

- a. Arterial Street: A major street used primarily for heavy through traffic which will be so designed on the Piperton Major Road Plan.
- b. Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Piperton Major Road Plan.
- c. Cul-de-sac or Dead-end-Street: A local street with only one outlet for which there are no plans for extension and no need for extension.
- d. Marginal Access Street: A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- e. Minor Residential or Local Street: A neighborhood or commercial area street used primarily for access to the abutting properties.

Street Right-of-Way Line: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthestmost from the traveled street shall be considered as the street line.

Street Center Line: The center of the surface roadway or the surveyed center line of the street.

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is constructed to be towed on its own chassis composed of a frame and wheels, to be used with or without a permanent foundation but with the necessary connections for utility services.

Total Floor Area: The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within a building.

Warehouse: A structure used exclusively for the storage of merchandise or commodities.

Warehouse, Mini: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers goods or wares.

Yard: An open space on the same lot with a principal building open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

Yard, Front: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

Zoning District: Any section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

ARTICLE 3

GENERAL PROVISIONS

For the purpose of this ordinance there shall be certain general provisions which shall apply to the City as a whole.

- 3.1. Zoning Affects Every Building and Use** - No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation. However, this shall not be construed as authorizing the requirement of building permits or any regulation of any building, other than setback requirements from the right-of-way of a street or alley, on lands devoted to agricultural uses. Nor shall it be construed as limiting or affecting in any way or controlling the agricultural uses of land.
- 3.2. Continuance of Non-conforming Uses and Structures** - It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of non conforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:
1. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same classification; provided, however, that establishment of another non-conforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
 2. No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
 3. Non-conforming commercial, business, or industrial uses shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.

4. A non conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
 5. When a non-conforming use of any building, or land has ceased for a period of six (6) months, it shall not be re-established or changed to any other non-conforming use.
 6. Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it occurs within twelve months of such damage, unless such damage is to the extent of more than seventy-five (75%) percent of the fair sales value immediately prior to the damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
 7. A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
 8. All additions or improvements to an existing non-conforming mobile home park shall be in conformance with these regulations.
- 3.3. Accessory Buildings** - No accessory building shall be erected in any required yard and no separate accessory buildings shall be erected within five (5) feet of any principal building or be located nearer to the front lot line than the principal building.
- 3.4. Temporary Building Permitted** - A temporary building for construction materials and/or equipment and a temporary office for the sale or rental of real property, if in connection with and incidental and necessary to a real estate development, shall be permitted in any district and a temporary building for use during renovation of existing, or construction of new, office space shall be permitted in commercial, office, or manufacturing districts, provided that any building permit issued for such a building shall be valid for not more than six (6) months and may be extended no more than three (3) consecutive times.
- 3.5 Required Yard Cannot Be Used By Another Building** - No part of a yard or open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required in this ordinance for another building.
- 3.6 Minimum Lot Width and Depth** - No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet and contain a minimum width of eighty (80) feet at the building setback line.
- 3.7 Reduction in Lot Area Prohibited** - No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

- 3.8 Rear Yard Abuts a Public Street** - When a rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.
- 3.9 Obstruction of Vision at Street Intersections Prohibited** - In all districts on a corner lot, within the area formed by the centerlines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. The Board of Zoning Appeals may reduce this requirement where safety conditions will not be impaired
- 3.10 Access Control** - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing contact, the following regulations shall apply:
1. Plan Submission - In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted to the Building Inspector. Such a plan shall include a scale drawing with not less than one (1) inch equaling twenty (20) feet.
 2. Number Of Access Points - In all zones except residential, there shall be no more than two (2) points of access to any one (1) public street on a lot of less than three hundred (300) feet, but more than one hundred (100) feet in width. Lots in excess of three hundred (300) feet may have two (2) points of access to any one (1) public street for each three hundred (300) feet of frontage. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
 3. Distance Of Intersections - All vehicular access points shall be located at least thirty (30) feet from the intersection of any right-of-way lines of street or a street and a railroad.
 4. Width - A point of access, i.e., a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25) feet in width for one-way, one (1) lane ingress or egress and shall not exceed thirty-five (35) feet in width for two-way ingress and/or egress. The Building Inspector may issue permits for a point of access up to fifty (50) feet in width for businesses engaged primarily in the servicing of automobile vehicles.

5. Effect On Curbs, Drainage Ditches, and Sidewalks - No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the Building Inspector. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles onto the sidewalk area.
6. Relation To State Highway Regulations - Access control of property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.
7. Variances - Causes requiring variance relative to this Section, and hardship not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.

3.11 Regulations Regarding the Placement of Manufactured Homes

1. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
2. The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used and the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include, but shall not be limited to, clapboards, simulated clapboards, such as, conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a two inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition shingles or fiberglass.
5. The unit must be oriented on the lot so that its long axis is parallel with the street.
6. All such units shall be required to connect to a public utility system which includes, electric, water and sewer, when available, in compliance with the Southern Standard Building Code and National Electrical Code.

ARTICLE 4

ESTABLISHMENT OF DISTRICTS

- 4.1. **Classification of Districts.** For the purpose of this Ordinance Piperton, Tennessee, is hereby divided into the following districts, designated as follows:

RC	Rural Conservation
R-1	Low Density/Estate Residential
B-1	Neighborhood Commercial
B-2	Minor Planned Commercial
B-3	Major Planned Commercial
O	Office
M-1	Light Industrial
M-2	Heavy Industrial

- 4.2. **Boundaries of Districts**

1. The boundaries of districts in Section 11-301 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map of Piperton, Tennessee", which is a part of this Ordinance and which is on file in the Piperton City Hall.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

ARTICLE 5

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

- 5.1. Provisions Governing R-C, Rural Conservation Districts
- 5.2. Provisions Governing R-1, Low Density/Estate Residential Districts
- 5.3. Reserved
- 5.4. Reserved

Table 1: Residential Districts, Density Levels and Yard Requirements

District	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Average Density
R-C	5 Acres	None	300 Feet	35 Feet	50 Feet	25 Feet	.2 DU/Acre
R-1	10 Acres						
Reserved							
Reserved							
Reserved							

DU = Dwelling Units

5.1. RC Rural Conservation District.

5.1.1. Intent - The intent of the RC, Rural Conservation District is to provide suitable areas for single family residential development free from conflicting residential uses with the purpose of maintaining the rural atmosphere of the outlying areas of the City. Density levels should be no greater than 0.2 dwelling units per acre. This area does not require extensive municipal services.

5.1.2 Uses Permitted

- a. Single-family detached dwellings, not to include mobile homes.
- b. Accessory buildings customarily incidental to the permitted use.
- c. Signs as permitted in City of Piperton Sign Ordinance

5.1.3. Special Exceptions - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

- a. Churches and cemeteries.
- b. Elementary and secondary schools.
- c. Public golf courses, membership and non-membership country clubs.
- d. Incidental Home Occupations as identified in Article 2.
- e. All non-inhabitable structures that exceed height restrictions.

5.1.4. Uses Prohibited - Any other use not specifically permitted in Section 5.1.2 or as a special exception in Section 5.1.3.

5.1.5. Minimum Lot Area

- a. Single-family dwellings 5 acres
- b. Police stations, fire stations and parks 2 acres
- c. Churches and cemeteries 2 acres

- d. Elementary and secondary schools 10 acres plus 1 acre for each 100 students or fraction of 100 students over 100.
- e. Public golf courses, membership and non-membership country clubs 10 acres

5.1.6. Minimum Lot Width at the Building Setback Line

- a. Single-family dwellings 300 feet
- b. Police stations, fire stations and parks 175 feet
- c. Churches and cemeteries 200 feet
- d. Elementary and secondary schools 200 feet
- e. Public golf courses, membership and non-membership country clubs 300 feet

5.1.7. Minimum Required Front Yard

- a. Single family dwellings 35 feet
- b. All other uses 40 feet

5.1.8. Minimum Required Side Yard on Each Side of the Lot

- a. Single-family dwellings 50 feet
- b. All other uses 25 feet or more as required by the Board of Zoning Appeals

5.1.9. Minimum Required Rear Yard

- a. Single-family dwellings 25 feet
- b. All other uses 40 feet or more as required by the Board of Zoning Appeals

5.1.10. Maximum Number of Principal Buildings Permitted

- a. Single family residential uses shall be limited to 1 principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 45% of the entire lot area.

5.1.11. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed 3 stories or 35 feet in height.
- b. No accessory building shall exceed 25 feet in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

5.1.12. Parking Requirements - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10.

5.1.13. Accessory Buildings and Uses - Accessory buildings shall be located on the lot in accordance with Article 3, Section 3.4.

5.1.14. Site Plan Review - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions, except for single family residential structures or accessory buildings on lots with the principal building being a residential structure. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The City of Piperton shall maintain a copy of the site plan in the permanent files of the City.

5.2. R-1, Low Density/Estate Residential District.

5.2.1 Intent - The intent of the R-1 (Low Density/Estate Residential) District is to provide suitable areas for single family residential development having a density level no greater than 0.5 dwelling units per acre and free from conflicting residential uses. These areas must be served by all municipal services.

5.2.2 Uses Permitted

- a. Single-family detached dwellings, not to include mobile homes.
- b. Accessory buildings customarily incidental to the permitted use.
- c. Signs as permitted in City of Piperton Sign Ordinance.

5.2.3. Special Exceptions - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

- a. Churches and cemeteries.
- b. Elementary and secondary schools.
- c. Public golf courses, membership and non-membership country clubs.
- d. Incidental Home Occupations as identified in Article 2.
- e. All non-inhabitable structures that exceed height restrictions.

5.2.4. Uses Prohibited - Any other use not specifically permitted in Section 5.2.2 or as a special exception in Section 5.2.3.

5.2.5. Minimum Lot Area

- a. Single-family dwellings 1 acre
- b. Police stations, fire stations and parks 2 acres
- c. Churches and cemeteries 2 acres
- d. Elementary and secondary 10 acres plus 1 acre for each 100

schools

students or fraction of 100
students over 100.

- e. Public golf courses,
membership and non-
membership country clubs 10 acres

5.2.6. Minimum Lot Width at the Building Setback Line

- a. Single-family dwellings 175 feet
- b. Police stations, fire stations
and parks 175 feet
- c. Churches and cemeteries 200 feet
- d. Elementary and secondary
schools 200 feet
- e. Public golf courses,
membership and non-
membership country clubs 300 feet

5.2.7. Minimum Required Front Yard

- a. Single family dwellings 30 feet
- b. All other uses 40 feet

5.2.8. Minimum Required Side Yard on Each Side of the Lot

- a. Single-family dwellings 30 feet
- b. All other uses 25 feet or more as required by the
Board of Zoning Appeals

5.2.9. Minimum Required Rear Yard

- a. Single-family dwellings 25 feet
- b. All other uses 40 feet or more as required by
the Board of Zoning Appeals

5.2.10. Maximum Number of Principal Buildings Permitted

- a. Single family residential uses shall be limited to 1 principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 45% of the entire lot area.

5.2.11. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed 3 stories or 35 feet in height.
- b. No accessory building shall exceed 25 feet in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

5.2.12. Parking Requirements - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10.

5.2.13. Accessory Buildings and Uses - Accessory buildings shall be located on the lot in accordance with Article 3, Section 3.3.

5.2.14. Site Plan Review - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions, except for single family residential structures or accessory buildings on lots with the principal building being a residential structure.. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The City of Piperton shall maintain a copy of the site plan in the permanent files of the City.

ARTICLE 6

PROVISIONS GOVERNING COMMERCIAL AND OFFICE DISTRICTS

- 6.1. Provisions Governing B-1, Neighborhood Commercial Districts
- 6.2. Provisions Governing B-2, Minor Planned Commercial Districts
- 6.3. Provisions Governing B-3, Major Planned Commercial Districts
- 6.4. Provisions Governing O, Planned Office Districts

Table 2: Business Districts, Bulk Restrictions and Yard Requirements

District	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	ISR
B-1	1 Acre	2 Acres	200 Feet	50 Feet	None	20 Feet	0.20
B-2	2 Acres	None	200 Feet	50 Feet	None	25 Feet	0.75
B-3	5 Acres	None	300 Feet	50 Feet	None	25 Feet	0.75
O	2 Acres	None	200 Feet	50 Feet	None	25 Feet	0.60

ISR = Impervious Surface Ratio

6.1. **B-1, Neighborhood Commercial District** - Within the areas designated B-1 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.1.1. **Intent** - The intent of the **B-1 (Neighborhood Commercial District)** is to provide for suitable areas that allow for low intensity commercial and professional activities that are not high traffic generators and are designed to primarily serve local neighborhood populations. This district is also intended to promote the clustering of commercial activities. B-1 districts shall be located at intersections of neighborhood collector streets and shall be served by all municipal services.

6.1.2. **Uses Permitted** - Permitted uses of the B-1 district are listed in Table 4 of this ordinance.

6.1.3. **Special Exceptions** - Special Exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. **Special Conditions and Standards for Special Exceptions** - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a Special Exception, the standards outlined in Article 12, Section 9 of this ordinance shall apply.

6.1.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 6.1.2 and 6.1.3 are prohibited in the B-1 district

6.1.5. **Minimum Lot Area**

a. All Uses 1 (one acre)

6.1.6. **Maximum Lot Area**

a. All Uses 2 (two acres)

6.1.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses 200 Feet

6.1.8. **Minimum Required Front Yard**

a. All lots 50 Feet

6.1.9. Minimum Required Side Yard on Each Lot

- a. All Uses
No minimum requirements unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.1.10. Minimum Required Rear Yard

- a. All Uses
20 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 feet.

6.1.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.20.

6.1.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.1.5 through 6.1.11 are met.

6.1.13. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed two stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.1.14. Parking - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

- 6.1.15. Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.
- 6.1.16. Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.
- 6.1.17. Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.
- 6.1.18. Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Pipeston.

6.2. **B-2, Medium Planned Commercial District** - Within the areas designated B-2 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.2.1. **Intent** - The intent of the **B-2 (Medium Planned Commercial District)** is to provide for suitable areas that allow for medium intensity commercial and professional activities that produce moderate to high amounts of traffic. This district is designed to be the main commercial district and to minimize the impact on existing and proposed utilities, transportation facilities and land uses. It is also designed to encourage and require the clustering of all development in the zone. The B-2 zone shall be located on arterial streets and served by all municipal utilities.

6.2.2. **Uses Permitted** - Permitted uses of the B-2 district are listed in Table 4 of this ordinance.

6.2.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. **Special Conditions and Standards for Special Exceptions** -
The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards contained in Article 12, Section 9 of this ordinance shall apply.

6.2.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 6.2.2 and 6.2.3 are prohibited in the B-2 district.

6.2.5. **Minimum Lot Area**

a. All Uses 2 (Two acres)

6.2.6. **Maximum Lot Area**

a. All Uses 10

6.2.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses 200 feet

6.2.8. **Minimum Required Front Yard**

- a. All Lots 50 feet

6.2.9. Minimum Required Side Yard on Each Lot

- a. All Uses No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.2.10. Minimum Required Rear Yard

- a. All Uses 25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 feet.

6.2.11. Maximum Impervious surface Ratio - The maximum impervious surface ratio of all lots shall be 0.75.

6.2.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.2.5 through 6.2.11 are met.

6.2.13. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed three stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.2.14. Parking - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.

- 6.2.15. Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.
- 6.2.16. Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.
- 6.2.17. Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.
- 6.2.18. Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Pipeston.

6.3. B-3, Major Planned Commercial District - Within the areas designated B-3 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.3.1. Intent - The intent of the **B-3 (Major Planned Commercial District)** is to provide for suitable areas that allow for high intensity commercial and professional activities that are high traffic generators and are designed to serve regional populations. This district is designed to minimize the impacts of these uses on existing and proposed streets, utilities and land uses. The B-3 district is also designed to encourage and require the clustering of commercial activities. B-3 districts shall be located on major arterials and shall be served by all municipal services.

6.3.2. Uses Permitted - Permitted uses of the B-3 district are listed in Table 4 of this ordinance.

6.3.3. Special Exceptions - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. Special Conditions and Standards for Special Exceptions - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards outlined in Article 12, Section 9, shall apply.

6.3.4. Uses Prohibited - Any use not specifically permitted or requiring a special use permit per sections 6.3.2 and 6.3.3 are prohibited in the B-3 district.

6.3.5. Minimum Lot Area

a. All Uses 5 (five acres)

6.3.6. Maximum Lot Area

a. All Uses None

6.3.7. Minimum Lot Width at the Street Right-of-Way Line

a. All Uses 300 feet

6.3.8. Minimum Required Front Yard

- a. All Lots 50 Feet

6.3.9. Minimum Required Side Yard on Each Lot

- a. All Uses No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.3.10. Minimum Required Rear Yard

- a. All Uses 25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 50 feet.

6.3.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.75.

6.3.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.3.5 through 6.3.11 are met.

6.3.13. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed three stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

6.3.14. Parking - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of

the parking area shall be required in accordance with Article 11 of this ordinance.

- 6.3.15. Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.
- 6.3.16. Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.
- 6.3.17. Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.
- 6.3.18. Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Pipeston.

6.4. **O, Planned Office District** - Within the areas designated O on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

6.4.1. **Intent** - The intent of the **O (Planned Office District)** is to provide for suitable areas that allow for high and low intensity professional activities that can be high traffic generators and are designed to serve both local and regional populations. This district is designed to minimize the impacts of these uses on existing and proposed streets, utilities and land uses. The district is also designed to promote the clustering of office uses with landscaped greenspace. O districts shall be located on arterials or greater and shall be served by all municipal services.

6.4.2. **Uses Permitted** - Permitted uses of the O district are listed in Table 4 of this ordinance.

6.4.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. **Special Conditions and Standards for Special Exceptions** - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards outlined in Article 12, Section 9 shall apply.

6.4.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 6.4.2 and 6.4.3 are prohibited in the O district.

6.4.5. **Minimum Lot Area**

a. All Uses 2 (two) acres

6.4.6. **Maximum Lot Area**

a. All Uses None

6.4.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses 200 feet

6.4.8. **Minimum Required Front Yard**

a. All Lots 50 Feet

6.4.9. Minimum Required Side Yard on Each Lot

- a. All Uses
- the
- No minimum requirement unless lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

6.4.10. Minimum Required Rear Yard

- a. All Uses
- 25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 ft.

6.4.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.60.

6.4.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 6.4.5 through 6.4.11 are met.

6.4.13. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed three stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are

located a distance equal to their own height plus ten feet from the nearest property line.

- 6.4.14. Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.
- 6.4.15. Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.
- 6.4.16. Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.
- 6.4.17. Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.
- 6.4.18. Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Pipeston.

ARTICLE 7

PROVISIONS GOVERNING MANUFACTURING DISTRICTS

- 7.1. Provisions Governing M-1, Light Manufacturing Districts
- 7.2. Provisions Governing M-2, Heavy Manufacturing Districts
- 7.3. Provisions Governing M-3, Planned Industrial Park Manufacturing District

Table 3: Manufacturing Districts, Bulk Requirements and Yard Requirements

District	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	ISR
M-1	2 Acres	None	200 Feet	50 Feet	None	20 Feet	0.75
M-2	5 Acres	None	300 Feet	50 Feet	None	25 Feet	0.90
M-3	2 Acres w/ sewer access or 5 Acres w/o sewer access.	None	300 Feet	50 Feet	None, Unless Adjacent To Residential District.	25 Feet, Unless Adjacent To Residential District.	0.90

ISR = Impervious Surface Ratio

7.1. **M-1, Light Manufacturing District** - Within the areas designated M-1 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

7.1.1. **Intent** - The intent of the **M-1 (Light Manufacturing District)** is to allow a versatile range of wholesale and light industrial establishments in areas suitable for this type of development. The district is designed to promote economic development, while minimizing potential conflicts that can arise from wholesale and light industrial development. The M-1 district shall be located on or have access to major thoroughfares and shall be served by all existing utilities.

7.1.2. **Uses Permitted** - Permitted uses of the M-1 district are listed in Table 4 of this ordinance.

7.1.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. **Special Conditions and Standards for Special Exceptions** - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the standards outlined in Article 12, Section 9 of this ordinance shall apply.

7.1.4. **Uses Prohibited** - Any use not specifically permitted or a special exception per sections 7.1.2 and 7.1.3 are prohibited in the M-1 district.

7.1.5. **Minimum Lot Area**

a. All Uses 2 (two) acres

7.1.6. **Maximum Lot Area**

a. All Uses None

7.1.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses 200 Feet

7.1.8. **Minimum Required Front Yard**

a. All Lots 50 feet

7.1.9. Minimum Required Side Yard on Each Lot

- a. All Uses
No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

7.1.10. Minimum Required Rear Yard

- a. All Uses
20 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 30 feet.

7.1.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.75.

7.1.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 7.1.5 through 7.1.11 are met.

7.1.13. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed three stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with

all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

- 7.1.14. **Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.
- 7.1.15. **Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.
- 7.1.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11, and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.
- 7.1.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.
- 7.1.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Piperton.

7.2. **M-2, Heavy Manufacturing District** - Within the areas designated M-2 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply.

7.2.1. **Intent** - The intent of the **M-2 (Heavy Manufacturing District)** is to place and regulate uses that are potentially hazardous and obnoxious but desirable for economic development in areas where their potential nuisances will be minimized. The M-2 zone shall be located on or have access to major thoroughfares and shall be required to be served by all available utilities.

7.2.2. **Uses Permitted** - Permitted uses of the M-2 district are listed in Table 4 of this ordinance.

7.2.3. **Special Exceptions** - Special exceptions are listed in Table 4 of this ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.

A. **Special Conditions and Standards for Special Exceptions** - The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards contained in Article 12, Section 9 of this ordinance shall apply

7.2.4. **Uses Prohibited** - Any use not specifically permitted or requiring a special use permit per sections 7.2.2 and 7.2.3 are prohibited in the M-2 district

7.2.5. **Minimum Lot Area**

a. All Uses Five (5) Acres

7.2.6. **Maximum Lot Area**

a. All Uses None

7.2.7. **Minimum Lot Width at the Street Right-of-Way Line**

a. All Uses 300 feet

7.2.8. **Minimum Required Front Yard**

a. All lots. 50 feet

7.2.9. Minimum Required Side Yard on Each Lot

- a. All Uses
- No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

7.2.10. Minimum Required Rear Yard

- a. All Uses
- 25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 50 feet.

7.2.11. Maximum Impervious Surface Ratio - The maximum impervious surface ratio for all lots is 0.90.

7.2.12. Maximum Number of Principal Buildings Permitted - None provided that the provisions of 7.2.5 through 7.2.11 are met.

7.2.13. Height Regulations - The maximum height of all structures shall be as follows:

- a. No building shall exceed three stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the

height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

- 7.2.14. **Parking** - Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this ordinance.
- 7.2.15. **Display and Storage of Merchandise and Other Materials** - All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.
- 7.2.16. **Landscaping, Screening and Fencing** - Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11 and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this ordinance.
- 7.2.17. **Lighting** - Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements in Article 11 of this ordinance.
- 7.2.18. **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Piperton.

- 7.3 M-3, Planned Industrial Park Manufacturing District** – Within the areas designated M-3 on the Zoning Map of the City of Piperton, Tennessee, the following provisions shall apply:
- 7.3.1. **Intent** – The intent of the **M-3 (Planned Industrial Park Manufacturing District)** is to place and regulate uses that are potentially hazardous and obnoxious but desirable for economic development in areas where their potential nuisances will be minimized. It is also the intent of this section to recognize the planned nature and special requirements of the Chickasaw Trails Industrial Park. The M-3 zone shall be located in an area south of U. S. Highway 72, south of a buffer commercial zone, in the area designated for the Chickasaw Trails Industrial Park.
- 7.3.2. **Uses Permitted** – Permitted uses of the M-3 district are listed in Table 4 of this Ordinance.
- 7.3.3. **Special Exceptions** – Special exceptions are listed in Table 4 of this Ordinance. Following public notice and hearing and subject to the appropriate conditions and safeguards, the Board of Zoning Appeals may grant a special exception.
- A. **Special Conditions and Standards for Special Exceptions** – The City of Piperton has determined that certain uses may cause additional nuisances or incompatibilities with surrounding land uses and has therefore subjected them to a higher standard of review. In instances where the proposed construction is a special exception, the additional standards contained in Article 12, Section 9 of this Ordinance shall apply.
- 7.3.4. **Uses Prohibited** – Any use not specifically permitted or requiring a special use permit per sections 7.3.2 and 7.3.3 are prohibited in the M-3 district.
- 7.3.5 **Minimum Lot Area**
- | | | |
|----|-------------------|---|
| a. | All Uses
sewer | Two (2) acres with access to

Five (5) acres without access
to sewer |
|----|-------------------|---|
- 7.3.6 **Maximum Lot Area**
- | | | |
|----|----------|------|
| a. | All Uses | None |
|----|----------|------|
- 7.3.7 **Minimum Lot Width at the Street Right-of-Way Line**
- | | | |
|----|----------|----------|
| a. | All Uses | 300 feet |
|----|----------|----------|

7.3.8 **Minimum Required Front Yard**

- a. All lots. 50 feet

7.3.9 **Minimum Required Side yard on Each Lot**

- a. All Uses
No minimum requirement unless the lot is adjacent to a residential district. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the district.

7.3.10 **Minimum Required Rear Yard**

- a. All Uses
25 feet, however when the rear lot line adjoins a residential district, the rear yard setback shall be 50 feet.

7.3.11 **Maximum Impervious Surface Ratio** – The maximum impervious surface ratio for all lots is 0.90.

7.3.12 **Maximum Number of Principal Buildings Permitted** – None, provided that the provisions of 7.3.5 through 7.3.11 are met.

7.3.13 **Height Regulations** – The maximum height of all structures shall be as follows:

- a. No building shall exceed three stories or 35 feet in height.
- b. No accessory building shall exceed two stories in height.
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus ten feet from the nearest property line.

- 7.3.14 **Parking** – Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Article 10 and landscaping of the parking area shall be required in accordance with Article 11 of this Ordinance.
- 7.3.15 **Display and Storage of Merchandise and Other Materials** – All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public right-of-ways. No materials may be deposited on a lot in such a form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outside only in closed containers.
- 7.3.16 **Landscaping, Screening and Fencing** – Landscaping shall be required along the Front, Side and Rear yards in accordance with Article 11 and screening and fencing may be required dependent upon the adjoining land uses in accordance with Article 11 of this Ordinance.
- 7.3.17 **Lighting** – Lighting of the parking area and the proposed use shall be in accordance with the lighting requirements of Article 11 of this Ordinance.
- 7.3.18 **Site Plan Review** - Prior to the issuance of a building permit, site plan review is required in accordance with Article 9 of this Ordinance for all permitted uses and those uses requiring special use permits. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The site plan shall be kept in the permanent files of the City of Piperton.

TABLE 4 - PERMITTED USES AND SPECIAL EXCEPTIONS

CONSTRUCTION

	B-1	B-2	B-3	O	M-1	M-2	M-3
GENERAL BUILDING CONTRACTORS							
Residential Building Construction					S	S	R
Operative Builders					S	S	R
Nonresidential Building Construction					S	S	R
HEAVY CONSTRUCTION, EX. BUILDING							
Highway and Street Construction						S	R
Heavy Construction, Except Highway						S	R
SPECIAL TRADE CONTRACTORS							
Plumbing, Heating, Air-Conditioning					R	R	R
Painting and Paper Hanging					R	R	R
Electrical Work					R	R	R
Masonry, Stonework, and Plastering					R	R	R
Carpentry and Floor Work					R	R	R
Roofing, Siding, and Sheet Metal Work					R	R	R
Concrete Work						S	R
Water Well Drilling						S	R
Misc. Special Trade Contractors							
• Structural steel erection						S	R
• Glass and glazing work					S	S	R
• Excavation work						S	R
• Wrecking and demolition work						S	R
• Installing building equipment, NEC						S	R
• Special trade contractors, NEC					S	S	R

NEC Not Elsewhere Coded
R Use Permitted by Right
S Special Exception

TRANSPORTATION AND PUBLIC UTILITIES

	B-1	B-2	B-3	O	M-1	M-2	M-3
LOCAL AND INTERURBAN PASSENGER TRANSIT							
Local and Suburban Transportation						S	R
Taxicabs						S	R
Intercity and Rural Bus Transportation						S	R
Bus Charter Service						S	R
School Buses						S	R
Bus Terminal and Service Facilities						S	R
TRUCKING AND WAREHOUSING							
Trucking & Courier Service, Ex. Air							
• Local trucking, without storage					S	S	R
• Trucking, except local						S	R
• Local trucking with storage						S	R
• Courier services, except by air					S	S	R
Public Warehousing and Storage							
• Farm product warehousing and storage						S	R
• Refrigerated warehousing and storage						S	R
• General warehousing and storage (Self Storage)		S	S		S	S	R
• Special warehousing and storage, NEC		S	S		S	S	S
Trucking Terminal Facilities						S	R
U.S. POSTAL SERVICE							
Postal Service					S	S	R

TRANSPORTATION AND PUBLIC UTILITIES (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
TRANSPORTATION BY AIR							
Air Transportation, Scheduled						S	S
Air Transportation, Nonscheduled						S	S
Airports, Flying Fields, & Services						S	S
TRANSPORTATION SERVICES							
Passenger Transportation Arrangement						S	R
Freight Transportation Arrangement						S	R
Rental of Railroad Cars						S	R
Miscellaneous Transportation Services						S	R
• Packing and crating					S	S	R
• Inspection & fixed facilities						S	R
• Transportation services, NEC						S	R
COMMUNICATIONS							
Telephone Communications (except Communications Towers)	S	S	S	S	S	S	R
Communications Towers	S	S	S	S	S	S	S
Telegraph & Other Communications	S	S	S	S	S	S	S
Radio and Television Broadcasting		S	S	S			
Cable and Other Pay TV Service		S	S	S	S	S	R
Communications Service, NEC	S	S	S	S	S	S	S
ELECTRICAL GAS, AND SANITARY SERVICES							
Electric Services	S	S	S	S	S	S	S
Gas Production and Distribution	S	S	S	S	S	S	S
Combination Utility Services	S	S	S	S	S	S	S
Water Supply	S	S	S	S	S	S	S
Sanitary Services	S	S	S	S	S	S	S

WHOLESALE TRADE

	B-1	B-2	B-3	O	M-1	M-2	M-3
WHOLESALE TRADE-DURABLE GOODS							
Motor Vehicles, Parts, and Supplies					S	S	
• Automobiles and other motor vehicles					S	S	R
• Motor vehicle supplies and new parts					S	S	R
• Tires and tubes					R	R	R
• Motor vehicle parts, used					S	S	S
Furniture and Home furnishings					R	S	R
Lumber and Construction Materials					R	S	R
Professional & Commercial Equipment							
• Photographic equipment and supplies					R		R
• Office equipment					R		R
• Computers, peripherals & software					R		R
• commercial equipment, NEC					R		R
• Medical and hospital equipment					R		R
• Ophthalmic goods					R		R
• Professional equipment, NEC					R		R
Metals and Minerals, Except Petroleum						R	R
Electrical Goods					R		R
Hardware, Plumbing & Heating Equipment					R		R
Machinery, Equipment, and Supplies					R		R
Miscellaneous Durable Goods							
• Sporting & recreational goods					R		R
• Toys and hobby goods and supplies					R		R
• Scrap and waste materials					R		R
• Jewelry & precious stones		R	R		R		R
• Durable goods, NEC					R		R
WHOLESALE TRADE-NONDURABLE GOODS							
Paper and Paper Products					R		R
Drugs, Proprietarys, and Sundries					R		R
Apparel, Piece Goods, and Notions					R		R
Groceries and Related Products					R		R
Farm-Produced Raw Materials					R		R
Chemicals and Allied Products						S	S
Petroleum and Petroleum Products						S	S
Beer, Wine, and Distilled Beverages					R		R

RETAIL TRADE

	B-1	B-2	B-3	O	M-1	M-2	M-3
BUILDING MATERIALS & GARDEN SUPPLIES							
Lumber and Other Building Materials		R	R		R		
Paint, Glass, and Wallpaper Stores	R	R	R				
Hardware Stores	R	R	R				
Retail Nurseries and Garden Stores	R	R	R				
Mobile Home Dealers					S	S	S
Brick, Stone, Aggregate and Sand					R		
GENERAL MERCHANDISE STORES							
Department Stores		R	R				
Variety Stores	R	R	R				
Misc. General Merchandise Stores	R	R	R				
FOOD STORES							
Grocery Stores	R	R	R	S	S	S	S
Meat and Fish markets	R	R	R				
Fruit and Vegetables Markets	R	R	R				
Candy, Nuts, and Confectionery Stores	R	R	R				
Dairy Products Stores	R	R	R				
Retail Bakeries	R	R	R				
Miscellaneous Food Stores	R	R	R				
AUTOMOTIVE DEALERS & SERVICE STATIONS							
New and Used Car Dealers					R		
Used Car Dealers					R		
Auto and Home Supply Stores	R	R	R		R		
Gasoline Service Stations	R	R	R				
Boat Dealers			R		R		
Recreational Vehicle Dealers			R		R		
Motorcycle Dealers			R		R		
Automotive Dealers, NEC			R		R		
APPAREL AND ACCESSORY STORES							
Men's & Boys' Clothing Stores		R	R				
Women's Clothing Stores		R	R				
Women's Accessory & Specialty Stores		R	R				

RETAIL TRADE (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
Children's and Infants' Wear Stores		R	R				
Family Clothing Stores		R	R				
Shoe Stores		R	R				
Misc. Apparel & Accessory Stores		R	R				
FURNITURE AND HOME FURNISHINGS STORES							
Furniture and Home Furnishings Stores		R	R				
Household Appliance Stores		R	R				
Radio, Television, & Computer Stores		R	R				
EATING AND DRINKING PLACES							
Eating Places	R	R	R	S	S	S	S
Drinking Places	S	R	R	S	S	S	S
MISCELLANEOUS RETAIL							
Drug Stores and Proprietary Stores	R	R	R				
Liquor Stores		R	R				
Used Merchandise Stores	R	R	R				
Miscellaneous Shopping Goods Stores							
• Sporting goods and bicycle shops	R	R	R				
• Book stores	R	R	R				
• Stationery stores	R	R	R				
• Jewelry stores	R	R	R				
• Hobby, toy, and game shops	R	R	R				
• Camera & photographic supply stores	R	R	R				
• Gift, novelty, and souvenir shops	R	R	R				
• Luggage and leather goods stores		R	R				
• Sewing, needlework, and piece goods	R	R	R				
Nonstore Retailer							
• Catalog and mail-order houses			R		R		R
• Merchandising machine operators			R		R		R
• Direct selling establishments			R		R		R
Fuel Dealers							
• Fuel Oil dealers		S	S		S	R	R
• Liquefied petroleum gas dealers		S	S		S	R	R

RETAIL TRADE (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
Retail Stores, NEC							
• Florists	R	R	R				
• Tobacco stores and stands	R	R	R	S	S	S	S
• News dealers and newsstands	R	R	R	S	S	S	S
• Optical goods stores	R	R	R				
• Miscellaneous retail stores, NEC	S	R	R				

FINANCE, INSURANCE, AND REAL ESTATE

	B-1	B-2	B-3	O	M-1	M-2	M-3
DEPOSITORY INSTITUTIONS							
Central Reserve Depositories		R	R	R			
Commercial Banks	R	R	R	R			
Savings Institutions	R	R	R	R			
Credit Unions	R	R	R	R			
Foreign Bank & Branches & Agencies	R	R	R	R			
Functions Closely Related to Banking	R	R	R	R			
NON-DEPOSITORY INSTITUTIONS							
Federal & Fed.-Sponsored Credit		R	R	R			
Personal Credit Institutions		R	R	R			
Business Credit Institutions		R	R	R			
Mortgage Bankers and Brokers		R	R	R			
SECURITY AND COMMODITY BROKERS							
Security Brokers and Dealers		R	R	R			
Commodity Contracts Brokers, Dealers		R	R	R			
Security and Commodity Exchanges		R	R	R			
Security and Commodity Services		R	R	R			
INSURANCE CARRIERS							
Life Insurance	R	R	R	R			
Medical Service and Health Insurance	R	R	R	R			
Fire, Marine, and Casualty Insurance	R	R	R	R			
Surety Insurance		R	R	R			
Title Insurance		R	R	R			
Pension, Health, and Welfare Funds		R	R	R			
Insurance Carriers, NEC	R	R	R	R			
INSURANCE AGENTS, BROKERS & SERVICE							
Insurance Agents, Brokers, & Service	R	R	R	R			
REAL ESTATE							
Real Estate Operators and Lessors	R	R	R	R			
Real Estate Agents and Managers	R	R	R	R			
Title Abstract Offices		R	R	R			
Subdividers and Developers		R	R	R			

FINANCE, INSURANCE, AND REAL ESTATE (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
HOLDING AND OTHER INVESTMENT OFFICES							
Holding Offices	R	R	R	R			
Investment Offices	R	R	R	R			
Trusts	R	R	R	R			
Miscellaneous Investing	R	R	R	R			

**AGRICULTURE, FORESTRY
AND FISHING**

	B-1	B-2	B-3	O	M-1	M-2	M-3
AGRICULTURAL SERVICES							
Soil Preparation Services							
• Soil preparation services						S	R
Crop Services							
• Crop planting and protecting						S	R
• Crop harvesting						S	R
• Crop preparation services for market						S	R
• Cotton ginning						S	R
Veterinary Services							
• Veterinary services for livestock					S	S	R
• Veterinary services, specialties					S	S	R
Landscape and Horticultural Services							
• Landscape counseling and planning		R	R		R		
• Lawn and garden services		R	R		R		
• Ornamental shrub and tree services		R	R		R		

SERVICES

	B-1	B-2	B-3	O	M-1	M-2	M-3
HOTELS AND OTHER LODGING PLACES							
Hotels and Motels		R	R	R			
PERSONAL SERVICES							
Laundry, Cleaning, & Garment Services	S	R	R				
Photographic Studios, Portrait	R	R	R				
Barber Shops	R	R	R				
Shoe repair and Shoeshine Parlors	R	R	R				
Funeral Service and Crematories		R	R				
Miscellaneous Personal Service	S	R	R				
Tax Return Preparation Service	R	R	R				
Miscellaneous Personal Services, NEC	S	R	R				
BUSINESS SERVICES							
Advertising		R	R				
Credit Reporting and Collection		R	R				
Mailing, Reproduction, Stenographic		R	R				
Services to Buildings							
• Disinfecting & pest control services		S	S		S	S	R
• Building maintenance services, NEC		S	S		R	R	R
Misc. Equipment Rental & Leasing							
• Medical equipment rental					R		R
• Heavy construction equipment rental						S	R
• Equipment rental & leasing, NEC					S	S	R
Personnel Supply Services							
• Employment agencies		R		R			
Computer and Data Processing services							
• Computer programming services	R	R	R	R			
• Prepackaged software	R	R	R	R			
• Computer integrated systems design	R	R	R	R			
• Data processing and preparation	R	R	R	R			
• Information retrieval services	R	R	R	R			
• Computer facilities management	R	R	R	R			
• Computer rental & leasing		R	R	R			
• Computer maintenance & repair		R	R	R			
• Computer related services, NEC		R	R	R			
Miscellaneous Business Services							
• Detective & armored car services		R	R				
• Security systems services		R	R				
• News syndicates		R	R	R			

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Photofinishing laboratories		S	S				
• Business services, NEC		R	R	R			
AUTO REPAIR, SERVICES, AND PARKING							
Automotive Rentals, No Drivers							
• Truck rental and leasing, no drivers					R		R
• Passenger car rental		R	R				
• Passenger car leasing		R	R				
• Utility trailer rental					R		R
Automotive Repair Shops							
• Top & body repair & paint shops					R		R
• Auto exhaust system repair shops			R		R		R
• Tire retreading and repair shops							R
• Automotive glass replacement shops			R		R		R
• Automotive transmission repair shops							R
• General automotive repair shops		S	R				
• Automotive repair shops, NEC			R		R		R
Automotive Service, Except Repair							
• Carwashes		S	S		S		S
• Automotive services, NEC		S	S		S		S
MISCELLANEOUS REPAIR SERVICES							
Electrical Repair Shops		R	R		R		R
• Radio and television repair		R	R		R		R
• Refrigeration service and repair		R	R		R		R
• Electrical repair shops, NEC		R	R		R		R
Watch, Clock, and Jewelry repair		R	R		R		R
Reupholstery and Furniture Repair		R	R		R		R
Miscellaneous Repair Shops		R	R		R		R

SERVICES (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Welding repair					R		R
• Armature rewinding shops					R		R
• Repair services, NEC		R	R		R		R
MOTION PICTURES							
Motion Picture Theaters		R	R	R			
Video Tape Rental	R	R	R				
AMUSEMENT & RECREATION SERVICES							
Dance Studios, Schools, and Halls		R	R				
Producers, Orchestras, Entertainers		R	R	R			
Bowling Centers		R	R				
Commercial Sports							
• Sports clubs, managers, & promoters		R	R				
Misc. Amusement, Recreation Services							
• Physical fitness facilities	S	R	R	S	S	S	
• Public golf courses							
• Coin-operated amusement devices	S	R	R				
• Amusement parks							
• Membership sports & recreation clubs		R	R				
• Amusement and recreation, NEC							
HEALTH SERVICES							
Offices & Clinics of Medical Doctors	R	R	R	R			
Offices and Clinics of Dentist	R	R	R	R			
Offices of Osteopathic Physicians	R	R	R	R			
Offices of Other Health Practitioners	R	R	R	R			
• Offices and clinics of chiropractors	R	R	R	R			
• Offices and clinics of optometrists	R	R	R	R			
• Offices of health practitioners, NEC	S	R	R	R			
• Offices and clinics of podiatrists	R	R	R	R			

SERVICES (Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
LEGAL SERVICES							
Legal Services	R	R	R	R			
EDUCATIONAL SERVICES							
Elementary and Secondary Schools	S						
Colleges and Universities		R	R	R			
Libraries	S	R	R	R			
Vocational Schools		R	R	R			
Schools & Educational Services, NEC		R	R	R			
SOCIAL SERVICES							
Individual and Family Services		R	R	R			
Job Training and Related Services		R	R	R			
Child Day Care Services	S	S	S	S			
Residential Care							
Social Security, NEC		R	R	R			
MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS							
Museums and Art Galleries		R	R	R			
Botanical and Zoological Gardens		R	R				
MEMBERSHIP ORGANIZATIONS							
Business Associations	R	R	R	R			
Professional Organizations	R	R	R	R			
Labor Organizations	R	R	R	R			
Civic and Social Associations	R	R	R	R			
Political Organizations	R	R	R	R			
Religious Organizations	R	R	R	R			
Membership Organizations, NEC	R	R	R	R			
ENGINEERING & MANAGEMENT SERVICES							
Engineering & Architectural Services		R	R	R			
Accounting, Auditing, & Bookkeeping		R	R	R			
Research and Testing Services		S	S	S			
Management and Public Relations		R	R	R			
SERVICES, NEC							
Services, NEC	S	S	S	S			

PUBLIC ADMINISTRATION

	B-1	B-2	B-3	O	M-1	M-2	M-3
PUBLIC ADMINISTRATION							
Public Administration	R	R	R	R			
EXECUTIVE, LEGISLATIVE, AND GENERAL							
Executive Offices		R	R	R			
Legislative Bodies		R	R	R			
Executive and Legislative Combined		R	R	R			
General Government, NEC		R	R	R			
JUSTICE, PUBLIC, ORDER, AND SAFETY							
Courts		R	R	R			
Public Order and Safety							
• Police Protection	R	R	R	R	R	R	R
• Legal counsel and prosecution		R	R	R			
• Fire protection	R	R	R	R	R	R	R
• Public order and safety, NEC		R	R	R	R	R	R
FINANCE, TAXATION, MONETARY POLICY							
Finance, taxation, & Monetary Policy		R	R	R			
ADMINISTRATION OF HUMAN RESOURCES							
Admin. of Educational Programs				R			
Admin. of Public Health Programs				R			
Admin. of Social & Manpower Programs				R			
Administration of Veterans' Affairs				R			
ENVIRONMENTAL QUALITY AND HOUSING							
Environmental Quality				R			
Housing and Urban Development				R			
• Housing programs				R			
• Urban and community development				R			
ADMIN. OF ECONOMIC PROGRAMS							
Admin. of General Economic Programs				R			
Regulation, Admin. of Transportation				R			
Regulation, Admin., of Utilities				R			
Regulation of Agricultural Marketing				R			
Regulation Misc. Commercial Sectors				R			
Space Research and technology				R			
NATIONAL SECURITY AND INTL. AFFAIRS							
National Security				R			
International Affairs				R			
NONCLASSIFIABLE ESTABLISHMENTS							
Nonclassifiable establishments				R			

MANUFACTURING

	B-1	B-2	B-3	O	M-1	M-2	M-3
FOOD AND KINDRED PRODUCTS							
Dairy Products							
• Creamery butter						R	R
• Cheese, natural and processed						R	R
• Dry, condensed, evaporated products						R	R
• Ice cream and frozen desserts						R	R
• Fluid milk						R	R
Preserved Fruits and Vegetables							
• Canned specialties						R	R
• Canned fruits and vegetables						R	R
• Dehydrated fruits, vegetables, soups						R	R
• Pickles, sauces, and salad dressings						R	R
• Frozen fruits and vegetables						R	R
• Frozen specialties, nec						R	R
Grain Mill Products							
• Flour and other grain mill products						R	R
• Cereal breakfast foods						R	R
• Rice milling						R	R
• Prepared flour mixes and dough						R	R
• Wet corn milling						R	R
• dog and cat food						R	R
• Prepared feeds, nec						R	R
Bakery Products							
• Breads, cake, and related, products						R	R
• Cookies and crackers						R	R
• Frozen bakery products, except bread						R	R
Sugar and Confectionery Products							
• Candy & other confectionery products						R	R
• Chocolate and cocoa products						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Chewing gum						R	R
• Slated and roasted nuts and seeds						R	R
Beverages							
• Bottled and canned soft drinks						R	R
TEXTILE MILL PRODUCTS							
Broadwoven Fabric Mills, Cotton						R	R
Broadwoven Fabric Mills, Manmade						R	R
Broadwoven Fabric Mills, Wood						R	R
Narrow Fabric Mills						R	R
Knitting Mills						R	R
Textile Finishing, Except Wood						R	R
• Finishing plants, cotton						R	R
• Finishing plants, manmade						R	R
• Finishing plants, nec						R	R
Carpets and rugs						R	R
Yarn and Thread Mills							
• Yarn spinning mills						R	R
• Throwing and winding mills						R	R
• Thread mills						R	R
Miscellaneous Textile Goods							
• Coated fabrics, not rubberized						R	R
• Tire cord and fabrics						R	R
• Nonwoven fabrics						R	R
• Cordage and twine						R	R
• Textile goods, nec						R	R
APPAREL AND OTHER TEXTILE PRODUCTS							
Men's and Boys' Suits and Coats						R	R
Men's and Boys Furnishings						R	R
Women's and Misses' Outerwear						R	R
Women's and Children's Undergarments						R	R
Hats, Caps, and Millinery						R	R
Girls' and Children's Outerwear						R	R
Fur Goods						R	R
Miscellaneous Apparel and Accessories							
• Fabric dress and work gloves						R	R
• Robes and dressing gowns						R	R
• Waterproof outerwear						R	R
• Leather and sheep-lined clothing						R	R

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Apparel belts						R	R
• Apparel and accessories, nec						R	R
Misc. Fabricated Textile Products							
• Curtains and draperies						R	R
• Housefurnishings, nec						R	R
• Textile bags						R	R
• Canvas and related products						R	R
• Pleating and stitching						R	R
• Automotive and apparel trimmings						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Schiffi machine embroideries						R	R
• Fabricated textile products, nec						R	R
LUMBER AND WOOD PRODUCTS							
Logging						R	R
Sawmills and Planing Mills						R	R
Millwork, Plywood & Structural Members							
• Millwork						R	R
• Wood kitchen cabinets					R	R	R
• Hardwood veneer and plywood						R	R
• Softwood veneer and plywood						R	R
• Structural wood members, nec						R	R
Wood Containers							
• Nailed wood boxes and shook						R	R
• Wood pallets and skids						R	R
• Wood pallets and skids						R	R
• Wood containers, nec						R	R
Wood Buildings and Mobile Homes							
• Mobile homes						R	R
• Prefabricated wood buildings						R	R
Miscellaneous Wood Products							
• Wood preserving						R	R
• Reconstituted wood products						R	R
• Wood products, nec						R	R
FURNITURE AND FIXTURES							
Household Furniture							
• Wood household furniture						R	R
• Upholstered household furniture						R	R
• Metal household furniture						R	R
• Mattresses and bedsprings						R	R
• Wood TV and radio cabinets						R	R
• Household furniture, nec						R	R
Office Furniture							
• Wood office furniture						R	R
• Office furniture, except wood						R	R

**MANUFACTURING
(Continued)**

	B-1	B-2	B-3	O	M-1	M-2	M-3
Public Building & Related Furniture						R	R
Partitions and Fixtures						R	R
Miscellaneous Furniture and Fixtures						R	R
PRINTING AND PUBLISHING							
Newspapers					R	R	R
Periodicals					R	R	R
Books					R	R	R
Miscellaneous Publishing					R	R	R
Commercial Printing					R	R	R
Manifold Business Forms					R	R	R
Greeting Cards					R	R	R
Blankbooks' and Bookbinding					R	R	R
Printing trade Services					R	R	R
CHEMICALS AND ALLIED PRODUCTS							
Industrial Inorganic Chemicals						S	S
Plastics Materials and Synthetics						S	S
Drugs							
• Medicinal and botanicals						S	S
• Pharmaceutical preparations						S	S
• Diagnostic substances						S	S
• Biological products exc. diagnostic						S	S
Soap, Cleaners, and Toilet Goods							
• Soap and other detergents						S	S
• Polishes and sanitation goods						S	S
• Surface active agents						S	S
• Toilet preparations						S	S
Paints and Allied Products						S	S
Industrial Organic Chemicals							
• Gum and wood chemical						S	S
• Cyclic crude's and intermediates						S	S
• Industrial organic chemicals, nec						S	S
Agricultural Chemicals							
• Nitrogenous fertilizers						S	S
• Phosphatic fertilizers						S	S
• Fertilizers, mixing only						S	S
• Agricultural chemicals, nec						S	S
Miscellaneous Chemical Products							
• Adhesives and sealants						S	S
• Printing ink						S	S
•							

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Carbon black						S	S
• Chemical preparations, nec						S	S
RUBBER AND MISC. PLASTICS PRODUCTS							
Miscellaneous Plastics Products, NEC						R	R
• Unsupported plastics film & sheet						R	R
• Unsupported plastics profile shapes						R	R
• Laminated plastics plate & sheet						R	R
• Plastics pipe						R	R
• Plastics bottles						R	R
• Plastics foam products						R	R
• Custom compound purchased resins						R	R
• Plastics plumbing fixtures						R	R
• Plastics products, nec						R	R
STONE, CLAY, AND GLASS PRODUCTS							
Flat Glass						R	R
Glass and Glassware, Pressed or Blown						R	R
Products of Purchased Glass						R	R
Cement, Hydraulic						R	R
Structural Clay Products							
• Brick and structural clay tile						R	R
• Ceramic wall and floor tile						R	R
• Clay refractories						R	R
• Structural clay products, nec						R	R
Pottery and related Products							
• Vitreous plumbing fixtures						R	R
• Vitreous china table & kitchenware						R	R
• Semivitreous table & kitchenware						R	R
• Porcelain electrical supplies						R	R
• Pottery products, nec						R	R
Concrete, Gypsum, and Plaster Products							
• Concrete block and brick						R	R
• Concrete products, nec						R	R
• Ready-mixed concrete						R	R
• Lime						R	R
• Gypsum products						R	R
Cut Stone and Stone Products						R	R

**MANUFACTURING
(Continued)**

	B-1	B-2	B-3	O	M-1	M-2	M-3
FABRICATED METAL PRODUCTS							
Metal Cans and Shipping Containers						R	R
Cutlery, Handtools, and Hardware						R	R
Plumbing and Heating, Except Electric							
• Metal sanitary ware						R	R
• Plumbing fixture fittings and trim						R	R
• Heating equipment, except electric						R	R
Fabricated Structural Metal Products							
• Fabricated structural metal						R	R
• Metal doors, sash, and trim						R	R
• Fabricated plate work (boiler shops)						R	R
• Sheet metal work						R	R
• Architectural metal work						R	R
• Prefabricated metal buildings						R	R
• Miscellaneous metal work						R	R
Screw Machine Products, Bolts, Etc.						R	R
Misc. Fabricated Metal Products							
• Industrial valves						R	R
• Fluid power valves & Hose fittings						R	R
• Steel springs, except wire						R	R
• Valves and pipe fittings, nec						R	R
• Wire springs						R	R
• Misc. fabricated wire products						R	R
• Metal foil and leaf						R	R
• Fabricated pipe and fittings						R	R
• Fabricated metal products, nec						R	R

MANUFACTURING
(Continued)

	B-1	B-2	B-3	O	M-1	M-2	M-3
INDUSTRIAL MACHINERY AND EQUIPMENT							
Engines and Turbines						R	R
Construction and Related Machinery							
• Elevators and moving stairways						R	R
• Conveyors and conveying equipment						R	R
Metalworking Machinery							
Special Industry Machinery							
• Textile machinery						R	R
• Woodworking machinery						R	R
• Paper industries machinery						R	R
• Printing trades machinery						R	R
• Food products machinery						R	R
• Special industry machinery, nec						R	R
General Industrial Machinery							
• Pumps and pumping equipment						R	R
• Ball and roller bearings						R	R
• Air and gas compressors						R	R
• Blowers and fans						R	R
• Packaging machinery						R	R
• Speed changers, drives, and gears						R	R
• Industrial furnaces and ovens						R	R
• Power transmission equipment, nec						R	R
• General industrial machinery, nec						R	R
Computer and Offices Equipment							
• Electronic computers					R	R	R
• Computer storage devices					R	R	R
• Computer terminals					R	R	R
• Computer peripheral equipment, nec					R	R	R
• Calculating and accounting equipment					R	R	R

**MANUFACTURING
(Continued)**

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Office machines, nec					R	R	R
Refrigeration and Service Machinery							
• Automatic vending machines						R	R
• Commercial laundry equipment						R	R
• Measuring and dispensing pumps						R	R
• Service industry machinery, nec						R	R
Industrial Machinery, NEC							
• Carburetors, pistons, rings, valves						R	R
• Fluid power cylinders & actuators						R	R
• Fluid power pumps and motors						R	R
• Scales and balances, exc. laboratory						R	R
• Industrial machinery, nec						R	R
ELECTRONIC & OTHER ELECTRIC EQUIPMENT							
Electric Distribution Equipment							
• Transformers, except electronic						R	R
• Switchgear and switchboard apparatus						R	R
Electrical Industrial Apparatus							
• Motors and generators						R	R
• Carbon and graphite products						R	R
• Relays and industrial controls						R	R
• Electrical industrial apparatus, nec						R	R
Household Appliances							
• Household cooking equipment						R	R
• Household refrigerators and freezers						R	R
• Household laundry equipment						R	R
• Electric housewares and fans						R	R
• Household vacuum cleaners						R	R
• Household appliances, nec						R	R
Electric Lighting and Wiring Equipment							
• Electric lamps						R	R
• Current-carrying wiring devices						R	R
• Noncurrent-carrying wiring devices						R	R
• Residential lighting fixtures						R	R
• Vehicular lighting equipment						R	R

**MANUFACTURING
(Continued)**

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Lighting equipment, nec						R	R
Household Audio and Video equipment						R	R
Communications Equipment						R	R
Electronic Components and Accessories						R	R
Misc. electrical Equipment & Supplies							
• Engine electrical equipment						R	R
• Magnetic and optical recording media						R	R
• Electrical equipment & supplies, nec						R	R
TRANSPORTATION EQUIPMENT							
Motor Vehicle and Equipment							
• Motor vehicles and car bodies						R	R
• Truck and bus bodies						R	R
• Motor vehicle parts and accessories						R	R
• Truck trailers						R	R
• Motor homes						R	R
Aircraft and Parts						R	R
Railroad Equipment						R	R
Motorcycles, Bicycles, and Parts						R	R
Miscellaneous Transportation Equipment							
• Travel trailers and campers						R	R
• Tanks and tank components						R	R
• Transportation equipment, nec						R	R
INSTRUMENTS AND RELATED PRODUCTS							
Search and Navigation Equipment						R	R
Measuring and Controlling Devices							
• Laboratory apparatus and furniture						R	R
• Environmental controls						R	R
• Process control instruments						R	R
• Fluid meters and counting devices						R	R

**MANUFACTURING
(Continued)**

	B-1	B-2	B-3	O	M-1	M-2	M-3
• Instruments to measure electricity						R	R
• Analytical instruments						R	R
• Optical instruments and lenses						R	R
• Measuring & Controlling devices, nec						R	R
Medical Instruments and Supplies							
• Surgical and medical instruments						R	R
• Surgical appliances and supplies						R	R
• Dental equipment and supplies						R	R
• Electrochemical equipment						R	R
Ophthalmic goods						R	R
Photographic Equipment and Supplies						R	R
Watches, Clocks, Watchcases & Parts						R	R
MISCELLANEOUS MANUFACTURING INDUSTRIES							
Jewelry, Silverware, and Plated Ware						R	R
Musical Instruments						R	R
Toys and Sporting Goods						R	R
Pens, Pencils, Office & Art Supplies						R	R
Costume Jewelry and Notions					R	R	R
Miscellaneous Manufactures							
• Brooms and brushes						R	R
• Signs and advertising specialties					R	R	R
• Burial caskets						R	R
• Hard surface floor coverings, nec						R	R

ARTICLE 8

PROVISIONS GOVERNING SIGNS

- 8.1. **Purpose** - The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.
- 8.2. **Applicability - Effect** - A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

To establish a permit system to allow for a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

To prohibit all signs not expressly permitted by this ordinance;

To provide for the enforcement of the provisions of this ordinance;

- 8.3. **Definitions and Interpretation** - Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the zoning ordinance of the city shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings and captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Abandoned Sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

Animated Sign: A sign which includes action or motion. This term does not refer to flashing or changing signs, all of which are separately defined.

Banner: Any sign printed or displayed upon cloth or any other flexible material, with or without frames. National flags, state or municipal flags shall not be considered banners.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams which rotate or move.

Building Face or Wall: All window and wall area of a building in one (1) plane or elevation.

Canopy Sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Changeable Copy Sign (Manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial letters.

Changing Sign: A sign such as an electronically controlled public-service time, temperature and date sign, message center or board, where different copy changes are shown on the same lamp bank.

City: The City of Pipeston.

Copy: The wording or graphics on the sign surface.

District: As defined under the zoning ordinance or zoning map for the City of Pipeston.

Erected: Means attached, altered, built, constructed, reconstructed, enlarged or moved.

Face of Sign: The entire area of a sign on which copy can be placed; the area of a sign which is visible from one (1) direction as projected on a plane.

Free Standing Sign: A sign supported by uprights or braces placed in the ground and not attached to any building.

Flag: Any fabric, banner, or bunting containing distinctive patterns, colors or symbols, used as a symbol of government, political subdivision or other entity.

Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as "flashing signs."

Ground Level: The immediate surrounding grade.

Ground Mounted Sign: A sign which is permanently mounted upon the ground by brick or other sign structures independent of any building. The use of poles, uprights, or other free standing structures shall not constitute a ground mounted sign structure.

Height of Sign: The vertical distance measured from the surrounding grade to the highest point of the sign.

Illegal Sign: A sign which contravenes this chapter, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

Interior Property Line: A property line other than that forming a dedicated public right-of-way.

Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Nonconforming Sign: Any sign that does not conform to the requirements of this ordinance.

Owner: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Political Sign: A sign displaying the name and/or picture of an individual seeking election to public office or a sign otherwise relating to a forthcoming public election or referendum.

Pole Sign: A free standing sign supported from the ground by a pole or similar support structure of narrow width.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by wheels; signs connected to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used as advertising; and signs attached to or painted on vehicles and visible from the public right-of-way, unless that vehicle is used in normal day to day operations of the business.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

Real Estate Sign: A sign not exceeding twenty-five (25) square feet per face, announcing space available for sale, rent, or lease within a project or a project having undergone renovation efforts equal to twenty-five (25) percent of its value.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally

offered on the premises on which it is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

Right-of-Way (r.o.w.): The proposed right-of-way as indicated on the official Major Road Plan or a set forth in the City's subdivision regulations.

Roof Line: The lowest edge of the main roof.

Setback: The minimum horizontal distance between either the face of the curb, the edge of the pavement, or the right-of-way line and the sign structure as specified in a particular section of this chapter.

Show Window Sign: Any temporary sign advertising sales or specials attached to or within three (3) feet of the glass surface of any fixed window (glazing) visible from public right-of-way.

Sign: Any identification, description, illustration or device, illuminated or nonilluminated, which is exposed to the view of potential clients or customers and/or the general public, is located on public or private property, inside or outside of buildings, and which directs attention to product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, except the following:

1. Merchandise temporarily displayed in show windows that is available for sale on the premises and that does not include flashing, neon, or colored lights;
2. National flags; and
3. Decorative devices or emblems as may be displayed on a residential mailbox.

For the purposes of removal, signs shall also include all sign structures.

Sign Structure: Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Street: A public thoroughfare which affords the principal means of access to the abutting property.

Street Banner: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: A sign which is not permanent and is allowed for a specific time period.

1. Residential temporary signs shall be those permitted on residentially zoned lots.

2. Commercial temporary signs shall be those permitted on commercial, office or industrial zoned lots.

Traffic Directional Sign: Any sign which aids in the flow of traffic.

Use: The purpose for which the building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Wall Sign: A sign attached to or erected against, but within six inches of, the wall of a building with the face parallel to the plan of the building wall or attached to the structure.

Zone Lot: A parcel of land in single ownership that is of sufficient size to meet the minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the zoning ordinance.

- 8.4. **Computations** - The following principles shall control the computation of sign area and height.

8.4.1. **Computation of Area of Individual Signs** - The area of a sign face (which is also the area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

8.4.2. **Computation of Area of Multifaced Signs** - The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same structure and are not more than 42 (forty-two) inches apart, the sign area shall be computed by measurement of one of the faces.

8.4.3. **Computation of Height** - The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public

street or the grade of the land at the principle entrance to the principle structure on the lot, whichever is lower.

8.4.4. Computation of Maximum Total Permitted Sign Area for a Lot - The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in Table 2, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented towards a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

8.5. Signs Allowed on Private Property With and Without Permits - Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table 1. If the designation "P1" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior approval of the Building Inspector or city planning staff. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval by the Board of Zoning Appeals in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" or "P1" in Table 1 shall be allowed only if:

The sum of the area of all building and free standing signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 2;

The size, location, and number of signs on the lot conform with the requirements of Tables 3 and 4, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 1;

The characteristics of the sign conform with the limitations of Table 5, Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1.

8.6. Permits Required - If a sign requiring a permit under this ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 8.12.

Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 8.13.

No signs shall be erected in the public right-of-way except as permitted in Section 8.8.

No permit of any kind shall be issued for an existing sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect.

8.7. Design, Construction and Maintenance - All signs shall be designed, constructed, and maintained in accordance with the following standards:

All signs shall comply with applicable provisions of the Southern Standard Building Code and all other applicable codes of the city at all times;

Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, be ground mounted, or attached to a building, and;

Signs may not have any moving parts, may not have automatic or flashing parts, consist of reflective materials, reflective bulbs, pulsating or strobe light;

Signs may not be made structurally sound by guy wires or other unsightly bracing;

All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

A KEY TO TABLES 1 THROUGH 5

On the tables of this ordinance, which are organized by zoning district, the headings have the following meanings:

R-C	Rural Conservation	B-3	Major Planned Commercial
R-1	Low Density/Estate Residential	O	Office
R-2	Medium Density Residential	M-1	Light Industrial
B-1	Neighborhood Commercial	M-2	Heavy Industrial
B-2	Minor Planned Commercial		

TABLE 1. PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

Sign Type	R-C	R-1	R-2	B-1	B-2	B-3	O	M-1	M-2
<i>Ground Mounted Sign</i>	N	N	N	P	P	P	P	P	P
Subdivision/Residential Development Entrance	P	P	P	N/A	N/A	N/A	N/A	N/A	N/A
<i>Portable Signs</i>	N	N	N	N	N	N	N	N	N
<i>Pole Signs</i>	N	N	N	N	N	N	N	N	N
<i>Projecting Signs</i>	N	N	N	N	N	N	N	N	N
<i>Building</i>									
Building Marker Identification (1)	N	N	N	P	P	P	P	P	P
Residential (2)	P	P	P	P	P	P	P	P	P
Wall	N	N	N	P	P	P	P	P	P
Canopy	N	N	N	S	S	S	S	S	S
Show Window Signs	N	N	N	P1	P1	P1	P1	P1	P1
Suspended	N	N	N	S	S	S	S	N	N
<i>Temporary (3)</i>									
Residential	P	P	P	N/A	N/A	N/A	N/A	N/A	N/A
Commercial	N/A	N/A	N/A	S	S	S	S	S	S
Political Signs	P1	P1	P1	P1	P1	P1	P1	P1	P1
<i>Miscellaneous</i>									
Real Estate Sign	P1	P1	P1	P	P	P	P	P	P
Banner (4)	P1	P1	P1	S	S	S	S	S	S
Flag (5)	P1	P1	P1	P	P	P	P	P	P
Pennants	N	N	N	N	N	N	N	N	N

- (1) May only include name of building, date of erection or historical data on a historical site. Must be made of concrete, bronze, or similar material.
- (2) No commercial message allowed on sign except for a commercial message drawing attention to an activity legally offered from the premises.
- (3) The conditions of Section 8.14 of this ordinance apply.
- (4) No commercial message of any kind allowed.
- (5) Flags of the United States, the state, the city, foreign nations having relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 square feet in area, and not be flown from a pole that is more than 40 feet in height.

Any flag not meeting such requirements will be considered a banner sign and shall be subject to regulations as such.

TABLE 2. MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT

	R-C	R-1	R-2	B-1	B-2	B-3	O	M-1	M-2
<i>The maximum total area of all signs on a zone lot except building marker identification signs, political signs, subdivision entrance signs and flags(a) shall not exceed the lesser of the following</i>									
Maximum Number of Total Square Feet	8	8	100	200	400	200	400	400	
Percentage of Ground Floor Area of Principal Building	N/A	N/A	N/A	4%	6%	10%	6%	10%	2%
Square Feet of Signage Per Linear Foot of Street Frontage	N/A	N/A	N/A	.5	.5	1	.5	N/A	N/A

(a) Flags of the United States, the state, the city, foreign nations having relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 square feet in area, and not be flown from a pole that is more than 40 feet in height. Any flag not meeting such requirements will be considered a banner sign and shall be subject to regulations as such.

TABLE 3. NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

Sign Type	R-C	R-1	R-2	B-1	B-2	B-3	O	M-1	M-2
<i>Individual signs shall not exceed the applicable maximum number of dimensions or setbacks shown on this table and on Table 4.</i>									
<i>Ground Mounted</i>									
Area (Sq. Ft.)	N/A	N/A	N/A	24	32	32	32	48	48
Height (feet)	N/A	N/A	N/A	4	4	4	4	6	6
Setback (feet)	N/A	N/A	N/A	15	20	25	15	25	25
Number Permitted									
- Per Zone Lot	N/A	N/A	N/A	1	N/A	N/A	N/A	N/A	N/A
- Per Feet of Street Frontage	N/A	N/A	N/A	N/A	per 200	per 300	per 200	per 200	per 300
<i>Building</i>									
Area (Max. Sq. Ft.)	2	2	2	N/A	N/A	N/A	N/A	N/A	N/A
Wall Area (Percent)	N/A	N/A	N/A	10%	15%	20%	15%	15%	15%
<i>Real Estate Sign</i>									
Area (Sq. Ft.)	16	8	8	16	32	32	32	32	32
Setback	N/A	N/A	N/A	15	202	25	15	25	25

TABLE 3. NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT (CONTINUED)

<i>Subdivision/Residential Development Entrance</i>									
Area (Sq. Ft.)	32	32	32	N/A	N/A	N/A	N/A	N/A	N/A
Setback (feet)	10	10	10	N/A	N/A	N/A	N/A	N/A	N/A
<i>Temporary Signs</i>									
Height (feet)	4	4	4	4	4	4	6	6	6
Setback (feet)	10	10	10	15	20	25	15	25	25
<i>Political Signs</i>									
Area (Sq. Ft.)	16	8	8	16	32	32	32	32	32
Setback (feet)	N/A	N/A	N/A	15	20	25	15	25	25

TABLE 4. NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE

Sign Type	Number allowed	Max. Sign Area	Vertical Clearance	
			From Sidewalk, Drive or Parking	From Street
<i>Subdivision/Residential Development Entrance</i>				
Development Entrance	1 per entrance	32 sq. ft.	N/A	N/A
<i>Building</i>				
<i>Building Marker</i>				
Identification	1 per bldg.	4 sq. ft.	N/A	N/A
Residential	1 per zone lot	4 sq. ft.	N/A	N/A
Temporary	See Section 8.14	25 sq. ft.	N/A	N/A
Wall	N/A	N/A	N/A	N/A
Window (Show)	N/A	25% of total window area	N/A	N/A
Canopy	1 per bldg.	25% of vertical surface of canopy	N/A	N/A
Suspended	1 per entrance	N/A	9 ft.	N/A
<i>Miscellaneous</i>				
Banner	1 per bldg.	N/A	9 ft.	12 ft.
Flag	N/A	60 sq. ft.	9 ft.	12 ft.

TABLE 5. PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

Sign Type	R-C	R-1	R-2	B-1	B-2	B-3	O	M-1	M-2
<i>Animated</i>	N	N	N	N	N	N	N	N	N
<i>Changeable Copy</i>	N	N	N	N	N	N	N	N	N
<i>Illumination, Internal</i>	N	N	N	S	P	P	P	p	P
<i>Illumination, External</i>	N	N	N	N	S	S	S	S	S
<i>Illumination, Exposed bulb or neon</i>	N	N	N	N	N	N	N	N	N

8.8. Signs in the Public Right-of-Way - No signs shall be allowed in the public right-of-way except for the following:

8.8.1. Permanent Signs - Permanent signs, including:

Public signs erected on behalf of a governmental body to post legal notices, identify public property, convey public information, and to direct or regulate pedestrian or vehicular traffic;

Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

8.8.2. Emergency Signs - Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.

8.8.3. Other Signs Forfeited - Any sign installed or placed on public property, except in conformance with this ordinance, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

8.9. Signs Exempt From Regulation Under This Ordinance - The following signs shall be exempt from regulation under this ordinance:

Public signs: signs erected by, or on the order of, a public officer in the performance of his/her duty, such as safety signs, danger signs or traffic control signs.

Historical markers: historical markers as recognized by local, state or federal authorities.

Nonflashing interior signs ten (10) feet or more above a show window.

Works of art which in no way identify a product.

Scoreboards located on athletic fields.

Gravestones.

The display of street numbers.

The display of lights or ornaments customarily associated with a religious holiday within a month before or after the calendar date of said holiday.

8.10. Signs Prohibited Under This Ordinance - All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

Signs which show pictures of human figures (except political signs), animals or food, except for registered trademarks or logos, and signs which contain characters, cartoons, or statements of an obscene, indecent, or immoral character which would offend public morals and decency.

Signs which contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go slow,” “caution,” “danger,” “warning” or other similar words.

Signs which are of a size, location, movement, content, coloring, or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign signal, or cause traffic hazards/conflicts.

Signs which have any moving parts.

Changing signs (automatic or flashing); including all changing exterior signs and any changing interior signs that are visible from outside the building within which the signs are located.

Signs which contain or consist of street banners, pennants, ribbons, balloons, streamers, strings of light bulbs, spinners or other similar materials or devices illuminated or nonilluminated, that are used to attract the attention of clients, potential customers and/or the general public are prohibited, except when allowed by special permit by the Board of Zoning Appeals.

Interior lighted translucent signs, except that interior lighted translucent letters are allowed in specific uses under Section 8.5.

Signs which contain reflective materials.

Signs which contain reflective type bulbs, pulsating light or strobe light.

Signs which are made structurally sound by guy wires or other unsightly bracing.

Beacons, except for emergency purposes.

Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property when one of the purposes of so locating such vehicle is to display, demonstrate and advertise or attract the attention of the public;

- A. It is not a violation of this ordinance merely to have a common logo of a business sign attached to, suspended from, or painted on a company vehicle regularly in the business of the owner; and

- B. When it is determined by appropriate authorities that a vehicle is being regularly parked in a manner that violates this ordinance, the city will issue a single notice of warning to the owner of the vehicle, who will be provided an opportunity for an informal hearing by representatives of the city consisting of the Mayor, Planning Staff and the Planning Commission prior to the institution of formal application of judicial proceedings.

8.11. General Permit Procedures - The following procedures shall govern the application for, the issuance of, all sign permits under this ordinance.

8.11.1. Applications - All applications for sign permits of any kind shall be submitted to City Hall on an application form provided by the city. All applications will be reviewed by city staff and/or the Planning Commission or Board of Zoning Appeals and must therefore be submitted at least fifteen days prior to the regularly scheduled meeting of the Planning Commission or Board of Zoning Appeals.

8.11.2. Fees - Each application for a sign permit shall be accompanied by applicable fees, which shall be established by the governing body of the city from time to time by resolution.

8.11.3. Completeness - Within 15 (fifteen) days from submittal of the application, city staff shall review the application for completeness and shall inform the applicant of specific ways in which the application is deficient, with appropriate references to this ordinance.

8.11.4. Action - Within 30 (thirty) days after review of the completed application by the city staff and/or the Planning Commission or the Board of Zoning Appeals, the Building Inspector shall either;

Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance; or

Reject the sign permit if the sign(s) that is subject of the application fails in any way to conform with the requirements of this ordinance. In case of rejection, the rejection shall specify the section or sections of this ordinance with which the sign is inconsistent.

8.12. Permits to Construct or Modify Signs - Signs identified as “P” or “S” on Table 1 shall be erected, installed, or created only in accordance with a duly issued and valid construction permit from the Building Inspector. Such permits shall be issued only in accordance with the following requirements and procedures.

8.12.1. Permit for New Sign or Sign Modification - An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One application and permit may contain multiple signs on the same zone lot.

8.12.2. Inspection - The Building Inspector shall cause an inspection of the zone lot for which the permit for a new sign or for the modification of an existing sign is issued during the sixth month after issuance of such permit or at such earlier date as owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with all other applicable

codes, the Building Inspector shall affix a permanent symbol identifying the sign and the applicable permit number or other reference. If the construction is substantially complete, but not in compliance with this ordinance or other applicable codes, the Building Inspector shall give the owner or applicant notice of deficiencies and allow an additional 30 (thirty) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

8.13. Sign Permits - Continuing - The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for twelve (12) months and renewable annually upon submission of a renewal form and applicable fees. Renewal forms shall contain a representation from the applicant that no change in signage under the permit has been made or shall contain photos, drawings and dimensions of any changes.

8.13.1. Lapse of Sign Permit - A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 (thirty) days notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

8.13.2. Assignment of Sign Permits - A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building Inspector may require and paying any applicable fee. The assignment shall be established by filing and shall not require approval.

8.14. Temporary Sign Permits (Private Property) - Temporary signs on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

8.14.1. Term - A temporary sign permit shall allow the use of a temporary sign for a specified 30 (thirty) day period.

8.14.2. Number - Only one temporary sign permit shall be issued to the same residential property owner or business license holder on the same zone lot in any calendar year.

8.14.3. Other Conditions - A temporary sign shall be allowed only in districts with a letter "S" or "P" for "Temporary Signs" on Table 1 and subject to all of the requirements for temporary signs noted herein.

8.14.4. Political Signs - Political signs shall not require a permit. Term limits on political signs shall be a maximum of sixty (60) days beginning no earlier than sixty (60) days prior to an election. Candidates winning in a primary election may keep their signs up through the general election.

8.15. Time of Compliance: Nonconforming Signs and Signs without Permits - Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this ordinance or for which there is no current or valid sign permit shall be obligated to remove the sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this ordinance.

8.15.1. Signs Existing on Effective Date - For any sign existing in the city on July 10, 1998, an application for a sign permit must be submitted to the city before

January 10, 1999. For any sign on property annexed at a later date, applications for sign permits shall be submitted within six months of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner. Signs that are the subject of applications after the applicable date set forth in this section shall be subject to all the terms and conditions of this ordinance and shall not be entitled to the protection of Section 8.15.2.

Applications for permits for existing signs submitted before January 10, 1999, shall be exempt from the initial fees adopted under the authority of this ordinance, but not from renewal and subsequent fees.

- 8.15.2. Nonconforming Existing Signs, Permits and Terms** - A sign that would be permitted under this ordinance only with a sign permit, but which was in existence on July 10, 1998, or on a later date when the property is annexed into the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be issued a Nonconforming Sign Permit if an application in accordance with Section 8.15.1. of this ordinance is timely filed.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this ordinance, to remain in place and be maintained for a period ending no later than July 10, 2008, provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are subject to the provisions of Section 8.15.3. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than 25 (twenty-five) percent of the lesser of the original value or replacement value of the sign.

- 8.15.3. Lapse of Nonconforming Sign Permit** - A Nonconforming Sign Permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

- 8.15.4. Sign Removal Required** - A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed without notice or action from the city.

- 8.16. Violations** - Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning ordinance, and any other applicable laws or ordinances:

To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which the sign is located;

To install, create, erect, or maintain any sign requiring a permit without such permit;

To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

8.17. Enforcement and Remedies - Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this ordinance shall be considered a violation of the zoning ordinance of the city. The remedies of the city shall include the following:

Issuing a stop-work order for any and all work on signs on the same zone lot;

Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

Imposing any penalties that can be imposed directly by the city under the zoning ordinance;

Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and

In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of the zoning ordinance or building code for such circumstances.

The city shall have other such remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

8.18. Fee Schedule - the fees for sign permits for the period beginning June 25, 1998, shall be:

Sign Permit, Initial, including inspection, per zone lot	\$75
Reinspection Fee	\$35
Sign Permit, Continuing, per zone lot	\$25
Temporary Sign Permit, Commercial/Office/Industrial zoned property, per sign	\$100
Temporary Sign permit, Residential zoned property, per sign	\$20

ARTICLE 9

SITE PLAN REVIEW REQUIREMENTS

- 9.1 Site Plan Review Requirements** - The following procedures and standards are established for those sections of this ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy for any affected lands, structures or buildings. Site plans shall be approved or disapproved under the following procedures and standards as specified by this ordinance.
- 9.1.1 Site Plan Submission and Review** - Site Plan Review is required under two (2) separate instances by the Piperton Municipal Zoning Ordinance. These instances are:
1. The review and approval of a site plan for any permitted use by the Piperton Municipal Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plans which may be necessary to minimize the impact of the requested use upon the City. This power of review may include, but not limited to, setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 2. The review and approval of a site plan for any special exception by the Piperton Board of Zoning Appeals. The Board of Zoning Appeals may require such changes in the presented site plans which may be necessary to minimize the impact of the requested use upon the City. This power of review may include, but not limited to, setbacks, screening, lighting, parking location, layouts, access, general landscaping requirements and any other standards or specifications of this ordinance. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
- 9.1.2. Review Procedure** - In instances of review of a site plan by either the Piperton Municipal Planning Commission for either permitted uses or by the Board of Zoning Appeals for special exceptions, the following procedures shall apply.
1. The owner or developer shall submit eight (8) copies of the proposed site plan to the building inspector fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals. The site plan shall then be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed by the Secretary of

the Planning Commission or Board of Zoning Appeals. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

2. Prior to the regular meeting of the Planning Commission or Board of Zoning Appeals, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for reviews of areas under their concern. Once the city staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to all members of the Planning Commission or Board of Zoning Appeals and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

9.1.3. Contents of the Site Plan - In instances where site plan review is required, the site plan must be drawn to a scale of not less than 1" = 50' by a licensed surveyor or engineer and shall include, at a minimum, the following:

1. Name and address of the development.
2. Name and address of the applicant or owner of record.
3. Present zoning of the site and all abutting properties.
4. Date, graphic scale, and north point with reference to source of meridian.
5. Courses and distances of center of all streets and all property lines, setback lines, property restricting lines, easements, covenants, reservations and rights-of-way.
6. The total land area.
7. A vicinity map showing the location of the development in relation to the City of Pipeston.
8. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating two (2) foot contours and by spot elevation where necessary to indicate flat areas.
9. Certification as to the following: Certificate of accuracy of the plan by a licensed surveyor or engineer; and, certificate of approval by the Pipeston Municipal Planning Commission.
10. The location, dimensions, site and height of the following when existing:

- a. Sidewalks, streets, alleys, easements and utilities.
 - b. Buildings and structures.
 - c. Public waste water systems.
 - d. Slopes, terraces and retaining walls.
 - e. All curbs, driveways, entrances, exits and parking spaces.
 - f. Water mains and fire hydrants.
 - g. Trees, shrubs and other landscaped areas.
 - h. Recreational areas and swimming pools.
 - i. Natural and artificial water courses.
 - j. Limits of flood plains.
11. The location, dimensions, site and height of the following when proposed:
- a. Sidewalks, streets, alleys, easements and utilities.
 - b. Buildings and structures including the front (street) elevation of proposed buildings.
 - c. Public waste water systems.
 - d. Slopes, terraces and retaining walls.
 - e. All curbs, driveways, entrances, exits and parking spaces.
 - f. Water mains and fire hydrants.
 - g. Trees, shrubs and other landscaped areas.
 - h. Recreational areas and swimming pools.
 - i. Natural and artificial water courses.
 - j. Estimates of the following when applicable:
 - (1) Number of dwelling units.
 - (2) Number of parking spaces.
 - (3) Number of loading spaces.
 - (4) Number of commercial or industrial tenants and employees.
 - k. Distances between buildings.
 - l. Location of proposed solid waste collection sites.
 - m. Plans for collecting storm water and methods for treatment of natural and artificial water courses including a delineation of limits of flood plains, if any.
 - n. Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed buildings and structures. Proposed topography of the shall be shown by two (2) foot contours.
12. All landscaping, screening and lighting requirements per Article 11 of this ordinance.

9.1.4. Expiration of Approval or Renewal - A site plan approved by the Planning Commission or Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within one (1) year from the date of such approval unless

and extension of time is applied for and given by the Planning Commission or Board of Zoning Appeals.

ARTICLE 10

OFF-STREET PARKING AND LOADING REQUIREMENTS AND GUIDELINES

10.1. Purpose and Intent of Off-Street Parking and Loading Requirements and Guidelines - It is the intent of the City of Piperton to ensure that adequate off-street parking is provided for all new development. It is also the intent of the City of Piperton to ensure that the City develops in an attractive, pleasing and safe manner. As such, the requirements and guidelines provided herein are designed to provide for adequate off-street parking and to promote and enhance the attractiveness of the City and the safety of its citizens.

10.1.1. Off-Street Parking Requirements - There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this resolution. Parking space maintained in connection with an existing and continuing principal building on the effective date of this ordinance shall not be counted as serving a new building or addition; nor shall any parking space be substituted for loading space, nor any loading space substituted for parking space.

- A. Location - Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking space to be provided on other off-street property provided that such space lies within three hundred (300) feet of the main entrance to such principal use.
- B. Size and Maneuvering Room - Each parking space shall be equal to an area of at least two hundred (200) square feet. The width shall not be less than nine (9) feet and the length shall not be less than eighteen (18) feet. A minimum of four hundred (400) square feet shall be used when computing parking area to include maneuvering space. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back on to any street.
- C. Curbing and Surfacing - A required parking area, which includes parking spaces, drives and maneuvering lanes, shall be provided with a 6" concrete curb or 6" rolled curb and shall be of an asphalt or concrete paved surface. The surface shall be curbed and paved prior to issuance of a certificate of occupancy. This requirement does not apply to a single family or two family structure on a single lot.
- D. Access - Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

E. May Serve As Yard Space - Parking space may be included as part of the yard space associated with the permitted use or special exception.

F. Number of Spaces for Specific Uses

1. Residential

Dwelling, one and two family, townhouses, multi-family and mobile homes 2 spaces per dwelling unit

Retirement home or assisted living home 1 space per dwelling unit

Hotels, motels, tourist courts and similar transient lodging 1 space per unit plus 1 space for each 400 sq. ft. of public meeting area or restaurant space

All other residential uses not listed As determined by the Planning Commission or the Board of Zoning Appeals

2. Retail

Lumber and Building Materials 1 space per 500 sq. ft. of total floor area

Plumbing and Heating Supply 1 space per 1,000 sq. ft. of total floor area

Hardware and Paint 1 space per 500 sq. ft. of total floor area

Greenhouse, nursery products, agricultural equipment and lawnmower sales and service 1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of covered or uncovered display area.

Shopping Centers and Malls 1 space per 200 sq. ft. of total floor area

General Merchandise, 1 space per 200 sq. ft. of total floor area

Clothing, Variety and Department Stores	
Furniture, Home Furnishings, Art, Antiques and Books and Stationary Stores	1 space per 400 sq. ft. of total floor area
Grocery Stores and Supermarkets	1 space per 150 sq. ft. of total floor area
Delicatessens and Bakeries	1 space per 150 sq. ft. of total floor area
Package Liquor Store and Beverage Store	1 space per 200 sq. ft. of total floor area
Auto Sales and Service, Auto Parts, Boat Sales and Service, Boat Parts, Motorcycle Sales and Service and Motorcycle Parts	1 space per 500 sq. ft. of total floor area
Mobile Home, Semi-Truck and Heavy Equipment Sales.	1 space per 500 sq. ft. of total floor area
Restaurants, Cafes and Cafeteria	1 space per 200 sq. ft. of total floor area.
Restaurants, Fast Food	1 space per 100 sq. ft. of total floor area
Taverns, Bars and Drive-in Restaurants	1 space per 150 sq. ft. of total floor area.
Fuel or Gas Stations	1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces
Convenience Store	1 space per 200 sq. ft. of total floor area
All other retail trade	As determined by the Planning

	not listed	Commission or the Board of Zoning Appeals
3.	Finance Insurance and Real Estate	
	Banks, Savings and Loans Real Estate Offices, and Insurance	1 space per 250 sq. ft. of total floor area.
	All other finance insurance and real estate not listed	As determined by the Planning Commission or the Board of Zoning Appeals
4.	Personal Services	
	Laundering, dry cleaning, apparel repair and cleaning services	1 space per 350 sq. ft. of total floor area
	Beauty, Barber and Photographic Services	1 space per 300 sq. ft. of total floor area and 1 space per employee
	All other personal services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
6.	Business Services	
	Advertising, Consumer Credit Reporting and Collections	1 space per 400 sq. ft. of total floor area
	Printing and Publishing	1 space per 400 sq. ft. of total floor area
	Photocopying, Mailing, Exterminating and Employment	1 space per 400 sq. ft. of total floor area
	Freight Forwarding and Trucking Terminals	1 space per 5,000 sq. ft. of total floor area

Self Storage and Warehousing	3 spaces plus 1 space for each 100 units.
Warehousing and Storage	3 spaces plus 1 space per 1000 sq. ft. of floor area
Car Wash, Full Service	1 space per 1,000 sq. ft. of floor area
Car Wash, Self Service	2 spaces plus 1 space per wash bay
All other business services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
7. Repair Services	
Automobile Repair, Oil and Fluid Changing Services, Electrical, Radio and Television Repair	1 space per 500 sq. ft. of total floor area with a minimum of 2 spaces
Watch and Reupholstery Repair	1 space per 300 sq. ft. of total floor area with a minimum of 2 spaces
All other repair services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
8. Professional Services	
Physicians and Dentist Offices and Clinics	1 space per 150 sq. ft. of total floor area.
Veterinarians and Animal Hospitals	1 space per 300 sq. ft. of total floor area.
Convalescent Homes and Rest Homes	1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces
Day Care and Child Care Centers	1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with adequate stacking area

	Attorneys, Accountants, and Engineers.	1 space per 300 sq. ft. of total floor area.
	All other professional services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
9.	Contract Construction Services	
	All contract construction services	1 space per 1,000 sq. ft. of total floor area.
10.	Governmental Services	
	All governmental services	As determined by the Planning Commission or the Board of Zoning Appeals
11.	Educational Services	
	Elementary and Middle Schools	1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus 10 additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
	Senior High Schools	1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each 7 students based on the capacity for which the building was designed. When an auditorium is provided 1 space per 3 seats is required.
	All other education services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
12.	Miscellaneous Services	

	Labor Unions, Clubs, Lodges and Civic, Social or Fraternal Associations	1 space per 100 sq. ft. of total floor area
	Funeral Home or Moratorium	1 space per 1,000 sq. ft. of floor area
	Other miscellaneous services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
13.	Cultural Activities	
	Libraries, Museums and Art Galleries	1 space per 1,000 sq. ft. of floor area
	All other cultural activities not listed	As determined by the Planning Commission or the Board of Zoning Appeals
14.	Public Assembly	
	Motion Picture Theaters and Amphitheaters	1 space per 3 seats or 6 feet of bench space
	All other public assembly uses not listed	As determined by the Planning Commission or Board of Zoning Appeals
15.	Amusements	
	Golf Driving Ranges and Miniature Golf	2 spaces per hole or tee
	Arcades and Pool Halls	1 space per 200 sq. ft. of total floor area
	All other amusement uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals
16.	Recreational Activities	
	Roller Skating Rinks, Gymnasiums and	1 space per 250 sq. ft. of total floor area

	athletic clubs	
	All other recreational activities not listed	As determined by the Planning Commission or the Board of Zoning Appeals
17.	Communications and Utilities	
	All communications and utilities services	As determined by the Planning Commission and Board of Zoning Appeals
18.	Institutional	
	Churches, Synagogues and other Places of Worship	1 space per 3 seats in the sanctuary
	Nursing	1 space for per 4 beds with a minimum of 4 spaces
	All other institutional uses not listed	As determined by the Planning Commission and Board of Zoning Appeals
19.	Wholesale Trade	
	Drugs, Chemicals and Allied Products	1 space per 1,000 sq. ft. of total floor area.
	Groceries, Electrical Goods, Hardware and other items not listed	1 space per 1,000 sq. ft. of total floor area.
	All other institutional uses not listed	As determined by the Planning Commission and Board of Zoning Appeals
20.	Industrial	
	All Industrial Uses	1 space per 1,000 sq. ft. of floor area or 1.5 spaces for each 2 persons employed on the largest shift, which ever is greater.

- F. In all developments, handicapped parking spaces shall be provided which have a minimum width of 12 feet. The number of handicapped parking spaces in relation to the total number of spaces is listed below:

<u>Total Spaces in Lot</u>	<u>Required number of Handicapped spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total

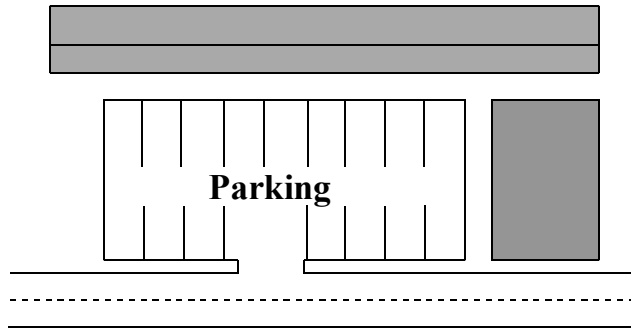
10.1.2. Off-Street Loading Requirements - On the same premises with every building, structure, or part thereof, involving the receipt and distribution of vehicles or materials or merchandise, there shall be provided, and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

1. All spaces shall be laid out in the dimension of at least ten (10) feet by fifty (50) feet and five hundred square feet in area, with a clearance of at least fourteen (14) feet in height.
2. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

10.1.3. Off-Street Parking Guidelines - parking on a commercial/office street front should be minimized and where possible should be located behind a building. Parking located along a commercial/office street front where pedestrian traffic is desirable lessens the attractiveness of the area to pedestrians and compromises the safety of pedestrians along the street.

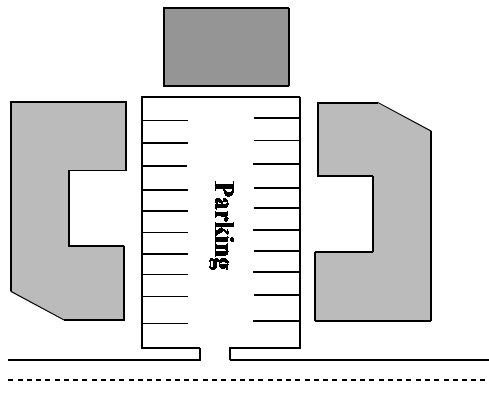
1. Parking lots along the full length of the street front are generally unacceptable (see Figure 1 below).

Figure 1



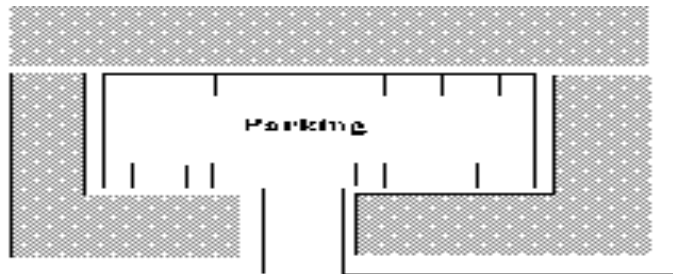
2. In certain situations, limited street front parking lots may be acceptable (see Figure 2 below).

Figure 2



3. Parking lots located behind offices and shops are preferred (see Figure 3 below).

Figure 3



ARTICLE 11

LANDSCAPING, SCREENING AND LIGHTING REQUIREMENTS

11.1. Purpose - The purpose of these provisions is to enhance the environmental and visual character of the City of Piperton through the utilization of landscaping, screening and lighting requirements. Landscaping, screening and lighting in an organized and harmonious fashion will enhance the physical environment of the City of Piperton for the comfort, safety and enjoyment of its citizens. Landscaping shall be integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, shrubs, ground cover, and the use of building and paving materials in a manner that respects the natural topographic features and natural resources of the site. The City of Piperton recognizes the need for variations in development and will be receptive to any variations to the standards established herein provided it achieves the same purpose.

11.1.2. Applicability - All new commercial, industrial, multi-family and mobile home park developments, public or private, as well as existing projects where the site or the exterior of the building is to be modified requiring a building permit shall be required to submit landscaping, screening and lighting plans.

11.1.3. Plan Requirement - A Landscaping, Screening and Lighting Plan shall be submitted, reviewed and approved under the provisions of the Site Plan Review requirements in Article X, Section X of this ordinance. The plan may be a part of the site plan but is recommended to be on a separate drawing. The absence of a landscaping, screening and lighting plan shall be grounds for denial of the site plan by the approving body. The landscaping, screening and lighting plan whether submitted as a separate drawing or as part of the site plan shall be drawn to a scale of not less than 1" = 50' and shall include the following:

1. Proposed landscaping and screening along all streets and property lines.
2. Proposed landscaping for all parking areas.
3. Proposed location of all lighting poles, height of poles and style of fixture.
4. All existing and proposed landscape material labeled as to size, quantity and name.
5. All existing trees 8" caliper or greater. Trees to be removed shall be clearly labeled.

11.1.4. Landscaping Requirements - The landscape of the City of Piperton should mirror the landscape of the surrounding region through the utilization of groupings of plants and trees among green lawns. Landscaped areas should be located along the public boundaries of a site, within parking areas, around

buildings and at building entries to create sense of the building in natural surroundings. Once an area within a development has been designated as a landscaping area it shall not be encroached upon by any structure or building; nor shall this space be used as an area in calculating the required parking area.

1. Street Scope - The street scape shall be defined as the area behind the property line between the right-of-way line and the paved area. No parking or structures (except signs) shall be allowed in the landscaped area. All multi-family, commercial, office and industrial developments, shall be required to have at a minimum, a landscaped area consisting of an unpaved area planted in grass or mulched with bark and lined with trees. There shall be at least one tree for every thirty (30) linear feet or portion thereof, however this shall not be construed as requiring the planing of trees on 30 foot centers. All required new tree plantings shall be deciduous in nature and shall have a minimum of 2" in caliper. The area shall be a minimum of ten (10) feet in depth, however when the lot adjoins a residential district or if screening or a walking/biking path is required, the depth may be increased to thirty (30) feet. The Planning Commission reserves the right to require vegetative screening, fencing, landscaping berms, or walking/biking paths as an integral part of the landscaped area.
2. Peripheral Scope - The peripheral scape shall be defined as the area in the side and rear yard between the property line and any paved area or structure. All multi-family, commercial, office and industrial developments shall be required to have a landscaped area consisting of an unpaved area planted in grass or mulched bark lined with trees. There shall be at least one tree for every thirty (30) feet or portion thereof, however this shall not be construed as requiring the planting of trees on thirty (30) foot centers. All required new tree plantings shall be deciduous in nature and shall be a minimum of 2" in caliper. No parking structures shall be located or encroach upon the landscaping strip. The strip shall be a minimum of fifteen (15) feet in depth, however when the lot adjoins a residential district or if screening or a walking/biking path is required, the depth may be increased to thirty (30) feet. The Planning Commission reserves the right to require vegetative screening, fencing, landscaping berms, or walking/biking paths as an integral part of the landscaped area.
3. Parking Areas - To improve auto circulation and safety, all parking areas shall have a five (5) foot wide landscaped island between major interior traffic aisles and the interior parking areas to control ingress and egress to the interior parking spaces. In addition, five (5) foot wide and seventeen (17) foot long parking islands shall be provided at the end of all single row parking areas and thirty-five (35) foot long islands for double row parking areas, with the islands being interspersed between fifteen (15) parking spaces in a single row or thirty (30) spaces in a double row. Parking

Areas containing fifty (50) or more parking spaces shall be subdivided into sub-lots containing no more than thirty (30) spaces.

4. **Parking Islands** - When a parking island or landscaping island is required as part of the parking layout plan for a development, the island shall either be landscaped or used as a pedestrian walkway. When the island is to be landscaped it shall be covered in shredded bark, turf or shrubs or canopy type trees with at least one (1) tree being planted for every fifteen (15) linear feet of parking island. The trees shall be deciduous in nature and shall be a minimum of two (2) inches in caliper. All shrubs shall be either minor deciduous or minor evergreen in nature. When the island is to be used as a pedestrian walkway it shall be at least three (3) feet in width. The paving or covering of an island with rocks shall not be permitted.

11.1.5. Screening Requirements - Screening is designed to provide a visual, physical or noise separation of adjacent conflicting uses and should be designed so that it is an orderly part of the landscape and does not dominate the view. Screening should not compromise safety by blocking vision at intersections and elements requiring screening should not be places to impede vision of any street corner or obstruct visibility of vehicles entering or leaving driveways.

1. Screening shall be required in the following instances.
 - A. In all multi-family residential, commercial or industrial developments that are adjacent to residentially zoned property or a residential development.
 - B. In all developments that propose the use of double frontage lots.
 - C. In all developments that propose the use of auto service functions such as the storage of cars while they are being repaired, have outdoor work areas for vehicles or provide for the storage of vehicles.
 - D. In all developments that provide self storage of goods.
 - E. Around all waste disposal or garbage collection sites in all multi-family residential, commercial and industrial developments.
 - F. Around all residential developments that border or are adjacent to differing residential zones.
2. **Vegetative Screening** - Vegetative screening is the preferred screening method of the City of Piperton when less intensive commercial developments adjoin residential developments. When vegetative screening is required for conflicting or transitional land uses, the screening

at a minimum unless otherwise directed by the Planning Commission, shall consist of a planting strip, planted in the required landscaping area which forms an effective screen for all seasons. The planting strip shall be composed of shrubs that are either of a major deciduous or major evergreen nature. The screen shall be composed of two rows with there being at least one shrub for every two (2) linear feet or portion thereof.

3. Berms - The berm is the preferred screening method of the City of Piperton for developments that will have loading docks, storage areas, parking areas or drives that adjoin or infringe upon a residential area or zone. The use of a berm may also be imposed on a development by the City as a screening method along major thoroughfares between sidewalks or parking areas and the road. When a berm is required as a screening method or is incorporated into a screening plan, the berm shall be a minimum of three (3) feet in height with the Planning Commission having the option to require a five (5) foot high berm depending on the use being buffered. In instances of screening between residential and industrial developments, the Planning Commission shall require a twenty-five (25) foot wide and five (5) foot high landscaping berm with an eight (8) foot high landscaping screen.
4. Fencing - Fencing required to screen or create privacy shall be constructed of wood, brick, ornamental metal or masonry, or some combination of the three. The use of untreated wood, chainlink, plastic, wire or corrugated metal panels shall not be used as fencing or screening. Fencing required along roadways shall have brick columns located fifty (50) foot on center at a maximum. In addition, all fencing shall meet the following requirements.
 - A. Fencing shall be designed to facilitate maintenance and shall not modify natural drainage so as to endanger adjacent property.
 - B. Brick or masonry walls shall be constructed of common or face brick, or of poured or precast masonry or decorative block and shall be approved by the building inspector.
 - C. The maximum height of fences designed for screening shall be six (6) feet except for fencing utilized around outside storage and service areas. The fencing around outside service or storage areas must be at least six (6) feet in height but no more than eight (8) feet.

11.1.6. Lighting Requirements - Lighting in parking areas is a necessary item to ensure safety. However, the lighting utilized should be the minimum necessary to ensure safety and minimize adverse impacts to adjacent uses. Therefore the City of

Piperton has established the following standards for lighting in multi-family residential, commercial and industrial developments.

1. The lighting of a structure or parking area shall not cast light beyond property boundaries. When necessary, cutoff devices should be used to avoid the casting of unwanted light on to adjacent properties. When lighted parking areas are located adjacent to residential developments or zones, a screen or buffer is recommended that minimizes vehicle headlights cast on adjacent areas.
2. The use of building mounted lighting shall not be used to illuminate a parking area.
3. High pressure sodium or metal halide lighting fixtures are the recommended lighting types. Low pressure sodium lighting fixtures should not be used for exterior lighting applications.
4. The use of creative lighting, such as uplighting, downlighting, accent lighting and facade lighting should be used to prevent glare with the fixtures being aimed away from the pedestrian or motorist.
5. Lighting levels should be as even as possible with lighting in residential developments not exceeding 0.4 foot candles for residential areas and 0.6 foot candles for commercial and industrial developments. Such lighting however, should not exceed 0.5 foot candles at or above any residential property or residential district.

11.1.7. Installation and Maintenance - Required landscaping shall be fully installed prior to the issuance of an occupancy permit. If project construction is phased, required landscaping, correspondingly may be phased. Whenever a greenbelt or planting strip is required, it shall be planted prior to the issuance of an occupancy permit and shall be thereafter reasonably maintained by the owner or occupant with permanent plant materials.

ARTICLE 12

ADMINISTRATION AND ENFORCEMENT

12.1. Organization and Purpose - The administration of this ordinance is hereby vested in two offices of the government of the City of Piperton, Tennessee, as follows:

- A. The Office of the Building Inspector.
- B. The Board of Zoning Appeals.

It is the purpose of this article to define the authority of each of the above offices and to then describe the procedures and substantive standards with respect to the following administrative functions:

- A. Issuance of Building Permits.
- B. Issuance of Use and Occupancy Permits.
- C. Performance Standards.
- D. Variances.
- E. Special Use Permits
- F. Amendments.

12.2. Duties of the Building Inspector

12.2.1. Duties of the Building Inspector - The building inspector shall enforce this ordinance, and in addition thereto and in furtherance of said authority he/she shall:

- A. Issue all building permits, and make and maintain records thereof;
- B. Issue all use and occupancy permits, and make and maintain records thereof;
- C. Conduct inspections of buildings, structures and use of land to determine compliance with this ordinance;
- D. Provide information to the public on all matters relating to this ordinance.
- E. Receive file and forward to the Planning Commission all applications for amendment to this ordinance;

- F. Receive, file and forward to the Board of Zoning Appeals all applications for variances, special exceptions , and all other matters on which the Board is required to pass under the provisions of this ordinance;
- G. Initiate and review, from time to time, a study of the provisions of this ordinance, and make reports and recommendations to the Planning Commission.
- H. The building inspector shall be allowed to delegate the duties specified in sub-sections E and F to another with approval by the Planning Commission.

12.2.2 Powers of the Building Inspector Regarding the Issuance of Permits - The building inspector shall have the power to grant building permits and use and occupancy permits, and make inspection of buildings or premises necessary to carry out his/her duties in the enforcement of this ordinance. It shall be unlawful for the building inspector to approve any plan or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the building inspector permitted to make changes to this ordinance nor to vary its terms and provisions in carrying out his/her duties.

The building inspector shall not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon granting of said permit.

12.3. Building, Use and Occupancy Permits

12.3.1. Building Permits Required - It shall be unlawful to commence any site excavation, site grading, other land disturbing activity or public improvements, or to commence the excavation for the construction for any building or structure, including accessory buildings and structures, or to commence the moving or alteration of any building or structure, including accessory buildings and structures until the building inspector has issued a building permit for such work. The permit requirement for land disturbing activities shall not apply to agricultural farming operations, commercial nursery operations or to residential landscaping or gardening activities.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the City of Pipeston, unless application for such permit has been examined by the building inspector and has affixed to it a certificate from the building inspector indicating that the proposed building or structure complies with all of the provisions of this ordinance. Any building permit or use and occupancy permit issued in conflict with the provisions of this ordinance shall be null and void.

12.3.2 Plot plan required for Building Permits - The building inspector shall require that all applications for building permits by accompanied by plans and

specifications including a plot plan in triplicate, drawn to a scale of one (1) inch equals one hundred (100) feet and showing the following information:

- A. The actual shape, location and dimensions of the lot;
- B. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or structure already on the lot;
- C. The existing and intended use of the lot and all such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate;
- D. Location of all driveways and entrances;
- E. Position of fences and walls;
- F. Location of areas subject to flooding;
- H. Percolation tests where subsoil sewage is anticipated.

12.3.3. Use and Occupancy Permit Required - No building or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the building inspector. No change in use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the building inspector.

12.3.4. Application for Use and Occupancy Permit - Every application for a building permit shall be deemed an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no building permit is required shall be made directly to the building inspector.

12.3.5. Issuance of Use and Occupancy Permit - The following shall apply in the issuance of any use or occupancy permit:

- A. No use and occupancy permit shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with the provisions of this ordinance.
- B. Use and occupancy permits may be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land are in conformity with the provisions of this ordinance.

- C. Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permits for a portion of a building or structure in process of erection or alteration, provided that such temporary permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.
- D. Building accessory to dwellings shall not require use and occupancy permits but may be included in the use and occupancy permits for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

12.3.6. Records of Use and Occupancy Permits - A record of all use and occupancy permits issued shall be kept in the Office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property owned.

12.3.7. Final Inspection - No use or occupancy permit for a building ,structure or an addition thereto, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the building inspector to be in conformity with the plans and specifications upon which the building permit was based and with the applicable performance standards.

12.4. Board of Zoning Appeals

12.4.1 Termination of Existing Boards - The functioning of the existing Board of Zoning Appeals shall terminate upon appointment of the Board of Zoning Appeals as authorized under this ordinance and as provided by Section 13-705, Tennessee Code Annotated.

12.4.2. Creation and Appointment - A Board of Zoning Appeals is hereby established in accordance with Section 13-705, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, not more than one (1) of whom shall be members of the Piperton Municipal Planning Commission. They shall be appointed by the Mayor of the City of Piperton. The terms of membership shall be three (3) years, except that the initial individual appointments to the Board shall be termed of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for an unexpired term by appointment by the Mayor of the City of Piperton.

All members of the Board shall serve with such compensation as may be fixed by the Board of Commissioners and may be removed from membership by a majority vote of the Board of Commissioners for continuous absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision.

12.4.3. Powers of the Board - The Board is hereby vested with the powers to:

1. Hear and decide appeals from any order, requirement, decision or determination made by the building inspector in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the building inspector is in error or has acted in an arbitrary manner.
2. Hear and act upon application for variances in accordance with Section X of this Chapter to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot.
3. Hear and decide, in accordance with the provisions of this ordinance, requests for special use permits
4. Hear and decide all matters referred to it on which it is required to act under this ordinance
5. Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

12.4.4. Election of Officers - The Board shall elect from its members its own chairman and vice-chairman, and secretary who shall serve for one (1) year and may upon election serve succeeding terms.

12.4.5. Conflict of Interest - Any member of the Board who shall have 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 participation in the discussion, decision, and proceedings of the Board in connection therewith. The burden of 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.

12.4.6. Meetings of the Board - Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

12.4.7. 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 two members shall constitute a quorum and the concurring vote of at least two members of the 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 published in a newspaper of general circulation in Piperton at least five (5) days before the date set for a public hearing and a written notice of the hearing be sent by mail to the appellant and all directly affected property owners at least five (5) days before the hearing. The notice to the appellant shall be sent by certified mail.

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. The Piperton Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency or department of the City of Piperton or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law.
6. In any decision made by the Board on a variance, the Board shall:
 - (a) Indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
 - (b) In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board.
7. Any decision made by the Board on a special use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit.
8. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown
9. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

12.4.8. Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board after such notice of appeal shall have 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 other than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the building inspector, and on due cause shown.

12.4.9. Right to Entry Upon Land - The Board, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

12.4.10. Sign Permits - All building permit applications for signs must be reviewed and approved by the building inspector before issuance and no sign or advertising structure shall be approved which seeks to advertise a product or business not directly related to the commercial location on which the sign or advertising structure is proposed to be erected or located.

12.5. Zoning Variances - The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this chapter.

12.5.1. Application for Variance, Notice of Hearing, Fee - A written application for a variance shall be filed with the Board by the property owner or his designated agent on forms provided by the Board and the application shall contain information and exhibits as may be required under Article 12. No more than 60 days after the filing of the application, the request shall be considered by the Board, unless otherwise withdrawn or postponed by written request by the applicant. A fee to be determined by resolution, payable to the City of Pipeston shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

12.5.2. Notice to Affected Property Owners - Notice to affected property owners and to the general public shall be given in conformance with the procedure set out in Article 12, Section 4 of this ordinance.

12.5.3. Standard for Variances - The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on this applicant any special privilege that is denied by this ordinance to other lands, structures, or building in the same district.
7. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

8. The granting of the variance will not be detrimental to the public welfare of injurious to other property or improvements in the area in which property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

12.5.4. Non-Conformity Does Not Constitute Ground for Granting of a Variance - No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

12.5.5. 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.

12.6. 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 Article 12, Section 5, to reduce or minimize the injurious effect of 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 the variances.

12.7. Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official - In exercising its powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

12.8. Variance Appeals - 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.

12.9. Special Exceptions

12.9.1. Special Exceptions - The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions. For the purposes of administration of this ordinance, special exceptions shall be construed as synonymous with special exceptions, as controlled by Section 13-706, Tennessee Code Annotated.

12.9.2 Application for a Special Exception, Notice of Public Hearing - The application for a special use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required by this ordinance or in the case of buildings or other structures or uses to be located

within flood plain districts, as may be required by Article 14. 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. Notice of hearing shall be held in accordance with this ordinance. A fee to be set by resolution by the Board of Mayor and Commissioners, payable to the City of Piperton shall be charged to partially defray cost of review and processing for each application for a special exception, except that the fee shall be waived for any governmental agency.

12.9.3 Requirements for Special Exceptions - General requirements are hereby established which shall apply to all applications for special exceptions, and specific standards listed shall apply to the issuance of a special use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a special exception as may be necessary to comply with the provisions set out in Article 12, Section 9 in order to reduce or minimize the injurious effect of such special exception upon and insure compatibility with surrounding property and to better carry out the general intent of this ordinance. The Board may establish expiration dates for the expiration of any special exception as a condition of approval.

12.9.4. General Requirements - A special exception shall be granted provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this ordinance.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location.

12.9.5. Specific Standards for Incidental Home Occupations - In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for a home occupation when the following conditions and standards are met.

1. Permitted home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling; and furthermore, that not more than one (1) room shall be used for such purpose except that accessory buildings may be used for home occupations in R-1 and R-C districts.
2. No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.
3. There shall be no exterior garage storage of business equipment, materials, inventory or heavy equipment.
4. The area set aside for home occupations shall not exceed twenty (20) percent of the total floor area of such residence, when accessory buildings are used for home occupations in R-1 and R-C districts, the area of the

accessory building used for the home occupation shall not be greater than thirty (30) percent of the total floor area of the primary structure.

5. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
6. The use of mechanical equipment other than is usual for purely domestic or hobby purposes is prohibited.
7. Merchandise shall not be displayed outside of the residence.
8. Trucks shall not operate in residential districts
9. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
10. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
11. There shall be no changes to the exterior of the building.
12. A home occupation shall not generate nuisances such as on street parking, noise which is discernible past the lot line of the property, fumes, smoke, electrical interferences, or other hazards.
13. Garage sales are permitted without a special exception, provided they meet the following standards.
 - A. Sales last no longer than three (3) days.
 - B. Sales are held no more than twice yearly.
 - C. Sales are conducted on the owners property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - D. No goods purchased for resale may be offered for sale.
 - E. No consignment goods may be offered for sale.
 - F. Directional signs may be placed in the street right-of-way.
 - G. All directional and advertising signs shall be free standing and removed after completion of the sale.
 - H. All directional and advertising signs placed on private property shall have the owners permission.
 - I. No directional or advertising signs may be larger than two (2) by three (3) feet.

12.9.6. Specific Standards for B-1 Districts - In addition to the requirements of the applicable district and the general requirements set forth above, a special

exception shall be granted for the B-1 zone when the following conditions and standards are met.

1. All of the bulk regulations of the zone district shall apply.
2. The location of such facility shall not materially increase traffic on surrounding streets.
3. The location of such facility shall not have an adverse effect on surrounding properties.
4. The operations of the facility shall not create noise, orders or vibrations which are considered uncharacteristic or a nuisance for the district.
5. The site plans for such facility shall first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

12.9.7. Specific Standards for Communications Towers and Non-Inhabitable Structures exceeding Height Regulations. – In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for Communication Towers and other non-inhabitable structures exceeding height regulations when the standards established are met as part of the condition for issuing the permit in the applicable zone district. The Board of Zoning Appeals retains the right to waive the following regulations for uninhabited structures not serving as Communication Towers.

1. Setbacks
 - A. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, which ever is greater.
 - B. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, shall be equal to one hundred (100) percent of the tower height.
2. Shared Use
 - A. The shared use of existing towers shall be required throughout the City. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons.
 - (a) The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.

- (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
 - (c) The planned equipment would not function effectively and reasonably on an existing tower.
 - (d) Geographic service requirements would prevent the co-use of an existing tower and structure.
 - B. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.
3. Type - All new towers over sixty feet in height shall be of monopole type structure. No lattice type antennas or towers over sixty feet in height shall be permitted in the City of Pipeston.
 4. Structural Requirements - Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.
 5. Screening and Landscaping
 - A. For all ground structures and buildings, special care shall be taken to minimize the effects on adjacent residential areas.
 - B. All ground structures shall be screened in a manner which consists of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The screen shall consist of a combination of trees, shrubs, vines and ground covers that blends and enhances the appearance of the ground structures with the surrounding area. The screen shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.
 6. Height
 - A. No tower shall exceed a height of one-hundred and fifty (150) feet.

- B. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus twenty (20) feet.
- 7. Co-Located Towers and Antennas - The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.
 - 8. Vehicle Access Control - The Location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Board of Zoning Appeals in accordance with these regulations.
 - 9. Lighting
 - A. Towers: No artificially lighted tower shall be permitted in the City of Piperton. If the proposed tower is required to be lighted by FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
 - B. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.
 - 10. Security - The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.
 - 11. Removal of Obsolete Towers
 - A. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
 - B. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Mayor

of Piperton and the city engineer and then approved by the Planning Commission during the site plan review process.

12. Site Plan Requirements- Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and the provisions in Article 9, shall be required.
 - A. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.
 - B. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
 - C. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and applicable structural standards and, also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
 - D. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

12.9.8. Specific Standards for Community Facility Activities - In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified in this ordinance when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

1. Special Conditions for Day Care Centers, Group Day Care Homes
 - A. All other bulk regulations of the district shall be met.
 - B. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
 - C. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Public Health Department.
 - D. All regulations of the State of Tennessee and the Department of Human Services that pertain to the use shall be met.
 - E. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

- F. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area from such facilities.
- 2. Special Conditions for public utilities, Police and Fire Stations
 - A. The location of such facility shall be within a certain service area in order to provide the most efficient service to such area.
 - B. All of the bulk regulations of the zone district shall apply.
 - C. The location of such facility shall not materially increase traffic on surrounding streets.
 - D. The location of such facility shall not have an adverse effect on surrounding properties.
 - E. The site plans for such facility shall first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.
 - 3. Special Conditions for military installations, public and private utility corporations or truck yards, radio and television transmission stations, railroad, bus and transit terminals, railroad yards and other transportation equipment marshaling and storage yards, electric transmission lines, and major fuel transmission lines, cemeteries, mausoleums, golf courses, reservoirs and water tanks, sewage disposal treatment plants and water production - treatment facilities.
 - A. 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.
 - B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
 - C. 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.
 - D. The site plan for such facilities shall first 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.

12.9.9. Specific Standards for Commercial Activities - A special exception shall not be granted for the commercial activities specified in Article 6 unless the standards established therein are met as a part of the conditions for granting such exception in the applicable districts.

1. Special Conditions for Scrap Operation Activities and Motor Vehicle Parts, Used (i.e. Junk Yards).
 - A. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
 - B. The scrap operation shall not include any open burning activity on the site.
 - C. The bulk regulations and performance standards of this ordinance shall apply.
 - D. Insect and rodent control measures shall be provided as approved by the County Health Department.
 - E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
 - F. The operation of such facility shall not have an adverse effect on the properties in the surrounding areas.
 - G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

3. Special Conditions for Auto Repair (mechanical), Garages, and Auto Body Repair and Paint Shop Activities.
 - A. The location, size and design of the site and 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.
 - B. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
 - C. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
 - D. No front or side yards shall be used for the storage of any automobile or other mechanical equipment.
 - E. Where automobiles are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8) feet.
 - F. All required fences and landscape screens shall be maintained in a neat and attractive manner.
 - G. The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.

4. Special Conditions for Motels
 - A. The location, size and design of such facilities shall be compatible with the development within the surrounding area, thus reducing the impact upon the adjoining properties.
 - B. All of the bulk, area, yard, and parking regulations of the zone district shall apply.
 - C. There shall be provided along the entire site boundaries, fencing, screening, and landscaping as appropriate to protect any surrounding area.
 - D. The traffic generated by such facility shall be safely accommodated along major streets without transversing local minor streets.
5. Special conditions for Warehousing and Self Storage.
 - A. The location, size and design of such facilities shall be compatible with the development within the surrounding area, thus reducing the impact upon the adjoining properties.
 - B. All of the bulk, area, yard, and parking regulations of the zone district shall apply.
 - C. There shall be provided along the entire site boundaries, fencing, screening, and landscaping as appropriate to protect any surrounding area.
 - D. The traffic generated by such facility shall be safely accommodated along major streets without transversing local minor streets.
 - F. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
6. Special conditions for pest control, building maintenance services and services NEC.
 - A. The location, size and design of the site and 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.
 - B. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
 - C. The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.

- D. No front or side yards shall be used for the storage of any mechanical equipment.
- E. Where automobiles are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8) feet.
- F. All required fences and landscape screens shall be maintained in a neat and attractive manner.
- G. The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.

12.9.10. Specified Standards for Office Districts - A special exception shall not be granted for the activity in the O District specified in Article 6 unless the standards established therein are met as a part of the conditions for granting such exception in the applicable zone districts.

- 1. Specified standards for Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities in O Districts.
 - A. All Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities shall be designed primarily for the use of employees. As such, these uses should not be intended for or advertised to the general public.
 - B. The location of these special exceptions should be located entirely inside another facility or designed to serve and incorporated into a number of clustered facilities.
- 2. Specified standards for services, NEC.
 - A. The location, size and design of the site and 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.
 - B. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
 - C. No front or side yards shall be used for the storage of any automobile or other mechanical equipment.
 - D. Where automobiles are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8) feet.
 - E. All required fences and landscape screens shall be maintained in a neat and attractive manner.
 - F. The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.

12.9.11. Specified Standards for Light Industrial Districts - A special exception shall not be granted for the light industrial activity in the M-1 District specified in Article 7 unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Light Manufacturing in M-1 Districts.
 - A. All applicable requirements of the Zoning District shall be met. If variances are requested to these requirements, a separate application must be made to the Board of Zoning Appeals.

- B. Additional Site Plan requirements as stated below:

A general site plan drawn to scale (one inch equals one hundred feet) shall be submitted to the Board of Zoning Appeals fifteen (15) days prior to its scheduled meeting date.

The site plan shall show the following information:

- (1) The type of the proposed manufacturing use and the location and size of the existing or proposed building, parking and signage.
- (2) A written report shall be required. This report shall contain a description of the proposed use or uses outlining the number of employees, type of equipment used, square footage of floor area, and a statement noting that the property owners in the general vicinity of the proposed use have been notified.

The report shall note all comments of these property owners and shall be accompanied by a notarized statement or affidavit verifying compliance with the criteria and conditions/stipulations for locating such use in the M-1 zone.

- C. New construction or rehabilitation of existing structures shall be of materials and design consistent with the existing area structures.
 - D. Machines or equipment should not emit noise or fumes noticeable to the adjacent property owner(s) or the general public from the street.
 - E. The manufacturing use shall not be such which will pollute the environment with noise or emit particulate matter into the air.
 - F. No evidence of the manufacturing use from the exterior or the building or display windows shall be visible to the general public. Outside storage of raw materials or finished products shall not be allowed.

- G. The general site plan, written report, and notarized statement/affidavit must be submitted prior to approval.
2. Specified Standards for Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities in M-1 Districts.
 - A. All Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities shall be designed primarily for the use of employees. As such, these uses should not be intended for or advertised to the general public.
 - B. The location of these special exceptions should be located entirely inside another facility or designed to serve and incorporated into a number of clustered facilities.

12.9.12. Specified Standards for Heavy Industrial Districts - A special exception shall not be granted for the heavy industrial activity in the M-2 District specified in Article 7 unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Specified standards for Transportation by Air.
 - A. All applicable requirements of the Zoning District shall be met. If variances are requested to these requirements, a separate application must be made to the Board of Zoning Appeals.
 - B. The Planning Commission shall ensure that adequate overlay zoning districts related to air transportation are in place prior to any development of this type.
 - C. Additional Site Plan requirements as stated below:

A general site plan drawn to scale (one inch equals fifty feet) shall be submitted to the Board of Zoning Appeals fifteen (15) days prior to its scheduled meeting date.

The site plan shall show the following information:

- (1) The type of the proposed use and the location and size of the existing or proposed air access, building, parking and signage.
- (2) A written report shall be required. This report shall contain a description of the proposed use or uses outlining the number of employees, type of equipment used, square footage of floor area, a statement on the amounts of noise expected and a statement noting that the property owners in the general vicinity of the proposed use have been notified.

The report shall note all comments of these property owners and shall be accompanied by a notarized statement or affidavit

verifying compliance with the criteria and conditions/stipulations for locating such use in the M-2 zone.

- D. New construction or rehabilitation of existing structures shall be of materials and design consistent with the existing area structures.
 - E. Machines or equipment should not emit noise or fumes noticeable to the adjacent property owner(s) or the general public from the street.
 - F. The manufacturing use shall not be such which will pollute the environment with noise or emit particulate matter into the air.
 - G. No evidence of the manufacturing use from the exterior or the building or display windows shall be visible to the general public. Outside storage of raw materials or finished products shall not be allowed.
 - H. The general site plan, written report, and notarized statement/affidavit must be submitted prior to approval.
2. Specified standards for Mobile Home Sales.
- A. A general circulation plan for the proposed development showing the intended loading and unloading areas, as well as truck turn around areas must be submitted.
 - B. Display of mobile homes shall not be allowed in the required setbacks of the district. If setbacks do not apply, the required setback shall be 50 feet on all sides or three (3) times the applicable setback to an adjoining zoning district, whichever is greater.
 - C. All establishments must designate specific customer parking and driving areas, as well as specific display areas.
 - D. Standards applicable for outside storage and landscaping must be met by any proposed development.
3. Specified Standards for Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities in M-2 Districts.
- A. All Food Stores, Eating Places, News and Tobacco Stands and Fitness Facilities shall be designed primarily for the use of employees. As such, these uses should not be intended for or advertised to the general public.
 - B. The location of these special exceptions should be located entirely inside another facility or designed to serve and incorporated into a number of clustered facilities.
4. Special Conditions For all special exceptions in M-2 Districts.

A. All applicable requirements of the Zoning District shall be met. If variances are requested to these requirements, a separate application must be made to the Board of Zoning Appeals.

B. Additional Site Plan requirements as stated below:

A general site plan drawn to scale (one inch equals one hundred feet) shall be submitted to the Board of Zoning Appeals fifteen (15) days prior to its scheduled meeting date.

The site plan shall show the following information:

(1) The type of the proposed manufacturing use and the location and size of the existing building, parking and signage.

(2) A written report shall be required. This report shall contain a description of the proposed use or uses outlining the number of employees, type of equipment used, square footage of floor area, and a statement noting that the property owners in the general vicinity of the proposed use have been notified.

The report shall note all comments of these property owners and shall be accompanied by a notarized statement or affidavit verifying compliance with the criteria and conditions/stipulations for locating such use in the M-2 zone.

C. New construction or rehabilitation of existing structures shall be of materials and design consistent with the existing area structures.

D. No evidence of the manufacturing use from the exterior or the building or display windows shall be visible to the general public. Outside storage of raw materials or finished products shall not be allowed.

E. The general site plan, written report, and notarized statement/affidavit must be submitted prior to approval.

F. No use shall be permitted which produces electromagnetic interference with radio or television reception in neighboring residential, office or commercial districts.

12.10. Amendments

12.10.1. General - The City Commission may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other 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.

12.10.2 Initiation of Amendment - Amendments may be initiated by City Commission, the Planning Commission or by an application of one or more owners or agents of property affected by the proposed amendment.

A. Application for Amendment - Fee

An application by an individual for an amendment shall be accompanied by a fee to be set by resolution, payable to the City of Pipeston, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. Specifically, the application shall contain the following information:

1. Name, address and telephone number of applicant.
2. If different from the applicant, the name, address and telephone number of the owner or other person having a contractual interest in the property for which a zoning district amendment is requested.
3. A plot plan drawn to scale of 1:100 and legal description of each parcel of property proposed to be reclassified.
4. A vicinity map drawn to a scale of 1:200 showing the subject property and all other parcels within 500 feet of the lot edges. Such vicinity map shall show any and all streets, roads or alleys and shall indicate the owner's name and dimensions of each parcel shown.
5. A list of the names and addresses of the owners of each parcel of property shown on the vicinity map.
7. Present zoning classification and use of each parcel of property for which a zoning amendment is requested.
8. If an amendment to the zoning map is requested, the zoning classification requested for each parcel which is the subject of the application.
9. If an amendment to the text of the Zoning Ordinance is requested, the language of the proposed text amendment and a statement of the reason for the requested amendment.

B. Review and Recommendation of the Planning Commission

The Planning Commission shall review and make recommendations to the Board of Commissioners on all proposed amendments to this ordinance. Failure by the Planning Commission to take any action on the review of a proposed amendment within thirty five (35) days shall constitute approval by the Planning Commission.

C. Grounds for an Amendment

The Planning Commission in its review and recommendation and the Board of Commissioners in its deliberations 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 amendment 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 not be adverse effect upon adjoining property owners unless such adverse 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.

D. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this ordinance prior to the final reading by the Board of Commissioners. Notice of such hearing shall be displayed as follows:

- 1 The City Recorder shall give notice in a newspaper of general circulation within the City of Piperton at least 15 days but no more than 45 days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

E. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map which is part of this ordinance, the Building Inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

F. 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:

1. Upon initiation by the Board of Commissioners or Planning Commission;

2. 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;
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

12.11. Remedies and Enforcement

12.11.1. 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 building inspector. The building inspector shall record properly such complaint, immediately investigate, and take action thereon as provided in this ordinance.

12.11.2. Penalties for Violation - 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 variances, site plan review, 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.

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.

12.11.3. Remedies - 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 building inspector 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 such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the building inspector 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 therefrom until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request.

ARTICLE 13

PLANNED DEVELOPMENT OVERLAY DISTRICT (PD-O)

Purpose.

The purpose of this article is to provide a mechanism to achieve greater flexibility in the development of office, commercial, and industrial land use than would otherwise be afforded by the conventional bulk requirements of this ordinance, and static design criteria of the city's subdivision regulations. Furthermore, it is the intent of this article that the objectives of this ordinance relating to protection of the public health, safety, and welfare can be achieved through skillful planning without literal application of the detailed regulations otherwise applicable, and that special amenities and benefits to the city beyond those otherwise required by this ordinance, can be achieved by allowing more flexible planning than is otherwise permitted by this ordinance and the city's subdivision regulations. Accordingly, through the establishment of a Planned Development Overlay District (PD-O), and approval of a Master Development Plan, it is intended that property regulated under this article will be planned as an integrated unit, and its development governed by a specific plan rather than by generally applicable verbal regulations and quantitative standards. It should be noted, however, that development approval under this article is discretionary, and not a right that can be claimed. Exceptions to the normal regulations are not granted automatically, but only upon finding that they will result in a superior development that promotes the public interests.

Objectives.

The city may, upon proper application, approve a zoning map amendment to establish a PD-O District for a site of at least two (2) acres to facilitate the use of flexible techniques of land development and site design by providing relief from the zoning ordinance and subdivision regulation requirements designed for conventional developments, in order to obtain one or more of the following objectives:

- A. Promote the most efficient use of land through comprehensive site planning in order to facilitate a more harmonious arrangement of buildings, circulation systems, land use and utilities.
- B. Preserve to the greatest extent possible the existing landscape features and amenities, and to include such features within the design of the planned development.
- C. Coordination of principal building forms and relationships, signage, and other accessory structures within the planned developments.

- D. Promote the concepts of sustainable development, smart growth, and concurrency, with regard to the planned development's relation to existing and/or proposed public infrastructure.

Relation Between PD-O Districts and Underlying Zone Districts.

A. Deviation from Use Restrictions of Underlying Zone District

While the primary purpose of the PD-O District is to provide maximum design flexibility, it is not, however, the intent of this article to usurp the use restrictions of the zone districts in which a PD-O District is permitted and proposed to be established. Accordingly, a PD-O District shall not provide for any use(s) specifically excluded from the permitted, accessory, and/or special exception uses within an underlying zone district for which a PD-O District is proposed.

B. Permitted Zone Districts

PD-O Districts shall be permitted in conjunction with the following conventional zone districts: (B-2) Minor Planned Commercial; (B-3) Major Planned Commercial; (O) Office; (M-1) Light Industrial; (M-2) Heavy Industrial; and (M-3) Planned Industrial Park Manufacturing, subject to the provisions provided herein.

C. Modification of District Regulations

A PD-O District may be established in conjunction with the applicable zone district as outlined in subsection (B) of this section, subject to the standards and procedures set forth below:

1. Except as expressly modified by the city, by approval of a Master Development Plan, development within a PD-O District shall be governed by the regulations of the underlying zone district or districts in which the said planned development is located.
2. An approved Master Development Plan for a proposed PD-O District may provide for such exceptions from the underlying zone district regulations governing all bulk requirements; intensity requirements; other applicable zoning ordinance provisions including signage, parking, landscaping, lighting; and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed PD-O District, provided such exceptions are consistent with the standards and criteria contained in this article and have been specifically outlined in the Master Development Plan; and further provided that no modification of the zone district and/or zoning ordinance requirements or subdivision regulations may be allowed when such proposed modification would result in:
 - (a) Inadequate or unsafe access to the planned development.
 - (b) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity.

- (c) An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development.
 - (d) A development that would be incompatible with the purposes of this Ordinance.
3. Modifications proposed by the Master Development Plan are limited to those areas specified by this article. Modifications shall not include those city standards and specifications pertaining to the design and construction of public improvements, or such privately maintained improvements that are required to meet public standards and specifications for construction and design.

D. Establishment of the Planned Development Overlay Zone District

A PD-O District may be proposed to supplement an existing underlying zone district for which a PD-O District is permitted as outlined in subsection (B) of this section; or a PD-O District may be proposed concurrently with a proposal to rezone a parcel or tract to a conventional zone district for which a PD-O District is permitted as outlined in subsection (B) of this section.

Such designations shall be illustrated on the official City of Piperton Zoning Map as the name of the underlying zone district followed by the “(PD-O)” designation (*for example* – B-3 (PD-O)).

Irrespective of the application of the PD-O District as provided for above, a PD-O District may only be established through a zoning map amendment as provided for under Article 12 of this ordinance, provided, however, that an amendment to establish the PD-O District may only be initiated by an application of one or more owners or agents of property affected by the proposed amendment, and such application shall be accompanied by a Master Development Plan.

General Standards and Criteria.

The Board of Mayor and Commissioners may approve the establishment of a PD-O District upon written findings and recommendations by the Planning Commission, which shall be forwarded pursuant to the provisions contained in this section.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the city’s current development policies and comprehensive plan.

- B. An approved water supply, wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses and any part of the proposed planned development not used for structures, parking, and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the Master Development Plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Property owner associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless conveyed to a public body, which agrees to maintain said.
- F. The Board of Mayor and Commissioners may, as a condition of approval of the establishment of the PD-O District, and adoption of the Master 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 for public use.

General Provisions.

The following general provisions shall apply to any PD-O District established in the city.

A. **Ownership and Division of Land**

No tract of land may be considered for the establishment of a PD-O District unless such tract is under the single ownership of a landowner. For the purpose of this ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PD-O District Application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of the PD-O District, the landowner of an adopted PD-O District may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the previously approved Master Development Plan.

B. Professional Design

The City of Piperton shall not consider any application to establish a PD-O District unless the accompanying Master Development Plan includes certification that the services of certified and/or licensed design professionals practicing in their particular field of expertise have been utilized for all site analysis, land planning, and civil site engineering.

C. Residential Use

Except for hotels and motels no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises.

Specific Design Standards and Criteria

A. Planning Relationships with Adjoining Development

The design of any planned development should reflect an effort by the developer to plan land uses within the PD-O District so as to blend harmoniously with adjacent zone districts and existing land uses.

B. Site Planning

Site plans shall provide for efficient, convenient and harmonious grouping of uses, structures, and/or facilities, and shall reflect the applicant's efforts to work with the natural features and characteristics of the development site.

C. Screening

The City of Piperton may require substantial screening along the perimeter of PD-O Districts to aid in transitioning between more intensive land uses (i.e. industrial, retail), and less intensive land uses (office, residential). Such screening, if required, shall be vegetative and/or man-made (i.e. fencing, berms, etc.), and designed to protect less intensive adjacent land use from undesirable views, lighting, noise, and other adverse influences emanating from intensive land use(s) within an adjacent planned development. Screening requirements may be waived where natural terrain and/or existing vegetation provides adequate buffering protection.

D. Landscaping

Landscaping shall play an integral role in any planned development. Whether protecting the City of Piperton's existing natural landscape, or introducing new vegetation, each planned development proposal shall incorporate an ambitious landscape plan that seeks to enhance and expand the city's natural environment.

E. **Signs**

For the purpose of providing flexibility and incentives for coordinated, well-designed sign systems appropriate for planned developments, special provisions varying the standards of Article 8 of this ordinance may be approved by the Board of Mayor and Commissioners subject to the following provisions:

1. The planned development must be 10 (ten) acres or greater in size.
2. A Master Sign Program that includes the following information in booklet form is Submitted and approved:
 - a) Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
 - b) Proposed number and location of signs.
 - c) Sign illumination plans
 - d) Plans for landscaping or architectural features to be used in conjunction with such plans
 - e) Detailed description and rationale of the variations from Article 8 of this Ordinance requested.

In the absence of an approved Master Sign Program, Article 8 of this Ordinance shall regulate all signage for planned developments within a PD-O District.

F. **Accessory Off-Street Parking and Loading**

Article 10 of this Ordinance shall regulate accessory off-street parking and loading in the PD-O District.

G. **Display of Merchandise**

All business, manufacturing and process shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way provided, however, that when an automobile service station or gasoline sales are permitted within a planned development, gasoline may be sold from pumps outside of a structure.

H. **Accessibility**

The development site shall be accessible from the proposed street network in the vicinity that will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways within the site of the proposed planned development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

Procedures for PD-O District Approval

A. Pre-Application Procedures

Prior to filing any application for the establishment of a PD-O District, the prospective applicant shall request a pre-application conference with the Planning Commission. In preparation of the pre-application conference, the applicant shall prepare and provide a general description of the nature, location, and extent of the proposed planned development; a sketch plan illustrating proposed uses and major site improvements; and a list of professional consultants advising the applicant with respect to the proposed planned development. The purpose of the pre-application conference is to provide the applicant with the opportunity to consult early and informally with the city prior to the submission of the formal application to the Planning Commission, and preparation of the required Master Development Plan.

B. The Formal Application

All applications for the establishment of the PD-O District shall be made in writing by the owner of the property, or the owner's duly authorized agent, upon forms provided by the City of Piperton. The application shall contain the following information:

1. A completed application form, together with all required ancillary information required for zoning amendments, as provided for under Article 12; Sub-Section 12.10.2 of this ordinance, and the payment of all applicable fees.
2. A Master Development Plan containing the following plan elements: *Existing Conditions Map*; *Outline Plan*; and a *Preliminary Site Plan*.
3. A Project Text describing the relationship of the proposed planned development to the current land use policies of the city, and how the proposed planned development is to be designed, arranged, and operated. Furthermore, the Project Text shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives, and the rationale governing the applicant's choices of objectives and approaches.
4. Other information as may be deemed necessary by the Planning Commission to further clarify the various elements and/or impacts of the proposed PD-O District, provided at the applicant's expense.

C. Rezoning and Master Development Plan Approval Process:

1. A Master Development Plan is considered an integral element of the zoning map amendment application to establish a PD-O District. Accordingly, any approval of a zoning map amendment to establish a PD-O District shall also extend to the Master Development Plan, along with such modifications as may be approved by the Board of Mayor and Commissioners.

2. The formal application, Master Development Plan, and all other required materials, shall be submitted to the City of Piperton at least forty-five (45) business days prior to the applicable regularly scheduled session of the Planning Commission for which the application is to be heard. In instances where it is determined that the scope and magnitude of a planned development proposal is such that forty-five business days is an insufficient time period in which to conduct a thorough review and analysis, the Planning Commission reserves the right to extend the submittal period to sixty (60) business days. The applicant shall be notified of the Planning Commission's decision to extend the submittal period at the pre-application conference.
3. Upon receiving a completed application, Master Development Plan, and an accompanying staff report, the Planning Commission shall consider the potential impacts of the proposed planned development upon:
 - a) Adjacent land use.
 - b) City land use plan.
 - c) Transportation infrastructure.
 - d) Public utility facilities.
 - e) Such other matters pertaining to the public health, safety, and welfare of the city.

The Planning Commission shall then approve, approve subject to specified conditions, or deny the same, and a report of its action, together with a recommendation for final action, shall be made to the Board of Mayor and Commissioners.

3. Upon receiving the report from the Planning Commission concerning their recommendation on the application, the Board of Mayor and Commissioners shall hold a public hearing as prescribed by law. After considering the potential impacts of the proposed planned development employing the same criteria utilized by the Planning Commission, the Board shall approve, approve subject to specified conditions, or deny the same, and a report of its action shall be returned to the applicant.
5. *Reapplication and Effects of Denial:* Provisions regarding reapplication for an application that is denied, and the effects of the denial of an application shall be as provided for in Article 12 of this ordinance.

6. *Approval of the Master Development Plan and Recording of the Outline Plan:* No development or redevelopment of the property encompassed within a proposed PD-O District shall take place until a Master Development Plan and accompanying plan elements, acceptable under the requirements of this ordinance, have been reviewed and approved by the Board of Mayor and Commissioners as provided herein. Moreover, it shall be incumbent upon the applicant to present an Outline Plan, the requirements of which are defined herein, suitable for recording with the Fayette County Register's Office prior to the filing of any final plan for any phase and/or section of the planned development.
7. *Contractual Agreement:* The Master Development Plan and accompanying plan elements are intended to demonstrate to the Planning Commission and the Board of Mayor and Commissioners the character and objectives of the proposed planned development, so that the Planning Commission and ultimately the Board of Mayor and Commissioners, may evaluate the effect the proposed planned development could have on the community, and determine what provisions, if any, should be included as a part of the Master Development Plan, and be binding upon the future use and development of the subject property. The filing of a Master Development Plan and accompanying plan elements shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the Master Development Plan and accompanying plan elements are approved, development of the property and any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved Master Development Plan and accompanying plan elements for the subject property, and any conditions attached thereto. The approved Master Development Plan and accompanying plan elements, and any conditions attached thereto shall have the full force and effect of this zoning ordinance.
8. *Period of Validity:* Approval of the establishment of the PD-O District and Master Development Plan by the Board of Mayor and Commissioners shall expire, and be of no effect within five (5) years after the date of the approval of the same by the Board, unless a final plan for either the entire planned development, or a phase of the planned development, has been submitted for approval within that time.

- a) Effect of Expiration: At such time as the period of validity of a Master Development Plan lapses;
 - (i) The Board of Mayor and Commissioners may determine if there has been sufficient change in circumstances to warrant removal of the “PD-O” designation, as well as the accompanying conventional zone district designation, if applicable, and reversion of the zoning designation of the subject property to its prior zoning designation, or other zoning designation consistent with the city’s land use plan. The procedure and notice requirements for this process shall be the same as for any rezoning, and shall be in accordance with Article 12 of this ordinance.
- b) *Extension of the Period of Validity:* The Board of Mayor and Commissioners may grant extensions of the Master Development Plan approval, not exceeding six (6) months each, upon written request by the original applicant.
- c) *Amendment of the Approved Master Development Plan:* An approved Master Development Plan may be amended upon application, and under the same applicable procedures as required for the original approval of the initial Master Development Plan, as required by this ordinance.
- d) *Relationship Between Approval of the Master Development Plan and Subdivision Approval:* In those instances where subdivision is an integral part of the proposed planned development, approval of the Master Development Plan shall constitute the same action as approval of the preliminary plan for subdivision approval purposes. No preliminary plan as specified in the city’s subdivision regulations shall be required.

D. Final Plan Approval Process:

1. Following the initial rezoning procedure establishing the PD-O District, and the approval of the Master Development Plan by the Board of Mayor and Commissioners, final plans for either the entire planned development, or a phase of the planned development shall be reviewed by the Planning Commission in accordance with the site plan review requirements of this ordinance, and by the subdivision regulations, as specifically modified by the Master Development Plan.
2. An application for approval of a final plan of the entire planned development if it is to be completed in one phase, or of a portion of the planned development if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting at which it is to be heard. A final plan may be filed concurrently with the Master Development Plan for a single-phase planned development. In such instance, the final plan shall substitute for the Outline Plan and Preliminary Site Plan elements of the Master

Development Plan.

3. The application for final plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:
 - (a) A plat suitable for recording with the Fayette County Register's Office.
 - (b) Proof referred to on the final plan and satisfactory to the city attorney as to the provision and maintenance of common open space.
 - (c) All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - (d) Site data for each area/phase including: site acreage; intensity measures – *floor area ratio, building volume ratio, impervious surface ratio, building height*; finished floor elevations; bulk regulations; parking/loading space requirements.
 - (e) Location, type and sizes of landscaping.
 - (f) Location and dimensions of utility and drainage easements and facilities.
 - (g) All conditions of approval of the approved Master Development Plan.
 - (h) A copy of the final plat using the state plane coordinate system with NAD-83 datum on disk or CD in a generally accepted format (i.e. AutoCAD release 14 or earlier) at the time the final plat is presented for recording.
 - (i) The final plan shall be platted in a manner consistent with all other site plan review and land subdivision requirements of the City of Piperton Zoning Ordinance and Subdivision Regulations.

4. The Planning Commission shall review the final plan and determine whether it substantially conforms or substantially deviates from the approved Master Development Plan in accordance with the following criteria:
 - (a) A final plan shall be found to conform substantially to the approved Master Development Plan if it conforms to all of the provisions of the approved Master Development Plan; however, such final plan shall also be found to conform if:
 - (i) It provides for less gross floor area than the approved Master Development Plan; or
 - (ii) it modifies the orientation or location of building pads; parking areas; roads; open space areas etc., previously illustrated on the Preliminary Site Plan, so long as the modifications do not significantly alter or adversely affect the relationship of such elements, nor compromises the intent of the approved Master Development Plan.
 - (b) A final plan with other minor changes from the approved Master Development Plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that an increase in the development intensity (*i.e. floor area ratio*) of any use; a decrease in open space; and/or any deviation from the conditions of the approved Master Development Plan, shall be deemed to be a substantial deviation and require such final plan to be disapproved by the Planning Commission.
5. The Planning Commission shall render its decision on the final plan based upon the above criteria. If the Planning Commission disapproves the final plan, the applicant may file a revised final development plan that substantially conforms to the approved Master Development Plan, or the applicant may file for an amendment to the approved Master Development Plan. Should the applicant fail to file a final plan that substantially conforms to the approved Master Development Plan, the Planning Commission may petition the Board of Mayor and Commissioners to repeal the establishment of the PD-O District as provided for in this article.
6. Following the Planning Commission's approval of the final plan, the City of Piperton shall cause the recording of said final plan with the Fayette County Register's Office, after the receipt of any required performance security; development fees; and, properly executed contracts in accordance with the City of Piperton's development policy and subdivision regulations.

E. **Zoning Administration – Building Permits**

The city may issue building permits for the area of the planned development covered by the approved final plan for work in conformity with the approved final plan, and with all other applicable ordinances and regulations. However, the city shall not issue an occupancy permit for any building or structure shown on the final plan of any phase of the planned development unless the open space areas and/or public facilities allocated to that phase of the planned development have been conveyed to the designated public agency or property owners association or an approved responsible party. The city shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final plan, if the completed building or structures conforms to the requirements of the approved final plan and all other applicable regulations and ordinances.

F. **Post Completion Certificate**

Upon completion of a planned development in accordance with the approved Master Development Plan, the city shall issue a certificate certifying its completion.

Specifications for the Master Development Plan

The Master Development Plan consists of three (3) plan elements: 1) *Existing Conditions Map*; 2) *Outline Plan*; and, 3) *Preliminary Site Plan*. Taken together, these three plan elements form the basis from which the development of the planned development shall be governed.

Specifications for each plan element shall be as follows:

A. **Existing Conditions Map**

1. An Existing Conditions Map shall be prepared to provide the developer and the city with a comprehensive analysis of existing conditions of the proposed development site. The following information shall be included on this map:
 - (a) An aerial photograph enlarged to a scale not less than 1" = 400' with the development site boundaries clearly marked.
 - (b) Topography; contours at ten-foot intervals from USGS published maps.
 - (c) Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
 - (d) Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, woodland, and trees with a caliper in excess of eight (8) inches.
 - (e) Soil series, types, and phases.
 - (f) Ridgelines and watershed boundaries shall be identified.
 - (g) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as designated floodplain/floodways and wetlands.

- (h) All existing man made features.
- (i) All easements and other encumbrances.
- (j) Total acreage of the development site.

B. Outline Plan

1. The Outline Plan is the recordable document that formally recognizes the establishment of the PD-O District and the conditions of the Master Development Plan. The Outline Plan shall contain the following information:
 - (a) A plot plan drawn to a scale not less than 1 inch equals 100’.
 - (b) Dimensions and bearings of the subject property’s boundary, and a legal description describing same.
 - (c) Specific development areas and/or phases within the subject property delineated by dashed lines that identify: *the acreage contained within the development area and/or phase, and the approved land use(s)*. Development areas and/or phases shall be labeled alphabetically – *Area “A”; Area “B”, etc.*
 - (d) All proposed major roadways with rights-of-way and streetscape/boulevard treatment illustrated via section and plan view; rail lines; all easements (*proposed and existing*); existing public rights-of-way crossing and adjacent to the subject property.
 - (e) Significant areas of public dedication and/or private common space
 - (f) Any and all conditions imposed by the Planning Commission and Board of Mayor and Commissioners as part of the approval of the Master Development Plan.
 - (g) All certificates, seals and signatures required for the recordation of documents.

C. Preliminary Site Plan

1. The Preliminary Site Plan provides a moderately detailed graphic illustration of how the developer proposes to develop the subject property. It shall also provide the basis from which conditions identified on the Outline Plan are developed, and serves as a guide to the Planning Commission for its review of subsequent final plans. The Preliminary Site Plan shall provide the following information:
 - (a) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations, otherwise applicable to the property to permit the development of the proposed planned development; or, (2) the bulk regulations under which the planned development is proposed.

- (b) A tabulation setting forth:
 - (i) Maximum total square feet of gross and net building floor area and intensity ratios (*floor area ratio; building volume ratio*) proposed for all areas/phases, by general type of use;
 - (ii) Impervious/pervious surface ratios;
 - (iii) Acres of proposed public and/or private open space;
 - (iv) Total parking and parking ratios by general type of use.
- (c) All proposed lot lines, areas/phases, bulk standards (*i.e. yard areas*), development phasing, and incorporating appropriate site features (*i.e. floodplain/floodways, wetlands, topography, natural features to be retained*) from the Existing Conditions Map, where applicable.
- (d) The location and floor area size (*see item b*) of all existing and proposed buildings, structures and other improvements, including maximum heights. Preliminary elevations and/or architectural renderings of typical structures and improvements to convey the architectural intent and theme of the proposed improvements are recommended, but not required.
- (e) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses.
- (f) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, (including major points of ingress and egress to the planned development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be provided at the final plan stage).
- (g) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
- (h) The existing and proposed utility systems including sanitary sewers, storm sewers, water lines and drainage. (Detailed drainage plans and calculations shall be provided at the final plan stage).
- (i) A general landscape plan for all improved areas within the planned development, which illustrates existing natural areas to be preserved, as well as proposed new planting areas. (Detailed landscape plans with specific planting locations, plant types, and plant sizes shall be provided at the final plan stage).
- (j) Sufficient information on land areas adjacent to the proposed planned development to indicate relationships between the proposed planned development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural areas.

- (k) The proposed treatment of the perimeter of the planned development, including materials and techniques used such as landscape screens, fences, berms etc.
- (l) Comprehensive sign plan (if applicable).
- (m) Any additional information required by the Planning Commission to further evaluate the proposed planned development.

The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (a) through (m) in order to reasonably adopt these requirements to a particular planned development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the Planning Commission prior to final plan approval.

ARTICLE 14

CONSERVATION DESIGN OVERLAY DISTRICT CD-O

- 14.1 Purpose** – The purpose of the CD-O District is to encourage the development of residential neighborhoods that set aside substantial open space for permanent conservation and/or public dedication, thereby promoting and protecting the rural character of the City of Piperton.
- 14.2 Intent** –The intent of the CD-O District is to ensure the *conservation of open land for active and/or passive recreational use*, and the *protection of unique and sensitive natural features, including scenic views*; to allow for *greater design flexibility in order to promote innovative site design that is responsive to the physical characteristics of the natural landscape*; and to offer *multiple development options for landowners in order to minimize impacts to natural resources*.
- 14.3 Applicability** – The regulation of residential developments incorporating the Conservation Design concept shall be effectuated through the use of an Overlay District. An Overlay District is a zoning district that is applied only in conjunction with another zoning district. It may impose development requirements that differ from those of the underlying zone district.

The CD-O District may be established through a zoning map amendment as provided for under Article 12 of this ordinance, provided, however, that an amendment to establish the CD-O District may only be initiated by an application of one or more owners or agents of property affected by the proposed amendment, and such application shall be accompanied by a Master Development Plan and supporting materials.

Unless specifically provided otherwise in these regulations, if the requirements pertaining to, and approved as part of the establishment of the CD-O District conflict with the requirements of the underlying district or with any other provision of the City of Piperton Zoning Ordinance or Subdivision Regulations, the requirements of the CD-O District, as specifically provided for in an approved Master Development Plan, shall govern.

The CD-O District shall be permitted in conjunction with the *Rural Conservation District (RC)*.

- 14.4 General Requirements** – The establishment of the CD-O District, and design of all developments incorporating the conservation design concept shall be governed by the following minimum standards:
- A. A tract of land proposed for developed within the CD-O District shall be held in single ownership. For the purposes of this Article, single ownership shall be construed as an individual, partnership, corporation, association or any other legally bound entity entitled to own property in the State of Tennessee. In the event of a change in ownership between the time the application is filed and the

time of the public hearing thereupon, such change shall be disclosed by affidavit no later than the time of the public hearing.

- B.** A Master Development Plan shall accompany any application to reclassify property to the CD-O District. The required Master Development Plan shall include, at a minimum, an Existing Resources/Site Analysis Map, and a detailed Site Development Plan, which shall be approved concurrently with the request to reclassify property to the CD-O District.
- C.** As evidenced by the Existing Resources/Site Analysis Map, the tract on which the conservation design option is proposed shall be suitable for supporting development in terms of environmental conditions, its size, and its configuration.
- D.** The proposed site design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources/Site Analysis Map. Demonstration by the applicant that these features will be protected by the proposed application shall be a prerequisite to approval of both Master Development Plan and subsequent Final Plans.
- E.** Proposed modifications to the standards and/or specifications of the subdivision regulations shall be warranted by superior design in furtherance of the intent of this article, but shall not, however, be inconsistent with the public interest.
- F.** The use of “*compatibility buffers*” shall be required, when necessary, to mitigate development impacts to adjacent property.
- G.** The use of certified and/or licensed design professionals for all site analysis, planning, and engineering shall be mandatory, and evidenced by certification on all plan documents submitted to the City of Piperton.
- H.** Notwithstanding any other provision of this Article, minimum lot areas for lots not served by a public sewer system shall be approved as safe for septic systems by the Fayette County Health Department based on soil and groundwater conditions, and additional criteria established by the City of Piperton for alternative waste disposal systems.

14.5 Conservation Design Standards -

- A.** The proposed development shall maintain a generally rural appearance from any existing public right-of-way.
- B.** Dwelling units, accessory structures, and privacy fences shall not encroach upon designated open space, nor impede views of specified view sheds. Specific building envelopes may be delineated on final plan documents to ensure compliance with this design standard.

- C. Views of house lots from exterior roads and abutting properties shall be minimized through the use of changes in topography, existing vegetation, or compatibility buffers comprised of mature vegetation and/or architecturally compatible fences.
- D. House lots shall generally be accessed from interior streets rather than external roads bordering the subject property.
- E. House lots should directly abut or face designated open space areas.

14.6 Use Regulations -

A. Permitted Uses:

- 1. All permitted and accessory uses within the Rural Conservation District (RC).
- 2. All special exceptions permitted within the Rural Conservation District (RC), provided, however, that the special exception(s) is approved as part of the Master Development Plan.

B. Prohibited Uses:

- 1. Any use not specifically provided for in Section 5.1.2 or Section 5.1.3 of these regulations.

14.7 Development Parameters -

A. Minimum Development Area: Ten (10) Acres

B. Maximum Development Area: No minimum

C. Dimensional Requirements:

1. Minimum Lot Area:

No minimum (except that minimum lot areas for lots not served by a public sewer system shall be approved as safe for septic systems by the Fayette County Health Department based on soil and groundwater conditions, and additional criteria established by the City of Piperton for alternative sewer systems.

2. Minimum Lot Width at the Building Line: No minimum

3. **Minimum Street Frontage:** 16 Feet

4. **Yard Regulations (*):**

(a) **Front Yard** – No minimum from new development streets and/or common driveways, however, the Planning Commission and Board of Mayor and Commissioners reserve the right to establish a minimum building set back from existing roads and rights-of-ways based on topographical and vegetative considerations.

(b) **Rear Yard** – No minimum.

(c) **Side Yard** – No minimum.

(*) *In no instance shall any principal and/or accessory structure be permitted to encroach within any proposed and/or required utility easement. All proposed dimensional requirements shall be identified and/or illustrated on the Master Development Plan.*

5. **Maximum Height Regulations:**

As per the City of Piperton Zoning Ordinance for all applicable uses.

D. Signage Requirements:

As per the City of Piperton Zoning Ordinance for all applicable uses.

E. Open Space Requirements:

1. The minimum open space requirements for any development within the CD-O District shall be 25% of the gross tract acreage for parcels without public sewer, and 50% of the gross tract acreage for parcels that are served by a public sewer system, exclusive of required rights-of-way dedication along existing thoroughfares.

2. Open space is defined as any area that is not divided into building lots, streets, rights-of-way, parking, or easements established for purposes other than open space conservation. Conservancy lots encumbered with conservation easements, and Golf courses and other neighborhood and outdoor recreational uses that are designed and sited to preserve rural appearance and enhance the neighborhood shall be classified as open space.

3. Required open space shall be permanently restricted from future subdivision and development through the use of conservation easements and/or public dedication. Under no circumstances shall any development be permitted in the required open space at any time, except as provided herein.

4. The Planning Commission and Board of Mayor and Commissioners shall evaluate the suitability of the open space proposed for conservation and/or public dedication based on the following criteria:
 - (a) Primary emphasis shall be placed on open space that may be incorporated into the City of Piperton’s Greenbelt and/or Park System, as delineated in the City of Piperton Master Parks and Greenbelt Plan; incorporated into required and/or desired buffer areas; or utilized for private recreational use.
 - (b) Secondary emphasis will be placed on the preservation of all distinctive natural features, including *Woodlands, Farmland, and Natural View Sheds*, as well as *Historic, Archaeological, and Cultural Features*.
 - (c) Considerable emphasis will be placed on the preservation of environmentally sensitive areas/features as determined by the required Existing Resources/Site Analysis Map. These areas/features include: *Aquatic Resource Streams/Waterways; Wetlands; Floodway/Floodplain; Slopes 20% or Greater; and Identifiable Groundwater Recharge Areas*. The Planning Commission and Board of Mayor and Commissioners reserve the right to limit the percentage of environmentally sensitive areas that may be credited toward the applicable open space requirement.

14.8. Open Space Ownership – The primary beneficiary and benefactor of the required open space shall be the City of Piperton. However, in appropriate circumstances the Planning Commission and Board of Mayor and Commissioners may approve the retention and/or conveyance of the required open space to the following entity(s): *Original Landowner* and/or *Developer* (may retain up to one hundred (100) percent of required open space for private use or for conservation lots); *Homeowner Association; Land Trust and/or Conservation Organization*; or *any combination of the above*. All conveyances shall be fee simple by way of a general warranty deed, and all conservation easements shall run with the land in perpetuity.

A. Original Landowner and/or Developer:

1. Up to one hundred (100) percent of the required open space may be retained for private use by the original landowner and/or developer subject to the following provisions:
 - (a) Required open space retained by the original landowner and/or developer shall be described by metes and bounds, and identified and recorded on the Final Plat as “non-common” open space.

- (b) Required open space proposed as “non-common” open space shall be encumbered in perpetuity with a permanent conservation easement that is enforceable by the City of Piperton, and/or other entity approved by the City of Piperton.
- (c) Use of the designated “non-common” open space shall be limited to residential (*i.e. “conservancy lots” of at least 5 acres, with the city reserving the right to require “conservancy lots” of ten (10) acres or larger depending upon the physical characteristics of the development property*), and agricultural, provided, however, that the erection of any permanent structures (*i.e. barns, stables etc.*) must be approved by the City of Piperton as part of the Master Development Plan.

B. Homeowner Association:

- 1. Required open space and accessory improvements may be conveyed to a homeowner association, subject to the following provisions, and any applicable state regulations and statutes:
 - (a) Required open space conveyed to a homeowner association shall be described by metes and bounds, and identified and recorded on the Final Plat as “common” open space.
 - (b) The developer shall provide the City of Piperton a description of the organization of the proposed homeowner association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - (c) Required open space conveyed to a homeowner association shall be encumbered in perpetuity with a permanent conservation easement that is enforceable by the City of Piperton, and/or other entity approved by the City of Piperton.
 - (d) The proposed homeowner association shall be established by the developer, and shall be operating (*with financial subsidization by the developer, if necessary*) before the sale of any lots and/or dwelling units in the development.
 - (d) Membership in the homeowner association shall be automatic (*mandatory*) for all purchasers of lots and/or dwelling units therein and their successors in title.
 - (e) The homeowner association shall be responsible for maintenance, taxes, and insurance of common facilities.

- (f) The homeowner association by-laws shall confer legal authority on the association to place lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- (g) The homeowner association by-laws shall guarantee each lot and/or dwelling unit owner unrestricted right to utilize lands and facilities owned by the association.
- (h) An established homeowner association shall not be dissolved, nor shall it sell or transfer any common open space without the prior approval of the City of Piperton.
- (i) The City of Piperton may require that a surety instrument be furnished by the developer for one hundred (100) percent of the estimated construction costs of all proposed private improvements approved as part of the Master Development Plan. In no event, however, shall occupancy permits for any phase of the final development plan be issued until said improvements are installed to the satisfaction of the City of Piperton.

C. Land Trusts and/or Conservation Organizations:

- 1. Required open space may be conveyed to a land trust and/or conservation organization, subject to the following provisions:
 - (a) Required open space conveyed to a land trust and/or conservation organization shall be described by metes and bounds, and identified and recorded on the Final Plat as conservation land.
 - (b) The selected land trust and/or conservation organization shall be acceptable to the City of Piperton, and must be a legally recognized conservation organization intended to exist indefinitely.
 - (c) The conveyance shall contain appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - (d) The conveyed open space shall be permanently restricted from future development through a conservation easement that is enforceable by the City of Piperton.

- (e) A maintenance agreement acceptable to the City of Piperton shall be established between the developer and the land trust and/or conservation organization.

D. City of Piperton:

- 1. Required open space may be dedicated to the City of Piperton for conservation and/or public use subject to the following provisions:
 - (a) Required open space dedicated to the City of Piperton shall be described by metes and bounds, and identified and recorded on the Final Plat as public open space.
 - (b) The City of Piperton may, but shall not be obligated to, accept dedication of any portion of the required open space.
 - (c) There shall be no cost of acquisition to the City of Piperton.
 - (d) At the City of Piperton's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of proposed public open space areas and facilities.

14.9. Maintenance of Open Space Areas and Facilities -

- A. Unless otherwise agreed to by the Board of Mayor and Commissioners, the cost and responsibility of maintaining proposed open space areas and facilities shall be borne by the original landowner and/or developer, the homeowner association, or land trust and/or conservation organization.
- B. The applicant, at the time of Master Development Plan submission, shall provide a plan for maintenance of open space area and facilities in accordance with the following requirements:
 - 1. The Plan shall define ownership;
 - 2. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for open space areas and facilities;
 - 3. The Plan shall provide estimates for all costs associated with the maintenance of open space areas and facilities, including insurance requirements. Such plan shall also include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

4. At the City of Piperton's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of proposed public open space areas and facilities; and
5. Any changes to the Plan for Maintenance of Open Space Area and Facilities shall be approved by the City of Piperton.

14.10 Improvements To Open Space -

- A. When, in the opinion of the Planning Commission and Board of Mayor and Commissioners, improvements to proposed public and/or private open space are deemed advisable, based on the site's relationship with the City of Piperton's Master Parks and Greenbelt Plan and/or the furtherance of the public welfare, such improvements shall be made a requirement of the Master Development Plan. The eligibility of such improvements for an enhancement density bonus as provided for in Section 13.11 (C) (1) (a) shall be at the discretion of the Board of Mayor and Commissioners, which shall be guided by the recommendation of the Planning Commission.

14.11 Development Density:

- A. **Developments Not Served by Public Sewer** - A baseline density of 0.5 dwelling units per acre (DUA), exclusive of required rights-of-way dedication along existing thoroughfares, is permitted with the conservation and/or public dedication of 25% open space, and any specified improvements to the required open space as provided for in Section 13.10 (A). Density bonuses are available per Section 13.11 (C) that may permit an increase in development density of up to .66 DUA for developments not served by public sewer.
- B. **Developments Served by Public Sewer** - A baseline density of .75 dwelling units per acre (DUA), exclusive of required rights-of-way dedication along existing thoroughfares, is permitted with the conservation and/or public dedication of 50% open space, and any specified improvements to the required open space as provided for in Section 13.10 (A). Density bonuses are available per Section 13.11 (C) that may permit an increase in development density of up to 1 DUA for developments served by public sewer.

NOTE: *Conservancy Lots, as provided for under Section 13.8 (A) (1) (c) of this Article, shall be exempt from the above density requirements.*

C. Incentives for Density Bonuses:

1. The following density bonus provisions are offered as an incentive to encourage the developer to provide for enhanced amenity offerings; provide for the preservation of more than the minimum required open space; and/or provide for the preservation of off-site, environmentally

sensitive areas within the City of Piperton and its reserve area. The granting of density bonuses shall be at the discretion of the Board of Mayor and Commissioners, which shall be guided by the recommendation of the Planning Commission. Moreover, no more than half of the applicable density bonus shall be granted for each density bonus provision. Finally, in no instance, shall the overall density of a proposed development exceed the applicable densities provided for in Sections 13.11 (A) and (B).

(a) Enhanced Amenities –

For every \$10,000 in verifiable enhanced amenities such as public and/or private playgrounds, clubhouses, swimming pools, horse riding stables, walking trails, tennis courts, etc., an additional development lot will be approved for up to half of the applicable density bonus.

(b) Transfer of Development Rights –

For every ten (10) acres of environmentally sensitive land, the development rights of which are transferred to the City of Piperton and/or other designated entity, an additional development lot will be approved for up to half of the applicable density bonus.

(c) Preservation/Dedication of additional open space –

For each percentage point of open space exceeding the applicable open space requirement, the development density may be increased a corresponding percentage point for up to half of the applicable density bonus.

14.12 Pre-Application Procedures:

A. Pre-Application Conference

Prior to filing any formal application for the establishment of a CD-O District, the prospective applicant shall request a pre-application conference with the Planning Commission. The purpose of the pre-application conference is to introduce the applicant and his design professional(s) to the city's regulations and procedures as they pertain to the establishment of the CD-O District; to discuss the applicant's development objectives; and to schedule site inspections and formal plan submissions as described herein.

In preparation of the pre-application conference, the applicant should first familiarize himself with the contents of this article. Subsequently, the applicant should have their design professional(s) prepare an Existing Resources/Site Analysis Map of the subject property in accordance with the requirements contained in Section 13.14, and be prepared to discuss the findings of the site analysis with the Planning Commission. Finally, the applicant should be prepared to share with the Planning Commission his concept for the development of the subject property in keeping with purpose, intent, and requirements of this article.

B. Site Inspection

Following the pre-application conference, the applicant shall arrange for a site inspection of the subject property by the Planning Commission and other municipal officials and shall distribute copies of the previously prepared site analysis on-site. Applicants and their design professional(s) are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize the Planning Commissioners with the subject property's existing conditions and special features; to identify potential site design issues; and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open space and potential locations for proposed buildings and street alignments.

C. Sketch Plan Submission and Review

Following the site inspection and prior to the formal submission of the Master Development Plan, the applicant shall present a Sketch Plan to the Planning Commission. A Sketch Plan is an inexpensive drawing designed to graphically convey a conceptual layout of the open space proposed for conservation, potential development lots, and street alignments. The purpose of the submitting a sketch plan is to develop a mutual understanding on the general approach for developing the subject property in accordance with purpose, intent, and requirements of this article, and based on the findings of the previously conducted site inspection. Moreover, the Sketch Plan allows the applicant to avoid paying for expensive, detailed preliminary plans during the informal and information exchange phase of the review and approval process.

Although there are no specific requirements with regard to the graphical format the Sketch Plan must take, it shall, at a minimum, be drawn to scale and be based closely upon the information contained in the Existing Resources/Site Analysis Map. Moreover, the Planning Commission should be able to clearly discern from the Sketch Plan the following information:

1. Clearly defined subject property boundaries and total acreage;
2. The area(s) and approximate acreage of open space proposed for conservation, including proposed public parks and/or greenbelts;

3. Conceptual amenity provisions;
4. Protection of unique natural features as identified on the Existing Resources/Site Analysis Map;
5. The number and approximate size of development lots, and proposed yard areas for the development lots;
6. Proposed street alignment, conceptual cross sections, and the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
7. Compliance with the development parameters of this article, including percentage of open space conservation; open space ownership and maintenance; and development density.

14.13. Rezoning and Master Development Plan Approval Process:

A. The Formal Application

All applications for the establishment of the CD-O District shall be made in writing by the owner of the property, or the owner's duly authorized agent, upon forms provided by the City of Piperton. The application shall contain the following information:

1. A completed application form, together with all required ancillary information required for zoning amendments, as provided for under Article 12; Sub-Section 12.10.2 of this ordinance, and the payment of all applicable fees.
2. A Master Development Plan containing the following plan elements: **Existing Resources/Site Analysis Map** and a **Site Development Plan**. *(An Existing Resources/Site Analysis Map meeting the requirements contained in section 13.14 may be submitted at the Pre-Application Conference.)*
3. A Project Text describing the relationship of the proposed conservation design development to existing conditions and inherent natural features of the subject property. Furthermore, the Project Text shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives, and the rationale governing the applicant's choices of objectives and approaches.
4. Other information as may be deemed necessary by the Planning Commission to more completely assess the proposed CD-O District, provided at the applicant's expense.

B. Rezoning and Master Development Plan Approval Process:

1. A Master Development Plan is considered an integral element of the zoning map amendment application to establish a CD-O District.

Accordingly, any approval of a zoning map amendment to establish a CD-O District shall also extend to the Master Development Plan, along with such modifications as may be approved by the Board of Mayor and Commissioners.

2. The formal application, Master Development Plan, and all other required materials, shall be submitted to the City of Piperton at least forty-five (45) business days prior to the applicable regularly scheduled session of the Planning Commission for which the application is to be heard. In instances where it is determined that the scope and magnitude of a conservation development proposal is such that forty-five business days is an insufficient time period in which to conduct a thorough review and analysis, the Planning Commission reserves the right to extend the submittal period to sixty (60) business days. The applicant shall be notified of the Planning Commission's decision to extend the submittal period at the time of the Sketch Plan submission.

The date of receipt of the formal application, together with the Master Development Plan shall be subject to review by the City of Piperton and/or its designated agent(s) to determine if all required materials and fees have been submitted by the applicant. If the application is defective or incomplete, the applicant shall be notified in writing within fifteen (15) days of the date of receipt and the application shall be null and void, and shall be deemed withdrawn by the applicant.

3. Upon receiving a completed application, Master Development Plan, and an accompanying staff report, the Planning Commission shall review the conservation development proposal on the basis of the following criteria:
 - (a) Conformance with the mutually agreed upon Sketch Plan, presented earlier to the Planning Commission;
 - (b) Compliance with the purpose, intent, and requirements of this article, including percentage of open space conservation; open space ownership and maintenance; and development density;
 - (c) Adequate capacity for all proposed utilities;
 - (d) Such other matters pertaining to the public health, safety, and welfare of the city.

The Planning Commission shall then approve, approve subject to specified conditions, or deny the same, and a report of its action, together with a recommendation for final action, shall be made to the Board of Mayor and Commissioners.

4. Upon receiving the report from the Planning Commission concerning their recommendation on the application, the Board of Mayor and Commissioners shall hold a public hearing as prescribed by law. The Board shall approve, approve subject to specified conditions, or deny the same, and a report of its action shall be returned to the applicant.

5. *Reapplication and Effects of Denial:* Provisions regarding reapplication for an application that is denied, and the effects of the denial of an application shall be as provided for in Article 12 of this ordinance.
6. *Approval of the Master Development Plan:* No development or redevelopment of the property encompassed within a proposed CD-O District shall take place until a Master Development Plan and accompanying plan elements, acceptable under the requirements of this article, have been reviewed and approved by the Planning Commission and Board of Mayor and Commissioners as provided herein. Moreover, it shall be incumbent upon the applicant to present a Site Development Plan, the requirements of which are defined herein, and conditions of Master Development Plan approval, suitable for recording with the Fayette County Register's Office prior to the filing of any final plan for any phase and/or section of the conservation design development.
7. *Contractual Agreement:* The Master Development Plan and accompanying plan elements are intended to demonstrate to the Planning Commission and the Board of Mayor and Commissioners the character and objectives of the proposed conservation design development, so that the Planning Commission and ultimately the Board of Mayor and Commissioners, may evaluate the effect the proposed conservation design development could have on the community, and determine what provisions, if any, should be included as a part of the Master Development Plan, and be binding upon the future use and development of the subject property. The filing of a Master Development Plan and accompanying plan elements shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the Master Development Plan and accompanying plan elements are approved, development of the property and any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved Master Development Plan and accompanying plan elements for the subject property, and any conditions attached thereto. The approved Master Development Plan and accompanying plan elements, and any conditions attached thereto shall have the full force and effect of this zoning ordinance.
8. *Period of Validity:* Approval of the establishment of the CD-O District and Master Development Plan by the Board of Mayor and Commissioners shall expire, and be of no effect within one (1) year after the date of the approval of the same by the Board, unless a final plan for either the entire conservation design development, or a phase of the conservation design development, has been submitted for approval within that time.
 - (a) Effect of Expiration: At such time as the period of validity of a Master Development Plan lapses;
 - (b) The Board of Mayor and Commissioners may determine if there has been sufficient change in circumstances to warrant removal of the "CD-O" District designation, and reversion of the zoning designation of the subject property to its prior zoning designation, or other zoning designation consistent with the city's land use plan. The procedure and notice requirements for this process shall

be the same as for any rezoning, and shall be in accordance with Article 12 of this ordinance.

9. *Extension of the Period of Validity:* The Board of Mayor and Commissioners may grant extensions of the Master Development Plan approval, not exceeding six (6) months each, upon written request by the original applicant.
10. *Amendment of the Approved Master Development Plan:* An approved Master Development Plan may be amended upon application, and under the same applicable procedures as required for the original approval of the initial Master Development Plan, as required by this ordinance.
11. *Relationship Between Approval of the Master Development Plan and Subdivision Approval:* approval of the Master Development Plan shall constitute the same action as approval of the preliminary plan for subdivision approval purposes. No preliminary plan as specified in the city's subdivision regulations shall be required.

C. **Final Plan Approval Process:**

1. Following the initial rezoning procedure establishing the CD-O District, and the approval of the Master Development Plan by the Board of Mayor and Commissioners, final plans for either the entire conservation design development, or a phase of the conservation design development shall be reviewed by the Planning Commission in accordance with the subdivision regulations, as specifically modified by the Master Development Plan.
2. An application for approval of a final plan of the entire conservation design development if it is to be completed in one phase, or of a portion of the conservation design development if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting at which it is to be heard. A final plan may be filed concurrently with the Master Development Plan for a single-phase conservation design development. In such instance, the final plan shall substitute for the Site Development Plan element of the Master Development Plan.
3. The application for final plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:
 - (a) A plat suitable for recording with the Fayette County Register's Office.
 - (b) Proof referred to on the final plan and satisfactory to the city attorney as to the provisions of ownership and maintenance of all required open space and ancillary improvements.
 - (c) All certificates, seals and signatures required

for the dedication of land and recordation of documents.

- (d) Tabulations of each separate use area (*residential; open space*), including land area, bulk regulations and gross density, per the approved Master Development Plan.
 - (e) Legal descriptions and conveyance instruments for all required open space.
 - (f) A copy of the recorded Covenants, Conditions, and Restrictions of any established homeowners and/or property owners association.
 - (g) Location and dimensions of utility and drainage easements and facilities.
 - (h) All conditions of approval of the approved Master Development Plan.
 - (i) A copy of the final plat using the state plane coordinate system with NAD-83 datum on disk or CD in a generally accepted format (*i.e. AutoCAD release 14 or earlier*) at the time the final plat is presented for recording.
 - (j) The final plan shall be platted in a manner consistent with all other site plan review and land subdivision requirements of the City of Piperton Zoning Ordinances and Subdivision Regulations.
4. The Planning Commission shall review the final plan and determine whether it substantially conforms or substantially deviates from the approved Master Development Plan in accordance with the following criteria:
- (a) A final plan shall be found to conform substantially to the approved Master Development Plan if it conforms to the all of the provisions of the approved Master Development Plan; however, such final plan shall also be found to conform if:
 - (i) It provides for less density than the approved Master Development Plan; or
 - (ii) It modifies the orientation of roads; open space and/or recreational areas etc., previously illustrated on the Site Development Plan, so long as the modifications do not significantly alter or adversely affect the relationship of such elements, nor compromises the intent of the approved Master Development Plan.
 - (b) A final plan with other minor changes from the approved Master

Development Plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that an increase in the development intensity (*i.e. gross dwelling units per acre*); a decrease in open space; and/or any deviation from the conditions of the approved Master Development Plan, shall be deemed to be a substantial deviation and require such final plan to be disapproved by the Planning Commission.

5. The Planning Commission shall render its decision on the final plan based upon the above criteria. If the Planning Commission disapproves the final plan, the applicant may file a revised final plan that substantially conforms to the approved Master Development Plan, or the applicant may file for an amendment to the approved Master Development Plan. Should the applicant fail to file a final plan that substantially conforms to the approved Master Development Plan, the Planning Commission may petition the Board of Mayor and Commissioners to repeal the establishment of the CD-O District as provided for in this article.
6. Following the Planning Commission's approval of the final plan, the City of Piperton shall cause the recording of said final plan with the Fayette County Register's Office, after the receipt of any required performance security; development fees; and, properly executed contracts in accordance with the City of Piperton's development policy and Subdivision Regulations.

D. Zoning Administration – Building Permits

The city may issue building permits for the area of the conservation design development covered by the approved final plan for work in conformity with the approved final plan, and with all other applicable ordinances and regulations. However, the city shall not issue an occupancy permit for any building or structure on any development lot shown on the final plan of any phase of the conservation design development unless the open space areas and/or recreational amenities allocated to that phase of the conservation design development have been conveyed to the appropriate entity(s) as required by the approved Master Development Plan.

E. Post Completion Certificate

Upon completion of a conservation design development in accordance with the approved Master Development Plan, the city shall issue a certificate certifying its completion.

14.14 Specifications for the Master Development Plan:

The Master Development Plan consists of two (2) plan elements: 1) *Existing Resources/Site Analysis Map* and, 2) *Site Development Plan*. Taken together, these two plan elements form the basis from which the development of the conservation design development shall be governed. Specifications for each plan element shall be as follows:

A. Existing Resources/Site Analysis Map

1. An Existing Resources/Site Analysis Map shall be prepared to provide the developer and the city with a comprehensive analysis of existing conditions of the proposed development site. The following information shall be included on this map:
 - (a) An aerial photograph enlarged to a scale not less than 1" = 400' with the development site boundaries clearly marked.
 - (b) Topography; contours at ten-foot intervals from USGS published maps.
 - (c) Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
 - (d) Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, woodland, and trees with a caliper in excess of eight (8) inches.
 - (e) Soil series, types, and phases.
 - (f) Ridgelines and watershed boundaries shall be identified.
 - (g) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as designated floodplain/floodways and wetlands.
 - (h) All other historically and/or geologically significant features associated with the subject property.
 - (i) A viewshed analysis showing the location and extent of views into the property from public rights-of-ways.
 - (j) All existing man made features.
 - (k) All easements and other encumbrances.
 - (l) Total acreage of the development site.
 - (m) A narrative explaining the results of the applicant's site analysis, and how the subject site's existing features influenced the Site Development Plan.

B. Site Development Plan

1. The Site Development Plan provides a moderately detailed graphic illustration of how the developer proposes to develop the subject property. It shall serve as a guide to the Planning Commission for its review of subsequent final plans. The Site Development Plan shall provide the following information:
 - (a) A site layout including all proposed lot lines, lot areas, building setbacks,

street rights-of-way, utility easements, open space boundaries, and development phasing lines. The site layout should incorporate appropriate site features (*i.e. floodplain/floodways, wetlands, topography, natural features to be retained*) from the Existing Resources/Site Analysis Map.

- (b)** Typical street cross-sections for each street type, and tentative names of all proposed streets.
- (c)** Stormwater management plan illustrating proposed drainage courses, easements, and related infrastructure. (*May be provided on a separate sheet.*)
- (d)** Where sanitary sewer is available, a preliminary sanitary sewer plan illustrating proposed connections with existing facilities. (*May be provided on a separate sheet.*)
- (e)** Where sanitary sewer is not available, an on-site sewage treatment plan indicating the specific sewage treatment facility/type for each development lot. (*May be provided on a separate sheet.*)
- (f)** Preliminary water plan, including valves, plugs, fire hydrants, and proposed connections with existing facilities. (*May be provided on a separate sheet.*)
- (g)** A statement as to the availability of gas and electric service.
- (h)** The size in acres and square feet of all areas to be conveyed, dedicated or reserved as open space, public parks, recreational areas, school sites and similar public and semi-public uses sufficient to determine compliance with the requirements of this article.
- (i)** Open space improvement plan, including entrance treatment, landscaping, and a list and estimated value of all amenity offerings.
- (j)** The proposed treatment of the perimeter of the conservation design development, including materials and techniques used such as landscaping screens, fences, berms etc., where compatibility buffers are required.
- (k)** Development density calculations, including applicable density bonuses.
- (l)** Preliminary limit-of-disturbance areas. (*May be provided on a separate sheet.*)
- (m)** Provisions for the ownership and maintenance of the required open space as provided for in this article.
- (n)** Certification of the use of the appropriate design professionals as provided for in this article.
- (o)** Any additional information required by the Planning Commission to further evaluate the proposed conservation design development.

The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (a) through (o) in order to reasonably adopt these requirements to a particular conservation design development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the Planning Commission prior to final plan approval.

ARTICLE 15

LEGAL STATUS PROVISIONS

- 15.1. Interpretation** - In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- 15.2. Relation To Other Laws And Private Restrictions**
- 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 provision of this Ordinance or of any other law, resolution, Ordinance, rule or regulations of any kind, the regulations which are more restrictive shall apply.
 - B. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this Ordinance are most restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.
- 15.3. Ordinance Provisions Do Not Constitute Permit** - Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.
- 15.4. Provisions Are Cumulative** - The provisions of this Ordinance are cumulative with additional limitations imposed by all other laws and Ordinances, heretofore passed or which may be passed hereafter, governing any such matter appearing in this Ordinance.
- 15.5. Separability** -It is hereby declared to be the intention of the City of Piperton, 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 to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
 - B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to 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.

15.6. Application Of Regulation -No building or other structure shall be constructed, erected, placed or maintained and no land use commenced within the City except as specifically or by necessary implication, authorized by this Ordinance. Special exception uses are allowed only on permit granted by the Board of Zoning Appeals. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

15.7. Scope Of Regulation

1. New Uses, Lots, Buildings or Other Structures - Upon the effective date of this Ordinance, any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this Ordinance.
2. Existing Uses, Lots, Building or Other Structures - Any existing use, lot, parcel, building or structure legally established prior to the effective date of this Ordinance which does not comply with the provisions shall be subject to the nonconforming use provisions in Article 3 of this Ordinance.

15.8. Violation And Penalty - Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

15.9. Effective Date - This Ordinance shall be in force and effect from and after its passage on second and final reading and adoption, the public welfare requiring it.

1. Approved and certified by Planning Commission

ATTEST:

Chairman of Planning Commission

Secretary of Planning Commission

2. Approved by the Board of Mayor and Commissioners in final reading:

ATTEST:

Mayor

City Recorder

Passed _____