

TITLE 14

PLANNING AND ZONING

CHAPTER

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CHAPTER 1

MUNICIPAL REGIONAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
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**14-101. Creation and membership.** Pursuant to the provisions of section 13-3-101 of the Tennessee Code Annotated there is hereby created a municipal regional planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members; two (2) of these shall be the mayor and an alderman selected by the city council; the other eight (8) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments which shall be made so as to stagger the terms, the terms of the eight (8) members appointed by the mayor shall be for five (5) years each. The terms of the mayor and the alderman selected by the city council shall run concurrently with their terms of office on the city council. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1968 code, § 11-101, modified)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with title 13 of the Tennessee Code Annotated. (1968 code, § 11-102)

CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING

SECTION

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**14-201. Title.** Chapters 2 through 14 in this title shall be known as the "Zoning Ordinance of the City of Lebanon, Tennessee." The atlas and plan herein referred to, which are identified by the titles, "Official Zoning Atlas of Lebanon, Tennessee, Major Thoroughfare Plan," and all subsequent revisions and all explanatory matter thereon are hereby adopted and made a part of chapters 2 through 14 of this title. (1968 code, § 11-201, as amended by ord. 83-501, § 1, modified)

**14-202. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid

undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious and objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a over-concentration of these uses in any one area and to minimize and control the deleterious and secondary effects of these uses. Uses subject to these controls are adult orient businesses including but not limited to:

- (1) Adults-only bookstores.
- (2) Adult cabaret.
- (3) Adult entertainment centers.
- (4) Adults-only motion picture theaters.
- (5) Adult motel.
- (6) Massage parlors.
- (7) Rap parlors.
- (8) Saunas. (1968 code, § 11-202, as amended by Ord. #98-1780, Aug.

1998)

**14-203. Definitions.** Unless otherwise stated, the following words shall, for the purpose of chapters 2-14 in this title, have the meanings herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural, the singular. The word "shall" is mandatory and not directory.

(1) "Access ramp." A turning roadway at an interchange for travel between intersection legs.

(2) "Adult cabaret." A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

The definition of adult cabaret shall also include those establishments as defined by state statutes and shall include those commercial establishments which feature entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers, whether in a state of total nudity, partial nudity, or not nude at all.

(3) "Adult entertainment center." An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of any such activity.

(4) "Adult motel." A hotel, motel or similar commercial establishment which:

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for periods of time that is less than ten (10) hours; or

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(5) "Adult-only bookstores." An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

(6) "Adults-only motion picture theaters." An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "anatomical areas" for observation by patrons therein.

(7) "Adult oriented businesses." Including, but not limited to, adults-only bookstores, adult cabaret, adult entertainment centers, adults-only motion picture theaters, adult motel, erotic dance facilities, rap parlors, and saunas. Adult oriented business is a business which provides entertainment or merchandise only for adult consumption or use, and includes such

entertainment establishments which present various states of nudity as allowed by state statutes.

(8) "Alley." Any public or private way less than twenty-five (25) feet in width set aside for public travel.

(9) "Automobile graveyard." Any lot, parcel or property used for the purpose of dismantling and/or storing on the site two or more motor vehicles which are not maintained in operating condition.

(10) "Automobile salvage yard." An automobile graveyard which is operated as a business involving the dismantling and sale, trade or other exchange of motor vehicle component parts. A motor vehicle is defined as any self propelled vehicle not operated exclusively on a track, including motorcycles.

(11) "Automobile storage or parking space." An area reserved for and suitable for automobile storage or parking space. One passenger vehicle space shall be 9 by 20 feet. Such area shall be provided with safe vehicle access to a public street or alley.

(12) "Bed and breakfast." A private home, inn, detached guest house, or other residential facility offering overnight lodging to guests and offering meals only to those guests by the owner or manager who lives on the premises or property immediately adjacent to it. No facility shall have more than six (6) sleeping rooms, furnished for pay, with no more than two (2) adult guests and no more than two (2) children twelve (12) years and under in any one (1) room. Renting of rooms by guest shall not exceed twenty-one (21) consecutive days. All activity shall be subordinate and incidental to the main residential use of the building.

(13) "Building." Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or movable.

(a) "Accessory building." A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(b) "Principal building." A building in which is conducted the principal use of the lot on which it is situated. In any residence district, any dwelling shall be deemed the principal building on any lot on which the same is situated. Carports and garages if permanently attached to the building are deemed a part of the principal building.

(14) "Circulation." The uncongested movement of traffic, goods and people within and through a developed area.

(15) "Construction trailer." A factory manufactured structure located on an approved construction site, not designed for use as sleeping quarters, in support of construction activities only, and limited to that use for a period of not more than twelve months.

(16) "Demolition." The act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

(17) "Dwelling." A house, apartment building, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels, or other structures designed for transient residence.

(18) "Fall-out shelter." A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

(19) "Family." One or more persons occupying premises and living as a single, non-profit housekeeping unit.

(20) "Feeder road." A roadway which provides access to and from the interstate highway at an interchange.

(21) "Floor area ratio." A more refined measure of intensity than building coverage expressing the relationship between volume of building(s) and unit of land. Computed by dividing the total gross floor area of all structures on a particular lot by the total area.

(22) "Height of building." The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

(23) "Home occupation." An occupation having traditional acceptance as being one customarily carried on in the home, provided that: Such occupation be incidental to the residential use; no article or service be sold or offered for sale on the premises except that produced by such occupation; such occupation shall not require internal or external alterations or construction features, equipment or machinery not customary in residential areas. Should a question arise as to the degree of traditional custom, a decision by the board of zoning appeals shall rule.

(24) "House trailer." See mobile home.

(25) "Interchange." A system in conjunction with a grade separation of interconnecting roadways providing for the interchange of traffic between two or more roadways on different levels.

(26) "Interstate highway." A roadway having separate lanes for opposing directions of traffic with a wide median strip between and having full controlled access.

(27) "Junkyard." A yard, field, or other area used as a place of storage for discarded, worn-out, or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, and other scrap ferrous or non-ferrous material, garbage dumps, waste dumps and sanitary fills.

(28) "Land coverage." The relationship between the size of the building site and the total amount of land utilized by principal and accessory buildings.

(29) "Landscape treatment." The site treatment for the purpose of adjusting and improving conditions of climate by providing color change, easing heat, or changing the environment through the provision of a "green space" in

the development of the land. Landscape treatment includes the use of walks, screenings, terraces, fountains, etc. Landscaping can be used to mark entrance points of parking areas. It can also be used to shield or define service areas and property divisions, and to enhance building scale and forms.

(30) "Loading and unloading space." An area for the loading and unloading of trucks or other vehicles.

(31) "Lot." A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required under chapters 2 through 14 of this title.

(a) "Lot lines." The boundaries dividing a given lot from the street, an alley, or adjacent lots.

(b) "Lot of record." A lot whose existence, location, boundaries, and dimensions have been legally recorded or registered in a deed or plat and filed as a legal record.

(32) "Manufactured home." See mobile home.

(33) "Massage parlor." An establishment or place primarily in the business of providing massage services.

(34) "Mining." The process involved in the extraction of mineral materials.

(35) "Mining, accessory use." Uses incidental and subordinate to mining, located on the same site, such as stockpiling, sorting, screening and washing, but not including a concrete or asphalt plant.

(36) "Mining, sub-surface." Underground mining using the room and pillar method.

(37) "Mining, surface." The process for commercial removal of materials from the surface of the earth.

(38) "Mobile home." Means a portable or moveable single-wide manufactured home or structure designed and constructed to permit long-term occupancy that is permanently mounted on a single chassis with or without a permanent foundation.

(39) Deleted by Ord. #00-2176.

(40) "Mobile home court." A parcel of land which provides spaces and other facilities for permanent occupancy by twenty-two (22) or more mobile homes, and which is licensed under applicable ordinances regulating mobile home courts.<sup>1</sup>

(41) "Modular home." Factory manufactured housing, not self-propelled, neither designed nor constructed to allow attachment of wheels to either an axle or its frame, and designed for use as a residence, office, apartment, storehouse, warehouse, or any other similar purpose.

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<sup>1</sup>Municipal code reference: this title, ch. 13.

(42) "Non-conforming use." A use of a building or of land lawful at the time of the enactment of ordinance No. 1962-294 that does not conform with the provisions of chapters 2 through 14 of this title for the district in which it is located.

(43) "Nudity." The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(44) "Nursing home." Any institution or facility defined as such pursuant to Tennessee state law or the rules and regulations for nursing homes promulgated by the Tennessee Department of Health and Environment. This term applies equally to Christian Science Sanitoria and services therein.

(45) "Portable sign." A portable sign shall include any commercial advertising sign or device, banner, counterbalance sign, trailer sign, or any variation thereof, located on the ground or suspended, easily moveable, not permanently attached thereto, and which is usually a two-sided sign, and including any single or double surface painted or poster panel type sign, or any variations thereof which are temporary in nature.

This section is not intended to prohibit: political, real estate, auction or yard/garage sale signs on premises of activities/event with permission of the tenant/leasee/owner, which are not in violation of any other related section, and are not over 16 square feet in area per face.

(46) "Quarry." A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been approved.

(47) "Rap parlor." An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.

(48) "Regulatory flood." For purposes of chapters 2 through 14 of this title, a flood event having a 1% chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.

(49) "Regulatory flood elevation." The crest elevation in relation to mean-sea-level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

(50) "Sodomasochistic abuse." Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(51) "Sauna." An establishment or place primarily in the business of providing steam baths or massage services.

(52) "Self-service storage facility." A structure or group of structures consisting of individual, self-contained units that are leased or owned for the storage of business or household goods or supplies.

(53) "Sexual conduct." Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such a person be a female, her breast.

(54) "Sexual excitement." The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(55) "Sign." Any structure or part thereof which displays or includes any letter, word, model, insignia, device, or representation which is in the nature of an announcement, direction, or advertisement.

(56) "Significant structure." Any structure that is at least fifty (50) years old and is listed on, or eligible for listing on, the National Register of Historic Places, is locally designated as a historic landmark or part of a local historic district or is determined to be associated with one or more historic persons or events significant in the history of the City of Lebanon, State of Tennessee or United states of America.

(57) "Speciality retail." Establishments of five thousand (5,000) square feet or less of gross floor area engaged in the sale of goods for consumer or household use. Typical uses include the sale of objects of art, antique shops, gift shops and boutiques.

(58) "Specified anatomical areas." Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(59) "Specified sexual activities." (a) Human genitals in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse or sodomy;

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

(60) "Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Publ. L. 97-348))." Includes substantial improvement, and means the date the building permit was issued, provided that actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(61) "Story." That portion of a building 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.

(a) "Half-story." A story under a sloping roof, the finished floor area of which does not exceed one-half (1/2) of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area of the floor immediately above.

(62) "Street." Any public or private way twenty-five (25) feet or more in width set aside for public travel. The word "street" shall include the words "road," "highway," and "thoroughfare."

(a) "Centerline of street." That line surveyed and monumented by the City of Lebanon as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

(b) "Street line." The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

(63) "Structure." Any constructed or erected material or combination of materials, the use of which requires a location on the ground, including but not limited to, buildings, stadiums, radio towers, sheds, storage dens, fences, and signs.

(64) "Subdivision entrance sign." Any sign, wall, or fence located at the entrance of a subdivision for the purpose of permanently identifying the subdivision or providing a unique appearance for the entrance to the subdivision.

(65) "Text amendment procedure." The text and map amendment procedure established in chapter 12, §§ 14-1201 to 14-1205.

(66) "Total floor area." The area of all floors of a building including finished attics, finished basements, and covered porches used for purposes of habitation.

(67) "Travel trailer." A vehicular portable structure having a body width not exceeding eight (8) feet (pick-up, piggy-back, or motorized camper, converted bus, tent-trailer designated as a travel trailer by the manufacturer) designed as a temporary dwelling for travel and recreational purposes.

(68) "Travel trailer park or court." A parcel of land which provides spaces and other facilities for temporary occupancy by travel trailers and which is licensed under applicable ordinances regulating travel trailer parks.

(69) "Upper story residential." A residential living unit located above the ground floor of a building.

(70) "Warehouse." The storage of materials, equipment or products within a building or outside for manufacturing use or for distribution to wholesalers or retailers.

(71) "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 chapters 2 through 14 of this title.

(a) "Front yard." The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including carports and porches.

(b) "Rear yard." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and porches.

(c) "Side yard." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and porches. (1968 code, § 11-203; as amended by ord. 82-492, § 1; ord. 86-543, § 1; ord. 87-564; ord. 91-854, § 1, modified; ord. #95-1286, § 1, April 1995; ord. #93-1096, § 1, Dec. 1993; Ord. #97-1675, Jan. 1998; Ord. #98-1744, April 1998; Ord. #98-1867, Jan. 1999; Ord. #98-1868, Jan. 1999; Ord. #00-2176, Feb. 2001; Ord. #04-2632, April 2005; Ord. #05-2819, Nov. 2005, Ord. #06-2954, Aug. 2006; Ord. #06-2983, Oct. 2006; Ord. #08-3362, Oct. 2008; and Ord. #08-3445, Nov. 2008)

**14-204. 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, except as hereinafter provided. (1968 code, § 11-204)

**14-205. Mobile homes to be located in licensed mobile home courts only.**

(1) Mobile homes brought into the corporate limits after the effective date of these provisions, shall be required to locate within an approved mobile home court. Mobile homes on the lot of an authorized and licensed mobile home dealer exhibiting the same for sale are exempt from this requirement.

(2) Mobile homes constructed as a residential unit, or used as a residential unit, located within the city, but outside a duly licensed mobile home court, prior to the effective date of the above requirement, shall have a period of ten (10) years from the adoption of these provisions within which to comply with these provisions. (1968 Code, § 8-717, as amended by Ord. #97-1720, Jan. 1998)

**14-206. Continuance of nonconforming uses and/or buildings.** Any structure or use existing at the time of enactment of or subsequent amendment to chapters 2-14 in this title, but not in conformity with its provisions, may be continued with these limitations:

(1) A nonconforming use shall not be changed to another nonconforming use.

(2) A nonconforming use shall not be re-established after discontinuance for one (1) year.

(3) A nonconforming use of land shall be restricted to the lot occupied uses of land shall be discontinued and all nonconforming buildings or structures shall be torn down, altered, or otherwise made to conform within twenty-five (25) years from the date of the adoption of the provisions of chapters 2 through 14 of this title with the exception of junkyards, commercial animal yards, and lumber yards not on the same lot with a plant or factory, which shall be torn down, altered, or otherwise made to conform within four (4) years from the date of the adoption of the provisions of chapter 2 through 14 of this title. Advertising signs and billboards except those specifically permitted shall be removed as a nonconforming use within ninety (90) days from the date of adoption of the provisions of chapters 2 through 14 of this title. Information signs shall be continued only with the written approval of the board of zoning appeals. Mobile homes located outside a duly licensed mobile home court shall conform within a period of ten (10) years after the date of June 30, 1968 (1968 code, § 11-205)

**14-207. Only one principal building on any lot.** Only one principal building and its customary accessory buildings may hereafter be erected on any lot within all of the residential zoning districts except the R-2, RP-2 and RM-6 districts.

This provision does not prohibit group housing development as permitted within the RP-2 and RM-6 zoning districts. More than one (1) principal building may be erected on any lot within the business, commercial and special zoning districts, provided that all bulk, area, yard and other requirements of that particular zoning district are met. (1968 code, § 11-207; as amended by Ord. #04-2657, Oct. 2004)

**14-208. Fall-out shelters.** Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be used for the principal or accessory uses prohibited expressly or by implication in the district. (1968 code, § 11-207)

**14-209. Reduction in lot areas 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 per family, lot width, building area, or other requirements of chapters 2 through 14 of this title are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No lot shall be sold, divided, or set off in such a manner that the portions sold, divided, or set off, or the portion remaining shall be less than the minimum

size prescribed by the regulations relating to the district in which it is situated. (1968 code, § 11-208)

**14-210. Required yard not to be used by another building.** No part of a yard or other open space required of any building for the purpose of complying with the provisions of chapters 2 through 14 of this title shall be included as a part of a yard or other open space required by chapters 2 through 14 of this title for another building. (1968 code, § 11-209)

**14-211. Rear yard abutting a public street.** When the 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, center line 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. (1968 code, § 11-210)

**14-212. Fencing for residential zoned and/or used properties.**

(1) Fencing located between the front of the primary structure and the street shall be limited to a maximum of four feet (4') in height as measured from the finished grade elevation. Corner lots shall be considered as having two (2) fronts for the purposes of this section. A maximum height of six feet (6') may be permitted for fences located along the rear lot line of through or reverse-frontage lots.

(2) The structural side of the fence, top and bottom rails, shall face the interior of the property, not the street or adjoining property.

(3) These regulations shall apply to all properties zoned residential as well as non-residentially zoned properties that are being used for residential purposes. (as added by Ord. #09-3506, April 2009)

**14-213. Obstruction to vision at street intersections prohibited.** In all districts except the B-2 District (Central Business), on a corner lot within the area formed by the centerlines of intersecting streets and a line joining points on such centerlines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3½) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. (1968 code, § 11-211, as renumbered by Ord. #09-3506, April 2009)

**14-214. Required off-street parking.** (1) Spaces provided for one use may not be provided for another use at the same time, except that one-half (½) of the parking space required for churches, theaters, or assembly halls whose

peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night and on Sunday.

(2) No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling area requirements of off-street parking required by the terms of chapters 2 through 14 of this title.

(3) No required parking space may be substituted for a loading space nor may any required loading space be substituted for a parking space.

(4) Where a proposed use has no parking standard identified herein, the applicable Institute of Traffic Engineers (ITE) standards shall apply.

(5) Minimum parking spaces required:

Agricultural, mining, quarrying. 1 space per 2 employees of maximum shift.

Airport. 1 space per 100 sq. ft. of waiting room.

Animal care. 1 space per 300 square feet of floor space.

Art gallery. 4 spaces per 1000 sq. ft.

Asylum or sanitarium. 1 space per 2 beds.

Auction house. 1 space per 4 seats.

Auditorium, church, stadium, other place of public assembly.

Church: 1 space per 6 seats.

Auditorium/stadium: 1 per 2.5 seats plus 1 per employee of largest shift. Where seating is not a measure of capacity, 1 space per 200 square feet of floor space.

Auto wash/self service. 3 stack-up spaces per washer bay.

Auto wash/conveyor type. 5 spaces per bay.

Automobile/truck repair. 2 per service stall, or 1 per 250 square feet of service area, whichever is greater, plus 2 per 3 employees.

Automobile sales new/used. 5 spaces plus 1 per 200 square feet of floor area.

Automobile service. 1 per 500 square feet plus 1 per business vehicle and 2 per grease rack or indoor service stall.

Bank drive-in. Space to accommodate autos equal to 5 times the number of teller windows.

Bank, business office. 1 space per 300 square feet of usable floor area, plus 1 per 3 employees. 1 per 300 square feet plus 1 per 3 employees.

Bar or tavern. 1 space per 50 sq. ft.

Barber shop/beauty parlor. 2 per barber or 3 per beautician.

Bed and breakfast. 1 space per room, plus 2 per permanent residents.

Billiard hall. 1 space per 10 persons of design capacity.

Boarding house and rooming house. 1 per sleeping room plus 1 per non-resident owner or employee.

Bowling alley. 4 per lane plus 1 per employee of largest shift.

Bus/train terminal. 1 space per 200 square feet of waiting room space.

Carpet, rug, linoleum, floor covering sales. 1 per 500 square feet plus 1 per business vehicle.

Cartage/express/parcel delivery. 1 space per 2 employees on largest shift plus 1 space per company auto.

Clubs/lodges/country clubs. 1 space per 400 square feet of floor area plus 1.5 spaces per hole for golf course, 2 spaces per tennis court, 1 space per 100 square feet of surface for swimming pool.

Coin operated laundry/dry cleaning. 1 per 2 washing machines, or 1 per 200 square feet.

College/university district. Residential shall have 2 spaces per unit. All other uses shall have a minimum of 1 space for each 5 classroom seats plus 1 space for each 3 seats in an auditorium.

Community center. 4 spaces per 1000 sq. ft.

Construction sales and service. 1 space per 1000 square feet of floor area.

Consulate/consular office. 1 space per 4 employees.

Contractor's yard. 1 space per 200 square feet plus 1 space per employee.

Convenience market. 2.71 space per 1000 square feet of floor area.

Convenience sales and service. 1 space per 150 square feet of floor area.

Convent. 1 space per 1000 sq. ft.

Cultural-non-assembly. 1 space per 500 square feet of floor area.

Dance hall. 1 space per 100 sq. ft. plus 1 space per employee.

Day care center. 1 per employee, plus 1 per 200 square feet of gross floor area of 1 per 8 pupils, whichever is greater.

Discount store. 1 per 400 square feet plus 1 per business vehicle.

Dwelling. 2 spaces per dwelling unit.

Elderly housing/group housing. 1 space per 4 beds plus 1 space per employee (average of 3).

Employment agency. 5 spaces per 1000 sq. ft.

Fire or police station. 1 space per employee and 1 space per 3 volunteer personnel on a normal shift. If a business office is included, 1 space per 200 sq. ft.

Funeral home. 1 space per 100 square feet.

Furniture/major appliance. 1 space per 400 square feet of floor area.

Gasoline service station. 1 per employee, plus 2 per service bay or 1 space per 3 fuel pumps, whichever is greater.

Gymnasium. 1 space per 3 persons of maximum occupancy load, plus 1 space per employee. In those instances when memberships are

provided for, not less than 1 space per 3 memberships shall be provided, plus 1 space per employee.

Hardware store. 1 space per 400 sq. ft.

Headquarters, corporate. 2.5 spaces per 1000 sq. ft.

Home improvement store. 2.85 spaces per 1000 square feet of floor area.

Hospital. 1 space per 4 beds plus 1 space per 2 staff and visiting doctors.

Hotel. 1 space per guest unit and 1 space per 200 square feet of public meeting rooms and restaurants.

Junk yard/salvage yard. 1 space per employee, plus 1 per 10,000 sq. ft. of storage area.

Landfill. 1 space per 2 employees of maximum shift.

Laundry/dry cleaning collecting station. 1 space per 400 square feet of floor area.

Library/museum. 1 space per 400 square feet of floor space.

Liquor store. 1 space per 400 square feet of floor area.

Lumberyard. 1 space per 500 sq. ft.

Manufacturing/industrial use. 1 per 2 employees of largest shift plus space for all vehicles associated with use.

Marina. 1.5 spaces per boat slip.

Mausoleum. Parking area equal to ground floor area.

Medical/dental clinic. 3 spaces per doctor plus 1 space per employee.

Mobile home parks. 2 paved, off-street, spaces for each mobile home space located on the same site as the mobile home served--front or side yard only. Parking for the clubhouse/office shall be a minimum of 2 parking spaces for every 20 mobile home spaces.

Motel/tourist court. 1 space per guest unit and 1 space per 200 square feet of public meeting rooms and restaurant.

Nursery-Plant. 1 per 2 acres of land within the lot where the use is located, or 5 spaces, plus 1 per business vehicle.

Nursing home. 1 space per 4 beds plus 1 space per employee.

Office unit. (more than one office in a building) 1 space per 300 square feet of floor area (governmental office). 1 space per 250 square feet of floor area.

Office. 1 space per 300 square feet.

Park. 1 space per 3 users at maximum utilization.

Photography studio. 5 spaces per 1000 sq. ft.

Plumbing/heating supply. 1 space per 1000 sq. ft. plus 1 per employee and 1 per company vehicle, plus 1 space per 10,000 sq. ft. of open lot or storage area.

Post office. 4 per 1000 sq. ft.

Radio/TV station. 1 space per 2 employees.

Recreation/amusement/community building. 1 space per 3 patrons based on design capacity.

Restaurant. 1 per employee, plus 8 per 1000 square feet of gross floor area or 1 per 3 seats, whichever is greater.

Restaurant, fast-food. 1 space per 60 sq. ft. with a minimum of 4 spaces.

Retail, outdoor. 1 space per 1000 sq. ft. used for display purposes.

Retail store/personal service except as otherwise specified herein. 1 space for each 200 square feet of floor space.

School dance. 1 space per 200 sq. ft.

Schools-all.

Kindergarten/day schools. 2 spaces per 3 teachers and employees plus 1 loading space per 8 pupils.

Elementary/junior high. 1 space per classroom plus 1 per 100 students, based on capacity.

High school. 2 spaces per 3 teachers and employees plus 1 space per 5 students, or 1 space per 150 square feet of seating area in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is greater.

Self-service storage facility. 1 space per 100 individual storage spaces, 2 per manager and 1 per additional employee with a minimum of 3 spaces.

Shopping center. 5 spaces per 1000 square feet of floor area within the principal building excluding theaters, restaurants, banks, auto service stations which shall comply with the parking requirements for their particular use.

Skating rink. 1 space per 200 sq. ft.

Stables. 1 space per horse at designed capacity.

Stadium/sports arena. 10 per acre of land plus 1 per 4 spectator seats.

Supermarket. 1 space per 250 square feet.

Swimming pool. 1 per 30 square feet of water area.

Theater. 1 space per 3 seats based on design capacity.

Transport and warehousing. 1 space per 1000 sq. ft. or 1 space per employee, whichever is greater.

Travel trailer courts. 1 space shall be provided for court occupants within each travel trailer space. Additional spaces for court employees, delivery and service vehicles, and occasional two-car occupants shall be provided at the rate of at least 2 spaces for each 5 travel trailer spaces up to twenty.

Undertaking service. 1 space per 100 square feet of floor area or with a chapel, 1 space per 4 permanent seats plus 1 space per 25 square feet where temporary seats are used.

Wholesale establishment/business service. 1 per each 50 square feet of customer service area, plus 2 per 3 employees based on the design capacity of the largest shift.

Zoo. 1 space per 2000 sq. ft. of land area.

Other business building or use. 1 square foot of parking space for each 1 square foot of lot covered by buildings.

(6) Off-street automobile parking spaces. All off-street parking spaces shall be provided on each zone lot and each such space shall be provided with vehicular access to a street or alley and shall be equal at least to the minimum requirements as set forth in the illustration below.<sup>1</sup> All parking and loading of vehicles shall be on the site.

(7) Surfacing. All off street parking areas for both employees and visitors shall be surfaces with asphalt, concrete or equivalent material. Loading docks, delivery and/or service entrance areas shall also be surfaced as mentioned above.

Storage areas larger than two (2) acres in industrial zones, M1, M2, and M3 are exempt from the paving requirement. The planning commission shall have discretionary authority to grant an exemption for a storage area less than two (2) acres, subject to the consideration by the commission as to any ill effect such approval may have on adjacent and/or surrounding properties, and/or the use of such properties. Storage lots shall be constructed of washed crushed stone and shall be a minimum 6" in depth. Travel ways through storage areas shall be surfaced with asphalt, concrete or equivalent material. In the event an owner or developer believes the paving of the travel way would result in a specific hardship or would not be feasible to a particular use of the property, he may request a variance relief from the board of zoning appeals.

The owner/developer shall submit a detailed screening/landscape plan indicating the specific size, type and location of trees, shrubs, berms, fencing, etc. he proposes to install to protect adjacent properties against storage areas.

Storage areas shall be constructed so as to provide for adequate drainage of both on and off-site storm water. In no case shall drainage be allowed to cross sidewalks.

(8) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way so as not to create a nuisance, and such lighting shall not exceed .5 foot candle at or above any residential district boundary or commercial district boundary where residences are located and/or permitted.

(9) Drainage. All driveways shall be constructed with proper drainpipes sized for the amount of water each should carry. Such pipes may be of concrete or metal, and headwalls and endwalls shall be constructed.

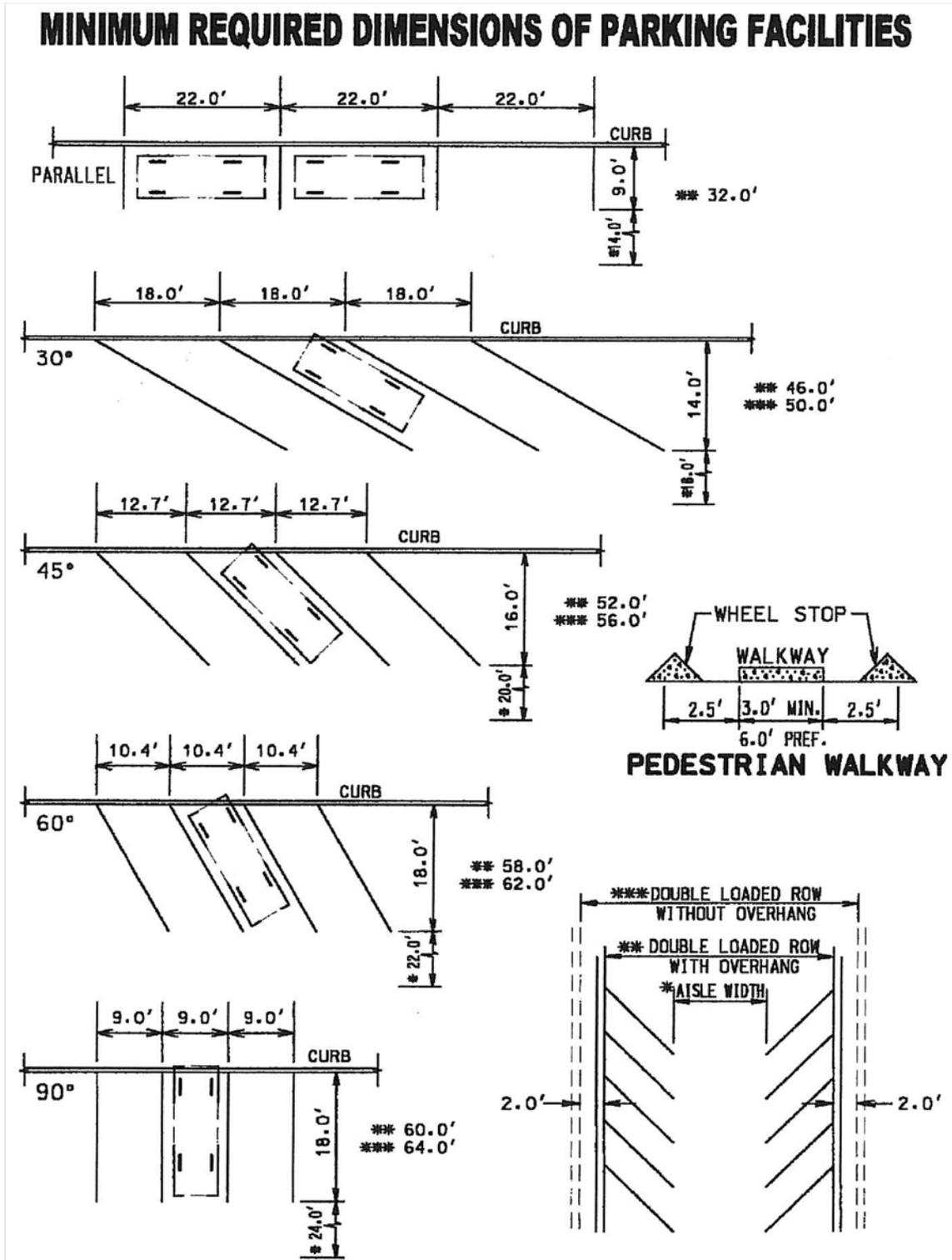
(10) Text amendment procedure. The text and map amendment procedure established in chapter 12, §§ 14-1201 to 14-1205. (1968 code, § 11-212, as amended by Ord. #90-797, § 1, Ord. #97-1675, Oct. 1997; Ord. #01-2194, Jan. 2003; and Ord. #04-2573, April 2004, as renumbered by Ord. #09-3506, April 2009, and Ord. #08-3362, Oct. 2008)

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<sup>1</sup>The illustration appears on the page following 14-19.

**14-215. Conformance to minimum off-street parking requirements.** Existing land uses not in conformity with the minimum off-street parking requirements, but otherwise fulfilling the requirements as stated in chapters 2 through 14 of this title, shall use any available land which is a part of any use to conform to those minimum off-street parking requirements provided that such land does not lie within any residential district. Available land existing as a part of any use requiring off-street parking may be used for building purposes only after the off-street parking requirements have been met. (1968 code, § 11-213, as renumbered by Ord. #09-3506, April 2009)

**14-216. Provisions in lieu of off-street parking.** If vehicle storage or parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit space to be provided on other off-street property provided that such space lies within four hundred (400) feet of the main entrance to such principal use and provided that such space does not lie within any residential district. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. This provision does not apply to the B-3 Districts (Restricted Business) or B-4 Districts (Highway Business). (1968 code, § 11-214, as renumbered by Ord. #09-3506, April 2009)



(Ord. #01- 2194, Jan. 2003)

**14-217. Site plan requirements.** The intent of this section is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular type of development proposal, to the Lebanon Planning Commission in accordance with the following procedures.

Upon approval by the planning commission, a site plan is valid for a period of twenty-four (24) months, after which it becomes void unless a building permit has been issued based upon the site plan. Any site plan approved by the planning commission prior to the effective date of this regulation shall become void twenty-four (24) months after the effective date of this regulation unless a building permit has been issued based upon the site plan.

(1) Applicability. Proposals for the location or construction of a single principal structure on a lot (with the exception of single-family and two-family dwellings) shall be submitted according to the requirements in this section.

Proposals to construct a new structure or alter or add to an existing structure shall be submitted according to the requirements of this section. Site plan review, either by the Lebanon Planning Commission or as a minor site plan, is required for site alterations, including but not limited to, the installation of new parking areas and loading areas.

Proposals to alter or add to an existing structure subject to these regulations will be looked at on a case-by-case basis with respect to compliance with these regulations. The extent to which an existing developed site will be required to comply with these regulations will be looked at on a case-by-case basis taking into account the square footage of any addition and the percentage of change to the structure. Every attempt shall be made to comply with these regulations while being sympathetic to an existing structure. With respect to existing developed sites, incremental improvements may be required with every addition or alteration. Incremental improvements could include, but are not limited to, screening of mechanical equipment, the addition of parapet walls, or additional landscaping to screen structures consisting of building materials that do not comply with these regulations.

(2) Landscaping and screening. The review of landscaping plans by the planning commission shall be conducted in conjunction with any required site plan review.

(a) Each site shall be developed with a minimum of ten percent (10%) of its area landscaped with green treatments, unless otherwise required elsewhere in title 14. Such green treatment shall include, but not be limited to, trees, shrubs, flowering plants, grass or other groundcover.

(b) A minimum of one-half (1/2) of the required landscaping shall be located between the street property lines and any structures.

(c) There shall be maintained a strip of landscaped ground at least ten feet (10') in width along the street property line, exclusive of drives and walks.

(d) All undeveloped land on a site shall be landscaped, consisting of a combination of trees, shrubs, flowering plants, grass or other groundcover.

(e) The location, species, size and quantity of all landscaping shall be provided on the site plan or as a separate landscape plan.

(f) Developers are encouraged to maintain existing trees and incorporate them into landscape areas. The planning commission may allow existing vegetation to meet or partially meet these requirements if it is deemed that the existing vegetation meets the intent of the requirements.

(g) Along all street frontages, street trees shall be planted so that a minimum of one (1) tree is required for every forty feet (40') of street frontage. The applicant has the option of planting the required street trees in a pattern other than one (1) every forty feet (40') so long as the minimum number of trees planted complies with the formula of there being one (1) tree every forty feet (40').

Example-

Parcel is on a corner with one hundred feet (100') of frontage along one street and one hundred fifty feet (150') of frontage along the other street.

100-foot frontage – 100 divided by 40 equals 2.5 trees, therefore round-up to 3 trees, the 3 trees may be planted in any combination so long as 3 trees are planted along that street frontage.

150-foot frontage – 150 divided by 40 equals 3.75 trees, therefore round-up to 4 trees, the 4 trees may be planted in any combination so long as 4 trees are planted along that street frontage.

The trees may be planted so that they are equally spaced along the street frontage, grouped in some way, or in any combination thereof.

(h) Street trees may be planted in the right-of-way or public utility and drainage easements if they are one of the following, subject to approval of the City of Lebanon Public Works Department.

- (i) Crapemyrtle (appropriate under power lines);
- (ii) Kouse Dogwood;
- (iii) Flowering Crab Apple;
- (iv) Yoshino Cherry;
- (v) Star Magnolia;
- (vi) Little Gem Magnolia;
- (vii) Chinese Elm;

- (viii) Eastern Redbud;
- (ix) American or European Hornbeam;
- (x) Honey Locust (thornless);
- (xi) Hawthorne (thornless).

Otherwise, the required street trees shall be planted outside of any rights-of-way and public utility and drainage easements.

(i) Where parking is located along the street frontage, shrubs measuring at least two feet (2') in height at planting shall be incorporated on five foot (5') centers between the street tree plantings.

(j) Where a commercial or industrial use of property abuts a residential or agricultural district, a landscaped buffer area a minimum of ten feet (10') in depth shall be incorporated along the edges of the property adjacent to the agricultural or residential district. This buffer shall be planted entirely on the commercial or industrially zoned parcel. The buffer shall include evergreen trees planted on twenty foot (20') centers with a five foot (5') offset. Said trees shall be four to six feet (4' – 6') in height at time of planting. Evergreen shrubs and/or small deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted.

(k) In order to protect safe sight visibility lines for street intersections, landscape buffers and shrubs shall not be located within twenty-five feet (25') of a street corner.

(l) The owner, or his/her agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and buffering as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

(3) Orientation of structures. Structures shall be oriented such that their main entrances are visible from the public right-of-way. Lots that have frontage on more than one (1) street, both corner and through lots, shall orient the structure(s) to present the appearance of a building front toward each street frontage. Service areas and/or loading areas shall be located away from the street and adequately screened as otherwise required in this section.

(4) Building materials. In order to ensure compliance with this section of the requirements, scale architectural drawings of all building elevations shall be submitted for review and approval of the planning commission. The drawings shall be of sufficient detail to explain the type and, if appropriate, color of proposed materials. The review of architectural drawings by the planning commission shall be conducted in conjunction with any required site plan review.

Requirements with respect to the minimum information that shall be provided in order to appropriately evaluate the proposed building design are as follows:

- Scale drawings of the building elevations for all sides of all structures with materials called out for walls, roofs, trim and windows.
- Material samples may be required, at the discretion of the planning commission and/or staff.
- Color samples shall be required if materials such as split-face block or concrete tilt-up panels are proposed.

(a) Within commercial zones, all sides of a structure(s) that front along a public street(s) or dedicated right-of-way shall consist primarily seventy-five percent (75%) of brick, stone or some other product deemed appropriate by the planning commission. This requirement is not meant to limit the window area proposed for a structure, rather it applies only to those solid portions of the structure. This requirement applies to internal lots, corner lots and through lots. Concrete block and other related concrete-masonry block materials are not permitted on the sides of a structure fronting a public street or dedicated right-of-way. If they are used on the rear of a structure that is not visible from a public street(s) or dedicated right-of-way, they shall be painted/stained to be similar in color to the other sides of the structure. Manufactured pre-cast concrete panels are not considered stone or brick materials, and their use within commercial districts is prohibited on the sides of the structure fronting a public street or dedicated right of way. Metal siding is considered unacceptable on the sides of the structure fronting a public street or dedicated right-of-way unless used as an accent material.

(b) Within industrial zones, the sides of a structure(s) that front along a public street(s) or dedicated right-of-way shall consist primarily seventy-five percent (75%) of brick, stone, pre-cast concrete panels, concrete block or other related concrete-masonry block materials painted/stained to have the appearance of brick, or some other product deemed appropriate by the planning commission. This requirement applies to internal lots, corner lots and through lots. Metal siding is considered unacceptable on the sides of the structure fronting a public street or dedicated right-of-way unless used as an accent material.

(c) Within both commercial and industrial zones, on property that is not adjacent to a residential zone, the building materials described above shall be extended a minimum of one-half (1/2) of the length of the wall of any adjoining side of the structure that does not front on a public right-of-way. However, structures that are over five hundred feet (500') in length along the shall only be required to extend the above described building materials five hundred feet (500') along the side of the structure.

(d) Building materials on the rear of a structure are not regulated unless the rear of the structure is visible from a public right-of-way or the property is adjacent to a residential zone. If the rear of a structure does not face a public right-of-way, but is visible from a public

right-of-way, the regulations stated above for the sides of a structure shall apply. If the parcel proposed for development is adjacent to a residential zone, the planning commission may require that the same building materials proposed for the street-side of the be extended to all sides of the structure.

(5) Facades, roofs and roofing materials. (a) Lengthy unbroken facades that create a structure that has the appearance of a "box" should be avoided. Examples of how this may be accomplished include providing a material separation or stepping the facade in and out to create a strong shadow line.

(b) Roofs should project beyond the facade. Flat roofs are discouraged, however if flat roofs are proposed they shall incorporate roof overhangs, parapet walls or design features that approximate the look of roof overhangs when viewed from public rights-of-way.

(6) Roof mounted equipment, dumpsters and loading areas. (a) All equipment such as air conditioner units, exhaust fans, vents, satellite dishes, dumpsters and other similar devices shall be fully screened from view from all public rights-of-way.

(b) Screening materials, including dumpster screening, shall be of the same general character and compatible with the materials used for walls and roofs. When ground mounted, the screening materials shall consist of opaque materials and landscaping.

(c) Dumpster screening shall consist of a solid wall at least six feet (6') tall and landscape area along all sides (except the area where the door is located). The walls shall be of materials other than sheet metal or chainlink with slats. The gate at the entrance to the dumpster shall be on a metal frame. The landscape area around the dumpster screening shall be at least five feet (5') in depth and be planted with shrubs and/or trees. Every effort shall be made to orient the dumpster and related screening so that the gate does not face a street or public right-of-way.

(d) Loading areas for structures located in a commercial zoning district shall be fully screened from view from all public rights-of-way. Screening materials shall include an opaque wall or fence using materials of the same general character and compatible with the materials used for walls or consist of a landscape area at least ten feet (10') wide. The landscape area shall include trees planted at twenty feet (20') centers with shrubs interspersed among the trees.

(e) Loading areas for structures located in an industrial zoning district may be visible from the road if a buffer area at least ten feet (10') wide is provided between the loading area and the public rights-of-way. This buffer area shall include evergreen trees planted on thirty foot (30') centers with a five foot (5') offset. Said trees shall be four to six feet (4' – 6') in height at time of planting. Evergreen shrubs and/or small

deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted.

(f) In order to protect safe sight visibility lines for street intersections, do not locate screens within twenty-five feet (25') of a street corner or a driveway entrance.

(7) Miscellaneous structures and hardware. (a) Customized miscellaneous structures and hardware such as mailboxes, trash receptacles, benches, bicycles racks, planting pots, etc. shall be designed as an integral part of the design concept for the development and shall consist of complementary materials.

(b) Customized hardware, which is in keeping with the character of the overall development, is encouraged over the use of standardized prefabricated hardware. The use of custom enclosures is also preferred.

(8) Utility or storage structures and outdoor storage. (a) Structures used for the storage of equipment or supplies shall use the same materials as the principle structure.

(b) Outdoor storage areas (not including sales display areas for new retail/wholesale products including car and boat sales) shall be screened from view from all public rights of way. Outdoor storage areas shall be screened by an opaque fence/wall at least six feet (6') tall.

(9) Off-site signs and subdivision signs. Proposals for the construction or placement of off-site signs and permanent subdivision entrance/identification signs shall be submitted according to the provisions outlined in this section.

(10) Content of site plans. The following information shall appear on the face of the site plan.

(a) Boundary information for the site, including property corners marked with iron pins and stakes;

(b) Building area;

(c) Building setback line(s);

(d) Date;

(e) Date of revision;

(f) Drainage ways and drainage patterns, existing and proposed;

(g) Easements for drainage and utilities;

(h) Landscape areas including required amount of open space and square footage of each landscaped area;

(i) Loading and unloading area(s);

(j) Location map;

(k) Location and size of existing and proposed public utilities (water, sewer, gas, electric and fire hydrants), noted as existing or proposed;

(l) Lot area;

- (m) Name, address, and telephone number of the owner and/or developer;
- (n) Name, address, and telephone number of the designer and/or preparer of the site plan;
- (o) Names of all public streets adjoining the property, centerline of right-of-way, distance from centerline to property line, total right-of-way width, limits of existing pavement, and location of existing access points (streets and driveways) across from the site;
- (p) North point arrow;
- (q) Parking spaces including ratio used to calculate the required number of parking spaces, number of parking spaces required, number of parking spaces required and labeling of handicap spaces;
- (r) Points of ingress and egress;
- (s) Scale (must be one (1) inch = ten (10), twenty (20), thirty (30), forty (40), fifty (50), sixty (60), or one hundred (100) feet);
- (t) All proposed signage except those signs proposed to be mounted to a structure, including the proposed location(s), size(s) and height(s);
- (u) Tax map and parcel number;
- (v) Title, giving complete name of business (not duplicated);
- (w) Use;
- (x) Location of the 100-year flood plain, floodway and proposed finished floor elevation (if applicable), and description and elevation of a reference bench mark;
- (y) Notes as required in § 14-215;
- (z) Such other engineering and topographic data as may be required by the board of zoning appeals and/or the planning commission and/or city department of public works to determine if the provisions of these regulations are being complied with;
- (aa) Sidewalks along all street frontages in accordance with follows:
  - (i) All sidewalks shall be ADA compliant.
  - (ii) Sidewalks located on collector streets and arterial streets shall be a minimum of six feet (6') wide and five feet (5') wide elsewhere. All sidewalks shall be unobstructed, meaning that while sidewalks can be wider than the minimum width above, the minimum width shall not be obstructed.
  - (iii) Sidewalks shall be installed six feet (6') from the back of the street curb to the nearest edge of the sidewalk. In such location where site constraints do not permit a six foot (6') grass area, the city engineer shall have the authority to reduce the setback of the sidewalk, but in no case shall the grass area be less than two feet (2'); such relief shall be the minimum deviation that will make possible the reasonable use of the site.

(iv) Any sidewalks currently in place at the time of a site plan review that do not meet the requirements listed above or that are in poor condition shall be improved.

(v) Sidewalks shall be constructed whenever an existing principal building is cumulatively renovated or expanded to increase its floor area by twenty-five percent (25%) or more.

(bb) Dumpster pad location(s) and proposed screening, including material(s) and landscaping.

(11) Required notes. Dumpster pad location(s) and proposed screening, including material(s) and landscaping.

(a) Drainage easements outside dedicated public rights-of-way are not the responsibility of the City of Lebanon.

(b) If a natural drainage channel (or sink hole/depression) exists on the property, the following note must appear: "No cut, fill, or construction within twenty-five (25) feet of top of stream bank (or sink hole/depression)."

(c) If a drainage way appears as a blue line on a USGS 7½ minute quadrangle map, the stream must be identified as such and the following note must appear: "No alteration of this (these) stream(s) shown will occur prior to written approval being granted by the appropriate authorities."

(d) This property is not (is) in an area designated as a special flood area as shown on Community/Map Number \_\_\_\_/\_\_\_\_, Effective Date \_\_\_\_\_.

(e) Natural drainageway and sink hole note (if applicable)  
Note: When a natural drainage channel (or sink hole/depression) exists on the property, sufficient data must be provided to show that any disturbance of the natural drainage channel (or sink hole/depression) can be accomplished with a minimal impact on the performance of the storm water drainage system in the area. Otherwise, the above mentioned note in subsection 5(c) above must appear.

(12) Required certificates. The following certificates shall appear on the face of the site plan and shall be signed by the appropriate city officials prior to issuance of a building permit:

CERTIFICATE OF APPROVAL FOR ISSUANCE OF BUILDING PERMIT

This site plan was approved by the Lebanon Planning Commission on \_\_\_\_\_ . All corrections and conditions required by the planning commission have been incorporated onto the site plan. This site plan is approved for issuance of a building permit.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Planner

This site plan is void unless building permit is applied for by \_\_\_\_\_.

CERTIFICATE OF APPROVAL OF FIRE CODE

This site plan meets the requirements of the City of Lebanon Fire Department.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Fire Marshall

CERTIFICATE OF APPROVAL OF CROSS CONNECTION/PRETREATMENT

This site plan meets the requirements of the City of Lebanon Cross Connection/Pretreatment Programs.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Cross Connections/Pretreatment  
Official

CERTIFICATE OF APPROVAL OF DRAINAGE AND UTILITIES

The utilities and drainage shown on this site plan have been reviewed and approved by the Lebanon Department of Public Works.

By: \_\_\_\_\_ Date: \_\_\_\_\_

(1968 code, § 11-215, as amended by ord. 86-531, § 1, ord. 88-602, § 1, ord. 88-657, § 2, as replaced by ord. 90-797, § 2, as amended by ord. 92-927, §§ 1 and 2, modified, amended by Ord. #06-3027, March 2007, Ord. #07-3161, July 2007, and renumbered by Ord. #09-3506, April 2009)

**14-218. Future street lines.** For the purpose of providing adequate space for the widening of streets in the future, the required setback or front yard shall be determined in accordance with the right-of-way width as shown on the official Zoning Atlas of Lebanon, Tennessee Major Thoroughfare Plan which is made a part of chapter 2 through 14 of this title. (1968 code § 11-216, modified, as renumbered by Ord. #09-3506, April 2009)

**14-219. Vehicular access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion by reducing the points of conflict, the following regulations shall apply:

(1) A point of access shall not be allowed within thirty (30) feet of the curb line of any public street intersection in any residential or industrial district.

(2) A point of access shall not be allowed within ten (10) feet of the curb line of any public street intersection in any business district.

(3) A point of access shall not exceed twenty-five (25) feet in width. For those uses in districts other than residential, engaged primarily in vehicular service, the building inspector may issue permits for points of access up to thirty-five (35) feet in width provided the points of access do not exceed fifty (50) percent of the frontage on the street. The applicant shall submit with the application for such a permit a scale drawing of not less than one (1) inch equals twenty (20) feet, showing a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading space.

(4) There shall be no more than two (2) points of access to any one (1) public street on a lot less than two hundred (200) feet in width. 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.

(5) The distance between any two (2) points of access shall be no less than twenty-five (25) feet. (1968 code, § 11-217, as renumbered by Ord. #09-3506, April 2009)

**14-220. Classification of districts.** (1) For the purpose of chapters 2-14 in this title, the City of Lebanon, Tennessee, is hereby divided into fourteen (14) classes of districts, designated as follows:

Residence - R-1 Districts (Low-Density Residential)

Residence - R-1A Districts (Lowest Density)

Residence - R-2 Districts (Medium-Density Residential)

Residence - RP2 Districts (Medium-Density Residential-Professional Office)

Business - B-1 Districts (Local Business)

Business - B-2 Districts (Central Business)

Business - B-3 Districts (Restricted Business)

Business - B-4 Districts (Highway Business)

Business - B-5 Districts (Interchange Business)

Industrial - M-1 Districts (Industrial Subdivision)

Industrial - M-2 Districts (Light Industrial)

Industrial - M-3 Districts (Heavy Industrial)

Industrial - M-4 Districts (Business/Manufacturing Parks)

Special - AG (Agricultural) Districts

CU (College/University) Districts

OPD (Open Space Park) Districts

(2) The boundaries of these districts are hereby established as shown on the map entitled, "Official Zoning Map of Lebanon, Tennessee," dated April 10, 1962, as amended, which is a part of chapters 2 through 14 of this title and which is on file in the office of the commissioner of finance and revenue.

(3) Unless otherwise indicated on the map, the boundaries are lot lines, the centerlines of the streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of chapters 2 through 14 of this title. Questions concerning the exact location of district boundary lines shall be determined by the board of zoning appeals.

(4) Where a district boundary divides a lot as existing at the time chapters 2 through 14 of this title take effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot that is not more than twenty (20) feet within the more restricted district. (1968 code, § 11-218, modified, as amended by Ord. #98-1775, June 1998; and Ord. #04-2686, Jan. 2005, and renumbered by Ord. #09-3506, April 2009)

**14-221. Zoning of annexed territory.** Any territory annexed by the City of Lebanon will hereafter carry any zoning district classification which it had designated to it by the appropriate jurisdiction prior to the annexation until the city council rezones it according to the city's zoning ordinance. The city of Lebanon will therefore enforce any and all requirements which this prior zoning district classification carried with it in accordance with the prior jurisdiction's zoning ordinance. (Ord. 79-459, §§ 1 & 2, as renumbered by Ord. #09-3506, April 2009)

**14-222. Prohibition of portable signs.** Portable signs are not permitted within the corporate limits of the City of Lebanon, Tennessee from the effective date of this regulation, and all portable signs shall be removed within six (6) months from the effective date of this regulation. (Ord. #98-1744, April 1998, as renumbered by Ord. #09-3506, April 2009)

**14-223. Minimum lot frontage.** No building shall be erected on a lot which does not abut at least one (1) street for at least forty (40) feet. This shall not apply to properties abutting a cul-de-sac, or to those with an easement of at least twenty (20) feet in width to a street which has been accepted as a public thoroughfare. Such building shall conform to the lot and yard requirements of the district in which is located. (as added by Ord. #04-2657, Oct. 2004, and renumbered by Ord. #09-3506, April 2009)

**14-224. Erosion and sedimentation control.** The purpose of erosion and sedimentation control is to regulate grading activity for the prevention of damage to public and private property caused by erosion and subsequent deposition of erosion products, as required by the City of Lebanon's Stormwater

Management Policies and Procedures Manual. The manual, adopted by the city council on June 25, 2004 and any future revisions, is incorporated into the zoning ordinance by reference. (as added by Ord. #04-2685, Dec. 2004, and renumbered by Ord. #09-3506, April 2009)

## CHAPTER 3

PROVISIONS GOVERNING RESIDENCE DISTRICTS

## SECTION

- 14-301. RR District (Rural Residential Single Family).
- 14-302. RS-40 District (Low Density Single Family Residential).
- 14-303. RS-30 District (Low Density Single Family Residential).
- 14-304. RS-20 District (Low Density Single Family Residential).
- 14-305. R-1A District (Lowest Density Residential).
- 14-306. RS-15 District (Low Density Single Family Residential).
- 14-307. RS-12 District (Medium Density Single Family Residential).
- 14-308. R-1 District (Low Density Residential).
- 14-309. RS-6 District (Medium-Density Single Family Residential).
- 14-310. RP-2 District (Medium Density Residential-Professional Office).
- 14-311. R-2 District (Medium Density Residential).
- 14-312. RM-6 District (High Density Multi-Family Residential).
- 14-313. Side yard setback or sprinkler requirements.

**14-301. RR District (Rural Residential Single Family).** The RR Rural residential single family district is intended to provide for, and encourage, the preservation of agricultural and open lands suitable for very low density single family residential development where public sanitary sewer service is least practical. These districts are designed for residential developments consisting of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential developments.

Within the RR Rural residential single family districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

- (1) Uses permitted. (a) Single-family detached dwellings.
  - (b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than ten (10) percent of the total floor area of the dwelling.
  - (c) Any accessory use or building customarily incidental to the above permitted uses.
- (2) Uses permissible on appeal. Bed and breakfast inns, churches and other places of worship, golf courses, gun clubs and skeet fields, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area . . . . . 130,680 square feet
- Minimum lot width at building line:
  - For residences . . . . . 150 feet
  - Other uses . . . . . 300 feet
- Minimum depth of front yard:
  - Arterial streets . . . . . 75 feet
  - Collector streets . . . . . 75 feet
  - Minor streets . . . . . 75 feet
- Minimum depth of rear yard . . . . . 40 feet
- Minimum side yard on each side of every lot:
  - For one or two story buildings . . . . . 40 feet
  - For three story buildings . . . . . 40 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed fifteen (15) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .15.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within one-hundred and fifty (150) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

**14-302. RS-40 District (Low Density Single Family Residential).**

The RS-40 Low density single family residential district is intended to provide suitable areas for low density single family residential development where appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-40 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family detached dwellings.

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

|                                      |                    |
|--------------------------------------|--------------------|
| Minimum lot area . . . . .           | 40,000 square feet |
| Minimum lot width at building line:  |                    |
| For residences . . . . .             | 125 feet           |
| Other uses . . . . .                 | 150 feet           |
| Minimum depth of front yard:         |                    |
| Arterial streets . . . . .           | 40 feet            |
| Collector streets . . . . .          | 40 feet            |
| Minor streets . . . . .              | 30 feet            |
| Minimum depth of rear yard . . . . . | 30 feet            |

Minimum side yard on each side of every lot:

For one or two story buildings . . . . . 15 feet

For three story buildings . . . . . 20 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

**14-303. RS-30 District (Low Density Single Family Residential).**

The RS-30 Low density single family residential district is intended to provide suitable areas for low density single family residential development where

appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-30 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

- (1) Uses permitted. (a) Single-family detached dwellings.
  - (b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.
  - (c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

|  |                    |
|--|--------------------|
| Minimum lot area . . . . .                   | 30,000 square feet |
| Minimum lot width at building line:          |                    |
| For residences . . . . .                     | 100 feet           |
| Other uses . . . . .                         | 150 feet           |
| Minimum depth of front yard:                 |                    |
| Arterial streets . . . . .                   | 40 feet            |
| Collector streets . . . . .                  | 40 feet            |
| Minor streets . . . . .                      | 30 feet            |
| Minimum depth of rear yard . . . . .         | 30 feet            |
| Minimum side yard on each side of every lot: |                    |
| For one or two story buildings . . . . .     | 15 feet            |
| For three story buildings . . . . .          | 20 feet            |

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an

appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

**14-304. RS-20 District (Low Density Single Family Residential).**

The RS-20 Low density single family residential district is intended to provide suitable areas for low density single family residential development where appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-20 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family detached dwellings

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permitted on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area . . . . . 20,000 square feet
- Minimum lot width at building line:
  - For residences . . . . . 90 feet
  - Other uses . . . . . 150 feet
- Minimum depth of front yard:
  - Arterial streets . . . . . 40 feet
  - Collector streets . . . . . 40 feet
  - Minor streets . . . . . 30 feet
- Minimum depth of rear yard . . . . . 30 feet
- Minimum side yard on each side of every lot:
  - For one or two story buildings . . . . . 15 feet
  - For three story buildings . . . . . 20 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

**14-305. R-1A Districts (Lowest Density Residential).** Within the R-1A Districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply.

(1) Uses permitted. (a) Single family dwellings.

(b) The renting or leasing of rooms by the family resident on the premise, provided that not more than ten (10) percent of the floor area is used for this purpose.

(c) Customary incidental home occupations conducted within a dwelling, but only by a resident of the premise, provided that not more than ten (10) percent of the total floor area is used for this purpose.

(d) Accessory uses or structures customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. (a) Parks, playgrounds, and municipal buildings in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permitted on appeal.

(4) Required lot area, lot widths, and yards. (a) The minimum lot area for uses not served by sanitary sewer shall be 40,000 sq. ft.

(b) The minimum lot areas for uses served by sanitary sewer shall be 20,000 sq. ft.

(i) [Deleted.]

(c) The minimum lot width at building line for dwellings on lots not served by sanitary sewer shall be 125', for lots served by sanitary sewer the minimum width at building line shall be 100'; except lots on a cul de sac whose minimum width at building line shall be 95' for lots not served by sanitary sewer and 75' for lots served by sanitary sewer. For other permitted uses, the minimum lot width at building line shall be 250' if not served by sanitary sewer and 200' if served by sanitary sewer.

(d) The minimum rear yard shall be 40' for lots not served by sanitary sewer and shall be 30' for lots served by sanitary sewer.

(e) The minimum side yard for one and two story buildings shall be 20' for lots not served by sanitary sewer and shall be 15' for lots served by sanitary sewer. The minimum side yard for three story buildings shall be 25' for lots not served by sanitary sewer and shall be 20' for lots served

by sanitary sewer. The minimum side yard for a corner lot (streetside) shall be the minimum plus 50%.

(f) The minimum front yard for lots located on an arterial street shall be 60' from the right-of-way; the minimum front yard for lots located on other streets shall be 40' from the right-of-way.

(5) Height. Buildings shall not exceed three stories nor thirty-five feet.

(6) Buildable area. On any lot, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

(7) Location of accessory structures. (a) No accessory structure shall be erected or located in any required front or side yard.

(b) Accessory structures shall be located at least ten (10) feet from all lot lines and at least five (5) feet from any building on the same lot.

(c) No accessory structure not an integral part of the principal building shall be located within 60' of the front lot line.

(d) On any corner lot adjoining in the rear another lot, no part of any accessory structure within 25' of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(8) Signs permitted. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained and limited to eight (8) square feet in area may be used, and shall be located 12' distant from all street or lot lines.

(9) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit. (Ord. #87-575, as amended by Ord. #97-1574, Feb. 1997; Ord. #98-1868, Jan. 1999; renumbered by Ord. #02-2342, and amended by Ord. #02-2396, Sept. 2002)

**14-306. RS-15 District (Low Density Single Family Residential).**

The RS-15 Low density single family residential district is intended to provide suitable areas for medium density single family residential development where appropriate urban services and facilities area available or can be physically and economically extended.

Within the RS-15 Low density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family detached dwellings.

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons

residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area . . . . . 15,000 square feet
- Minimum lot width at building line:
  - For residences . . . . . 80 feet
  - Other uses . . . . . 150 feet
- Minimum depth of front yard:
  - Arterial streets . . . . . 40 feet
  - Collector streets . . . . . 40 feet
  - Minor streets . . . . . 30 feet
- Minimum depth of rear yard . . . . . 30 feet
- Minimum side yard on each side of every lot:
  - For one or two story buildings . . . . . 15 feet
  - For three story buildings . . . . . 20 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision

entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002, and replaced by Ord. #02-2396, Sept. 2002)

**14-307. RS-12 District (Medium Density Single Family Residential).** The RS-12 Medium density single family residential district is intended to provide suitable areas for medium density single family residential development where appropriate urban services and facilities are available or can be physically and economically extended.

Within the RS-12 Medium density single family residential districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family detached dwellings.

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than fifteen (15) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

Minimum lot area . . . . . 12,000 square feet

|  |          |
|--|----------|
| Minimum lot width at building line:          |          |
| For residences . . . . .                     | 75 feet  |
| Other uses . . . . .                         | 150 feet |
| Minimum depth of front yard:                 |          |
| Arterial streets . . . . .                   | 40 feet  |
| Collector streets . . . . .                  | 40 feet  |
| Minor streets . . . . .                      | 30 feet  |
| Minimum depth of rear yard . . . . .         | 30 feet  |
| Minimum side yard on each side of every lot: |          |
| For one or two story buildings . . . . .     | 15 feet  |
| For three story buildings . . . . .          | 20 feet  |

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .24.

(7) Height. No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within

twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (as added by Ord. #02-2342, Aug. 2002)

**14-308. R-1 Districts (Low Density Residential).** Within the R-1 Districts, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single- and two-family dwellings.

(b) The taking of boarders or the leasing of rooms by the family resident on the premises, provided that not over fifty (50) percent of the total floor area is used for the taking of boarders or for the leasing of rooms by the family resident on the premises.

(c) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than twenty (20) percent of the total floor area of the dwelling.

(d) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks, and public recreational facilities, railroad rights-of-way, municipal, county, state or federal uses except general office buildings or supply and storage yards, public utilities except storage and warehousing facilities, cemeteries, funeral homes, mausoleums, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs except a club the chief activity of which is customarily carried on as a business.

(b) Customary general farming uses, gardens, and buildings incidental thereto except commercial animal or poultry farms and kennels.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, and yards. The principal building shall be located so as to comply with the following minimum requirements:

Minimum lot area . . . . . 9,000 square feet

Minimum lot area per additional family . . . . . 6,000 square feet

Minimum lot width at building line:

For residences . . . . . 75 feet

For institutional use . . . . . 250 feet

For other permitted use . . . . . 100 feet

Minimum depth of front yard . . . . . 40 feet

Minimum depth of rear yard . . . . . 30 feet

Minimum side yard on each side of every lot:

- For one- or two-story buildings . . . . . 15 feet
- For three-story buildings . . . . . 20 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the total area of such lot.

(6) Required setbacks. All principal and accessory structures and buildings shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

- (a) Residential uses.
  - Highways and arterials . . . . . 65 feet
  - Collectors . . . . . 55 feet
  - Minor and residential streets . . . . . 50 feet
- (b) Other permitted uses.
  - Highways and arterials . . . . . 80 feet
  - Collectors . . . . . 80 feet
  - Minor and residential streets . . . . . 65 feet

(7) Height. No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or sodded. Only as much of the required front yard that is needed for driveways or walkways may be paved. The front yard shall not be used for parking. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs and billboards. (a) For the purpose of advertising the taking of boarders or the leasing of rooms by the family resident on the premises, or customary incidental home occupations, one (1) sign not over two (2) square feet in area may be used.

(b) Real estate signs shall be used advertising the sale, rental, or lease of only the premises on which they are maintained, provided such signs do not exceed eight (8) square feet in area for each one-fourth (¼) acre in the lot or tract, and provided that such sign shall not exceed thirty-two (32) square feet in area and shall be at least twelve (12) feet distant from all streets or lot lines.

(c) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(c) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street. (1968 Code, § 11-301, as amended by Ord. #74-391; Ord. #79-458; Ord. #86-550; and Ord. #97-1675, Oct. 1997; and renumbered by Ord. #02-2342, Aug. 2002)

**14-309. RS-6 District (Medium Density Single Family Residential).**

The RS-6 Medium density single family residential district is intended to provide suitable areas for medium density single-family residential development where appropriate urban services and facilities are available or can be physically and economically extended, while also allowing considerable latitude in the physical design of housing. This district will permit single-family detached and attached residences and townhouses and such other structures as are accessory thereto.

Within the RS-6 Medium density single family residential district, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family dwellings.

(b) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than twenty (20) percent of the total floor area of the dwelling.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area . . . . . 6,000 square feet
- Minimum lot width at building line:

|   |         |
|---|---------|
| For residences .....                              | 45 feet |
| Other uses .....                                  | 90 feet |
| Minimum depth of front yard:                      |         |
| Arterial streets .....                            | 40 feet |
| Collector streets .....                           | 30 feet |
| Minor streets .....                               | 25 feet |
| Minimum depth of rear yard .....                  | 20 feet |
| Minimum side yard on each side of every lot ..... | 8 feet  |

The total sum of all required side yards shall be a minimum of sixteen (16) feet.

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be .50.

(7) Height. No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(12) Use of zero lot line in single-family detached in RS-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 16 feet.

(b) The side yard setback requirement for the adjoining district must be maintained adjacent to any lot not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the county register of deeds and the city building inspections department at the time of application for a building permit.

(as added by Ord. #02-2342, Aug. 2002)

**14-310. RP-2 District (Medium Density Residential - Professional Office).** The purpose of the RP-2 Districts, as shown on the Official Zoning Atlas of Lebanon, Tennessee, is to provide areas of mixed use, single family and medium density multi-family residential development with professional offices located either within the same structures or to allow these uses to exist adjacent to each other. These districts shall be located between lower density residential areas and the more intense developed commercial areas, or they may be utilized to help redevelop areas of decline within the city, or along major arterial or collector streets to act as a land use mix in the more heavily congested commercial areas.

(1) Uses permitted. (a) Single, two, three, and four-family dwellings.

(b) Group housing developments.

(c) Professional offices for the following professions: physicians and surgeons, dentists, optometrists, lawyers, engineers, surveyors, architects, insurance agencies, certified public accountants, and real estate brokers.

(d) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parish houses on the same property as the church or place of worship, public and private schools, public parks, philanthropic institutions and clubs, banks and financial management firms, nursing homes, day care centers, restaurants, (minimum 3,000 square feet, no drive through pickup window), and live production and/or movie theater in building of not less than 8000 sq. ft. which were in existence as of May 6, 1986. The Lebanon Board of Zoning Appeals may, upon application by an individual or firm, allow other professions within these districts on a case by case basis. In rendering a decision as to whether the applicant's profession should be allowed on appeal, the board of zoning appeals must find that the proposed profession is a commonly recognized profession, will not create heavy traffic and parking needs, and the proposed application will

adhere to the intent of this zoning district which allows professional offices which are compatible with a medium density residential.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, and yards. This zoning district shall allow more than one principal structure per lot. The location and density of units shall follow these minimum requirements:

(a) Residential and office density (minimum lot area).

(i) Minimum lot area for single, two, three, and four-family dwelling unit structures shall be 6,000 sq. ft. for the first unit and 3,400 sq. ft. for each additional unit.

(ii) Minimum lot area for group housing developments shall be 4,000 sq. ft. for the first unit and 3,000 sq. ft. for each additional unit.

(iii) Minimum lot area for a mixed use group housing/professional offices located within the same structure are 4,000 sq. ft. for the first dwelling unit and 3,000 sq. ft. for each additional dwelling unit and 2,500 sq. ft. for each professional office space.

(iv) Minimum lot area for a mixed use group housing/professional office located within the same development but not within the same structure are 4,000 sq. ft. for the first dwelling unit and 3,000 sq. ft. for each additional dwelling unit and 5,000 sq. ft. for each free standing professional office complex.

(v) Minimum lot area for free standing professional office structures on their own lots shall be 10,000 sq. ft.

(b) Minimum lot width at building line. (i) Minimum lot width for one and two family dwelling unit structures shall be 75 feet.

(ii) Minimum lot width for three and four family dwelling unit structures shall be 150 feet.

(iii) There shall be no minimum lot width for group housing developments and group housing/professional office developments both integrated and free standing.

(iv) Minimum lot width for free standing professional structures on their own lots shall be 100 feet.

(v) Minimum lot width shall be 250 feet for these uses permissible on appeal: churches and other places of worship, parish houses on the same property as the church or place of worship, philanthropic institutions and clubs, and public and private schools.

(vi) Minimum lot width shall be 50 feet for these uses permissible on appeal: public parks.

(vii) Minimum lot width shall be 100 feet for all other uses permissible on appeal (not specified in 5 and 6 above).

(c) Required setbacks. (i) All structures shall have the minimum setback from the public street rights of way according to the public street classification:

|                                  |         |
|----------------------------------|---------|
| Highways and Arterials . . . . . | 50 feet |
| Collectors . . . . .             | 40 feet |
| Minor, Residential . . . . .     | 30 feet |

There shall be no structures within this minimum setback and this includes parking areas, accessory structures and fences. The area shall remain as a landscaped area but driveway cuts, utilities, identification signs, and directional ingress/egress signs shall be allowed.

(ii) All structures shall have a side and/or rear yard of 75 feet if the property abuts another zoning district, otherwise the side and rear yard shall be 25 feet.

(iii) Where there are more than one principal structure per lot, the structures shall be a minimum of 20 feet apart.

(iv) In group housing developments and in a mixed group housing/professional office development, the internal street system shall not be public streets and shall be maintained by the owners of the units/offices as per ownership association. In these developments, there is no required setback of the structures from the internal streets.

(5) Buildable area. Within this zoning district, the lot area occupied by the principal structures and accessory structures shall not exceed 30% of the total area of the lot or development.

(6) Development standards for group housing and mixed group housing/professional office developments. All internal streets within these developments shall be considered as private streets and shall be maintained, repaired, and reconstructed by an association of the owner(s) of the property. There shall be no customary division of land within these developments. Division of structures according to the Horizontal Property Act are allowed and appropriate. Developments under this Act must form a condominium association for the maintenance of and ownership of the real property and the infrastructure within the development. Apartment complexes within this zoning district will, due to their nature, not have an owners/residents association but will consist of private streets and infrastructures and must follow the same type of development standards.

(a) Interior streets. (i) The minimum right-of-way widths of interstreets exceeding five hundred (500) feet in length or serving fifty (50) or more dwelling units shall be thirty (30) feet and shall consist of two twelve (12) foot traffic lanes and three (3) foot curb and gutters on each side.

(ii) The minimum right-of-way widths of internal streets less than five hundred feet in length or serving less than fifty

dwelling units shall be twenty-six (26) feet and shall consist of two ten (10) foot traffic lanes and three foot curb and gutters on each side.

(iii) The maximum grade on any street shall be ten (10) percent.

(iv) The internal streets shall be constructed using the following specifications:

(A) The base of streets shall consist of crushed stone or gravel eight inches in depth, compacted.

(B) The surface shall consist of asphalt or better materials two inches in depth, compacted. the Lebanon Department of Public Works shall approve the grade and quality of the materials used for the surfacing of the streets.

(b) Utilities. The developments shall be served by a minimum of a six (6) inch water line and eight (8) inch sewer line. These minimum sizes shall be increased at the direction of the city engineer in order to assure that the water lines meet the fire-flow regulations as determined by the city and the sewer lines meet the flow regulations as determined by the city. Fire hydrants shall be spaced at a maximum distance of 700 feet throughout the development.

(7) Height of structures. No building shall exceed three (3) stories or thirty-five (35) feet in height.

(8) Landscaping. (a) The area of the required minimum setback from the public street rights of way, with the exception of driveway and utility areas within this setback area, shall be landscaped. Landscaping in this area can be of a single type or combination of the following: grass and tree planting, earthen mounds, shrubs, flowering plants, ground covers, and bodies of water. The planning commission may approve other types of landscaping treatment where conditions warrant special consideration.

(b) In the seventy-five (75) foot side and rear yard required within this zoning district where it abuts another zoning district, there shall be an appropriate landscape screening of either trees, grass covered earthen mounds, shrubs or combination of these screening devices. The planning commission may approve other types of landscaping, if it provides appropriate screening between the properties and is of comparable quality of the above.

(c) All off-street parking areas shall be designed to incorporate landscape treatment throughout the parking area. These landscaped areas shall constitute a minimum of ten (10) percent of the total parking area, and shall be of a type outlined in (a) and (b) above.

(9) Signs. All signs not relating to the identification of the premises and occupants and professional services rendered on the premises are prohibited. All signs shall be setback a minimum of 25 feet from all public street rights-of-way. directional signs which do not exceed one-and-one-half

(1½) sq. ft. and which denote only points of ingress and egress into the property can be located adjacent to the public road right-of-way. Signs advertising for sale, lease or rental of property can be located within the required setback providing their location is of a temporary time frame and they do not block line of sight along and to the roadways.

(10) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit. (Ord. #86-538; Ord. #89-748; Ord. #91-906; Ord. #94-1172, June 1994; and Ord. #94-1202, Oct. 1994, as amended by Ord. #97-1675, Oct. 1997, and Ord. #98-1868, Jan. 1999, and renumbered by Ord. #02-2342, Aug. 2002)

**14-311. R-2 Districts (Medium-Density Residential).** Within the R-2 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-family, two-family, and multiple-family dwellings, and apartments.

(b) Mobile home courts.

(c) The taking of boarders or the leasing of rooms by the family resident on the premises, provided that not over seventy-five (75) percent of the total floor area is used for the taking of boarders or for the leasing of rooms by the family resident on the premises.

(d) Customary incidental home occupations conducted within a dwelling by not more than one person in addition to those persons residing therein and the activity shall not utilize more than twenty (20) percent of the total floor area of the dwelling.

(e) Any accessory use or building customarily incidental to the above permitted use.

(2) Uses permissible on appeal. (a) Churches and other places of worship, parish houses; public libraries; schools offering general education courses; public parks and public recreation facilities; railroad rights-of-way; municipal, county, state or federal uses except general office buildings or supply and storage yards; public utilities, except storage and warehousing facilities; cemeteries; funeral homes, mausoleums, hospitals for human care except primarily for mental cases; and philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business.

(b) Customary general farming uses, gardens and buildings incidental thereto, except commercial animal or poultry farms and kennels.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, and yards. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area . . . . . 6,000 square feet
- Minimum lot area per additional family . . . . . 3,000 square feet
- Minimum lot width at building line . . . . . 50 feet
- Minimum depth of front yard . . . . . 25 feet
- Minimum depth of rear yard . . . . . 25 feet

Minimum side yards on each side of every lot:

- For one- or two-story buildings . . . . . 10 feet
- For three-story buildings . . . . . 15 feet

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

(6) Required setbacks. All principal and accessory structures and buildings shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

(a) Residential uses.

- Highways and arterials . . . . . 65 feet
- Collectors . . . . . 55 feet
- Minor and residential streets . . . . . 50 feet

(b) Other permitted uses.

- Highways and arterials . . . . . 80 feet
- Collectors . . . . . 80 feet
- Minor and residential streets . . . . . 65 feet

(7) Height. (a) No building shall exceed five (5) stories or sixty-five (65) feet in height. No accessory building shall exceed two (2) stories in height.

(b) On a lot less than sixty (60) feet in width at the building line, no building shall exceed one and one-half (1½) stories or twenty-five (25) feet in height.

(8) Landscaping. The required front yard must be landscaped or sodded. Only as much of the required front yard that is needed for driveways or walkways may be paved. The front yard shall not be used for parking. For a lot whose use is non-residential an appropriate screening device or divider shall be maintained on such property line.

(9) Signs and billboards. (a) For the purpose of advertising the taking of boarders or the leasing of rooms by the family resident on the premises, and studios or customary incidental home occupations, one (1) sign not over two (2) square feet in area may be used.

(b) Real estate signs shall be used advertising the sale, rental, or lease of only the premises on which they are maintained, provided such signs do not exceed eight (8) square feet in area for each one-fourth (¼) acre in the lot or tract, and provided that such sign shall not exceed

thirty-two (32) square feet in area and shall be at least twelve (12) feet distant from all street or lot lines.

(c) Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line. (1968 Code, § 11-302, as amended by Ord. #79-458; Ord #86-543; Ord. #86-550; Ord. #90-790; Ord. #90-811; modified; Ord. #97-1675, Oct. 1997; Ord. #98-1868, Jan. 1999; and Ord. #00-2137, Oct. 2000; and renumbered by Ord. #02-2342, Aug. 2002)

**14-312. RM-6 District (High Density Multi-Family Residential).**

The RM-6 High density multi-family residential district is intended to provide suitable areas for higher density developments where sufficient urban facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, except mobile homes and mobile home parks. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facilities and public utility installations which are necessary to service specifically the residents of the district, or which installations are benefitted by and compatible with a residential environment.

Within the RM-6 High density multi-family residential district, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) One and two-family dwellings.

(b) Multiple-family dwellings.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Churches and other places of worship, parks, playgrounds, schools offering general education courses, public libraries

and municipal buildings, in keeping with the character and requirements of the district.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required lot area, lot widths, yards and bulk regulations. The principal building shall be located so as to comply with the following minimum requirements:

- Minimum lot area . . . . . 6,000 square feet
- Minimum lot area per additional dwelling . . . . . 2,200 square feet
- Minimum lot width at building line:
  - For residences . . . . . 50 feet
  - Other uses . . . . . 100 feet
- Minimum depth of front yard:
  - Arterial streets . . . . . 40 feet
  - Collector streets . . . . . 30 feet
  - Minor streets . . . . . 25 feet
- Minimum depth of rear yard . . . . . 25 feet
- Minimum side yard on each side of every lot . . . . . 10 feet
- Minimum separation between buildings on the same lot. . . . . 20 feet

The total sum of all required side yards shall be a minimum of twenty (20) feet.

(5) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed forty (40) percent of the total area of such lot.

(6) Maximum floor area ratio. On any lot, the maximum floor area ratio shall be 1.00.

(7) Height. No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory building shall exceed two (2) stories in height.

(8) Landscaping. The required front yard must be landscaped or seeded. Only as much of the required front yard that is needed for driveways or walkways may be paved. For a lot whose use is non-residential, an appropriate screening device or divider shall be maintained on such property line.

(9) Signs. (a) For the purpose of advertising customary incidental home occupations, one sign not over two (2) square feet in area may be used.

(b) No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

(10) Side yards on corner lots. The minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side

yard requirements. Accessory buildings shall also comply with this setback from the intersecting street.

(11) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yards.

(b) Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(c) No accessory building not an integral part of the principal building shall be located within sixty (60) feet of the front lot line.

(d) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(12) Use of zero lot line in single-family detached in RM-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 20 feet.

(b) The side yard setback requirement for the adjoining district must be maintained adjacent to any lot not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the county register of deeds and the city building inspections department at the time of application for a building permit.

(13) Single-family attached in the RM-6 District: Single-family attached residential is permitted in this district only if the side yard opposite to the common wall is at least twenty (20) feet.

(14) Townhouse/condominium residential in the RM-6 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:

(a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.

(b) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 1.00 (1 square foot of building area per one 1 square foot of site/lot area). (as added by Ord. #02-2342, Aug. 2002)

**14-313. Side yard setback or sprinkler requirements.**

(1) Notwithstanding any other provisions of the Lebanon Municipal Code to the contrary, no plan or specifications or project presented for review to the Lebanon Planning Commission on or after September 1, 2006, including but not limited to projects reviewed for a possible residential Planned Unit

Development (PUD), shall be approved by the Lebanon Planning Commission and/or the Lebanon City Council, with side yard setback requirements of less than ten feet (10') on each side yard, unless the plans for the PUD requires all residential unites spaced closer than twenty feet (20') (eave to eave) to be fully sprinkled by sprinkler systems pursuant to the Lebanon Code, including NFPA 13 R.

(2) This requirement shall not prevent the Lebanon Board of Zoning Appeals to make appropriate adjustment to side yard setback requirements as deemed appropriate under the Lebanon Municipal Code.

(3) The setback requirement, as stated above, for a ten foot (10') side yard setbacks between residential structures for all approved plans shall apply to all plans offered for either initial or preliminary approval or request for material modifications or additions to existing plans which are submitted for review to the Lebanon Planning Commission on or after September 1, 2006.

(4) This above stated minimum requirement for a ten foot (10') side yard setback (where sprinkler systems are not used) shall not apply to any plans which were properly submitted to the planning department on or before September 1, 2006; however, nothing in this section shall be construed to conflict with the provisions of ordinance No. 06-2962. (as added by Ord. #06-2963, Sept. 2006)

CHAPTER 4

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION

- 14-401. B-1 Districts (Local Business).
- 14-402. B-2 Districts (Central Business).
- 14-403. B-3 Districts (Restricted Business).
- 14-404. B-4 Districts (Highway Business).
- 14-405. B-5 Districts (Interchange Business).
- 14-406. B-6 Districts (Transitional Office).

**14-401. B-1 Districts (Local Business).** Within the B-1 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single family dwelling, multiple-family dwelling and apartment, restaurant (except drive-in), hospital, nursing home, day care center, drug store, hardware store, food store, flower shop, office, medical clinic, day care, beauty shop, leather and leather goods shop, hand laundry, laundromat, dry-cleaner's pickup station, motel, funeral parlor, retail bakery outlet, bank, shoe store, haberdashery, jewelry store, gift shop, art shop, furniture store, book and stationery store, music shop, taxidermy and processing, sporting goods store, and appliance store, retail package stores, and veterinary offices for animals such as dogs, cats or other comparable household pets and not including outdoor pens as regulated by Lebanon Municipal Code, title 8, chapter 1.

(b) Any accessory use of buildings and advertising signs customarily incidental to the above permitted uses.

(2) Use on appeal. Churches and other places of worship.

(3) Uses prohibited. Any use not specifically permitted.

(4) Required lot area, lot widths, and yards.

(a) All buildings hereafter constructed shall be located so as to comply with the following minimum requirements:

Minimum depth of front yard . . . . . 25 feet

Minimum depth of rear yard . . . . . 20 feet

Minimum side yards on each side of every lot:

For one- and two-story buildings . . . . . 10 feet

For three-story buildings . . . . . 15 feet

(b) Any building used in whole or in part for residence shall comply with the minimum lot area requirements for R-2 residential districts.

(c) On all lots adjacent to a residential zone, all buildings shall be located so as to conform to the side yard requirements of the adjacent residential zone.

(5) Required setbacks. All buildings and accessory structures shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

- Highways and arterials . . . . . 80 feet
- Collectors . . . . . 80 feet

(6) Height. No building shall exceed five (5) stories or sixty-five (65) feet in height.

(7) Off-street loading and unloading space. Behind every building or structure used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, and if there is no alley, to a public street.

(8) Landscaping and screenings. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment;

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks;

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 Code, § 11-401, as amended by Ord. #75-399; Ord. #75-400; Ord. #86-543; Ord. #86-550; Ord. #90-790; and Ord. #90-822; modified, and amended by Ord. #97-1675, Oct. 1997; Ord. #02-2391, Sept. 2002; Ord. #04-2614, July 2004, Ord. #07-3255, Nov. 2007, and Ord. #09-3550, July 2009)

**14-402. B-2 Districts (Central Business).** Within the B-2 District as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Drug store, food store, parking lot, florist, restaurant, office, hotel, bank, indoor theater, beauty shop, retail bakery outlet, pool room, newsstand, department store, shoe repair shop, variety store, leather goods store, barber shop, ladies wear, haberdashery, jewelry store, gift shop, art shop, book and stationery store, camera shop, paint store, hardware store, appliance store, furniture store, broadcasting and receiving station, office supply shop, music store, meat or fruit market, and printing, publication or engraving concern, retail package stores and upper floor residence as regulated by Lebanon Municipal Code, amendment ordinance 90-817.

(b) Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than five (5) operatives are employed in such manufacture.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses prohibited. Any use not specifically permitted.

(3) Required yards and setbacks. On lots adjacent to a residential zone, all buildings shall be located to conform to the side yard requirements of the adjacent residential zone, and there shall be a front yard setback of not less than fifteen (15) feet.

(4) Height. No building shall exceed six (6) stories or seventy-five (75) feet in height. (1968 code, § 11-402, as amended by ord. 90-822, § 2, and Ord. #08-3445, Nov. 2008)

**14-403. B-3 Districts (Restricted Business).** Within the B-3 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Multiple-family dwelling and apartment, gasoline and service stations, restaurant, motel, food store, indoor theater, automobile sales and/or service establishment, bank, bowling alley, broadcasting and receiving station, candy store, camera shop, clinic, nursing home, day care center, hotel, parking lot, drug store, florist, office, beauty shop, barber shop, laundromat, dry cleaners' pickup station, retail bakery outlet, pool room, newsstand, department store, shoe repair shop, variety store, leather goods store, ladies' wear, haberdashery, jewelry store, gift shop, art shop, book and stationery store, camera shop, hardware store, appliance store, furniture store, office supply shop, music store, meat or fruit market, feed store, frozen food locker, retail milk depot, paint store, plumbing and heating fixture supply shop, radio shop, sporting goods store, piano store, ice cream store, funeral home, bus depot, laboratory, skating rink, upholstery shop, pet stores, printing, publication or engraving concern, dry cleaner using synthetic fluids and not employing nor expected to employ over (10) persons, and places of public assembly, retail package stores as regulated by Lebanon Municipal Code, title 8, chapter 1.

(b) Manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer, and where not more than ten (10) operatives are employed in such manufacture.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(d) Outdoor advertising signs and advertising structures.

(2) Uses permissible on appeal. Antique malls and flea markets and auction houses (any open air sales or outdoor vendors shall be screened from any adjoining residential zone by an opaque screen or opaque barrier which shall, at a minimum, consist of solid fencing or landscaping or a combination of both).

(3) Uses prohibited. Any use not specifically permitted.

(4) Required yards.

(a) Buildings hereafter constructed shall be so located as to comply with the following minimum yard requirements:

- Minimum depth of front yard . . . . . 25 feet
- Minimum depth of rear yard . . . . . 20 feet
- Minimum side yards on each side of every lot . . . . . 10 feet

(b) Any building used either in whole or in part for residence shall comply with the requirements of an R-2 residential district for minimum lot area per family.

(c) On lots adjacent to a residential district, all buildings shall be located so as to conform with the side yard requirements of the adjacent residential zone.

(5) Height. No building shall exceed five (5) stories or sixty-five (65) feet in height.

(6) Provisions in lieu of off-street parking. If vehicle storage or parking space required cannot reasonably be provided on the same lot on which the principal use is conducted, the building inspector may permit such space to be provided on other off-street property, provided such space lies within five hundred (500) feet of the main entrance of the principal use and provided such space does not lie within any residential district. Such vehicle storage space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(7) Off-street loading and unloading space. Behind every building or structure used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, and if there is no alley, to a public street.

(8) Landscaping and screenings. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment;

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks;

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure.(1968 Code, § 11-403, as amended by Ord. #75-399; Ord. #86-543; Ord. #86-550; Ord. #90-797; Ord. #90-811; Ord. #90-822; modified, and amended by Ord. #97-1675, Oct. 1997; Ord. #02-2391, Sept. 2002; and Ord. #02-2410, Oct. 2002; and Ord. #05-2762, July 2005)

**14-404. B-4 Districts (Highway Business).** Within the B-4 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Gasoline and service station, restaurant, motel, food store, drive-in movie, auction houses, automobile sales and service establishment, bank, bowling alley, broadcasting and receiving station, candy store, camera shop, nursing home, clinic, day care center, clothing store, dairy, drug store, appliance store, express office, feed store, florist, frozen food locker, meat, fruit or vegetable market, furniture store, gift shop, golf driving

range and miniature golf course, hardware store, jewelry stores, animal hospital, skating rink, kennels, launderette, retail milk depot, office, office equipment and supply shop, paint store, plumbing and heating fixture supply shop, pool room, race track, radio shop, book, stationery and supply store, swimming pool, variety store, trunk and leather goods shop, telegraph office, sporting goods store, shoe repair shop, piano store, ice cream store, barber shop, tattoo parlor, retail bakery, amusement park, trampoline center, and places of assembly, subject to such conditions and safeguards as may be required by the board of zoning appeals, retail package stores as regulated by Lebanon Municipal Code, title 8, chapter 1.

(b) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses prohibited. Any use not specifically permitted.

(3) Required lot area, lot widths, lot depths, and yards.

(a) The minimum lot area shall be ten thousand (10,000) square feet.

(b) The minimum lot width at the building line shall be one hundred (100) feet.

(c) Except where a rear lot line abuts a public right-of-way or where the shallowness of a lot does not permit, the minimum lot depth shall be one hundred and fifty (150) feet.

(d) The minimum depth of front yards shall be measured from the right-of-way line. All lots in this district shall be considered fronting on either highways and arterials or collector streets.

For highways and arterials . . . . . 40 feet  
For collectors . . . . . 50 feet

(e) The minimum rear yard shall be twenty-five (25) feet.

(f) The minimum width of each side yard abutting highways and arterials or collector streets shall be forty (40) and fifty (50) feet, respectively. The minimum width for each side yard abutting minor or residential streets shall be twenty-five (25) feet.

(g) For a lot whose property line abuts a residential district, the minimum side yard width and/or minimum rear yard depth shall be forty (40) feet.

(h) The maximum building area shall be forty (40) percent of the total lot area.

(4) Required setbacks. Every building or structure or its accessory building shall be set back from the centerline of every street according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

- Highway and arterials . . . . . 80 feet
- Collectors . . . . . 80 feet

(5) Height. No building shall exceed five (5) stories or sixty-five (65) feet in height unless it shall be located within the accepted service area of a fire station equipped with a ladder truck with the capability to reach the top of the building or 100 feet in height.

(6) Off-street loading and unloading space. Behind every building or structure used for business or trade there shall be a rear yard not less than twenty-five (25) feet in depth to provide for the loading and unloading of vehicles.

(7) Landscaping and screenings. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.

(c) For a lot whose property line abuts a residential district, an appropriate screening devise or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 Code, § 11-404, as amended by Ord. #86-543; Ord. #86-550; Ord #90-797; Ord. #90-811; Ord. #90-822; modified, Ord. #93-1066, Sept. 1993; Ord. #97-1675, Oct. 1997; Ord. #00-2136, Oct. 2000; Ord. #00-2151, Nov. 2000; Ord. #02-2409, Oct. 2002; and Ord. #03-2543, Dec. 2003)

**14-405. B-5 Districts (Interchange Business).** Within the B-5 District as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Gasoline and service stations; travel trailer parks; drug stores; curio shops; refreshment stands; motels or motor hotels; restaurants; drive-in restaurants and eating places; churches and other places of worship; and any similar use which, in the opinion of the board of zoning appeals, is in keeping with the character of the district, retail package stores as regulated by Lebanon Municipal Code, amendment ordinance 90-822, § 5.

(b) Any accessory use or building customarily incidental to the above permitted uses.

(2) Self-service storage facility. Use on appeal.

(3) Uses prohibited. Any use not specifically permitted.

(4) Required lot area, lot widths, and yards. (a) The minimum lot area shall be fifteen thousand (15,000) square feet.

(b) The minimum lot width at the building line shall be one hundred fifty (150) feet.

(c) The minimum depth of front yards measured from the right-of-way line shall be fifty (50) feet.

(d) The minimum rear yard shall be twenty (20) feet.

(e) The minimum width of each side yard shall be twenty (20) feet.

(f) The minimum width of each side yard shall be twenty (20) feet, provided, however, that any side yard that abuts a street or public way shall be forty (40) feet.

(g) The maximum building area shall be forty (40) percent of the total lot area.

(5) Required setback. Every building or structure or its accessory building shall be set back from the right-of-way line at least fifty feet; provided, however, that in the case of service stations, gasoline pumps, gasoline pump canopies, and signs advertising the principle use shall not be considered a structure as defined under section 14-203(18) and shall be set back as follows: Signs 10 feet, gasoline pumps and gasoline pump canopies 15 feet. This shall not be construed so as to permit billboards and any similar type signs any closer than 50 feet to the right-of-way.

(6) Height. No building shall exceed five (5) stories or sixty-five (65) feet in height unless it shall be located within the accepted service area of a fire station equipped with a ladder truck with the capability to reach the top of the building or 100 feet in height.

(7) Off-street loading and unloading space. Behind every building or structure used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide for the loading and unloading of vehicles.

(8) Access control.

(a) Access barrier. Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings used for commercial purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip, or other suitable barrier against unchanneled motor vehicle ingress and egress, except for accessways as authorized in paragraph (b) below.

(b) Accessways. Each separate use, grouping of attached buildings, or grouping of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any highway or street. Insofar as practicable, the use of common accessways by two (2)

or more permitted uses shall be provided in order to reduce the number and closeness of access points along the highway, and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway.

(c) Access regulations. The following regulations concerning accessways shall apply:

A point of access shall be not closer than fifty (50) feet to any point of controlled access, provided, however, that in a case of hardship caused by the narrowness or shape of any particular lot, the board of zoning appeals may issue a variance when such hardship is proven; nor within thirty (30) feet of the curb line of any public street intersection.

A point of access shall not exceed thirty-five (35) feet in width.

The distance between any two (2) points of access shall be not less than twenty-five (25) feet.

(9) Landscaping and screening. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(c) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line.

(d) A minimum of one-half ( $\frac{1}{2}$ ) of the required landscaping shall be between the street property line and the structure. (1968 code, § 11-405, as amended by ord. 86-543, § 11, ord. 86-550, § 6, ord. 90-797, § 6, ord. 90-811, § 2, modified, Ord. #93-1066, § 2, Sept. 1993, Ord. #97-1675, Oct. 1997; Ord. #03-2543, Dec. 2003, Ord. #06-2954, Aug. 2006, and Ord. #09-3550, July 2009)

**14-406. B-6 Districts (Transitional Office).** The Transitional Office district is intended to provide office locations generally serving neighborhood or community needs; to provide for such uses in a low intensity manner such that they can be compatible with adjacent single family detached dwellings; and otherwise to implement the stated purpose and intent of this ordinance. The Transitional Office district may be located adjacent to, or within residential areas. The district allows for the integration of limited supporting commercial uses into office developments. The Transitional Office district is intended to be located along collector and arterial streets or adjacent to commercial or industrial districts, in the areas of transition between residential and higher intensity uses, and in areas of existing and new office development.

All uses except automobile parking lots and such other uses as may specifically be exempted hereinafter shall be conducted wholly within a building. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use, thus retaining the existing residential character of the

building(s). A combination of residential and commercial uses within this district may be permitted within the same building. Within the 9-6 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Offices for:

(i) Banks, savings and loan associations, credit unions, trust companies, security and commodity exchanges and similar financial institutions with no drive-through facility;

(ii) Business service firms including architectural, engineering, drafting services, market research, planning, surveying and other similar firms;

(iii) Business agencies including advertising, travel, credit, finance, photography, and other similar agencies;

(iv) Accounting, appraisal, auditing, bookkeeping, consultants, insurance, law and legal services, public utilities, real estate, title companies, medical or dental offices and other similar offices;

(b) Single family dwellings;

(c) Headquarters or administrative offices for charitable organizations such as, Red Cross, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of non-commercial nature;

(d) Museums, historic, and cultural exhibits, libraries, artist or photographic studios and the like;

(e) Parks and playgrounds or play fields owned and operated by a homeowners association or recognized government entity;

(f) Community and government buildings in keeping with the character of the district;

(g) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Sit-down restaurants with no drive-through facility and not larger than five thousand (5,000) square feet in size, specialty retail not larger than five thousand (5,000) square feet in size, health spas, barber/beauty salon, or special schools such as art or music, and bed and breakfasts.

(3) Uses prohibited. Any use not specifically permitted.

(4) Required lot area, lot widths, lot depths and yards. (a) The minimum lot area shall be six thousand (6,000) square feet. However, if a residential subdivision is being contemplated, the minimum lot size for the residential lots shall be consistent with surrounding single-family residential lots.

(b) The minimum lot width at the building line shall be fifty (50) feet.

(c) The minimum depth of front yards shall be forty (40) feet measured from the right-of-way line.

(d) The minimum side yard on each side of every lot shall be fifteen (15) feet, except for corner lots, where the minimum side yard for the street side of a corner lot shall be twenty-five (25) feet.

(e) The minimum depth of rear yards on every lot shall be thirty (30) feet.

(f) The maximum floor area ratio shall be 0.30.

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height, whichever is lower.

(6) Location of additions or structural changes. No additions or extensions shall be made to the front or side(s) of any existing structure unless the character of the structure is retained. Prior to the construction of such additions or extensions, a site plan shall be approved as outlined in section (11).

(7) Off-street loading and unloading space. If, based on the use, as determined by city planning staff and/or the planning commission, an off-street loading/unloading space is required, such space shall be provided behind the building or structure. The space shall be not less than thirty (30) feet in depth and of adequate width to provide for the loading and unloading of delivery vehicles.

(8) Outdoor storage and display. (a) Property used for non-residential purposes. Exterior storage of goods or materials of any kind is prohibited. All such storage shall be located in an enclosed building. Outdoor display of merchandise is prohibited.

(b) Property used for residential purposes. The previous regulation, relative to outdoor storage and display shall not apply to property used residentially.

(9) Off-street parking. Off-street parking shall be provided in compliance with § 14-213.

(a) Property used for non-residential purposes. Parking shall be located at the rear of the building; an exception to this requirement may be made by the planning commission depending on the specific site conditions. Landscaping and/or other effective screening, a minimum of twenty (20) feet in width, shall be provided between parking and property lines.

(b) Property used for residential purposes. The previous regulation, relative to the location of off-street parking shall not apply to property used residentially.

(10) Landscaping and screenings. (a) Each site shall be developed with twenty (20) percent of its area landscaped with green treatment.

(b) A landscape plan showing the type, location, number and size at planting of all proposed landscape material shall be submitted as part of the site plan review, and subject to approval of the planning commission. Landscaping shall consist of a combination of grasses,

shrubs and trees. Trees shall be planted along the street frontage, spaced according to the type of tree.

(c) There shall be maintained a strip of landscaped ground at least twenty (20) feet in width along all property lines, exclusive of entrance drives and walks. Parking and circulation drives shall not be located within this twenty (20) feet.

(d) For a lot whose property line(s) abuts a residential district or residentially used property, landscaping and/or an appropriate screening device or divider shall be maintained on such property line(s), however, an exception may be made by the planning commission depending on the site specific site conditions.

(e) A minimum of one-half (1/2) of the required landscaping shall be between the street property line and the structure.

(f) Landscaping shall be installed and maintained in accordance with an approved landscape plan. The developer, successors, and/or properly owners shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all landscaped areas. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plant materials shall be promptly replaced.

(g) The property owner of land abutting a right-of-way shall be responsible for landscaping and maintenance of any right-of-way area between the property line and curb or street.

(h) All plantings are subject to periodic inspection by city staff. If found not to comply with the approved landscape plan or not being properly maintained, the property owners may be subject to a hearing by the planning commission. Such a hearing will be added to the next available regular meeting agenda with notice being provided to the property owner.

(11) Site plan review. Site plan review by the Lebanon Planning Commission is required for all new buildings, building additions, demolitions and site alterations including the construction of driveways, loading areas and parking areas. Applicants must submit scale drawings, according to the particular type of development, to the Lebanon Planning Commission in accordance with the procedures set forth in this chapter and § 14-216 chapter 2.

Upon approval by the planning commission, a site plan is valid for a period of twenty-four (24) months, after which it becomes void unless a building permit has been issued based upon the site plan.

Requirements with respect to the minimum information, notes and certificates that shall be provided on the site plan may be found in § 14-216 (4), (5) and (6).

(12) Building design. All architectural designs, including those for alterations, additions, or demolition are subject to review and approval of the planning commission. Accessory buildings and signage shall be compatible with

the architecture, consistent in design and use similar materials as the principle building. In conjunction with any required site plan review, any required building design review shall be conducted by the planning commission.

Requirements with respect to the minimum information that shall be provided in order to appropriately evaluate the proposed building or signage design are as follows:

(a) Scale drawings of the building elevations for all sides of all structures visible from the right-of-way;

(b) Material samples, photographs, color samples, or other description of proposed building materials including walls, roofs, trim, windows and doors;

(c) Scale drawings, material samples, photographs, color samples or other description of proposed signage;

(d) Manufacturer's specification sheets or photographs of proposed exterior lighting fixtures;

(e) Proposed landscaping plans, stamped by a landscape architect licensed in the State of Tennessee, including the location, size at planting, number and type of all materials.

(13) Demolition. Within properties zoned B-6, the City of Lebanon seeks to preserve and protect the integrity of the area. Repair and renovation are preferred over the demolition of structures. Demolition should be considered a last resort.

(a) Demolition permit. Demolition permits are required for the removal of any structure, including accessory structures. Upon submission of a demolition permit, or for permission to remove a major part thereof, the building division will determine if the subject property is zoned B-6. If the property is zoned B-6, the planning commission shall be required to review and approve the request for permission to demolish, or significantly alter, the structure prior to a demolition permit being issued.

If required to be reviewed by the planning commission, the applicant shall provide information relative to the date of construction of the structure(s) and any subsequent alteration(s). City staff will complete preliminary research relative to the architectural style of the structure and any available history of the structure(s). Information that will be reported to the planning commission should include, as available, the following:

(i) Date of construction and any additions or modifications;

(ii) Description of the architectural style, significant architectural features and building materials;

(iii) Names of property owners and/or tenants of the structure; and

(iv) Significant events that may have occurred on the property.

The planning commission should consider this information and any other information that may be available to them in their determination of the significance of the subject structure(s).

In all cases, when property is located in the B-6 district, including requests for permission to demolish a structure that is determined not to be a significant structure, the planning commission shall not grant approval for demolition without reviewing at the same time preliminary plans for the redevelopment of the property. The planning commission may grant permission to demolish a structure having only reviewed preliminary plans, with the requirement that more detailed plans, in accordance with these regulations shall be brought to the planning commission within a reasonable time period. The reasonable time period shall be determined by the planning commission at the time that preliminary plans are reviewed and shall be based on the scale of the redevelopment project.

(b) Delay of demolition. Prior to a permit being issued for the demolition of any structure, determined to be significant, within the B-6 district, the planning commission shall review the demolition request. A request for demolition shall be delayed in order to afford public review of a demolition permit application for significant structures. Upon the demolition of a structure(s) being delayed, city staff will provide city council notice of such delay. A public notice, stating the time and place of the planning commission meeting, shall be published within a newspaper of general circulation in the municipality at least fourteen (14) days prior to the meeting at which demolition of a significant structure may be considered. In addition, such public notice will be sent to adjacent property owners and members of city council.

(c) Significant structures. Once the significance of a structure is determined, that significance may change due to a change in circumstances. When the planning commission determines that a building is significant and should be preserved, demolition may be delayed by the planning commission for a period not to exceed six (6) months to allow the city, a historical society, or other interested property owners the opportunity to develop viable solutions for the preservation of the building. Within that period of time, the applicant may be required to provide cost estimates for the repair/renovation versus demolition of the subject structure(s). Also during that time, the city council will have the opportunity to take action to designate the building as a local landmark. After the six (6) months have passed, the planning commission shall review all of the information gathered during that time and make a decision regarding either approving or denying the demolition request.

- (d) Demolition is inappropriate:
  - (i) If a building is of such architectural interest and value that its removal would be detrimental to the public interest;
  - (ii) If a building is of such unusual or uncommon design and materials that it could not be reproduced without great difficulty or expense; or
  - (iii) If its proposed replacement would make a less positive visual contribution to the neighborhood, would disrupt the character of the neighborhood or would be visually incompatible.
- (e) Demolition is appropriate:
  - (i) If a building has lost its architectural integrity and its removal will not result in a more negative, less appropriate visual effect on the neighborhood;
  - (ii) If a building does not contribute to the architectural character and importance of the neighborhood and its removal will result in a more positive, appropriate visual effect on the neighborhood; or
  - (iii) If denial of the demolition will result in an economic hardship on the applicant, as determined by the Lebanon Planning Commission. The applicant shall provide proof, in the form of cost estimates for renovation of the structure, anticipated value of the property after renovation, expected income after renovation if the property is to be sold or rented, and any other information that may be requested by the planning commission as they make their decision regarding a potential economic hardship for the applicant.
  - (iv) If a building is deemed to be a safety hazard as determined by the chief building official.

At the same time that the planning commission considers approval of the demolition of a structure(s), the planning commission shall also consider approval of the plans for redevelopment of the property. In order to ensure that the applicant proceeds in a timely manner with the approved redevelopment plans, the applicant shall provide a letter of credit in the amount of twenty percent (20%) of the development costs of the approved plans as reviewed by the chief building official. The chief building official will have the final say with respect to the reasonableness of the development costs provided by the applicant.

(f) Demolition review exemptions. Review of demolition requests for structures in the B-6 district shall not be required if a structure is condemned for structural reasons by the chief building official or for any structure which is less than two hundred (200) square feet in size.

(g) Appeals. Any person affected by a determination made by the planning commission relative to a determination of the significance of a structure and/or the approval or denial of a demolition permit may

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appeal such determination to chancery court. (deleted by Ord. #96-1520, Oct. 1996; as added by Ord. #04-2632, April 2005, and amended by Ord. #06-2983, Oct. 2006)

## CHAPTER 5

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

## SECTION

- 14-501. M-1 Districts (Industrial Subdivisions).
- 14-502. M-2 Districts (Light Industrial).
- 14-503. M-3 Districts (Heavy Industrial).
- 14-504. M-4 Districts (Business/Manufacturing Park).

**14-501. M-1 Districts (Industrial Subdivisions).** Within the M-1 Districts as shown on the Official Zoning Map of Lebanon, Tennessee the following regulations shall apply:

(1) Uses permitted.

(a) All types of industrial activities except: Uses considered dangerous or unsafe, such as explosives; uses considered objectionable or a nuisance by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter, or water-carried waste; and uses considered objectionable by reason of adverse effect on adjoining uses, such as junk or salvage yards.

(b) Commercial and public uses and areas for recreation appropriate to the industrial development and subject to the approval of the planning commission.

(c) Outdoor storage of materials only where such storage is visually screened from approaches.

(2) Self-service storage facility. Use on appeal.

(3) Uses prohibited. Any use not specifically permitted.

(4) Land coverage, yards, setbacks, and open space.

(a) On each site there shall be at least two and one-half (2½) square feet of land area for each square foot of building area, so that not more than forty (40) percent of the site shall be used for building purposes. In addition, sufficient land for access, loading and unloading space, and landscaping shall be provided.

(b) Side yards shall be a minimum of twenty-five (25) feet each and shall equal at least fifty (50) feet on each individual site. However, where suitable and approved by the planning commission, the twenty-five (25) foot minimum may be waived, or one side yard may be eliminated, provided the other side yard is increased to a minimum of fifty (50) feet.

(c) All buildings shall be set back at least seventy-five (75) feet from the property line abutting any street. Entrance ways shall be considered a part of the building and shall be set back seventy-five (75) feet from the property line of the street on which they front.

(d) Where two (2) or more buildings are located on a single site, the space between them shall be determined by operative requirements. Buildings backed to a common rail facility or buildings, sharing common

truck or car lanes shall have open space for the right-of-way of these facilities.

(e) Rear yards shall be a minimum of twenty-five (25) feet. No rear yard shall be required for that part of the lot which fronts on or abuts a railroad siding or railroad right of way.

(5) Circulation.

(a) Street standards.

For industrial boulevard right-of-way--100 feet.  
pavement--two 44-foot lanes.

For major industrial street right-of-way--100 feet.  
pavement--50 feet. For minor industrial street right of way - 70 feet.  
pavement - 35 feet.

(b) Driveway lane widths.  
For trucks

single lane--15 feet.  
double lane--30 to 32 feet.

For passenger vehicles

single lane--12 feet.  
double lane--30 to 32 feet.

(6) Parking.

(a) All parking and loading of vehicles shall be on the site.

(b) Parking and loading area shall be treated to provide a dust-free surface.

(c) Parking and loading in the front shall be permitted only when visually screened by landscaping and other appropriate screening arrangements.

(d) Parking spaces maintained in connection with the original building or structure shall not be counted as serving new structures or additions; nor shall any parking space be substituted for a loading space nor any loading space substituted for a parking space. Adequate space shall be allowed to permit expansion of the parking area upon conversion of use.

(e) There shall be provided storage or parking space for all vehicles used directly in the conduct of industrial, commercial, or warehousing uses.

(f) For a manufacturing use the following minimum number of spaces shall be provided:

One (1) general parking space nine (9) feet in width for each two (2) plant employees.

One (1) general parking space nine (9) feet in width for each managerial position.

One (1) visitor parking space nine (9) feet in width for each ten (10) managerial positions, with a minimum of six (6) visitor parking spaces provided.

One (1) visitor parking space nine (9) feet in width for each ten (10) managerial positions, with a minimum of six (6) visitor parking spaces provided.

(g) For a business or commercial use (warehouses) the following minimum number of spaces shall be provided:

One (1) general parking space nine (9) feet in width for each one thousand (1,000) square feet of gross floor area used for warehousing and distribution.

(h) For the purpose of loading and unloading, truck parking stalls shall be one hundred (100) feet in depth and twelve (12) feet in width.

(i) Any variation from the above parking requirements may be made only upon review and recommendation of the planning commission.

(7) Height. No building shall exceed six (6) stories or seventy-five (75) feet in height.

(8) Landscaping.

(a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) There shall be maintained a strip of ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.

(c) Landscape treatment shall not interfere with the site line requirements of traffic circulation nor obstruct views of buildings or their means of identification.

(d) All landscaping shall be designed for maximum maintenance. In an area or spot extremely difficult to maintain, paving or terracing may be used as a part of the landscape treatment.

(e) Landscaping may be in the form of grass lawns and ground covers, shade trees in parking areas, street trees and planting in areas used as dividers and in other suitable areas. It may also include the use of walks, screenings, terraces, fountains, etc.

(f) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(g) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure.

(9) Building design.

(a) All architectural designs, including those for alterations, additions, and remodeling, are to be subject to the review and approval of the planning commission.

(b) The outside walls of all buildings shall be of masonry construction, its equivalent, or better.

(c) Accessory buildings, markings, and enclosures shall be consistent in design and quality of materials used with the building to which they are accessories.

(d) The location, size, and construction of signs shall be in keeping with the character of the industrial park.

(10) Special conditions.

(a) In case of special size or shape of site, or condition of terrain, or special use, operation, or treatment not provided for within the foregoing general conditions, each special case shall be subjected to the consideration and recommendation of the planning commission to permit such variance or exception that will make possible protection to all adjacent users as well as to the development as a whole.

(b) Areas designed for other uses in the development, such as industrial community centers, commercial, recreational, or public uses, shall be controlled by the planning commission through physical design.

(c) Areas reserved for future development and those utilized by the district as a whole as designated in the general plan of the development, shall together with these other non-industrial uses, conform to be objectives of these standards. (1968 code, § 11-501, as amended by ord. 86-543, § 12, ord. 86-550, § 7, ord. 88-603, § 1, ord. 90-790, § 2, ord. 90-797, § 7, modified, and Ord. #06-2954, Aug. 2006)

**14-502. M-2 Districts (Light Industrial).** Within the M-2 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Gasoline service station, automobile sales and service establishment, broadcasting and receiving station, restaurant, chemist shop, drug store, electrical equipment appliance and supply store, electrical repairing, feed store, enameling and painting, food store, frozen food locker, funeral home, greenhouses and landscaping, hardware store, kennels, laboratory, market, music stores, office, bank, equipment and supply shop, plumbing and heating fixture supply shop, television and radio repair shop, sheet metal shop, upholstery shop, hangars, hatchery, tailor shop, rubber vulcanizing shop, bus depot, outdoor advertising signs and advertising structures, animal hospital, bakery, printing, publication or engraving concern, bottling works, building materials, yard, cabinet making, carpenter shop, textile manufacture, contractor's yard, dairy, dyeing and dry cleaning works using synthetic fluids, electric welding,

feed or fuel yard, fruit packing or canning, ice plant, laundry, machine shop, marine and heavy equipment wholesale sales, milk distributing station, optical goods, paper box manufacture, trucking terminal, warehouse and grist, flour and feed mill, janitorial and swimming pool equipment and supply store, barber shop, churches and other places of worship, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) Any accessory use of building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Auto wrecking or junk yards, gasoline, propane or any other liquified petroleum gas, oil or alcohol storage above the ground in excess of five hundred (500) gallons, public parks and public recreation facilities, railroad rights-of-way, municipal, county, state, or federal use, and public utilities. (Commercial propane or liquified petroleum gas distribution use shall be regulated by all NFPA codes and said commercial or distribution use cannot be located within 800' of an established gathering place of 100 or more people, distance to be measured from property line to use.)

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required yard and building area.

(a) All buildings occupying a lot with area of twenty thousand (20,000) square feet or more shall be located so as to comply with the following minimum requirements:

- Minimum depth of front yard . . . . . 30 feet
- Minimum width of each side yard . . . . . 20 feet
- Minimum depth of rear yard . . . . . 25 feet

(b) All buildings occupying a lot with area of less than twenty thousand (20,000) square feet shall be located so as to comply with the following minimum requirements:

- Minimum depth of front yard . . . . . 30 feet
- Minimum depth of rear yard . . . . . 20 feet

(c) No yard shall be required for the part of the lot which fronts on or abuts a railroad siding or railroad right-of-way.

(d) On lots adjacent to a residential zone, all buildings shall be located to conform to the side yard requirements of the adjacent residential zone, and there shall be a front yard setback of not less than thirty (30) feet.

(5) Required setbacks. All buildings and accessory structures shall be set back from the centerline of streets the minimum distance shown, according to the type of street as indicated on the Lebanon, Tennessee Major Road Plan as follows:

- Highways and arterials . . . . . 80 feet
- Collectors . . . . . 80 feet

(6) Height. No building shall exceed six (6) stories or seventy-five (75) feet in height, except that for every five (5) feet in excess of seventy-five (75) feet, one (1) additional foot shall be added to the width of the required side yards. Where no yard is already required, such additional yard requirements shall constitute a required yard.

(7) Off-street loading and unloading space. Behind every building used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, and if there is no alley, to a public street. (This provision may be waived at the discretion of the planning commission in cases involving existing buildings.)

(8) Landscaping and screening. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line.

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 Code, § 11-502; as amended by ord. 86-543, § 13; ord. 86-550, § 8; ord. 89-710, § 1; ord. 90-797, § 8; Ord. #93-1067, § 1, March 1994; Ord. #94-1174, § 1, July 1994; Ord. #97-1675, Oct. 1997; Ord. #99-1918, May 1999; Ord. #99-1989, § 1, Sept. 1999; Ord. #00-2100, June 2000; Ord. #01-2265, Sept. 2001; Ord. #05-2761, July 2005, and Ord. #09-3550, July 2009)

**14-503. M-3 Districts (Heavy Industrial).** Within the M-3 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Gasoline service station, electrical repairing, feed store, enameling and painting, kennels, laboratory, market, office, sheet metal shop, upholstery shop, hangars, hatchery, rubber vulcanizing shop, bus depot, outdoor advertising signs and advertising structures, adult-oriented businesses including but not limited to: adults-only bookstores, adult cabarets, adult entertainment centers, adults-only motion picture theaters, adult motels, massage parlors, rap parlors and saunas, animal hospital, bakery, printing, publication or engraving concern, bottling works, building materials yard, cabinet making, carpenter shop, textile manufacture, contractor's yard, dairy, dyeing and dry cleaning works, electric welding, feed or fuel yard, fruit packing or canning, ice plant, laundry, machine shop, milk distributing station, optical goods, paper box and pencil manufacturing, tinsmith shop, trucking terminal, warehouse, grist, flour and feed mill, self-service storage facilities, churches and

other places of worship and other uses which in the opinion of the board of zoning appeals are similar in character to those enumerated in this section and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) No adult oriented business including but not limited to, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor or sauna shall be operated or maintained within one thousand (1000) feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a day care facility, public library, or private/public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, funeral parlor/home, a public park, a business licensed or permitted to sell beer or intoxicating liquors as defined in Title 8, Lebanon Municipal Code, or another adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor, or sauna. The distance limitations in subsection (b) shall be measured in a straight line from and to the nearest lot lines of said premises.

(c) Any accessory use of building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal.

(a) Boiler and tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage of raw hides and skins, distillation of bones, coal, woods, or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline, propane or any other liquified petroleum gas, or oil storage above ground in excess of five hundred (500) gallons, slaughter house or stockyard, smelting plant, and the manufacture of acetylene, acid, alcohol, or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, or any other use which in the opinion of the board of zoning appeals would cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odors, dust, or other objectionable conditions. Extractive or mining operations and accessory uses contiguous to a mining or quarrying operation that has been active for the past seven (7) consecutive years, is zoned M-3 according to the City of Lebanon's zoning classification system, is permitted by the state department of environment and conservation, that was approved by the appropriate local legislative authority at the time such mining or quarrying operation began and all access to such mining shall originate and be contained entirely within the contiguous M-3 mining operations;

provided such mining or quarrying operation shall be approved as a planned unit development in conformance with §§ 14-801 -- 14-803.

(b) Auto wrecking or junk yards, public parks and public recreation facilities, railroad rights-of-way, municipal, county, state, or federal use, and public utilities. (Commercial propane or liquified petroleum gas distribution use shall be regulated by all NFPA codes and said commercial or distribution use cannot be located within 800' of an established gathering place of 100 or more people, distance to be measured from property line to use.)

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal.

(4) Required yards. (a) On lots adjacent to a residential zone, all buildings shall be located to conform to the yard requirements of the adjacent residential zone, and there shall be a front yard setback of not less than fifteen (15) feet.

(b) Rear yards shall be a minimum of twenty-five (25) feet. No rear yard shall be required for that part of the lot which front or abuts a railroad siding or railroad right-of-way.

(5) Required setbacks. Every building or structure or its accessory building shall be set back from the centerline of every street according to the type of street as indicated on the Lebanon, Tennessee Major Road plan as follows:

|                                  |         |
|----------------------------------|---------|
| Highways and arterials . . . . . | 80 feet |
| Collectors . . . . .             | 80 feet |

(6) Height. No building shall exceed six (6) stories or seventy-five (75) feet in height.

(7) Off-street loading and unloading space. Behind every building used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space should have access to a public alley, and if there is no alley, to a public street.

(8) Landscaping and screening. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment if deemed necessary by the planning commission.

(b) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks, if deemed necessary by the planning commission.

(c) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(d) A minimum of one-half (½) of the required landscaping shall be between the street property line and the structure. (1968 code, § 11-503, as amended by ord. 86-543, § 14, ord. 86-550, § 9, ord. 90-790, § 3, ord. 90-797, § 9, Ord. #93-1967, March 1994, and Ord. #95-1286, § 2,

April 1995, as amended by Ord. #97-1675, Oct. 1997, Ord. #98-1780, Aug. 1998; Ord. #05-2819, Nov. 2005, Ord. #06-2954, Aug. 2006, and Ord. #09-3550, July 2009)

**14-504. M-4 District (Business/Manufacturing Park).** Intent: The purpose of the M-4 Districts, as shown on the Official Zoning Atlas of Lebanon, Tennessee, is to provide for business/commercial uses and limited industrial uses which are in the main compatible with nearby properties in agricultural, residential or commercial use. Business Park District uses will be allowed only along collector and arterial streets as designated on the official Major Road Plan. Provisions of the Business Park District shall only apply to tracts containing, when taken as a whole, a minimum of seventy-five (75) acres.

(1) Uses permitted. (a) Commercial activities: Automotive storage and repair (vehicular repair must be enclosed); business and communication services; churches and schools; community facilities, administration, education, essential service; construction sales and services; consumer laundry and repair; convenience retail sales and service; equipment repair services (enclosed); financial, consulting and administrative activities and services; food and beverage service, food service takeout; hotels and motels; offices and office showrooms; outdoor recreation, tennis, swimming and related indoor recreation activities; personal services; plant nursery; professional services; medical and non-medical; recreational and related services; retail business supply; undertaking service; veterinary hospitals and related enclosed services; vehicular, marine craft and related equipment sales or rental (franchised), including sales and rental of incidental or related trade-ins; warehousing, goods transport and storage; wholesale sales, specifically excluding marine, and heavy equipment wholesale operations; gasoline/service stations; food stores; restaurant; theaters; retail stores; and self-service storage facilities.

(b) Manufacturing activities (involving compounding, processing, assembling, packaging, treatment or fabrication): Aircraft and spacecraft parts and accessories; apparel and accessories; art objects; automotive parts and accessories; bakery goods; beverages; book binding; dairy products; data processing service; engineering and other professional services; electronics and electronic equipment food products; furniture; scientific, medical, dental equipment and supplies; optical instruments and lens; pharmaceutical products; photocopying; photoengraving; precision machining of dies, jigs and fixture; printing, publishing and recording; upholstery.

(c) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permissible on appeal. Any similar use which, in the opinion of the board of zoning appeals, would be in keeping with the uses permitted and the general character of the area in which it is located. Extractive or mining

operations and accessory uses including subsurface extractive or mining operations contiguous to a mining or quarrying operation that has been active for the past seven (7) consecutive years, is zoned M-4 according to the City of Lebanon's zoning classification system, is permitted by the state department of environment and conservation, that was approved by the appropriate local legislative authority at the time such mining or quarrying operation began and all access to subsurface mining shall originate and be contained entirely within the contiguous mining operations; provided such subsurface mining or quarrying operation shall be approved as a planned unit development in conformance with §§ 14-801--14-803.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal. Specifically prohibited are the following activities: Abrasive, asbestos, and non-metallic mineral processing; any extractive or mining operation; except as authorized in subsection (2); arsenals; asphalt, cement or concrete plants or batching operation; cotton ginning; crematories; fat rendering; foundries; grain milling, junkyards and automotive graveyards; scrap processing operations; nuclear reactors; offal processing; ore reduction; paper mill; petroleum refining; pulp manufacturing; radioactive material waste handling; recycle processing center for the outside processing or outside storage of recyclable items such as food and beverage containers, fabrics and paper; rock crushing; rolling and finishing of ferrous metals; scrap operation; slaughtering; smelting and refining of metals and alloys; steel works; tanning; waste disposal by compacting or incineration (as a principal use).

(4) Required lot area, lot widths, yards and setbacks. (a) Front yards. Lots shall be fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way lines of streets the maximum distance shown below, according to their classification as indicated on the latest official municipal regional thoroughfare plan:

Arterial streets . . . . . 60 feet

Collector streets . . . . . 35 feet

On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification.

(b) Side yards. The minimum side yard adjoining non-residential districts shall be twenty (20) feet. The minimum side yard adjoining residential/ agricultural districts shall be one hundred (100) feet.

No side yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

(c) Rear yard. The minimum rear yard adjoining non-residential districts shall be twenty (20) feet. The minimum rear yard adjoining residential/ agricultural districts shall be one hundred (100) feet.

No rear yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

(d) Spacing of structures. All one and two story principal structures on a lot shall have a minimum yard of thirty (30) feet between them; all three story principal structures on a lot shall have a minimum yard of forty (40) feet between them.

(e) The minimum lot width at the building line shall be 100 feet.

(f) The minimum lot area shall be 20,000 square feet. The minimum lot depth shall be 150 feet.

(g) maximum building area shall be fifty (50) percent of the total lot area.

(5) Height. No building shall exceed five (5) stories or sixty-five (65) feet in height. No building exceeding one story in height shall be permitted any closer than one hundred (100) feet to any lot line abutting any residential district.

(6) Off-street parking. (a) General requirements.

(i) Off-street parking shall be located on land owned by the owner or owners of the principal use it is intended to serve. Such parking shall be on the same lot as the principal use served by the parking or, if not on the same lot, on a separate lot zoned for permitting such use within four hundred (400) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, that churches may establish joint parking facilities, not to exceed fifty (50) percent of the required spaces, with other uses that do not have a time conflict in parking demand. Such joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary. Such requests must be filed as a variance request, to be considered by the board of zoning appeals.

(ii) An area once designated as off-street parking to conform to these minimum regulations shall not be changed to any other use unless and until equal facilities are located elsewhere in conformance with these requirements.

(iii) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several uses computed separately; provided, however, that the same off-street parking may serve more than one principal use where operating hours do not overlap but only upon approval by the board of zoning appeals.

(iv) Every company owned car, truck, tractor and trailer normally stored at the building site shall be provided with an off-street parking space in an area reserved for their use.

(v) The storage of merchandise, motor vehicles for sale, unserviceable vehicles, or the repair of vehicles on required off-street parking is prohibited.

(7) Off street loading and unloading space. Behind every building used for business or trade there shall be a rear yard not less than twenty (20) feet in depth to provide space for the loading and unloading of vehicles off the street or public alley. Such space should have access to a public alley, and if there is no alley, to a public street.

Off street loading and unloading space shall be required for all commercial uses as set forth:

| Floor Area (Sq. Ft.)                                     | Minimum Required Berths |
|--|-------------------------|
| 0 - 100,000  | 1                       |
| 100,000 - 300,000  | 2                       |
| Each additional 300,000 or fraction of ½ or more thereof | 1                       |

(8) Storage. (a) No loading uses shall be located between any principal or accessory structure in this district and adjoining residential district, except as approved by the board of zoning appeals.

(b) Outside storage shall be effectively screened from streets and adjacent property by walls, fences and/or landscaping.

(c) Stored merchandise shall not protrude above the height of the screening and shall not be visible from streets.

(d) Screening walls or fences shall be a minimum of six (6) feet in height.

(e) Storage areas shall not be located within required front setbacks.

(f) Within this district, enclosed shall mean to be completely contained within a building.

(9) Landscaping. Landscaping and screening plan shall be shown on the site plan to be reviewed by the planning commission; minimum requirements are:

(a) In the one hundred (100) foot side and rear yard required within this zoning district where it abuts a residential/agricultural zoning district, there shall be appropriate fencing, corresponding to the architecture of surrounding structures, with the height and visual screening as determined by the planning commission, with appropriate green treatment within the required setback and/or a minimum 20' strip of solid landscaping consisting of trees, shrubbery at minimum size and spacing as determined by the planning commission with appropriate green treatment within the required setback.

(b) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(c) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks.

(10) Signs. All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises, except as otherwise allowed under this title, are prohibited. (Ord. 89-739, § 1, modified, as amended by Ord. #97-1675, Oct. 1997; Ord. #99-1990, Sept. 1999; Ord. #00-2083, May 2000; Ord. #05-2819, Nov. 2005, and Ord. #06-2954, Aug. 2006)

CHAPTER 6

PROVISIONS GOVERNING SPECIAL DISTRICTS

SECTION

- 14-601. Special district.
- 14-602. Provisions governing open space park district (OPD).
- 14-603. Provisions governing college/university (CU) districts.
- 14-604. [Deleted.]
- 14-605. Specific Plan (SP) zoning districts.

**14-601. Special district.** Within the AG District, as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply.

- (1) Uses permitted. (a) Customary general farming uses, gardens and buildings incidental thereto except commercial animal or poultry farms, feed lots and kennels.
  - (b) Uses or buildings specifically permitted in R-1A Districts.
  - (c) Accessory uses or structures customarily incidental to above permitted uses.
- (2) Uses permitted on appeal. Parks, playgrounds, churches, schools offering general education courses, public libraries, municipal buildings, philanthropic institutions and clubs except a club the chief activity of which is customarily carried on as a business, in keeping with the character and requirements of this district.
- (3) Uses prohibited. Any use not specifically permitted or permissible on appeal.
- (4) Required lot area, lot widths, and yards. The principal building shall be located as to comply with the following minimum requirements:
  - Minimum lot area
    - For uses not served by sanitary sewer . . . . . 40,000 sq. ft.
    - For uses served by sanitary sewer . . . . . 20,000 sq. ft.
  - Minimum lot width at building line
    - For residences without sanitary sewer . . . . . 125 ft.
    - For residences served by sanitary sewer . . . . . 100 ft.
    - For institutional use . . . . . 250 ft.
    - For other permitted use . . . . . 200 ft.
  - Minimum depth of rear yard . . . . . 40 ft.
  - Minimum side yard on each side of every lot
    - For one or two story buildings not served by sanitary sewer . . . . . 20 ft.
    - For three story buildings not served by sanitary sewer . . . 25 ft.
    - For one or two story buildings served by sanitary sewer . . 15 ft.
    - For 3 story buildings served by sanitary sewer . . . . . 20 ft.
    - On a corner lot (streetside) . . . . . Minimum plus 50%

(5) Building area. On any lot, the area occupied by all structures, including accessory structures, shall not exceed 40% of the total area. Accessory structures shall not cover more than 20% of the rear yard.

(6) Required setbacks. All principal and accessory structures and buildings shall be setback from the right-of-way lines of streets the minimum distance shown below according to the type of street as indicated on the Lebanon Major Thoroughfare Plan:

(a) Residential uses.

Highways and arterials . . . . . 65 feet

All other streets . . . . . 50 feet

(b) Other permitted uses.

Highways and arterials . . . . . 80 feet

All other streets . . . . . 70 feet

(7) No principal building shall exceed three (3) stories or thirty-five feet in height. No accessory building shall exceed two (2) stores in height.

(8) Landscaping. For a lot whose use is non-residential an appropriate screening device or divider shall be maintained on such property line, 10% of land area shall be landscaped with green treatment, and a 10' strip of landscaped ground shall be maintained along the street property line, excluding driveways.

(9) Signs. Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point closer than fifteen (15) feet to a public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit. (Ord. 86-657, § 1, as amended by ord. 90-779, § 1, as amended by Ord. #97-1675, Oct. 1997 and further amended by Ord. #98-1772, June 1998, and Ord. #98-1868, Jan. 1999)

**14-602. Provisions governing open space park district (OPD).**

This district is intended to preserve and protect municipally owned, leased and maintained park land including both active and passive recreation areas. Only those uses directly associated with public recreation, including, but not limited to, organized field sports, municipal festivals, public golf courses, hiking trails and the structures intended to support those uses, are allowed in this district. (as added by Ord. #95-1272, § 1, April 1995)

**14-603. Provisions governing college/university districts.**

(1) Uses permitted. (a) College and university facilities (classroom/laboratory/research facilities, administrative facilities, university health centers, sports facilities including fields and courts, auditoriums, libraries, museums, cafeterias, agricultural facilities, parking lots and garages, heating/air conditioning facilities, and maintenance facilities).

(b) Public, private, or parochial schools, and/or kindergartens operated exclusively for, or by, the college/university.

(c) Day-care centers and facilities operated exclusively for, or by, the college/university.

(d) Churches, houses of worship, and student centers sponsored by religious organizations within the college/university.

(e) Fraternity and/or sorority houses sponsored by the college/university.

(f) Single or two family residential dwelling units.

(g) Dormitories, apartments and/or multi-family dwelling units owned and operated exclusively for, or by, the college/university.

(h) Any use customarily incidental to the above permitted uses.

(2) Uses prohibited. Any use not specifically permitted.

(3) Required lot area, lot widths, yards and setbacks. This zoning district shall allow more than one principal structure per lot.

(a) Front yard.

For all residential uses, the minimum depth shall be twenty-five (25) feet.

For all other uses in this district, the minimum depth shall be forty (40) feet.

(b) Side yard. Within the CU district, no side yard shall be required.

(c) Rear yard. For all uses, a rear yard of twenty-five (25) feet is required.

(d) Lot width.

For single and two family dwelling units, a lot width of fifty (50) feet is required.

For all other uses, a lot width of two hundred and fifty (250) feet is required.

(e) Lot area.

For single family dwelling units, a minimum lot area of 7,500 square feet is required.

For two family dwelling units, a minimum lot area of 9,000 square feet is required.

For college/university uses, a minimum lot area of 20,000 square feet is required.

For churches and schools, a minimum lot area of 40,000 square feet is required.

For all other uses, a lot area sufficient in size to accommodate required minimum yards, landscaping and off-street parking is required.

(f) Maximum lot coverage. Principal or accessory buildings shall cover not more than thirty-five (35) percent of the lot area.

(g) Maximum height. No building shall exceed five (5) stories or sixty-five (65) feet in height.

(h) Spacing. All structures within the CU district shall be spaced a minimum of twenty (20) feet apart. In all cases, where a structure exceeds twenty-five (25) feet in height there shall be an additional one (1) foot spacing for each one foot in height above twenty-five (25) feet.

In all cases, where the peripheral boundary of the CU district adjoins another zoning district (not separated by a street or road) there shall be a setback of not less than twenty-five (25) feet.

(4) Off-street parking requirements. Each required parking space shall be a minimum size of 9 feet by 20 feet. The parking space requirements per development are as follows:

Residential uses shall have two (2) parking spaces per unit.

All other uses shall have a minimum of one (1) parking space for each five (5) classroom seats plus one (1) parking space for each three (3) seats in an auditorium.

(5) Landscaping. All sites shall be developed with a minimum of ten (10) percent of its area landscaped with green treatment.

For all uses there shall be maintained a strip of landscaped ground at least twenty-five (25) feet in depth along the street property line, exclusive of drives and walks. (Ord. #96-1563, Jan. 1997)

**14-604. [Deleted.]** (as added by Ord. #02-2411, Oct. 2002, and deleted by Ord. #08-3442, Oct. 2008)

**14-605. Specific Plan (SP) zoning districts.** (1) Purpose. This section establishes a legislative procedure for context sensitive development. Compatibility with the land uses described in the most currently adopted land use plan may be considered by city council. The zoning districts promote flexibility in the location, integration, and arrangement of land uses, buildings, structures, utilities, access, transit, parking and streets. While providing additional flexibility for the developer, the zoning district also provides greater certainty as to the resulting development. The SP district is a zoning district, not an overlay district.

(2) Applicability. A Specific Plan (SP) district may be applied to any property.

(3) Procedure. The procedure for creating or modifying an SP zoning district is the text and map amendment procedure established in chapter 12, §§ 14-1201 to 14-1205 ("Text Amendment Procedure"), and this section.

(a) Initiation. Any City of Lebanon public official or any other person or entity with ownership interest in the subject property may file an application to create an SP zoning district.

(b) Application. An application to create an SP zoning district must be filed with the planning director. Prior to submitting an application to create an SP zoning district, the applicant and their design professional are required to attend a pre-application conference with members of the planning and engineering staff. The pre-application conference must be pre-scheduled and the councilperson for the ward in which the property is located will be invited to attend the pre-application conference. Other staff may also be invited to the pre-application conference as requested by the applicant or design professional or as determined to be appropriate by the planning or engineering staffs. A complete application must include the following:

(i) A draft SP ordinance that includes zoning district text that addresses the elements of subsection (4), below.

(ii) A map of the land area within which the SP ordinance will apply. (This will be adopted as part of the official zoning map pursuant to § 14-219(2)).

(iii) A draft amendment to § 14-219 (classification of districts) that lists the proposed SP district.

(iv) A written document describing the existing conditions on the property and how the proposed use(s) will be consistent with the principles and objectives of the adopted land use plan.

(v) Copy of current letter indicating water and sewer availability from the appropriate water and/or sewer provider.

(vi) A statement that the applicant agrees to be bound by the standards and procedures in the draft ordinance or, if the draft ordinance is altered during the text amendment procedure, any standards and procedures that the applicant consents to during the process.

(c) Processing. (i) The planning director will refer a complete application to the planning commission. The planning commission will then process the application using the text amendment procedure outlined in chapter 12 of the zoning ordinance.

(ii) The planning director will return an incomplete application to the applicant along with an explanation of the deficiencies.

(iii) If the planning commission alters or modifies the draft SP zoning district, the applicant may agree to the changes, withdraw the application, or state its disagreement with the changes. Nothing in this section requires the planning commission to recommend approval to city council of an application if they disagree with the draft SP zoning district.

(iv) Upon city council rezoning property to SP by proper ordinance, development plans such as site plans shall follow the review and approval procedure as outlined in the zoning ordinance.

Development plans for subdivision plats shall follow the review and approval procedure as outlined in the subdivision regulations.

(4) SP zoning district text. (a) Contents. While there is no set "type" of SP zoning district, as each one is unique, there will be different levels of detail required, depending on what is to be accomplished by the SP zoning district and any distinctive site characteristics of the property for which the SP zoning district is proposed. The SP zoning districts shall substantially conform to the layout and format of the zoning district regulations established in chapters 2 through 5 of this title 14. The SP zoning district shall be labeled "SP-" followed by a use classifier, ® – Residential, C – Commercial, I – Industrial/Manufacturing or MU – Mixed Use), and a unique suffix (e.g. "SP-MU-Lebanon Acres"). The SP zoning district shall include details regarding the following elements, either as written text, illustrations, tables or exhibits:

(i) A list or table of land uses that will be permitted. Based on the uniqueness of the SP zoning district there shall be no allowances for uses permissible on appeal.

(ii) Required lot area, lot widths, yards, and bulk regulations.

(iii) Dimensional and massing standards such as floor area ratio, building coverage, height, and facade length.

(iv) Landscaping standards including proposed open space, screening and buffering standards.

(v) Sign standards.

(vi) Parking standards.

(vii) Accessory building standards.

(viii) Building material and architectural design standards.

(ix) Parks and open spaces standards.

(x) Street, water, sewer, stormwater management, including natural gas, electric, streetlights and other infrastructure standards.

(xi) Detailed development plan showing the proposed layout of the entire property with respect to uses, potential road, lot and/or building configurations.

(xii) Detailed information regarding anticipated traffic volumes, impact to existing roads and need for improvements based on detailed development plan.

(xiii) Information related to drainage patterns and preliminary plans for drainage, including preliminary detention calculations. If the city engineer or other professional engineering studies determines that drainage problems exist off the site of the proposal and the proposed development could exacerbate those problems, the planning director may require a broader and more global assessment of drainage issues be submitted.

(xiv) Detailed development and phasing plan for the entire property.

(xv) Digital data file registered to the Tennessee State Plane Coordinate System, North American Datum 1983 (NAD83).

(xvi) Any other standards deemed necessary and/or appropriate by the planning, engineering, cross-connection, and/or fire departments.

(xvii) Any other standards deemed necessary and/or appropriate by the planning commission.

(xviii) Any other standards deemed necessary and/or appropriate by the city council during the legislative text amendment process.

(b) SP zoning district ordinance. (i) Standards need not be uniform for the entire development. If standards are not uniform, provide an illustration, table or written document clarifying where those standards are proposed.

(ii) Site plans, subdivision plats or other permits that are processed after the SP zoning district is approved must comply with the City of Lebanon's Subdivision and Stormwater Regulations.

(c) Effect. If the city council adopts the SP zoning district, the SP zoning district replaces any zoning district regulations previously in effect for the property or land area. All uses, development activity, permits, site plans, subdivision plats, and certificates of occupancy shall conform to the standards that are established in the SP zoning district.

(5) City council actions. (a) The city council will consider the elements and standards that are proposed by the applicant during the legislative process. If adopted, they will become codified as part of the zoning ordinance.

(b) Upon recommendation by the planning commission, the city council will review the application for a SP zoning district. A SP zoning district application with a negative recommendation from the planning commission may be considered by the city council under the legislative power of the city council to amend the zoning ordinance, the council may approve, disapprove or approve subject to conditions. If the council makes any substantial changes, alterations or establishes conditions, the application for a SP zoning district shall be returned to the planning commission for review. The city council may then take final action to approve or disapprove the application using the text or map amendment procedures outlined in chapter 12 of the zoning ordinance.

(c) Notwithstanding any provision of this ordinance or law to the contrary, the actions of the city council in approving or disapproving a SP zoning district shall specifically be a legislative act as authorized by Tennessee Code Annotated, § 13-7-204.

(6) Severability. Each section, subsection, paragraph, sentence, and clause of this section, including any codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause in this section shall not affect the validity of any other portion of this section and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as added by Ord. #08-3362, Oct. 2008)

CHAPTER 7

PROVISIONS GOVERNING FLOODPLAINS<sup>1</sup>

SECTION

- 14-701. Statutory authorization, findings of fact, purpose and objectives.
- 14-702. Definitions.
- 14-703. General provisions.
- 14-704. Administration.
- 14-705. Provisions for flood hazard reduction.
- 14-706. Variance procedures.

**14-701. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Lebanon, Tennessee Mayor and Aldermen do ordain as follows:

(2) Findings of fact. (a) The Lebanon Mayor and Aldermen wish to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-04 edition) and subsequent amendments.

(b) Areas of Lebanon are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and

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<sup>1</sup>The contents of this chapter are the product of Ord. #94-1235 (Dec. 1994) which replaces in its entirety ord. 91-854, § 2, which replaces in its entirety ord. 82-492, § 2, as amended by ord. 87-564, § 2, and ord. 88-599, § 1, and replaced in its entirety by Ord. #07-3273.

private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

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

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

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

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

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health and property;

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

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

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodable area; and

(h) To maintain eligibility for participation in the National Flood Insurance Program. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

**14-702. Definitions.** Unless specifically defined below, words or phrases used in this section shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

(a) Accessory structures shall not be used for human habitation;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(e) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."

(4) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

(6) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(7) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(9) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (see "structure").

(12) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

(13) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(15) "Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

(16) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(17) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

(18) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

(19) "Existing structures" see "existing construction."

(20) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(21) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(23) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

(25) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(27) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(28) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(29) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(30) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(31) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as

a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(33) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

(34) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(35) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(36) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(37) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(38) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(39) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(40) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(41) "Levee system" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(42) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(43) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle," unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

(44) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(45) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

(46) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(47) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "New construction" means any structure for which the "start of construction" commenced after the effective date of the ordinance creating this

chapter or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of the ordinance creating this chapter or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

(50) "North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(51) "100-year flood" see "base flood."

(52) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(53) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(54) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(55) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include

initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the administrator to assist in the implementation of the National Flood Insurance Program for the state.

(59) "Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial repair or improvement; or

(b) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been preidentified by the local code enforcement official and which are the minimum necessary to assume safe living conditions and not solely triggered by an improvement or repair project or;

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

**14-703. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of Lebanon, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Lebanon, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 470208 47189C0063D, 0154D, 0156D, 0158D, 0160D, 0162D, 0166D, 0167D, 0170D, 0176D, 0177D, 0178D, 0179D, 0181D, 0183D, 0185D, 0186D, 0190D, 0191D, 0192D, 0285D: Effective Date: February 20, 2008, and the areas of special flood hazard identified on the Lebanon, Tennessee, FEMA, FIS and FIRM, Community Panel Number 470208 47189C0045E: Effective date: May 18, 2009, along with all supporting technical data, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter conflicts or overlaps with another

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

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Lebanon, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lebanon, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #91-854, § 2, as replaced by Ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008, and amended by Ord. #09-3525, May 2009)

**14-704. Administration.** (1) Designation of ordinance administrator. The city engineer is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFEs are available, or to the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFEs are

available, or to the highest adjacent grade when applicable under this chapter.

(iii) Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in § 14-704(2).

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

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to:

(a) Review of all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the letter of map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(e) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with § 14-704(2).

(f) Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-704(2).

(g) When flood proofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with § 14-704(2).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(i) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in

§ 14-702 of this chapter). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in § 14-704(2).

(j) All records pertaining to the provisions of this chapter shall be maintained in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

**14-705. Provisions for flood hazard reduction.** (1) General standards. In all flood prone areas the following provisions are required:

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

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

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

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

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

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

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall

be undertaken only if said nonconformity is not further extended or replaced; and

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

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

(a) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than two feet (2') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of § 14-705(2).

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-702 of this chapter). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in § 14-704(2).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one foot (1') above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-702 of this chapter). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in § 14-704(2).

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the

passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-704(2).

(c) Elevated building. All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finish grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-705(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(iii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than two feet (2') above the level of the base flood elevation; or

(B) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three feet (3') in height above the highest adjacent grade.

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of § 14-705(2)(d) of this chapter.

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed on identified flood hazard sites must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.)

(C) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

(e) Standards for subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in § 14-703(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 14-705.

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the areas of special flood hazard established in § 14-703(2), where streams exist with base flood data provided but where no flood ways have been designated, (zones AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-705(2).

(5) Standards for streams without established base flood elevations or flood ways (A Zones). Located within the areas of special flood hazard established in § 14-703, where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:

(a) When base flood elevation data or floodway data have not been provided in accordance with § 14-703, then the administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of § 14-705. Only if data is not available from these sources, then the following provisions (b) and (c) shall apply:

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(c) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 14-705(2), and "elevated buildings."

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the areas of special flood hazard established in § 14-703(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to at least two feet (2') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the

highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 14-705(2), and "elevated buildings."

(b) All new construction and substantial improvements of non-residential buildings shall:

(i) Have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 14-705(2), and "elevated buildings."

(ii) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in § 14-704(2).

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

(d) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-703 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-704 and 14-705(1) shall apply.

(8) Standards for unmapped streams. Located within Lebanon, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with § 14-704. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

**14-706. Variance procedures.** The provisions of this section shall apply exclusively to areas of special flood hazard within Lebanon, Tennessee.

(1) Board of zoning appeals. (a) The Lebanon Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

(i) The danger that materials may be swept onto other property to the injury of others;

(ii) The danger to life and property due to flooding or erosion;

(iii) The susceptibility of the proposed facility and its contents to flood damage;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #91-854, § 2, as replaced by ord. #94-1235, Dec. 1994, and Ord. #07-3273, Jan. 2008)

## CHAPTER 8

### PLANNED UNIT DEVELOPMENTS

#### SECTION

14-801. Requirements.

14-801. Purpose

14-802. General provisions

14-803. Administrative procedure

14-804. Residential planned unit developments

14-805. Commercial planned unit developments

**14-801. Requirements.** For purposes of any existing planned unit developments as of the date that the ordinance creating this section is adopted on final reading, the following requirements and regulations, as outlined in Ordinance #05-2722, shall apply. With the passage of the ordinance creating this section, no new planned unit developments shall be considered. (as added by Ord. #08-3362, Oct. 2008)

**14-802. Purpose.** Planned unit developments districts are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities; to preserve, as much as possible, existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. (as added by Ord. #00-2152, Oct. 2000; and replaced by Ord. # 05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

**14-803. General provisions.** This chapter is intended to provide the means and guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment. PUDs may be permitted in all zoning districts except the B-2 (Central Business) district.

The planning commission may consider, and the city council may adopt by ordinance, a PUD preliminary master plan satisfying the following criteria:

(1) The proposed development will not unduly injure or damage the use, value or enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and long-range development plans for the City of Lebanon.

(2) An approved water supply, community wastewater treatment and disposal and storm water drainage system is available or will be provided by the developer, at their expense, to serve the proposed development.

(3) The design of any PUD should reflect an effort by the developer to plan land uses within the PUD so as to blend harmoniously with adjacent land uses. The location and arrangement of structures, parking areas, pedestrian walkways, lighting and other service facilities shall be compatible with the surrounding land uses.

(4) Screening consisting of fences, walls and/or vegetative materials shall be provided along the edges of PUDs where needed to protect the development from undesirable views, lighting, noise or other off-site influences or to protect occupants of adjoining property from similar adverse influences within the PUD.

(5) Any part of the proposed development not used for structures, parking or other service facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

(6) Any modification of the zoning ordinance, sign ordinance or subdivision regulations that would otherwise be applicable to the site are warranted by the design of the preliminary master plan and the amenities incorporated therein, and are not inconsistent with the public interest.

(7) Homeowner associations or some other responsible party shall be required to maintain any and all common open space and/or common elements, unless conveyed to a public body which agrees to maintain such features.

(a) Modification of zoning district regulations. The uniqueness of each PUD may require that bulk regulations within the zoning ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the bulk regulations contained in the zoning ordinance may be permitted when such proposed modification will result in:

- (i) Inadequate or unsafe access to the PUD;
- (ii) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;
- (iii) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or
- (iv) A development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting zoning ordinance restrictions; however, in no case shall the use or densities be varied except as herein provided and all setbacks along the boundary of the PUD shall be a minimum of twenty-five feet or as required by the adjoining zoning district, whichever is greater. The property within the required setback may either be part of the individual lots or common open space.

(b) Modification of sign ordinance regulations. The uniqueness of each PUD may require that regulations within the sign ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the sign ordinance may be permitted when such proposed modification will result in:

- (i) Inadequate or unsafe access or visibility to or within the PUD; or
- (ii) Development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting sign ordinance regulations.

(c) Relationship to subdivision regulations. The uniqueness of each PUD may require that regulations within the subdivision regulations be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to city council considering approval of the preliminary master plan. No modification of the subdivision regulations may be permitted when such proposed modification will result in:

- (i) Inadequate or unsafe access to the PUD;
- (ii) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;
- (iii) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or

(iv) A development that is incompatible with the purposes of this chapter.

Such exceptions as are granted as part of the PUD's preliminary master plan shall supersede any conflicting subdivision regulations.

(d) Relationship to zoning districts. PUDs shall be permitted in all zoning districts with the exception of the B-2 (Central Business District). Uses within a PUD shall be as permitted by the underlying zoning regulations. The number of dwelling units in the PUD shall be calculated by dividing the gross acreage by the minimum lot size of the underlying zoning district.

(e) Development period, staging schedule. The expeditious construction of all PUDs shall be undertaken to ensure completion of the development in accordance with the approved preliminary master plan.

(i) Start of development. Within one year after approval of the preliminary master plan by city council, by ordinance after a public hearing, a final site plan or final subdivision plat shall be acted upon by the planning commission. Within one year of approval of a final site plan actual construction shall have commenced. Within two years of approval of a final subdivision plat actual construction shall have commenced.

In the event that a final site plan or final subdivision plat is not acted upon within one or two years of approval of the preliminary master plan respectively, the planning commission may, after an official meeting with notice to the developer, cancel the preliminary master plan. Such cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related base rezoning being considered.

(ii) Time extension. The developer may request an extension of the preliminary master plan in one year increments. Approval of any time extension is at the discretion of the planning commission, however, the total time extension shall not exceed two years without re-approval being granted by the city council. When considering approval of a time extension, the planning commission may recommend the preliminary master plan be modified to comply with regulations adopted since the PUD was approved and/or changes to the surrounding properties. Any modifications to the adopted PUD, either as requested by the developer or recommended by the planning commission, shall comply with the regulations for amending a PUD as outlined in section 11-803 of this chapter.

(iii) Phasing of development. The planning commission may permit the development to be constructed in phases so that completion is achieved in a logical manner. Each phase shall be so planned and relate to existing surroundings that failure to proceed

to subsequent phases will not have an adverse impact on the PUD or its surroundings.

(iv) Completion of development. If the planning commission and city council elect to permit the phasing of development the following provisions shall be complied with:

(A) The phasing plan shall include information regarding the construction of improvements such as streets, drainage facilities, water lines, sewer lines, landscaping, etc.

(B) The phasing plan shall include information regarding what will be included in each phase, the order in which phases will be constructed and an approximate date that construction will begin and end.

(C) From time to time it may be necessary to modify the approved phasing plan. Any request to modify the phasing plan shall be submitted in writing by the landowner and/or developer and will be considered as an amendment to the preliminary master plan.

(f) Dedication of and relation to public facilities. (i) The planning commission may recommend, and the city council may require, that suitable areas for streets, utilities, public rights-of-way, schools, parks or other public areas be set aside and/or dedicated to the city.

(ii) PUDs shall be so located in relation to sanitary sewers, water lines, storm and drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required by the city. If any such improvements are required as part of the proposed development, it shall be the responsibility of the developer/landowner to install and pay for such improvements.

(g) Buffer and screening. Minimum landscape buffer depths and related improvements are outlined for residential and commercial PUDs in sections 14-804 and 14-805 of this chapter. These minimum buffer depths are required in order to provide a buffer between existing development and the proposed PUD and ensure that the proposed PUD complements its surroundings. The minimum buffer requirements shall be measured from the property lines and may consist of either common open space or be included as part of individual lots. If the minimum buffer is provided as common open space, a specific minimum building setback for the individual lots shall be stated in the preliminary master plan.

(h) Landscaping. Landscaping requirements are outlined for residential and commercial PUDs in sections 14-804 and 14-805 of this chapter. Landscaping may be provided within the public right-of-way so long as such request is specifically made by the applicant as part of the

preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding the provision of landscaping in the public right-of-way prior to city council considering approval of the preliminary master plan. If landscaping is proposed to be provided in the public right-of-way, city council shall, as part of their consideration, approve an agreement allowing for the placement of landscaping within the public right-of-way. When considering such request, the planning commission and city council should take the following into account:

(i) Provisions shall be stated for the maintenance of any landscaping by a homeowners' or property owners' association of all landscaping within the right-of-way; and

(ii) It shall be clearly understood and stated that the City of Lebanon shall not incur any expense related to the installation, maintenance, upkeep, and/or removal of the proposed landscaping; and

(iii) Any proposed landscaping shall be placed in a manner which takes into consideration the safety of drivers and pedestrians; and

(iv) The city shall not be held liable for any claims arising out of the installation of the proposed landscaping.

(i) Waiver of board of zoning appeals action. No action of the board of zoning appeals shall be required in the approval of a PUD with the exception of those activities, which would otherwise require use on appeal permits under other chapters of this title. With respect to the approval of a PUD, the action of the planning commission and city council shall be final. After approval of a preliminary master plan, requests for Variances for issues such as setback violations, special use permits and the like shall follow the regulations found in chapter 11 of the zoning ordinance. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

**14-804. Administrative procedure.** (1) Steps of approval process. Development plans submitted as part of a PUD shall be submitted in a form that will satisfy the requirements of the subdivision regulations for subdivision plats or zoning ordinance requirements for site plan. Review of the subdivision plat or site plan shall be carried out simultaneously with other review of the PUD.

(2) Application for approval of the preliminary master plan and zoning request. Prior to submitting a PUD application, the developer/landowner shall have a pre-application conference with members of the planning and engineering departments. Requirements of the zoning ordinance and subdivision regulations shall apply to all PUDs unless otherwise granted a waiver as part of the preliminary master plan. An application shall be

submitted to the planning commission, along with all documentation as required in these regulations. Any consideration of the preliminary master plan by city council shall be based upon a recommendation by the planning commission. Upon the planning commission making a recommendation, city council will consider approval of the preliminary master plan by ordinance.

(3) Application for final subdivision plat/site plan approval. After a PUD preliminary master plan has been approved, the landowner may make application to the planning commission for approval of a Final Subdivision Plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary master plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the requirements and review procedure for a site plan or final subdivision plat. final plat/plan approval may be requested and granted in phases.

The final subdivision plat/site plan application shall include a copy of the preliminary master plan showing the overall development, any applicable covenants and/or restrictions, and other required drawings, specifications, easements, conditions and forms of bonds as were set forth by the planning commission's approval of the preliminary master plan. Copies of all legal documents required for dedication or reservation of common open space and/or for the creation of a non-profit association shall also be submitted. Any deviations from the preliminary master plan and/or phasing plan shall be provided in writing.

As part of the submission requirements for site plan approval of all commercial PUDs, architectural drawings and material samples for the proposed buildings, landscaping plans and information relative to the proposed signage and light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(4) Amendments to the PUD. The terms, conditions, and the preliminary master plan of a PUD may be changed from time to time by official action of the city council and/or planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and shall not modify the mix of uses or increase the overall density. No changes in the type of structures proposed in the preliminary master plan and approved by city council by ordinance shall be made without returning to city council for approval of an amendment. If a request is made to modify a contingency required as a condition of approval by the city council such request for modification shall be required to be considered by city council regardless of what the scope of the requested modification .

The landowner, residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the preliminary master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and

height of buildings, may be authorized by the planning commission based on a recommendation from the planning and engineering departments or other city staff. Changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change shall also require approval of city council and must be justified by changes in conditions or markets since the preliminary master plan was approved.

Minor amendments, such as modifying landscape plats or building elevations, may be approved by the planning commission without consideration being provided by city council. The determination regarding an amendment being minor or major will be determined by planning staff with endorsement of the planning commission.

(5) Cancellation of an adopted PUD. In the event that a final site plan or final subdivision plat is not acted upon within one year of approval of the preliminary master plan or the phasing plan approved as part of the preliminary master plan is not being followed, the planning commission may, after an official meeting with notice to the landowner and/or developer, cancel the preliminary master plan. The preliminary master plan may also be cancelled at any time upon written request by the landowner and/or developer. Any cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related rezoning being considered. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

**14-805. Residential planned unit developments.** (1) Purpose. The purpose of the residential planned unit development is to permit the clustering of lots in order to allow the creative design of residential property that is harmonious to the surrounding landscape while maintaining the equity of surrounding property owners. A limited amount of commercial development may be permitted within a residential planned unit development, subject to the regulations outlined within this section. It shall be the burden of the applicant to demonstrate the advantages of the planned unit development over the existing underlying zoning district.

(2) Minimum size. There is no minimum size for a residential PUD.

(3) Permitted activities. The following activities may be permitted in a residential PUD only when deemed appropriate by the planning commission and city council as approved with the preliminary master plan. Other activities not listed below are prohibited.

(a) Residential structures.

- (i) Dwelling one-family attached
- (ii) Dwelling one-family detached
- (iii) Dwelling two-family attached
- (iv) Dwelling multi-family

(b) Commercial activities

- (i) Retail uses as permitted within the underlying zoning

(ii) Other commercial uses as permitted by the planning commission and city council

Retail uses shall be limited to a maximum of four percent (4%) of the total amount of property within the PUD.

Any commercial development proposed within a residential PUD shall provide development information relative to bulk regulations, building design, screening, off-street parking, loading and vehicular access, signage, and lighting in accordance with the requirements of commercial PUDs.

(4) Density and bulk regulations. (a) The maximum overall density shall be based on the number of single-family dwellings allowed by the underlying zoning district. This will be calculated by dividing the gross acreage by the minimum lot square footage required by the underlying zoning district. The resulting number will indicate the total number of units to be allowed within the RPUD.

(b) Density bonuses, defined as the granting of additional density, up to a maximum of sixteen percent (16%), in a development in exchange for the provision by the developer of amenities as outlined below, may be granted at the discretion of the planning commission and city council for incorporating any combination of the following elements into the planned unit development. Each element may be eligible for a maximum density bonus of four percent (4%), for a total of no more than sixteen percent (16%) for the entire development.

(i) For the donation of land for a future public use such as a school, park, police or fire station, etc.

(ii) For incorporating a connection to an existing stretch of the City of Lebanon or Wilson County bicycle and pedestrian plan.

(iii) For the introduction of street trees and/or ornamental trees above the current City of Lebanon requirements.

(iv) For designating a portion of the property, currently used as a farming operation, to remain as a permanent agricultural easement.

(c) All buildings within the Residential PUD shall be setback a minimum of fifty (50) feet from periphery side and rear property lines of the site as a whole. Land provided along the perimeter as a landscape buffer may be included in the required fifty foot setback requirement. No principal structures may be placed within this required setback.

(d) All accessory structures, excluding fences, detention basin structures, subdivision walls, retaining walls, and certain utility structures, shall comply with the setback requirements for the underlying zoning district or as approved as part of the preliminary master plan. Electrical substations or any other utility building or structure shall

comply with the front yard setback requirements of the underlying zoning district.

(e) There shall be a minimum distance of twenty (20) feet between all principal buildings consisting of two or more attached units.

(f) No structures within the residential PUD shall have a maximum height greater than three (3) stories.

(5) Streets. All streets, public and private, shall be built to the standards set forth by the City of Lebanon.

(6) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or screening walls.

(7) Landscape buffers. The planning commission or city council when considering the preliminary master plan may require landscape buffers. In the event that such buffers are required the following criteria shall apply:

(a) The landscape buffer shall consist of both land and plant materials.

(b) The landscape buffer shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(c) The landscape buffer shall be a minimum of twenty-five (25) feet in depth and may be located within the peripheral building setback or may be designated as common open space or a combination thereof.

(d) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a final subdivision plat being signed by the appropriate city staff. In the case of townhomes or other multi-family developments, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

(e) All existing mature vegetation within the peripheral building setback should be preserved and incorporated into the landscape buffer to the greatest extent possible.

(f) Maintenance of the landscape buffer shall be the responsibility of the homeowner's association if part of the common open space or the responsibility of individual homeowners with enforcement of such maintenance by the homeowner's association.

(8) Common open space. (a) A minimum of thirty (30) percent of the total property shall be utilized as common open space, which may include land for public use.

(b) Common open space is an essential element of all residential PUDs and every effort shall be made to conserve natural and historic features on the site, including but not limited to:

- (i) Mature stands of trees
- (ii) The regulatory 100-year floodplain
- (iii) Wet weather conveyances, springs, and streams
- (iv) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the clean water act
- (v) Sinkholes
- (vi) Slopes above twenty five percent (25%) of at least five thousand (5,000) square feet of contiguous area
- (vii) Unique topographic features, and endangered species habitat

(c) In order to provide common open space that may be usable and enjoyed by residents in the PUD, a majority of the common open space shall be in a contiguous tract. A system of trails and/or sidewalks should be used to connect the common open space areas.

(d) Common open space shall be suitably improved for its intended use. common open space containing natural features worthy of preservation, steep slopes or floodplains may remain in their natural state.

(e) Whenever possible, the common open space should adjoin neighboring areas of common open space or otherwise protected lands.

(f) Buildings may be constructed in the common opens space if they relate to, and are accessory to, the intended use of the common open space. Large areas of impervious surface shall be excluded from the common open space calculations.

(g) Common open space shall be directly accessible to the largest practicable number of residential lots within the development. Non-adjointing lots shall be provided with safe, convenient pedestrian access to the common open space.

(h) Common open space shall be pedestrian friendly.

(i) Recreation fields and related facilities are allowed within the required common open space.

(j) Agricultural easements may be used to meet the required percentage of common open space. In such an easement, the existing property owner, as well as any subsequent lessee or property owner, will be allowed to continue the current agricultural practices on the property. The agricultural easement agreement shall be shown on the preliminary master plan as well as described in detail within the covenants and restrictions of the residential PUD's homeowners association.

(9) Ownership and management of common open space. (a) The preliminary master plan shall state, or graphically show, the common open space that is proposed to be constructed with each phase of

development. The common open space shall be phased and constructed, so that failure to proceed with subsequent phases will not negatively impact the overall development.

(b) Prior to a final subdivision plat being signed by the appropriate city staff or building permits being issued in the case of townhome or other multi-family development, the developer shall provide a bond or other adequate assurance acceptable to the city that any proposed improvements within the common open space will be completed in a timely manner.

(c) The applicant shall identify the owner of the common open space who is responsible for maintaining the common open space and any facilities located thereon. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners in the development and their successors. If a homeowners association is the owner, the homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and any facilities located thereon in accordance with the approved final plans/plats shall be borne by the owner unless dedicated to a public agency who has agreed to maintain and otherwise be responsible for the property.

(d) In the event that the party responsible for the maintenance of the common open space fails to maintain all or any portion of the common open space in reasonable order and condition, the city of Lebanon may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the owner, homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all properties.

(10) Legal instrument for permanent protection of common open space.

The common open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

(a) A permanent conservation or agricultural easement in favor of either:

(i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for the retransfer in the event the organization becomes unable to carry out its functions; or

(ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity

accepting the easement is not the City of Lebanon, then a third right of enforcement favoring the City of Lebanon shall be included in the easement.

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Lebanon.

The instrument for permanent protection shall include clear restrictions on the use of the common open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the common open space. (as added by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

**14-806. Commercial planned unit developments.** (1) Purpose. The general purpose of a commercial PUD is to allow for the construction of a quality, holistic development using a general design theme creating a sense of place while continuing to allow for a wide range of activities and uses.

(2) Feasibility study. The planning commission and/or city council, as part of its deliberations, may require a feasibility study/market analysis for any proposed commercial PUD. The study shall provide information to assist the Planning commission and/or city council to better understand how the proposed development serves the public interest. At a minimum, it shall elaborate on the impact the proposed development will have on the long-range development of commercial land in the city, specifically in and around the subject area. The study shall provide information regarding the developer's financial capability to complete the proposed development, take into consideration the impact of any proposed phasing schedule, and provide any other information as may reasonably be requested by the planning commission and/or city council.

(3) Minimum size. There is no minimum size for a commercial PUD.

(4) Permitted activities. Uses permitted in a commercial PUD shall be as regulated by the underlying zoning district unless otherwise permitted by the planning commission and city council as approved with the preliminary master plan. There are no percentage breakdowns for commercial versus residential uses if residential uses are permitted by the underlying zoning district. If residential uses are proposed as part of a commercial PUD, the residential portion of the PUD shall comply with section 14-804 of this chapter with the following exceptions:

(a) The minimum percentage of common open space shall be twenty percent (20%); and

(b) The minimum percentage of open space for commercial developments shall be twenty percent (20%).

(5) Bulk regulations. Unless modified as part of the preliminary master plan, regulations such as the minimum setbacks, maximum height, etc. shall be governed by the underlying zoning district.

(6) Building design. As part of the preliminary master plan, information such as architectural drawings, photographs, and/or material samples shall be provided to demonstrate the architectural style of proposed building within the PUD. Throughout the PUD, there shall be a consistent theme with respect to architectural style and building materials.

After the preliminary master plan has been approved, and with the submission of site plan applications, architectural drawings and material samples shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(7) Screening and buffering. When structures or uses in a commercial PUD abut residentially zoned property or uses, whether part of the same PUD or adjacent to the PUD, screening and buffering shall be provided. In the event that screening and/or buffering is required, the following criteria shall apply:

(a) A landscape buffer shall consist of both land and plant materials.

(b) A screen shall consist of sight-proof fencing or walls of an appropriate height and materials to provide an adequate screen for the subject development and/or the surroundings.

(c) The landscape buffer and/or screen shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(d) The landscape buffer shall be a minimum width of twenty-five (25) feet in depth and may be located within the building setback.

(e) Existing mature vegetation within the buffer area shall be preserved and incorporated into the landscape screening to the greatest extent possible.

(f) Maintenance of the landscape buffer and/or screening shall be the responsibility of the property owners' association if part of the common open space or the responsibility of individual property owners with enforcement of such maintenance by the property owners' association.

(g) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

As part of the preliminary master plan, preliminary landscape plans and/or plates shall be provided to demonstrate the plants and/or other landscape materials to be used throughout the development. Information regarding the

spacing of plants and the installation of a fence/wall shall be provided to demonstrate how any necessary screening will be achieved.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD.

(8) Off-street parking, off-street loading, and vehicular access.

(a) Unless otherwise stated in the preliminary master plan, off-street parking and loading spaces shall be provided at each particular phase of development in accordance with the provisions for off-street parking for those particular uses, as contained in the zoning ordinance. As part of the preliminary master plan, the planning commission may recommend and city council may approve off-street parking regulations that do not meet the full extent of the zoning ordinance if justification is provided to substantiate the request. Such justification may include, but is not limited to, information regarding industry standards and/or other municipalities' regulations.

(b) Locations for vehicular access, off-street parking and off-street loading shall be located as to not create conflict with existing and/or proposed vehicular access points. A physical separation such as landscaping and/or fencing shall be provided along the entire street frontage except where access drives are located.

(9) Signage. As part of the preliminary master plan submittal, a comprehensive sign plan shall be provided. The comprehensive sign plan shall consist of information such as drawings, photographs, and/or material samples demonstrating the style of proposed signage within the PUD. Throughout the PUD, there shall be a consistent theme with respect to materials, type of signage and illumination.

As part of the submission requirements for site plan approval of all commercial PUDs, drawings and material samples for the proposed signage shall be provided to ensure that the proposed signage complies and is compatible with the overall style and general design theme of the PUD.

(10) Lighting. As part of the preliminary master plan, information such as specification sheets, photographs, and/or material samples shall be provided to demonstrate the style of proposed pole and building mounted lighting within the PUD. Throughout the PUD, there shall be a consistent theme with respect to fixture styles and/or materials.

As part of the submission requirements for site plan approval of all commercial PUDs, information relative to the proposed light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. In addition, a photometric plan shall be submitted to staff for review and approval. The

maximum illumination level provided at all property lines shall be 0.5 foot-candles.

(11) Landscaping. As part of the preliminary master plan, general landscape plates shall be provided to demonstrate the landscaping design and proposed buffers within the PUD. Throughout the PUD, there shall be a consistent theme with respect to use of landscape materials and provision of landscaping.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. (as added by Ord. #01-2181, Feb. 2001, amended by Ord. # 02-2407, Oct. 2002; and replaced by Ord. #05-2722, June 2005, and renumbered by Ord. #08-3362, Oct. 2008)

## CHAPTER 9

EXCEPTIONS AND MODIFICATIONS

## SECTION

- 14-901. Lot of record.
- 14-902. Front yards.
- 14-903. Minimum size.
- 14-904. Adjoining substandard lots of record.
- 14-905. Group housing project.
- 14-906. Exceptions on height limits.
- 14-907. Utility uses.

**14-901. Lot of record.** No lot which is now or may be hereafter built upon as herein required shall be so reduced in area that the yards and open spaces will be smaller than prescribed by chapters 2 through 15 of this title, and no yard, court, or open space provided about or for a building for the purpose of complying with the provisions of chapters 2 through 15 of this title shall be considered as a yard, court, or other open space required for another building. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the provisions of chapter 2 through 15 of this title does not own sufficient land to enable him to conform to the yard or other requirements hereof, an application may be submitted to the board of zoning appeals for a variance from the terms of chapters 2 through 15 of this title in accordance with section 14-1004(3). Such lot may be used as a building site, provided, however, that the yard and other requirements of the district, in the opinion of the board of zoning appeals, are complied with as closely as is possible. (1968 code, § 11-601, as renumbered by Ord. #00-2152, Oct. 2000)

**14-902. Front yards.** The front yard requirements of chapters 2 through 15 of this title for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet of each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depths on the developed lots. In residential districts, however, the front yards shall in no case be less than ten (10) feet in depth. (1968 code, § 11-602, as renumbered by Ord. #00-2152, Oct. 2000)

**14-903. Minimum size.** In no case shall the board of zoning appeals permit a residence to be erected on a lot with a width at the building line less than for forty (40) feet and with a total lot area less than three thousand (3,000) square feet. (1968 code, § 11-603, as renumbered by Ord. #00-2152, Oct. 2000)

**14-904. Adjoining substandard lots of record.** Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, or where a sub-standard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located. (1968 code, § 11-604, as renumbered by Ord. #00-2152, Oct. 2000)

**14-905. Group housing project.** In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of chapters 2 through 15 of this title to the individual building units in such housing project, the application of the terms of chapters 2 through 15 of this title may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use, and a standard of open space no lower than that permitted by chapters 2 through 15 of this title in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is to be located, a smaller lot area per family than the minimum required in such district, a greater height, or a larger coverage than the requirements of chapters 2 through 15 of this title permitting such a district. (1968 code, § 11-605, as renumbered by Ord. #00-2152, Oct. 2000)

**14-906. Exceptions on height limits.** The height limitations of chapters 2 through 15 of this title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission line towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, communication towers, masts, and aerials.

However, safety considerations concerning the citizens of the City of Lebanon dictate that any communication tower, mast or aerial, located within any zoning district in Chapter 3 (Provisions Governing Residence Districts) and/or Chapter 6 (Provisions Governing Special Districts) of Title 14 shall be located so that the base of said communication tower, mast, or aerial is at least as far from the nearest property line as the communication tower, mast, or aerial is tall, plus 10%. Within Chapter 3 and Chapter 6 of Title 14, communication towers, masts, and aerials shall in all cases be considered principal structures. (1968 code, § 11-606, as amended by Ord. #97-1705, April 1998, as renumbered by Ord. #00-2152, Oct. 2000)

**14-907. Utility uses.** An un-manned utility use may be placed on a lot smaller than the minimum size required by a zoning district. Any structure placed on such lot shall meet all minimum setbacks and yards required by the zoning district. The plat creating such lot shall bear the following note: "This lot shall be used only for utility purposes and shall not permit installation of a sub-surface sewage disposal system." Due to the location-sensitive nature of public utility uses, and due to the benefit received by the general public from public utility uses, the forty (40) foot public road frontage requirements for building permits may be waived for public utility uses (such as water tanks and transmission towers). (Ord. #97-1601, May 1997, as renumbered by Ord. #00-2152, Oct. 2000)

CHAPTER 10

ENFORCEMENT

SECTION

- 14-1001. Enforcing officer.
- 14-1002. Building permit required.
- 14-1003. Issuance of building permit.
- 14-1004. Certificate of occupancy.
- 14-1005. Records.
- 14-1006. Penalties.
- 14-1007. Remedies.

**14-1001. Enforcing officer.** The provisions of chapters 2 through 15 in this title shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of chapters 2 through 15 of this title. (1968 code, § 11-701, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1002. Building permit required.** It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a permit for such work. (1968 code, § 11-702, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1003. Issuance of building permit.** In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of chapters 2 through 15 of this title will be observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of chapters 2 through 15 of this title, and the other ordinances of the City of Lebanon then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state the refusal in writing, with the cause.

(1) The issuance of a permit shall in no case be construed as waiving any provision of chapters 2 through 15 of this title.

(2) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the

project described therein. (1968 code, § 11-703, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1004. Certificate of occupancy.** (1) Required. No land, or building, or part thereof hereafter erected or altered in its use shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of chapters 2 through 15 in this title.

(2) Approval process. (a) Prior to issuance of the certificate of Occupancy, each approving authority (Planning Commission representative, City Engineer, Fire Marshall, Cross-Connection and Pretreatment officials) must sign off stating that construction is completed in compliance with the approved plans. This sign off shall be in writing to the Building Inspector.

(b) If all construction improvements are not complete prior to the scheduled opening or use of the facility, a Temporary certificate of Occupancy for up to six months may be issued subject to the posting of an appropriate bond to cover the cost of completing all proposed improvements.

(c) The appropriate approving authority shall be responsible for reviewing the request and determining that the health, safety and welfare of the general public will not be at risk until these improvements are completed.

(d) The bond shall be posted with the City Engineering Department. Amount of bond shall be at the discretion of the City Engineer.

(3) Issuance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of chapters 2 through 15 of this title; or, if such certificate is refused, to state the refusal in writing with the cause. (1968 code, § 11-704, as amended by ord. 91-907, § 1, and renumbered by Ord. #00-2152, Oct. 2000)

**14-1005. Records.** A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector. (1968 code, § 11-705, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1006. Penalties.** Any person violating any provisions of chapters 2 through 15 of this title shall be guilty of a misdemeanor, and upon conviction shall be fined with the maximum fine allowed by law. Any real property found to be in violation of the requirements stated in this chapter may also be subject to an order of closure, and/or cease and desist, by chancery court action seeking

injunctive relief to enforce the provisions of this law. Each day such violation shall continue shall constitute a separate offense. Payment of fine shall not constitute compliance. (1968 code, § 11-706, as amended by Ord. #98-1780, Aug. 1998, and renumbered by Ord. #00-2152, Oct. 2000)

**14-1007. Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of chapters 2 through 15 of this title, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land. (1968 code, § 11-707, as renumbered by Ord. #00-2152, Oct. 2000)

## CHAPTER 11

BOARD OF ZONING APPEALS

## SECTION

14-1101. Creation and appointment.

14-1102. Procedure.

14-1103. Appeals; how taken.

14-1104. Powers.

14-1105. General provisions for review of uses permissible on appeal.

**14-1101. Creation and appointment.** A board of zoning appeals is hereby established in accordance with sections 13-7-205, 13-7-206, and 13-7-207, of the Tennessee Code Annotated. The board of zoning appeals shall consist of five (5) members, not more than two of whom may be members of the Lebanon Municipal Planning Commission. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the city council. The term of membership shall be five (5) years except that the initial individual appointments to the board shall be terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Vacancies for any unexpired term shall be filled by appointed by the chief executive officer and confirmation by the city council. The terms of office of the members of the board of zoning appeals shall expire on the first meeting night of the City Council for Lebanon, Tennessee, in January. (1968 code, § 11-801, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1102. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep a record of applications and action thereon, which shall be a public record. (1968 code, § 11-802, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1103. Appeals; how taken.** An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of chapters 2 through 15 of this title. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof, attached to which shall be a copy of the deed of the property involved.

The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable

time. At the hearing any person or party may appear in person or by agent or by attorney.

The action of the board is final and no appeal may be brought back before the board until six (6) months has expired and then only if there has been significant change in the conditions on which this appeal is being sought. (1968 code, § 11-803, as amended by ord. 91-868, § 1, and renumbered by Ord. #00-2152, Oct. 2000)

**14-1104. Powers.** The board of zoning appeals shall have the following powers and duties:

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of chapters 2 through 15 of this title; and to interpret the zoning map as provided in section 14-219(3).

(2) Special exceptions. To hear and decide applications for special exceptions as specified in chapters 2 through 15 of this title and to decide on any special questions upon which the board of zoning appeals is specifically authorized to pass.

(3) Variances. To hear and decide applications for variance from the terms of chapters 2 through 15 of this title; to grant a variance only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of adoption of the provisions of chapters 2 through 15 of this title was a lot of record, or where by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property and strict application of the provisions of chapters 2 through 15 of this title would result in exceptional practical difficulties to or exceptional and undue hardship on the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of chapters 2 through 15 of this title.

(a) In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of chapters 2 through 15 of this title.

(b) Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (1968 code, § 11-804, as amended by Ord. #98-1773, June 1998, and renumbered by Ord. #00-2152, Oct. 2000)

**14-1105. General provisions for review of uses permissible on appeal.** The board of zoning appeals shall, during consideration of an

application for any use on appeal permitted by the Lebanon Municipal Code, use the herein listed criteria as a guide for determining whether such use on appeal is appropriate for the parcel upon which it is sought. In considering any application for a use on appeal, the boarding of zoning appeals shall give consideration to the health, safety, community standards, comfort and general welfare of the inhabitants of the City of Lebanon, including but not limited to the following factors:

(1) Conforms to all other requirements of the district in which it is to be located.

(2) Is designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.

(3) Encouragement of improvements and land uses in keeping with overall planning.

(4) Provision for the orderly and proper renewal, development, and growth.

(5) The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses will not create unusual hazards or result in adverse impacts.

(6) The use shall be served by adequate public facilities and services and will not adversely affect public services to the surrounding area or for which conditions can be established to mitigate adverse impacts of such facilities.

(7) Board may require appropriate screening and buffering to protect adjacent uses and owners only at the time of consideration of the special use.

(8) Prevention of traffic congestion and promotion of traffic safety and the orderly parking of motor vehicles. In order to promote traffic safety, a traffic study may be required by the board of zoning appeals.

(9) The use on appeal will be reviewed on how its affected and how it effects the integration with the zoning district it is to be located within only at the time of consideration of the special use. (as added by Ord. #06-3059, Feb. 2007)

## CHAPTER 12

AMENDMENT AND LEGAL STATUS PROVISIONS

## SECTION

- 14-1201. Introduction of amendments.
- 14-1202. Review by the planning commission.
- 14-1203. Grounds for amendment.
- 14-1204. Notice of public hearing.
- 14-1205. Fees.
- 14-1206. Conflict with other ordinances.
- 14-1207. Severability.

**14-1201. Introduction of amendments.** The chief executive officer and the city council of Lebanon, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of chapters 2-15 in this title. Any member of the city council may introduce such amendment or any official, board, or any other person or persons may present a petition to the chief executive and city council of Lebanon, Tennessee requesting an amendment or amendments to chapters 2 through 15 of this title. (1968 code, § 11-901, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1202. Review by the planning commission.** No amendment shall become effective unless it is first submitted and recommended for approval by the Lebanon Regional Planning Commission. The application for an amendment shall be filed by the deadline for the meeting at which the requested rezoning will be considered. A calendar of deadlines and meeting dates is published, from time to time, by the planning division. Failure of the Lebanon Regional Planning Commission to either recommend approval or disapproval of the amendment, within ninety (90) days of its submission, shall be deemed a recommendation of approval. If the planning commission recommends disapproval of the amendment, it shall require the favorable vote of a majority of the entire membership of the city council to become effective.

No request for amendment recommended for disapproval by the planning commission and/or disapproved by the city council shall be resubmitted to the planning commission until one hundred (100) days has passed from when the planning commission recommended denial or city council denied the rezoning, whichever is later. A request for amendment resubmitted after one hundred (100) days but before one (1) year shall have its application fee doubled. (1968 code, § 11-902, as amended by Ord. #88-602, § 2; and Ord. #90-790, § 4, modified, and as renumbered by Ord. #00-2152, Oct. 2000; and amended by Ord. #04-2686, Jan. 2005; and Ord. #05-2726, May 2005)

**14-1203. Grounds for amendment.** It is in the best interest of the city that residential areas be protected from encroachment by non-residential areas. Therefore, proposed rezoning of existing residentially zoned property may be considered when the proposed zoning classification will not unduly impact or harm the surrounding residentially zoned property. Non-residential zoning districts should be limited to the major thoroughfares, collector and arterial streets. Business districts that serve the local population may be located in proximity to residential areas so long as negative impacts on surrounding residential properties are minimized.

The planning commission, in its review and recommendation to city council, and city council in their deliberations may make specific findings with regard to the following grounds for amendment:

(1) The amendment is in agreement with the land use plan, either a city-wide plan or one developed for a specific area.

(2) If not in conformance with the land use plan, the proposed amendment shall be necessary because of substantially changed or changing conditions in the area and districts affected, or in the city generally.

(3) The proposed amendment is consistent with the intent and purposed of this section.

(4) It has been determined that there will not be a material adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good and welfare.

(5) 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.

(6) It has been determined that public infrastructure are adequate to serve the full range of permitted and conditional uses of the proposed zoning classification. (as added by Ord. #04-2686, Jan. 2005)

**14-1204. Notice of public hearing.** Upon introduction of an amendment to chapters 2-15 of this title, or upon receipt of a petition to amend chapters 2 through 15 of this title, the chief executive and the city council of Lebanon shall publish a notice of such request for an amendment, together with the notice of time set for the hearing by the chief executive and the city council for Lebanon on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Lebanon, Tennessee. Said hearing by the chief executive and the city council for Lebanon shall not take place until fifteen (15) days after the publication of such notice. (1968 code, § 11-903, as renumbered by Ord. #00-2152, Oct. 2000; and Ord. #04-2686, Jan. 2005)

**14-1205. Fees.** A fee set by the city council shall be paid at the time of filing a petition to amend the zoning ordinance, said fee to be used by the city to defray costs resulting from such petition and any subsequent amendment of

the zoning ordinance. (1968 code, § 11-904, as amended by ord. 88-602, § 3, as renumbered by Ord. #00-2152, Oct. 2000; and Ord. #04-2686, Jan. 2005)

**14-1206. Conflict with other ordinances.** In case of conflict between chapters 2-15 in this title or any part thereof, and the whole or part of any existing or future ordinance of the City of Lebanon, the most restrictive shall in all cases apply. (1968 code, § 11-905, modified, as renumbered by Ord. #00-2152, Oct. 2000; and Ord. #04-2686, Jan. 2005)

**14-1207. Severability.** If any of the provisions of this section or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or application of the section which can be given effect without the invalid provision or application, and to this end, the provisions of the section are declared to be severable. (as added by Ord. #05-2697, March 2005)

CHAPTER 13

AIRPORT ZONING ORDINANCE TO LIMIT HEIGHT OF OBJECTS  
AROUND THE LEBANON MUNICIPAL AIRPORT

**SECTION**

- 14-1301. Short title.
- 14-1302. Definitions.
- 14-1303. Airport zoning map.
- 14-1304. Zones.
- 14-1305. Height limits.
- 14-1306. Use restrictions.
- 14-1307. Site lighting.
- 14-1308. Nonconforming uses.
- 14-1309. Variances.
- 14-1310. Permits.
- 14-1311. Hazard marking and lighting.
- 14-1312. Appeals.
- 14-1313. Administrative agency.
- 14-1314. Penalties.
- 14-1315. Amendment.

**14-1301. Short title.** This chapter shall be known and may be cited as the "Airport Zoning Ordinance of the Lebanon Municipal Airport." (1968 code, § 11-1001, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

**14-1302. Definitions.** As used in this chapter unless the context otherwise requires: (1) "Airport." Lebanon Municipal Airport, Lebanon, Tennessee.

(2) "Airport commission." Lebanon Airport Commission, Lebanon, Tennessee.

(3) "Airport elevation." 576 feet above mean sea level.

(4) "Approach surface." A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 14-1305 of the chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone. (See figure 1.)

(5) "Board of zoning appeals." A board consisting of five members appointed by the chief executive officer of the city and confirmed by a majority

vote of the city council as provided in chapter 11 of title 14 of the municipal code (zoning ordinance).

(6) "Conical zone." See § 14-1305.

(7) "Conical surface." A surface zone extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet (See figure 1.)

(8) "Hazard to air navigation." An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(9) "Height." For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(10) "Horizontal zone." See § 14-1305.

(11) "Horizontal surface." A horizontal plane, one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. (See figure 1.)

(12) "Larger than utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand (12,500) pounds maximum gross weight and jet powered aircraft.

(13) "Nonconforming use." Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment hereto, as of the effective date of such regulations.

(14) "Nonprecision instrument runway." A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

(15) "Obstruction." Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in § 14-1305.

(16) "Person." Any individual, firm, co-partnership, corporation, company, association, joint stock association, or government entity, and includes any trustee, receiver, assignee, or other similar representative thereof.

(17) "Primary surface." A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in § 14-1304 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(18) "Runway." A defined area on an airport prepared for landing and take-off of aircraft along its length.

(19) "Runway larger than utility with visual approach zone." See § 14-1304.

(20) "Runway larger than utility with a visibility minimum greater than  $\frac{3}{4}$  mile nonprecision instrument approach zone." See § 14-1304.

(21) "Structure." Any object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, cranes, and earth formation.

(22) "Transitional zones." See § 14-1304.

(23) "Transitional surface." A surface extending outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline. (See figure 1.)

(24) "Tree." Any object of natural growth.

(25) "Utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

(26) "Visual runway." A runway intended solely for the operation of aircraft using visual approach procedures. (1968 code, § 11-1002, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

**14-1303. Airport zoning map.** In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the airport airspace plan, with a revision date of February 13, 1997, of the Lebanon Municipal Airport, Lebanon, Tennessee, of record in the office of the commissioner of finance and revenue, is hereby incorporated into this chapter and made a part hereof. (1) The established elevation of the airport is 576 MSL.

(2) The airport reference point is established at a location described as follows: exact center of the runway. (1968 code, § 11-1003, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

**14-1304. Airport zones.** In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on airport zoning map, which is incorporated by reference and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows and shown in figure 1: (1) Conical zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150)

feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

(2) Horizontal zone. Established at 150 feet above the airport elevation or at a height of 250 feet above mean sea level.

(3) Transitional zones. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.

(4) Runway larger than utility with visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(5) Runway larger than utility with a visibility minimum greater than  $\frac{3}{4}$  mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

As illustrated in figure 1, the primary surface extends five hundred 500 feet, in a rectangle, beyond the edge of the runway. (1968 code, § 11-1004, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

**14-1305. Height limits.** Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone to a height in excess of the height limit herein established for such zone. For purposes of this regulation, height limits shown on the airport zoning map are hereby established for each of the zones in question. (1) Runway larger than utility visual approach zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

(2) Runway larger than utility with a visibility minimum greater than  $\frac{3}{4}$  mile nonprecision instrument approach zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. (1968 code, § 11-1005, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

**14-1306. Use restrictions.** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft. (1968 code, § 11-1006, as renumbered by Ord. #00-2152, Oct. 2000, and replaced by Ord. #05-2697, March 2005)

**14-1307. Site lighting.** Uncontrolled lighting may cause glare that can impact visibility of pilots. Lighting at and near airports should be relatively dim so as to not harm the pilot's night vision and cause confusion. In general, lights should be shielded, proper wattage should be used based on the task and unneeded lights should be turned off.

On every site plan, the location(s) of proposed light poles and the type of illuminating devices shall be provided. Light poles shall not be located within any easements, including public utility and drainage easements (PUDE). A photometric plan of the entire property shall be provided for review by engineering and planning staff. Required plans, descriptions and data shall be sufficiently complete to enable the engineering and planning staff to readily determine compliance with these requirements. Requests to change light fixtures or illumination levels shall be submitted to the engineering and planning staff, together with adequate information to assure compliance with these requirements and applicable codes, prior to the substitution being made

(1) Light from a fixture shall be directed down to greater than fifteen (15) degrees below the horizontal plane.

(2) The maximum level of foot-candles at all property lines shall be no greater than 0.5.

(3) All outdoor electrically powered illuminating devices shall be installed in conformance with all applicable provisions of these regulations, the building code, the electrical code and the sign ordinance, with appropriate permits and inspections being obtained.

(4) The use of searchlights, laser source lights or any similar high intensity light for outdoor advertising is prohibited.

(5) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within should consist of a dark background with light lettering, to minimize detrimental effects.

If, upon in installation of proposed site lighting, such lighting is found to interfere with airport operations, the site lighting shall be adjusted to the satisfaction of the airport commission at the developer's/builder's expense. (as added by Ord. #05-2697, March 2005)

**14-1308. Nonconforming uses.** (1) Regulations not retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date hereof, or otherwise interfere with the continuance of a nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of the provisions in this chapter, and is diligently prosecuted and completed within two years thereof.

(2) Marking and lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Lebanon. (1968 code, § 11-1007, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1309. Variances.** Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this chapter, may apply to the board of zoning appeals for a variance therefrom. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. No application for variance to the requirements of this chapter may be considered by the board of zoning appeals unless a copy of the application has been furnished to the airport commission for advice as to the aeronautical effects of the variance. The airport commission shall respond to the application within a reasonable time period, otherwise, the board of zoning appeals may act on its own to grant or deny said application. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter. (1968 code, § 11-1008, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1310. Permits.** (1) Future uses. Except as specifically provided in (a), (b), and (c) hereunder, no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore has been applied for and granted. Each such application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted. No permit for use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with § 14-1309.

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

(b) In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by the ordinance except as set forth in § 14-1305.

(2) Existing uses. Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of the provisions in this chapter or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change, or repair of an existing use, structure, or tree shall be granted.

(3) Nonconforming uses abandoned or destroyed. Whenever the airport commission determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. (1986 code, § 11-1010, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1311. Hazard marking and lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. If deemed proper by the board of zoning appeals, this condition may be modified to require the owner, at their own expense, to install, operate, and maintain the necessary markings and lights. (1968 code, § 11-1010, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1312. Appeals.** (1) Any person aggrieved, or any taxpayer affected, by any decision of the building inspector made in the administration of this chapter, or the airport commission, if of the opinion that a decision of the building inspector is an improper application of this chapter, may appeal to the board of zoning appeals.

(2) All appeals must be taken within thirty days as provided by the rules of the Board of zoning appeals, by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof.

(3) An appeal shall stay all proceeding in furtherance of the action appealed from unless the airport commission certifies to the board of zoning appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the airport commission cause imminent peril to life or property. In such case, a proceeding shall not be stayed except by order of the board of zoning appeals on notice to the airport commission and on due cause shown.

(4) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(5) The board of zoning appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

(6) The board shall make findings of fact supporting their conclusions.

(7) The concurring vote of a majority of the members of the board of zoning appeals shall be sufficient to reverse any order, requirement, decision, or determination of the building inspector, or to decide in favor of the applicant on any matter. (1968 code, § 11-1011, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1313. Administrative agency.** The building inspector is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the Building Inspector shall include that of hearing and deciding all applications for permits under § 14-1310, but the building inspector shall not have or exercise any of the powers or duties herein delegated to the board of zoning appeals. (1968 code, § 11-1012, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1314. Penalties.** Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine or not more than five hundred dollars (\$500) or imprisonment for not more than one hundred eighty (180) days or both; and each day a violation continues to exist shall constitute a separate offense. (1968 code, § 11-1014, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

**14-1315. Amendment.** (1) Procedure. Such regulations, restrictions, and boundaries as are provided for in this chapter may be amended, supplemented, changed, modified, or repealed. All changes and/or amendments to this chapter shall only be made in compliance with the Tennessee Aeronautical Statutes and after a public hearing.

(2) Recommendation from the planning and airport commissions. No amendment shall become effective unless it is first submitted to and recommended for approval by the planning commission and airport commission, and then submitted to and approved by the Tennessee Bureau of Aeronautics and if disapproved, shall receive the favorable vote of a majority of the entire membership of the city council. (1968 code, § 11-1015, as renumbered by Ord. #00-2152, Oct. 2000; replaced and renumbered by Ord. #05-2697, March 2005)

CHAPTER 14

MINIMUM STANDARDS FOR SITE DEVELOPMENT

SECTION

- 14-1401. Purpose.
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- 14-1403. Building permit required.
- 14-1404. Application for building permit--information required.
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- 14-1406. Apartment complexes.
- 14-1407. Mobile home park developments.
- 14-1408. Travel trailer court developments.
- 14-1409. Review procedure.

**14-1401. Purpose.** The purpose of this chapter is to provide maximum flexibility in design and to ensure a minimum standard of site development for apartment complexes, mobile home park developments and travel trailer courts in the City of Lebanon, Tennessee. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1402. Definitions.** The following definitions shall be applicable for the purposes of this chapter:

- (1) "Mobile home space." A well defined area of sufficient size to accommodate one mobile home within a mobile home development.
- (2) "Mobile home stand." A permanent support or foundation of sufficient area to accommodate a mobile home and its appurtenances, such as canopies, patios and porches.
- (3) "Roadway." A vehicular circulation route within an apartment/mobile home park/travel trailer court development.
- (4) "Minor roadway." A roadway of less than five hundred (500) feet in length and serving twenty-five (25) mobile home spaces/apartments or less if the road is one-way, fifty (50) mobile home spaces/apartments or less if two-way.
- (5) "Collector roadway." A roadway exceeding five hundred (500) feet in length, or serving more than twenty-five (25) mobile home spaces/apartments if the road is one-way, fifty (50) mobile home spaces/apartments if two-way.
- (6) "Site." A parcel of raw land comprising the total land area proposed for development as an apartment complex, a mobile home park development or a travel trailer court.
- (7) "Travel trailer space." A well defined area of sufficient size to accommodate one travel trailer within a travel trailer court. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1403. Building permit required.** Construction, addition to, or extension of an apartment complex, mobile home park development or travel trailer court development may not commence until a building permit has been obtained. A building permit may not be issued until the site plan has been approved by the Lebanon Municipal/Regional Planning Commission in accordance with this chapter. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1404. Application for building permit--information required.** The following information shall be reflected on the application for a building permit:

- (1) Name and address of the applicant.
- (2) Legal description of the site.
- (3) Site plan of the proposed development, prepared in accordance with this chapter.
- (4) Proof of ownership or legal land option. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1405. Application for building permit--procedure.** The application for a building permit (site plan) shall first be submitted to the Lebanon Municipal/Regional Planning Commission for its review and recommendations. Enforcement and appeal procedures shall be the same as those set forth in the Lebanon Municipal Zoning Ordinance. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1406. Apartment complexes.** (1) Apartment complex standards. The following property development standards shall apply for all apartment complexes:

- (a) Fencing shall be setback 25 feet from public right-of-way.
- (b) The development shall be subject to the density provisions of the R-2 district.
- (c) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water.
- (d) The site shall abut, and have direct access to, a public street. The minimum width of the site for said access shall be 50 feet.
- (e) The boundary of a development shall be at least 200 feet from any permanent building located outside the development, unless separated there from by screening as specified in this code.
- (f) Each development shall have its perimeter a minimum yard of 25 feet allowing no structures to be placed or erected within this requirement. Where the development perimeter adjoins residential property, a minimum yard of 50 feet shall be required.
- (g) All required yards shall be landscaped and maintained.

(h) No building or structure erected or placed shall have a height greater than 5 stories or 65 feet.

(i) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than 6 feet in height.

(j) Each development shall be permitted to display on each street frontage one identifying sign of 5 square feet per development acre, up to a maximum of 25 square feet. Said sign shall contain thereon only the name, address and telephone number of the development. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way.

(k) Roadways shall be designed to provide convenient circulation and access to apartments and to facilities for common use by occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

(l) Entrances and exits to the development shall be designed for safe and convenient movement of traffic into and out of the development. Access points to public streets shall have a right-of-way width of fifty (50) feet. The minimum pavement width of access points shall be 30 feet, maximum width shall be 40 feet.

(m) The minimum distance between access points along street frontages shall be as follows:

Between a one-way access point and another access point, centerline to centerline . . . . . 200 feet.

Between two-way access points, centerline to centerline . . . . . 300 feet.

(n) A point of access shall not be permitted within one hundred (100) feet of the curbline (or street line if there is no curb) of any public street intersection.

(o) On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(2) Apartment complex development. Each development shall be of sufficient size that the following areas shall be provided:

(a) There shall be a front yard setback of 10 feet from all internal roads within the development.

(b) For one and two story buildings, there shall be a side yard setback of 15 feet for each side so as to keep apartment buildings a minimum of 30 feet apart.

(c) For buildings greater than two stories in height, there shall be a side yard setback of 15 feet plus one additional foot for every foot in height over two stories or twenty-five feet.

(d) Within the development there shall be a rear yard setback of ten (10) feet. Where the rear yard is also the development perimeter there shall be a rear yard of twenty-five (25) feet. Where the development perimeter adjoins residential property there shall be a rear yard of fifty (50) feet. No structures, except screening and fencing, shall be placed within this required setback.

(e) There shall be at least two (2) paved, off-street parking spaces for each apartment. The dimensions of parking spaces shall be nine feet by twenty feet (9' x 20').

(3) General requirements. (a) Internal roads within a development shall be paved to a width as follows:

(i) Minor roadway: twenty-four (24) feet pavement width;

(ii) Collector roadway: twenty-eight (28) feet pavement width.

(b) Paved walkways not less than thirty (30) inches wide shall be provided from the dwelling units to service buildings.

(c) Each development shall be provided with a connection to a public sanitary sewer line and a public water line of sufficient size and capacity to meet all current City of Lebanon Code requirements.

(d) There shall be provided open space within the development at a minimum of ten percent of the total land area.

(e) The minimum right-of-way for internal streets shall be fifty (50) feet.

(f) Road grades shall not exceed ten (10) percent.

(g) All street intersections shall be at right angles.

(h) All access points to public streets shall be by internal streets. No dwelling unit shall have direct access to a public street.

(i) General lighting shall be provided throughout the development along the internal streets and at all common areas and service buildings. Lighting must meet maintained luminance values as recommended by the "Illuminating Engineering Society of North America." The City of Lebanon Electrical Engineer will review lighting design as submitted by the developer to insure compliance with the above. Electrical engineer will require developer to submit Isolux diagram for the particular light used.

(j) Traffic lights at access points to public streets may be required at the discretion of the commissioner of public works.

(k) All street name signs and stop signs shall be installed by the developer with the approval of the commissioner of public works.

(4) Required improvements. (a) All roadways are private unless the planning commission determines a public improvement is necessary. All roadways shall be built according to current City of Lebanon specifications.

(b) Roadways shall be constructed by the developer.

(c) Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter.

(d) The development shall be served with potable water and sanitary sewer. Trunk lines not less than six (6) inches are required for water; trunk lines not less than eight (8) inches with adequately spaced manholes are required for sewer. Dedication of utilities as public improvements shall be at the discretion of the commissioner of public works.

(e) The development shall be served with fire hydrants, on a minimum of six (6) inch main, at a maximum spacing of five hundred (500) feet throughout the development. Adequate fire flows and pressure shall be provided by the developer.

(f) The development shall be served by a contracted refuse collection service and a centralized postal drop-off/pickup station.

(g) Parking for the clubhouse/office shall be a minimum of two parking spaces for every twenty apartment units.

(5) Additional provision. Service buildings housing laundry, sanitation, or other facilities for use by development occupants shall be permanent structures complying with all applicable codes. Service buildings shall be well lighted at all times and shall be adequately ventilated, heated and maintained. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1407. Mobile home park developments.** (1) Mobile home development standards. The following property development standards shall apply for all mobile home developments:

(a) Fencing shall be setback 25 feet from public right-of-way.

(b) The development shall be subject to the density provisions of the R-2 district.

(c) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water.

(d) The site shall abut, and have direct access to, a public street. The minimum width of the site for said access shall be 50 feet.

(e) Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home development.

(f) The boundary of a development shall be at least 200 feet from any permanent building located outside the development, unless separated there from by screening as specified in this code.

(g) Each development shall have at its perimeter a minimum yard of 25 feet allowing no structures to be placed or erected within this requirement. Where the development perimeter adjoins residential property, a minimum yard of 50 feet shall be required.

(h) All required yards shall be landscaped and maintained.

(i) No building structure erected or placed shall have a height greater than 5 stories or 65 feet.

(j) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than 6 feet in height.

(k) Each development shall be permitted to display on each street frontage one identifying sign of 5 square feet per development acre, up to a maximum of 25 square feet. Said sign shall contain thereon only the name, address and telephone number of the development. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way.

(l) Roadways shall be designed to provide convenient circulation and access to mobile home spaces and to facilities for common use by occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

(m) Entrances and exits to the development shall be designed for safe and convenient movement of traffic into and out of the development. Access points to public streets shall have a right-of-way width of fifty (50) feet. The minimum pavement width of access points shall be 30 feet, maximum width shall be 40 feet.

(n) The minimum distance between access points along street frontages shall be as follows:

- Between a one-way access point and another access point, centerline to centerline . . . . . 200 feet
- Between two-way access points, centerline to centerline . . 300 feet.

(o) A point of access shall not be permitted within one hundred (100) feet of the curbline (or street line if there is no curb) of any public street intersection.

(p) On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(2) Mobile home space development. Each mobile home space shall be of sufficient size that the following areas shall be provided:

(a) There shall be no less than four thousand (4000) square feet of area for each mobile home space provided on the site.

(b) Each mobile home space shall be at least forty (40) feet wide for single-wide mobile homes and at least fifty (50) feet wide for double-wide mobile homes.

(c) There shall be a front yard setback of ten (10) feet from all internal roads within the development.

(d) There shall be a side yard setback of ten (10) feet for each side so as to keep mobile homes a minimum of twenty (20) feet apart.

(e) Within the development there shall be a rear yard setback of ten (10) feet. Where the rear yard is also the development perimeter there shall be a rear yard of twenty-five (25) feet. Where the development perimeter adjoins residential property there shall be a rear yard of fifty (50) feet. No structures, except screening and fencing, shall be placed within this required setback.

(f) There shall be at least two (2) paved, off-street parking spaces for each mobile home space located on the same site as the mobile home served. Parking spaces may be located in the front or side yard of said space and shall have minimum dimensions of nine (9) feet by twenty (20) feet.

(g) A paved driveway shall be required to provide access from the street to the parking spaces.

(3) General requirements. (a) Internal roads within a development shall be paved to a width as follows:

(i) Minor roadway: twenty-four (24) feet pavement width;

(ii) Collector roadway: twenty-eight (28) feet pavement width.

(b) All mobile home foundations and supports shall meet current City of Lebanon Building Codes.

(c) Paved walkways not less than thirty (30) inches wide shall be provided from the dwelling units to service buildings.

(d) Each development shall be provided with a connection to a public sanitary sewer line and a public water line of sufficient size and capacity to meet all current City of Lebanon code requirements.

(e) There shall be provided open space within the development at a minimum of ten percent of the total land area.

(f) The minimum right-of-way for internal streets shall be fifty (50) feet.

(g) Road grades shall not exceed ten (10) percent.

(h) All street intersections shall be at right angles.

(i) All access points to public streets shall be by internal streets. No dwelling unit shall have direct access to a public street.

(j) General lighting shall be provided throughout the development along the internal streets and at all common areas and service buildings. Lighting must meet maintained luminance values as recommended by the "Illuminating Engineering Society of North America." The City of Lebanon Electrical Engineer will review lighting design as submitted by the developer to insure compliance with the above. Electrical engineer will require developer to submit Isolux diagram for the particular light used.

(k) Traffic lights at access points to public streets may be required at the discretion of the commissioner of public works.

(l) All street name signs and stop signs shall be installed by the developer with the approval of the commissioner of public works.

(4) Required improvements. (a) All roadways are private unless the planning commission determines a public improvement is necessary. All roadways shall be built according to current City of Lebanon specifications.

(b) Roadways shall be constructed by the developer.

(c) Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter.

(d) The development shall be served with potable water and sanitary sewer. Trunk lines not less than six (6) inches are required for water; trunk lines not less than eight (8) inches with adequately spaced manholes are required for sewer. Dedication of utilities as public improvements shall be at the discretion of the commissioner of public works.

(e) The development shall be served with fire hydrants, on a minimum of six (6) inch main, at a maximum spacing of five hundred (500) feet throughout the development. Adequate fire flows and pressure shall be provided by the developer.

(f) The development shall be served by a contracted refuse collection service and a centralized postal drop-off/pickup station.

(g) Parking for the clubhouse/office shall be a minimum of two parking spaces for every twenty mobile home spaces.

(5) Additional provisions. (a) Mobile homes on the lot of an authorized and licensed mobile home dealer exhibiting them for sale are exempt from this provision.

(b) Service buildings housing laundry, sanitation, or other facilities for use by development occupants shall be permanent structures complying with all applicable codes. Service buildings shall be well lighted at all times and shall be adequately ventilated, heated and maintained.

(c) There shall be at least twenty-five (25) feet between permanent buildings on the mobile home development site and any mobile home space. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1408. Travel trailer court developments.** (1) Travel trailer court development standards. The following property development standards shall apply for all travel trailer court developments:

(a) The development shall be subject to the density provisions of the R-2 district.

(b) The development shall be located on a well drained site, graded to insure proper drainage and freedom from stagnant pools of water.

(c) The site shall abut, and have direct access to, a public street. The minimum width of the site for said access shall be fifty (50) feet.

(d) Permanent residential structure shall not be located within a site to be developed as a travel trailer court.

(e) The boundary of a travel trailer court shall be at least two hundred (200) feet from any permanent building located outside the court, unless separated therefrom by screening as specified in this code.

(f) Each development shall have at its perimeter a minimum yard of twenty-five (25) feet extending for the full width of the site devoted to said use. When the development perimeter adjoins residential property, a minimum yard of 50 feet shall be required.

(g) All required yards shall be landscaped and maintained.

(h) No building or structure erected or placed shall have a height greater than one and one-half (1.5) stories or twenty-five (25) feet.

(i) A development shall be entirely enclosed, exclusive of driveways, at its external boundaries by an opaque structure and planting, such as a fence and evergreen hedge, not less than six (6) feet in height.

(j) Each development shall be permitted to display on each street frontage one identifying sign of 5 square feet per development acre, up to a maximum of 25 square feet. Said sign shall contain thereon only the name, address and telephone number of the development and may be lighted by indirect lighting only. Such sign shall be placed at a point not closer than 25 feet to a public right-of-way.

(k) Roadways shall be designed to provide convenient circulation and access to travel trailer spaces and to facilities for common use by court occupants. Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

(l) Entrances and exits to the court shall be designed for safe and convenient movement of traffic into and out of the court. Access points to public streets shall have a right-of-way width of fifty (50) feet. The minimum pavement width of access points shall be 30 feet, maximum width shall be 40 feet.

(m) The minimum distance between access points along street frontage shall be as follows:

Between a one-way access point and another access point, centerline to centerline . . . . . 200 feet.

Between two-way access points, centerline to centerline . .300 feet

(n) A point of access shall not be permitted within one hundred (100) feet of the curbline (or street line if there is no curb) of any public street intersection.

(o) On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(2) Travel trailer court space development. Each travel trailer space shall be of sufficient size that the following areas shall be provided:

(a) Minimum required width of each space shall be fifteen (15) feet.

(b) Minimum required depth of each space shall be fifty (50) feet so as to provide for the parking of the car so that disconnection of the trailer from the car is not necessary.

(c) Minimum width of side yards required for each space shall be five (5) feet.

(d) Travel trailer spaces shall not be located nearer than twenty (20) feet to accessory uses and structures or other park facilities.

(e) One (1) parking space shall be provided for court occupants within each travel trailer space. However, additional parking spaces for court employees, delivery and service vehicles, and occasional two-car occupants shall be provided at the rate of at least two (2) 9x20 foot car spaces for each five (5) travel trailer spaces up to twenty (20). No automobile shall be parked on other than a paved surface.

(3) General requirements. (a) Internal roads within a development shall be paved to a width as follows:

(i) Minor roadway: twenty-four (24) feet pavement width;

(ii) Collector roadway: twenty-eight (28) feet pavement width.

(b) There shall be provided open space within the development of a minimum of ten (10) percent of the total land area.

(c) The minimum right-of-way for internal streets shall be forty (40) feet.

(d) Road grades shall not exceed ten (10) percent.

(e) All street intersections shall be at right angles.

(f) All access points to public streets shall be by internal streets.

(g) General lighting shall be provided throughout the development along the internal streets and at all common areas and service buildings. Lighting must meet maintained luminance values as recommended by the "Illuminating Engineering Society of North America." The City of Lebanon Electrical Engineer will review lighting design as submitted by the developer to insure compliance with the

above. Electrical engineer will require developer to submit Isolux diagram for the particular light used.

(h) Traffic lights at access points to public streets may be required at the discretion of the commissioner of public works.

(i) All street name signs and stop signs shall be installed by the developer with the approval of the commissioner of public works.

(4) Required improvements. (a) All internal streets are private unless the planning commission determines a public improvement is necessary. All roadways shall be built according to current City of Lebanon specifications.

(b) Roadways shall be constructed by the developer.

(c) Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter.

(d) The development shall be served with potable water and sanitary sewer. Trunk lines not less than six (6) inches are required for water; trunk lines not less than eight (8) inches with adequately spaced manholes are required for sewer. Dedication of utilities as public improvements shall be at the discretion of the commissioner of public works.

(e) The development shall be served with fire hydrants, on a minimum of a six (6) inch main, at a maximum spacing of five hundred (500) feet throughout the development. Adequate fire flows and pressure shall be provided by the developer.

(5) Additional provisions. (a) Spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer court not more than twenty-one (21) days in a thirty (30) day period.

(b) Travel trailer spaces shall be adequately lighted as outlined in general requirements.

(c) A management and registration office shall be provided in a permanent building reasonably proximate to the court entrance, together with adequate management storage space.

(d) Provision shall be made for an outdoor cooking, eating, and recreation area, including at least one outdoor barbecue and one picnic table for each five (5) trailer spaces or fraction thereof.

(e) Coin-operated laundry facilities, refreshment stands, or other uses and structures customarily incidental to the operation of a travel trailer court are permitted provided that:

(i) Such establishments do not occupy more than ten percent (10%) of the court area,

(ii) Such establishments are restricted in their use to occupants of the court, and

(iii) Such establishments present no visible evidence of their commercial character which would attract customers other

than occupants of the court. Service buildings housing laundry, sanitation, or other facilities for use by court occupants shall be permanent structures complying with all applicable codes.

(f) A self-service laundry shall be provided, containing at least one coin-operated washer and one coin-operated dryer for every ten (10) travel trailer spaces, or fraction thereof, unless such facilities are available commercially within one-half mile of the court.

(g) Toilet and bathing facilities shall be provided consisting of at least one lavatory, one water closet, and one shower stall for each sex for each five (5) travel trailer spaces. These facilities shall be distinctly marked; maintained in a clean, safe, and sanitary condition in good working order; housed in a permanent building; and appropriately heated and ventilated. Such facilities shall be for the exclusive use of occupants of the court and shall be located no farther than two hundred (200) feet from the spaces served.

(h) If spaces are to be rented to travel trailers with waste-holding tanks, at least one sanitary station shall be provided in a well-screened location, consisting of a drainage basin constructed of impervious material, containing a disposal hatch with self-closing cover, and related washing facilities including at least one slop sink or slop water closet. Each disposal hatch shall be connected to the court sewer system. Such sanitary station shall be situated no closer than fifty (50) feet to any trailer space or eating area.

(i) Each travel trailer space shall be provided with the following: A tenant refuse container of adequate size, unless groups of spaces are provided with such containers located no farther than two hundred (200) feet from each space served; and a weatherproof electrical connection supplying a minimum of one hundred and ten (110) volts. A water faucet and drain, connected to the court sewer system, shall be provided for each ten (10) travel trailer spaces. Such faucet and drain shall be situated in close proximity to the spaces served. (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1409. Review procedure.** (1) Preliminary review. Copies of the preliminary development plan, drawn to a scale of not less than one (1) inch=one hundred (100) feet, containing the information required by this regulation, shall be submitted to the Wilson County/Lebanon Planning Office for preliminary review. The fee for submittal shall be a base fee plus a per-space fee, using the base fee and per-lot fee required for submittal of a preliminary subdivision plat. Upon approval by the Lebanon Planning Commission, 2 copies of the revised preliminary development plan incorporating any and all conditions of approval shall be submitted to the Wilson County/Lebanon Planning Office, 2 copies to the City of Lebanon Engineering Department, and 2 copies to the City of

Lebanon Fire Department. After approval, the preliminary development plan is valid for a period of twelve (12) months from the date of such approval.

(2) Final review. Copies of the final development plan, drawn to a scale of not less than one (1) inch=one hundred (100) feet, containing the information required by this regulation, shall be submitted to the Wilson County/Lebanon Planning Office for final review. The fee for submittal shall be a base fee plus a per-space fee, using the base fee and per-lot fee required for submittal of a final subdivision plat. Upon approval by the Lebanon Planning Commission, 2 copies of the revised final development plan incorporating all conditions of approval shall be submitted to the Wilson County/Lebanon Planning Office, 2 copies to the City of Lebanon Engineering Department, and 2 copies to the City of Lebanon Fire Department. After approval, the final development plan is valid for a period of 24 months, after which it becomes void unless a building permit has been issued as per the provisions outlined in this chapter.

(3) Plans and schedules required--preliminary. All preliminary site plan requirements as specified in the City of Lebanon Zoning Ordinance, as well as the following, shall be shown on the preliminary development plan.

- (a) General location sketch map.
- (b) Boundaries of the site.
- (c) Tax map and parcel number.
- (d) Deed book and page number.
- (e) Total acreage.
- (f) Name and address of the applicant(s) and property owner(s).
- (g) Proposed use of all buildings shown on the plan.
- (h) Location of all existing structures on the site to be removed.
- (i) Location, size, and proposed use of all open area.
- (j) Spaces/units numbered in consecutive order.
- (k) Location and dimensions of proposed internal streets, structures, mobile home spaces/units, apartment buildings, off-street parking spaces.
- (l) Location of all proposed utilities, including fire hydrants, noted as proposed.
- (m) Dimensions and points of access to public streets.
- (n) Location and size of existing water and sewer lines and fire hydrants, noted as existing.
- (o) Location and size of any and all easements.
- (p) Topographic contours at a minimum of two (2) foot intervals and the location and size of any sink holes/depressions.
- (q) Location(s) of existing and/or proposed drainage ways and improvements.
- (r) Erosion and sedimentation controls noted and illustrated.
- (s) Location and all walls and fences.
- (t) All NOTES as required.

(u) Such other data as required by the planning commission to determine if the provisions of these regulations are being complied with.

(4) Plans and schedules required--final. All final site plan requirements as specified in the City of Lebanon Zoning Ordinance, as well as the following, shall be shown on the final development plan.

- (a) General location sketch map.
- (b) Boundaries of the site.
- (c) Tax map and parcel number.
- (d) Deed book and page number.
- (e) Total acreage.
- (f) Name and address of the applicant(s) and property owner(s).
- (g) Proposed use of all buildings shown on the plan.
- (h) Location of all existing structures on the site to be removed.
- (i) Location, size, and proposed use of all open space.
- (j) Spaces/units numbered in consecutive order.
- (k) Location and dimensions of proposed internal streets, structures, mobile home spaces/units, apartment buildings, off-street parking spaces, refuse dumpster pad, postal drop-off/pickup.
- (l) Location of all proposed utilities, including fire hydrants, noted as proposed.
- (m) Dimensions and points of access to public streets.
- (n) Location and size of existing water and sewer lines and fire hydrants, noted as existing.
- (o) Location and size of any and all easements.
- (p) Location and description of all landscaping to be provided.
- (q) Grading and drainage plan approved by the City of Lebanon Engineering Department.
- (r) Erosion and sedimentation controls noted and illustrated.
- (s) Location of all walls and fences, and the indication of their height and the materials of their construction.
- (t) Plans of all buildings, improvements, and facilities constructed or to be constructed within this section of the development.
- (u) Location and description of all lighting standards to be provided.
- (v) All setback and yard lines required by this regulation.
- (w) All NOTES as required.
- (x) Such other data as may be required by the planning commission to determine if the provisions of these regulations are being complied with.

(5) Permit approval--certifications required. The following documentation shall be required prior to release of certificate of occupancy.

- (a) Certification from a licensed engineer that all drainage, streets and other required paved areas have been installed or letter or

credit from a Tennessee bank that all streets and other required paved and/or landscaped areas will be installed to the required specifications.

(b) Certification from a licensed engineer or the utility company providing service to the development that all utility improvements have been installed or letter of credit from a Tennessee bank that all utility improvements will be installed to the required specifications.

(c) Certificate of Approval of Drainage and Utilities. The utilities and drainage shown on this site plan have been reviewed and approved by the Lebanon Department of Public Works.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Lebanon Public Works

(d) Certificate of Approval for Issuance of Building Permit. This site plan was approved by the Lebanon Planning Commission on \_\_\_\_\_, 19\_\_\_\_. All corrections and conditions required by the planning commission have been incorporated onto the site plan. This site plan is approved for issuance of a building permit.

By: \_\_\_\_\_ Date: \_\_\_\_\_, 19\_\_\_\_  
City Planner

NOTE: This site plan is void unless building permit is applied for by \_\_\_\_\_, 19\_\_\_\_.

(e) Certificate of Approval of Fire Code. This site plan meets the requirements of the City of Lebanon Fire Codes.

By: \_\_\_\_\_ Date: \_\_\_\_\_, 19\_\_\_\_  
Building Official

(6) Standard notes. The following notes must appear on the face of the preliminary and final development plans.

(a) "Drainage easements outside dedicated ROW's are not the responsibility of the City of Lebanon."

(b) "Road grades shall not exceed ten (10) percent."

(c) If a natural drainage channel, sink hole or depression exists on the property, the following note must appear:

"No cut, fill, or construction within twenty-five (25) feet of top of stream bank, sinkhole, or depression."

(d) If a drainage way appears as a blue line on a USGS 7½ minute quadrangle map, the stream must be identified as such and the following note must appear:

"No alteration of this (these) stream(s) shown will occur prior to written approval being granted by the appropriate authorities."

(e) "This property is not (is) in an area designated as a special flood area, as shown on Community Map/Panel Number \_\_\_\_/\_\_\_\_, effective date \_\_\_\_\_."

(f) "This development is to be served by public sanitary sewer." (Ord. #96-1517, Dec. 1996, as renumbered by Ord. #00-2152, Oct. 2000)

CHAPTER 15

PLANNING AND ZONING FEES

SECTION

- 14-1501. Subdivision plat application fee.
- 14-1502. Site plan application fee.
- 14-1503. Zoning, rezoning and planned unit development application fee.
- 14-1504. Appeal application fee.
- 14-1505. Additional fees.
- 14-1506. Building inspector authorized to require certain proof and verification.

**14-1501. Subdivision plat application fee.** All applications for consideration by the planning commission of a preliminary or final subdivision plat shall include an application fee. The application fee shall be calculated as follows:

\$25.00 base fee plus \$25.00 per lot after the first lot. A separate fee shall be collected for each preliminary and/or final subdivision plat submittal.

Example -

14 lot final subdivision plat  
 $\$25.00 + (\$25.00 \times 13) = \$350.00$

(Ord. #87-592, § 1, as renumbered by Ord. #00-2152, Oct. 2000; and replaced by Ord. #04-2672, Nov. 2004)

**14-1502. Site plan application fee.** (1) Residential. All applications for consideration by the planning commission of a preliminary or final site plan shall include an application fee. The application fee shall be calculated as follows:

\$75.00 base fee plus \$10.00 per unit. A separate fee shall be collected for each preliminary and/or final site plan submittal.

(2) Non-residential. All applications for consideration by the planning commission of a site plan shall include an application fee. The application fee shall be calculated as follows:

\$75.00 base fee for buildings up to 5,000 square feet in size, plus \$0.03 per square foot per buildings 5,001 to 20,000 square feet in size, plus \$0.02 per square foot for buildings 20,001 to 100,000 square feet in size, plus \$0.01 per square foot for buildings greater than 100,000 square feet in size.

Example -

32,000 square foot building  
 $\$75.00 + (\$0.03 \times 15,000) + (\$0.02 \times 12,000) = \$765.00$

(Ord. #87-592, § 2, as renumbered by Ord. #00-2152, Oct. 2000; and replaced by Ord. #04-2672, Nov. 2004)

**14-1503. Zoning, rezoning and planned unit development application fee.**

(1) Zoning and rezoning. All applications for consideration by the planning commission for rezoning shall include an application fee. The application fee shall be calculated as follows:

\$400.00 base fee for properties up to five acres in size, plus \$5.00 per acre for properties 6 to 100 acres in size, plus 42.50 per acre for properties greater than 100 acres in size. If more than one property is included as a single application, the fee shall be based on the total acreage of the request.

Example -

10 acre parcel

$\$400.00 + (\$5.00 \times 5) = \$425.00$

(2) Planned unit development. All applications for consideration by the planning commission for a planned unit development shall include an application fee. The application fee shall be calculated as follows:

\$400.00 base fee for properties up to five acres in size, plus \$20.00 per acre for properties 6 to 100 acres in size, plus \$10.00 per acre for properties 101 to 500 acres in size, plus \$5.00 per acre for properties over 500 acres in size. If more than one property is included as a single application, the fee shall be based on the total acreage of the request.

Example -

200 acre parcel

$\$400.00 + (\$20.00 \times 95) + (\$10.00 \times 100) = \$3,390.00$

(Ord. #87-592, § 3, as renumbered by Ord. #00-2152, Oct. 2000; and replaced by Ord. #04-2672, Nov. 2004)

**14-1504. Appeal application fee.** The fee for an appeal application shall be fifty and no/100 (\$50.00) dollars, unless said appeal application is accompanied by a building permit wherein the appeal application fee shall be only thirty-five and no/100 (\$35.00) dollars. (Ord. #87-592, § 4, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1505. Additional fees.** The cost of building permits in the city of Lebanon shall remain as previously adopted by this city council, and the above stated fees are to be charged in addition to the building permit fee. (Ord. #87-592, § 5, as renumbered by Ord. #00-2152, Oct. 2000)

**14-1506. Building inspector authorized to require certain proof and verification.** The city building inspector and those in his office are hereby authorized to require proof, including but not limited to proof of the loan amount, if the city building inspector deems it necessary to verify application for building permits. (Ord. #87-592, § 6, as renumbered by Ord. #00-2152, Oct. 2000)