ARTICLE V

ZONING DISTRICTS

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5.010. Classification of districts. For the purpose of this ordinance, the following zoning districts are hereby established in the Town of Pegram, Tennessee:

Zoning District	**District Abbreviation**
Low-Density Residential	R-1
Medium-Density Residential	R-2, R2-A
High-Density Residential	R-3
Highway Service	C-1
Neighborhood Service Business	C-2
Light Industrial	I-1
Heavy Industrial	I-2

5.020. Zoning Map. The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning

Map of Pegram, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the adopted Official

Zoning Map and amendments thereto shall be maintained in the office of the Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030. Zoning district boundaries. Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad, and the center of streams when applicable. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Pegram Board of Zoning Appeals.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

5.040. Zoning of annexed territory. All territory which may hereafter be annexed to the Town of Pegram shall be zoned "Low-Density Residential, R-1." Such annexed territory shall retain such zoning classification until such time as the necessary studies are made by the Planning Commission and the Official Zoning Map is amended in the manner provided in ARTICLE VII, SECTION 7.090.

5.050. Specific district regulations. The following regulations shall apply in the eight (8) zoning districts established in SECTION 5.010, of this ordinance.

5.051. Residential Districts. The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing

needs of the Town's present and expected future population, with due allowance for the need for a choice of sites and building types;

2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;

3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;

4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic building forms, by providing freedom of architectural and site design;

5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;

6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;

7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Town's tax revenue.

5.051.1 <u>R-1, Low-Density Residential District</u>.

A. <u>District Description</u>:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This

district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.

2. Prefabricated dwelling (excluding mobile homes).

3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.

4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040.

5. Agriculture.

C. Uses Permitted as Special Exceptions: **(Deleted 6, and Renumbered by Ordinance 2005-32, March 30, 2006)**

In the R-1, Low-Density Residential District, the following uses and their accessory uses may

be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.

2. Public and private schools offering general education courses.

3. Family day care homes.

4. Public and semi-public recreational facilities and grounds.

5. Utility facilities (without storage yards) necessary for the provision of public services.

6. Government buildings and community centers.

7. Cemeteries.

D. Uses Prohibited:

Mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-1, Low-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

	With Public Sewer	Without Public Sewer
Area	20,000 sq.ft.	40,000 sq.ft.
Area Per Family	20,000 sq.ft.	40,000 sq.ft.
Lot With at Building Setback Line	100 ft.	150 ft.
Lot Width at Street	100 ft.	

2. Minimum Yard Requirements:

Front Setback	40 ft.
Side	15 ft.
Rear	25 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051.2 R-2, Medium-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for medium density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated.

Most generally this district will be characterized by single-and two-family (duplex) detached dwellings and individual mobile homes except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the districts, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-2, Medium-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.

2. Individual Mobile home.

3. Prefabricated dwelling.

4. Duplex dwelling.

5. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.

6. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.

7. Agriculture.

C. Uses Permitted as Special Exceptions: **(Deleted 7, and Renumbered by Ordinance 2005-32, March 30, 2006)**

In the R-2, Medium-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.

2. Public and private schools offering general education courses.

3. Family day care homes.

4. Day care centers.

5. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.

6. Utility facilities (without storage yards) necessary for the provision of public services.

7. Government buildings and community centers.

8. Cemeteries.

9. Zero lot line dwellings (duplexes), subject to requirements of ARTICLE VI, SECTION 6.090.

D. Uses Prohibited:

Mobile home parks, billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-2, Medium-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size

	With Public Sewer	Without Public Sewer
Area		
- Single Detached Dwelling	10,000sq.ft.	20,000sq.ft.
- Individual Mobile Home	10,000sq.ft.	20,000sq.ft.
- Duplex	15,000sq.ft.	30,000sq.ft.
Area Per Family		
- Single DetachedDwelling	10,000sq.ft.	20,000sq.ft.
- Individual MobileHome	10,000sq.ft.	20,000sq.ft.
- Duplex	7,500sq.ft.	15,000sq.ft.
Lot Width at Building Setback Line	100 ft.	125 ft.
Lot Width at Street	75 ft.	

2. Minimum Yard Requirements:

Front Setback	35 ft.
Side	15 ft.
Rear	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings

including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051-201 R2-A, Medium-Density Residential District

These districts shall have all the characteristics and restrictions as provided for in R-2 Medium-Density Residential Districts, but with the following exceptions:

a. Mobile homes shall be prohibited.

b. Duplex dwellings and zero lot line dwellings shall be prohibited.

5.051.3 R-3, High-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for high density residential development where sufficient urban facilities, including public sewer, are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single-and two-family (duplex) detached dwellings, mobile homes, and mobile home parks. However, it is the intent of this ordinance 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 district is intended also to permit community facility and public utility installation which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be

considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-3, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.

2. Individual mobile home.

3. Prefabricated dwelling.

4. Duplex dwelling.

5. Multi-family dwelling.

6. Board and rooming houses.

7. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.

8. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.

C. Uses Permitted as Special Exceptions: **(Deleted 7, and Renumbered by Ordinance 2005-32, March 30, 2006)**

In the R-3, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Churches.

2. Public and private schools offering general education courses.

3. Family day care homes.

4. Day care centers.

5. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.

6. Utility facilities (without storage yards) necessary for the provision of public services.

7. Government buildings and community centers.

8. Cemeteries.

9. Mobile home parks as regulated in ARTICLE IV, SECTION 4.080.

10. Zero lot line dwellings (duplexes), subject to requirements of ARTICLE VI, SECTION 6.090.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-3, High-Density Residential District shall comply with the following requirement except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Single Detached Dwelling	7,500 sq.ft.
- Individual Mobile Home	7,500 sq.ft.
- Duplex	7,500 sq.ft.
- Multi-Family Dwelling	15,000 sq.ft.
Area Per Family - Single Detached	7,500 sq.ft.
- Individual Mobile Home	7,500 sq.ft.
- Duplex	3,750 sq.ft.
- Multi-Family	3,000 sq.ft.
Lot Width at Building Setback Line - Single Detached	75 ft.
- Individual Mobile Home	75 ft.

- Duplex	75 ft.
- Multi-Family	100 ft.
Lot Width at Street	75 ft.

2. Minimum Yard Requirements:

Front Setback	25 ft.
Side - Single Detached Dwelling	15 ft.
- Individual Mobile Home	15 ft.
- Duplex	15 ft.
- Multi-Family Dwelling	15 ft.
Rear	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

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

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by

restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.

4. To provide sufficient space in appropriate locations for commercial districts to satisfy function needs of Pegram, and in particular the need for medical services, and the needs of the general public traveling along major highways.

5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.

6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.

7. To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of Pegram, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Pegram's tax revenues.

5.052.1 <u>C-1, Highway Service District</u>

A. <u>District Description</u>

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to minimize compatibility with lesser intense use of land or building in proximate residential

districts. Appropriate locations for this district are along major traffic arteries.

B. Uses Permitted

In the C-1, Highway Service District, the following uses and their accessory uses are permitted.

1. Retail Trade:

   (a) Building materials, hardware, and farm equipment;

   (b) General merchandise;

   (c) Food;

   (d) Automotive, marine craft, aircraft and accessories;

   (e) Apparel and accessories;

   (f) Furniture, home, furnishings, and equipment;

   (g) Eating and drinking;

   (h) Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.

2. Hotels, motels, and tourist courts.

3. Churches and mortuaries.

4. Professional services.

5. Gasoline service stations subject to the provisions of ARTICLE IV, SECTION 4.060.

6. Commercial recreation uses.

7. Signs and billboards as regulated in ARTICLE IV, SECTION 4.080.

8. Finance, insurance and real estate services.

9. Personal services.

10. Business services.

11. Repair services.

12. Governmental services.

13. Educational services.

14. Transportation communication and utility services.

15. Medical offices, clinics, etc.

16. Nursing homes.

17. Florist shops.

18. Medical and dental laboratories.

19. Offices providing advice, design, or consultation of a professional nature, i.e., lawyers, accountants, engineers, architects, etc.

20. Credit bureau offices.

21. Banks and savings and loan associations.

22. Real estate, insurance, and other related business offices.

23. Animal health facilities including veterinary clinics.

24. Day care centers.

C. Uses Permitted as Special Exceptions: **(Deleted 2, and Renumbered by Ordinance 2005-32, March 30, 2006)**

In the C-1, Highway Service District, the following uses and their accessory uses may be permitted after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Travel trailer parks and overnight campgrounds.

2. Mini-warehouse.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses, except those which are located within and incidental to permitted uses and except a commercially operated mini-storage warehouse; truck terminals; junkyards, including automobile

wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

1. Minimum Lot Size: No minimum lot size shall be required in the C-1 District.

2. Minimum Yard Requirements:

Front Setback -	Forty-five (45) feet
Side -	Fifteen (15) feet
Rear -	Twenty (20) feet

3. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-1 District.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space Requirement: As regulated in ARTICLE IV, SECTION 4.010.

5.052.2 C-2 Neighborhood Service Business District

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods

and services for a more extensive marketing area.

B. Uses Permitted:

In the C-2, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.

2. Personal service establishment which performs service on the premises such as repair shops (radio, television, shoe and etc.), beauty parlors or barbershops and self-service laundries.

3. Signs regulated in ARTICLE IV, SECTION 4.080.

C. Uses Permitted as Special Exceptions:

No uses shall be permitted as special exceptions in use C-2 District.

D. Use Prohibited:

In the C-2, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor.

E. Dimensional Regulations

All uses permitted in the C-2, Neighborhood Service Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: The minimum lot size in the C-2 District shall be 10,000 square feet.

Lot Width at Street 75 ft..

2. Minimum Yard Requirements:

Front Setback	35 ft.
Side	20 ft.
Rear	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements: Buildings shall not thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

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

1. To provide sufficient space, in appropriate locations to meet the needs of the area of Pegram's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.

2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.

3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.

4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.

5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to

one another, and by requiring space off public ways for parking and loading facilities associated with such activities.

6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Pegram area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Pegram's tax revenues.

5.053.1 I-1, Light Industrial District.

A. District Description:

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted:

In the I-1, Light Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.

2. Textile mill products manufacturing except dyeing and finishing of textiles.

3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.

4. Furniture and fixtures manufacturing.

5. Printing, publishing and allied industries.

6. Stone, clay, and glass products manufacturing.

7. Fabricated metal products manufacturing except ordinance and accessories.

8. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.

9. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.

10. All types of wholesale trade.

11. Office functions only where it is directly related to the industrial establishment in which it is located.

12. Signs and billboards as regulated in ARTICLE IV, SECTION 4.080.

13. Warehouse, storage and truck terminal facilities.

14. Agricultural equipment sales and repair.

15. All public utilities including buildings, necessary structures, storage yards and other related uses.

16. Animal health facilities including veterinary clinics.

17. Building materials storage and sales.

18. Airports.

C. Uses Permitted as Special Exceptions **(Deleted 2, by Ordinance 2005-32, March 30, 2006)**

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Retail and convenience.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI. (nonconforming uses)

1. Minimum Lot Size: No minimum lot size is required in the I-1 District.

2. Minimum Yard Requirements:

Front Setback	50 ft.
Side	20 ft.
Rear	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements: Buildings shall exceed fifty (50) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.053.2 I-2, Heavy Industrial District.

A. District Description:

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Pegram area. No new residential developments are permitted, thereby insuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for industrial activities.

B. Uses Permitted:

In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted:

1. Uses that are permitted in the I-1, Light Industrial District.

2. Lumber and wood products manufacturing.

3. Lots of yards for scrap or salvage operations or for processing, storage, display, or sales or any scrap or salvage materials.

4. Meat products manufacturing.

5. Dyeing and finishing of textiles.

6. Paper and allied products manufacturing.

7. Chemicals and allied products manufacturing.

8. Petroleum refining and related industries.

9. Rubber and miscellaneous plastic products manufacturing.

10. Primary metal industries.

11. Ordinance and accessories manufacturing.

12. Mining activities and related services.

13. Automotive and related manufacturing.

C. Uses Permitted as Special Exceptions: **(Deleted 1, and Renumbered by Ordinance 2005-32, March 30, 2006)**

In the I-2, Heavy Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Automobile wrecking, salvage, and junk yards, subject to provisions of ARTICLE IV, SECTION 4.100.

2. Solid waste disposal, subject to the approval of the Cheatham County Health Department, the Tennessee Department of Environment and Conservation and the Pegram Board of Mayor and Aldermen.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-2, Heavy Industrial District shall comply with the following requirements except as provided in ARTICLE VI. (nonconforming uses)

1. Minimum Lot Size: No minimum lot size is required in the I-2 District.

2. Minimum Yard Requirements:

Front Setback	50 ft.
Side	20 ft.
Rear	20 ft.

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements: Buildings shall exceed eighty (80) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.060. Planned Unit Development Overlay Districts. These regulations 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. **(Added Section 5.060 in its Entirety by Ordinance 2005-32, March 30, 2006)**

Planned Unit Development Overlay Districts may overlay any of the following residential and commercial districts:

R-1	**C-1**
R-2	
R-3	

When a Planned Unit Development Overlay District is proposed, permitted uses and density calculations are taken from the underlying base district. However, minimum lot sizes, yards and other dimensional requirements shall be designated by the regulations of the given planned unit development.

5.061 General Provisions

A. Master Plan Required. No application for PUD zoning shall be considered unless a preliminary master plan meeting the requirements set forth in this ordinance has been presented to the planning commission.

B. Ownership and Division of Land. No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered land owners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.

C. Relationship to Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the Planning Commission.

D. Development Period, Staging Schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction of buildings or infrastructure shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the review of the PUD and shall proceed to cancel or extend such final master plan depending on the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.

2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

E. Cancellation or Abandonment of a Master Plan. Any approval of a master plan that results in a rezoning is contingent upon the strict compliance of the other provisions of this section. Upon cancellation or abandonment of any master plan, any rezoned property shall revert to its zoning classification it had prior to the approval of the preliminary master plan.

F. Common Open Space, and Facilities. Any common open space or public facilities shall be subject to the following provisions:

1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or

recreational purposes. The uses authorized for the common open space must be appropriate

to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

2. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

3. The Planning Commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by scale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.

4. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the Building Inspector may serve written notice upon such organization an/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the

organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.

5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

6. If the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

   a. The Homeowners' Association must be set up before the lots are sold.

   b. Membership must be mandatory for each home buyer and any successive buyer.

   c. The open space restrictions must be permanent, not just for a period of years.

   d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

   e. Homeowners must pay their prorata share of the cost and the assessment levied by the association can become a lien on the property.

   f. The association must be able to adjust the assessment to meet changing needs.

   g. The Municipal Planning Commission and the Board may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

5.062. Administrative Procedure. The provisions of this section govern the procedure for approval for all PUDs as provided herein.

A. Preliminary Approval. Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be filed with the building inspector accompanied by:

1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:

   a. The location and size of the area involved;

   b. Lot areas and dimensions;

   c. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas;

   d. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units;

   e. Estimated population and density and extent of activities to be allocated to parts of the project;

   f. Reservation for public uses including schools, parks, and other open spaces;

   g. Other major landscaping features; and

   h. The general means of the disposition of sanitary wastes and storm water.

2. A tabulation of the land area to be devoted to various uses and activities and overall densities.

3. The nature of the landowner’s interest in the land proposed to be developed and a written

statement or concurrence from all parties having a beneficial interest in the affected property.

4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.

5. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.

6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

B. Zoning Amendment. After review of the preliminary master plan, the Planning Commission shall make recommendations on the amendment to the Board reclassifying the proposed PUD to the appropriate planned unit development overlay district. The request for the zoning amendment submitted to the Board will include the recommended preliminary master plan. A zoning amendment to increase density for residential districts will coincide with the zoning request for a planned unit development overlay district. For example, R-1 property may be rezoned to an R-3 PUD Overlay District in a single action. If the Board approves the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project.

C. Application for Final Approval. Upon approval of the preliminary master plan and accompanying zone change, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

D. Final Approval of Stages. The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development, in compliance with Section 5.061, D, above.

E. Final Master Development Plan of a Planned Unit Development. The final master plan of a PUD for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

> The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.

F. Amendments to the Planned Unit Development. The terms, conditions, and the final master development plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

> The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master development 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 the buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Major changes, as determined by the planning commission, such as changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other major change must be forwarded to the Board after the planning commission has made its recommendations.

G. Subdivision Plat Required. A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master development plan, a final plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Register.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

H. Building Reconstruction. In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master development plan. No change in any dimension or location shall be permitted without an official amendment approved by the Planning Commission.

I. Zoning Considerations. When an area is submitted for PUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load nor where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the PUD with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

5.063. RPUD, Residential Planned Unit Development Districts

A. Permitted Uses. Within an approved RPUD overlay district, the following uses and their accessory

structures shall be taken from the underlying base district.

B. Commercial Activities. In RPUDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD and no individual establishment shall exceed four thousand (4,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

1. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan;

2. The building design shall be compatible with the remainder of the RPUD;

3. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.

4. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained at a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards of at least ten (10) feet shall also be maintained.

5. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either nonilluminated or any lighting must be indirect. Portable signs of any kind are prohibited.

6. Any loading service area shall be in the rear of the building.

7. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

C. Dimensional Requirement. All RPUDs shall comply with the following areas regulations:

1. Minimum Size

   No minimum size is required.

2. Front Yard

   a. There shall be a front yard setback for all buildings of thirty (30) feet.

   b. Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line than the minimum setback established by the existing buildings.

3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.

4. Other Yard Requirements. Within the boundary of the RPUD, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the RPUD.

5. Lot Area and Frontage. In the case of detached dwellings, no lot shall be approved with an area of less than six thousand (6,000) square feet and a street frontage of less than seventy-five (75) feet at the building setback line.

6. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

D. Density of Development. The maximum overall density shall be specified in terms of the number of the dwelling units per gross acres of the acreage of the entire development. The maximum densities are taken from the underlying base district and shall be as follows:

Maximum Density
(Dwelling Units per Gross Acre)

	RPUD containing only single family detached dwellings	RPUD containing duplex dwellings	RPUD containing multi-family dwellings
R-1	2.18 with public sewer	NA	NA
	1.09 without public sewer		
R-2	4.36 with public sewer	5.81 with public sewer	NA
	2.18 without public sewer	2.90 without public sewer	
R-3	5.81 with public sewer	11.62 with public sewer	14.52 with public sewer

E. Required Improvements. All RPUDs shall comply with the schedule of improvements required in this section.

1. Internal Streets. Within any RPUD, streets may be public or private. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Associations. Specifications and procedures of the subdivision regulations for a paved street shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Residential PUD:

a. Curb and gutters are required on all streets.

b. Minimum pavement widths shall be as follows:

(from edge of gutter to edge of gutter)

Collector Street 22 ft.
Minor Street 20 ft.
One-Way Street or Alley 12 ft.

c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.

d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.

2. Off-Street Parking. All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be defined in Article IV, Section 4.010, of this ordinance.

3. Sidewalks. Sidewalks are required on at least one side of all streets within RPUDs except for alleys. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.

4. Street Lighting. Street lighting will be considered upon a case by case basis. When required, street lighting shall be decorative.

5. Utilities. The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.

6. Waste Disposal. If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

7. Recreation and Open Space. Recreation uses provided as part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. Where a RPUD contains only single family detached dwellings, only open space is required. In both instances, the amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

5.064. CPUD, Commercial Planned Unit Development Districts

A. Permitted Uses. Within an approved CPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.

B. Dimensional Requirement. All CPUDs shall comply with the following area regulations:

1. Minimum Size

No minimum size is required.

2. Front Yard. The front setback for buildings shall be a minimum of fifteen (15) feet with a permanently landscaped front yard of no less than ten (10) feet exclusive of driveways.

3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the CPUD of not less than forty (40) feet. A minimum side and rear yard of ten (10) feet shall be maintained in a permanently landscaped manner.

4. Other Yard Requirements. Within the boundary of the CPUD, the Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the CPUD.

5. Maximum Height of Buildings. Refer to height requirements for underlying base districts in Article V, of the Pegram Zoning Ordinance.

6. Maximum Lot Coverage. The area occupied by all structures shall not exceed forty (40) percent of the total area of the CPUD.

C. Required Improvements. All CPUDs shall comply with the schedule of improvements regulated in this section.

1. Internal Streets. Within any CPUD, streets may be public or private. Streets may be privately constructed and maintained by the landowner/developer. Specifications and procedures of the subdivision regulations shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Commercial PUD:

a. Curb and gutters are required on all streets.

b. Minimum pavement widths shall be as follows:
(from edge of gutter to edge of gutter)

Collector Street	**24 ft.**
Minor Street	**20 ft.**
One-Way Street	**12 ft.**

c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.

d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.

2. Off-Street Parking and Loading. The off-street parking and loading requirements contained in Article IV, Sections 4.010 and 4.020, shall apply. All off-street parking areas shall be paved, marked, and

landscaped. Large expanses of pavement shall not be

permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Refer to Section 2.5, of the Pegram Design Review Manual, for appropriate landscaping techniques.

3. Sidewalks. Sidewalks are required on at least one side of all streets within CPUDs, except for alleys. In commercial areas with small setbacks, it may be appropriate for sidewalks to be adjacent to street curbs. Depending on the type and size of development, the space between sidewalk and street curb will be addressed on a case by case basis. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.

4. Utilities. The development shall be serviced with a public sanitary system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.

5. Waste Disposal. If any central disposal containers are provided, they shall be completely enclosed and screened from view.

6. Signs. Signs in CPUDs shall comply with the provisions located in Section 4.080, of the Pegram Zoning Ordinance.

7. Landscaping. At least fifteen (15) percent of the total area of the CPUD shall be landscaped to enhance site appearance. Included in the fifteen (15) percent shall be the ten (10) feet of required front yard landscaping, appropriate parking area landscaping and ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts

shall be buffered as provided in Article III, Section 3.110. The nature of the buffering shall be specified by the Planning Commission as part of the approval of the final master development plan, based on the type of buildings and the nature of the CPUD. Refer to Section 2.6, of the Pegram Design Review Manual, for specific landscaping requirements.

(ADDED BY ORDINANCE 2004-12, OCTOBER 28, 2004

ARTICLE V(A)

DESIGN REVIEW

SECTION

5A.010 Purposes and Intent
5A.020 Role of the Pegram Municipal Planning Commission
5A.030 Design Review Manual
5A.040 Development Subject to Design Review
5A.050 Development Exempt from Design Review
5A.060 Design Review Applications and Processing
5A.070 Design Review Standards
5A.080 Design Districts
5A.090 Application; Vested Rights
5A.100 Prohibitions

5A.010. Purposes and Intent. The purpose of this article is to conserve property values within the Town of Pegram by establishing procedures for the design review of development henceforth erected, reconstructed, or altered, and thereby:

A. To promote qualities in the environment that sustains the community's economic well-being;

B. To foster the community's attractiveness and functional utility as a place to live and work;

C. To preserve the community's heritage by maintaining the integrity of any area(s) enjoying a discernible character contributing to this heritage;

D. To safeguard public investment within the community;

E. To raise the level of citizen expectations favoring the quality of the community's visual environment.

5A.020. Role of the Pegram Municipal Planning Commission. The Pegram Municipal Planning Commission shall administer the provisions of this article including, without limitation:

A. Certification that proposed development comports with the design standards set forth herein;

B. Recommendation of amendments, as necessary, to the Design Review Manual for approval by the Board of Mayor and Aldermen;

C. Consultation with municipal and other appropriate agencies on matters addressed in this article;

D. Adoption of such rules and procedure as the Planning Commission may deem necessary.

5A.030. Design Review Manual. To further the purposes of this article as set forth herein, there is hereby adopted a Design Review Manual. Amendments to the Design Review Manual shall be made by ordinance approved by a majority of the entire membership of the Pegram Board of Mayor and Aldermen, with appropriate input from the Pegram Municipal Planning Commission.

5A.040. Development Subject to Design Review. Development, including any buildings, structures, or physical improvements pertaining thereto, shall be subject to the provisions of this article if approval of this development is conditioned upon one or more of the following:

A. Plot Plat or Site Plan approval under ARTICLE III, including a new structure or any addition to an existing structure totaling fifty (50) percent of the ground floor area, or any external modification where the estimated cost of the improvement exceeds fifty (50) percent of the total assessed value of the structure as per Cheatham County tax records;

B. Final planned unit development master development plan approval under ARTICLE IV, unless the plan envisages the construction exclusively of residential dwellings;

C. Special exceptions granted under ARTICLE VII, involving either a new structure or any addition to an existing structure totaling fifty (50) percent of the ground floor area, or any external modification where the estimated cost of the improvement exceeds fifty (50) percent of the total assessed value of the structure as per Cheatham County tax records;

5A.050. Development Exempt from Design Review. Reconstruction or repairs required for immediate public health or safety reasons, as determined by the Mayor or his designee, are expressly exempted from the requirements of this article.

5A.060. Design Review Applications and Processing.

5A.061. Pre-application Conference. Any prospective applicant for a development approval permit that may require design certification under this article may request a

preliminary conference with the Building Official by filing a written request no later than fourteen (14) days prior to the staff meeting at which the PRE-APPLICATION conference is sought. Accompanying the request shall be six (6) copies of such preliminary exterior drawings, site plans, and related materials as the applicant wishes to bring to the Building Official's attention. Viewpoints expressed by the Building Official shall be advisory only; no legally enforceable rights or expectations of any kind shall vest until the applicant's formal application for design review has been processed in accordance with all the provisions of this article.

5A.062. Submission to and Review by Building Official. Applicants for design review certification shall submit to the Building Official the photographs, site plans, site landscaping plans, and schematic building plans referenced in Section 3.1 of the Design Review Manual, adopted by the Town of Pegram, concurrent with the adoption of this article. The Building Official will review all submittals. Written comments of the Building Official will be made available to developers at least fourteen (14) days prior to the Planning Commission meeting in which their project will be heard; after determining that the application comports with the requirements of Section 3.1, the Building Official shall transmit to the Planning Commission members the application, along with all written comments and recommendations.

5A.063. Review by Planning Commission. The Planning Commission shall approve, approve with conditions, or disapprove an application for design review certification within sixty (60) days of the application's initial review by the Pegram Municipal Planning Commission, unless the Commission and the applicant agree to a greater time period. Absent such an agreement, all applications not acted upon by the Planning Commission within sixty (60) days shall be deemed approved. Minutes shall be kept of the Planning Commission's proceedings and reasons for its decisions shall be clearly stated in this record. An approved application and its supporting exhibits shall be endorsed as approved by the Commission or its authorized representative.

5A.064. Appeal of Planning Commission Actions. Any person aggrieved by a Planning Commission action under

this article may appeal the decision to the Board of Mayor and Aldermen within thirty (30) days after such decision. Appeals shall be decided within sixty (60) days of their filing unless the applicant and the Board agree, in writing,

to extend this period. In reviewing the appeal, the Board shall not invalidate the Commission's action, unless approved by majority of the entire membership. The reason for the decision of the Board of Mayor and Aldermen's determination shall be clearly reflected in the minutes. If
the Board invalidates the Commission's action, it may, in its discretion, either exercise the powers of the Commission or remand the matter, along with its statement of reasons, to the Commission for further action not inconsistent with these reasons, which the Commission shall take within thirty (30) days to remand.

5A.070. Design Review Standards. In reviewing applications, the Planning Commission shall insure that the proposed development satisfies the criteria for the applicable category or type of development as these criteria are set forth, by category or type, in the Pegram Design Review Manual, and in any pertinent Town of Pegram land use or building regulations and ordinances. In the case of a conflict between these ordinances, the more stringent shall govern.

5A.080. Design Districts.

5A.081. Establishment. The Pegram Board of Mayor and Aldermen hereby has designated the design district as within current corporate city limits at the request of citizens and the Planning Commission, as it has determined that the area contains buildings, structures, burial grounds, or other features of archaeological, architectural, or design significance. This area is to include all areas of the Town except for one- and two-family dwellings.

5A.082. Administration. As pertaining to those developments subject to section 5A.040 herein, no building or other development permit shall be issued for the construction, reconstruction, alteration, or demolition of any building, structure, or physical improvement within the design district of the Town absent certification by the Planning Commission pursuant to this article, or the conformance of the proposed development with the design standards referenced herein.

5A.090. Application; Vested Rights. The provisions of this article shall not be applicable to any property owner whose actions prior to the article's effective date have

created a vested right to develop under applicable state or federal law. All other development or proposed development shall be subject to this article's provision.

5A.100. Prohibitions. No building permit, license, certificate, or other approval or entitlement shall be issued or given by the town with respect to any development subject to design review, until the development has been approved pursuant to this article. No certificate of use or occupancy, whether temporary or permanent in form, shall be given for any such development until the Building Official has certified that the development has been completed in accordance with the design approved by the Planning Commission; provided, however, that the Commission, in its discretion, may elect to grant a Temporary Use and Occupancy Permit subject to a reasonable bond guaranteeing that the applicant will complete the development in accordance with the approved design within a time certain. This procedure is detailed in ARTICLE VII, of the Zoning Ordinance.