

ARTICLE VI
PLANNED UNIT DEVELOPMENT REGULATIONS FOR SPECIAL DISTRICTS

SECTION

- 6.010 Special District Description and Purpose
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- 6.040 RPUD, Residential Planned Unit Development Districts
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- 6.060 C-5, Neighborhood Commercial Mixed Use Zoning District

6.010 SPECIAL DISTRICT DESCRIPTION AND PURPOSE

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.

In Cheatham County, two (2) types of Planned Unit Development Districts are permitted: Residential (RPUDs) and Commercial (CPUDs).

6.020 GENERAL PROVISIONS

A. Master Plan Required

No application for PUD zoning shall be considered unless a master plan meeting the requirements set forth in Section 6.020, B, below, is submitted therewith.

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 landowners 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 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 may 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 planned unit development or its surroundings at any stage of the development.

E. Common Open Space, and Facilities

Any common open space or public or private 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 be 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 Director of the Building Department may serve written notice upon such organization and/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 Director shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Director 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 homes are sold.
 - b. Membership must be mandatory for each homebuyer 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 meeting changing needs.
 - g. The Cheatham County Regional Planning Commission and the County Commission 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.

6.030 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 to the Building Department 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 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. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
 - c. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units,
 - d. Estimated population and density and extent of activities to be allocated to parts of the project.
 - e. Reservations for public uses including schools, parks and other open spaces,
 - f. Other major landscaping features, and
 - g. The general means of the disposition of sanitary wastes and storm water.
2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
3. The nature of the 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 approval of the preliminary master plan, the planning commission shall recommend an amendment to the County Commission reclassifying the proposed PUD to the appropriate planned unit development district. If the County Commission approved 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

Within one (1) year of the preliminary approval and rezoning of a planned unit development, 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 resolution 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 6.020, D, above.

E. Final Master Development Plan of a Planned Unit Development

The final master plan of a planned unit development 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 PUD

The terms, conditions, and the final master 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 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 or 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. Other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plan was approved.

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 plan, a final subdivision plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Registrar.

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 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 or 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 planned unit development with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

6.040 RPUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS

A. Permitted Uses

Within an approved RPUD, the following uses and their accessory structures may be permitted by the planning commission as a part of the approval process:

1. Residential Activities
 - a. Single Detached Dwellings
 - b. Duplex Dwellings
 - c. Multi-Family Dwellings
2. Community Facility Activities
 - a. Community Assembly
 - b. Cultural and Recreational Services
 - c. Essential Services
3. 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 two thousand (2,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

- a. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan.
- b. The building design shall be compatible with the remainder of the RPUD.
- c. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
- d. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained 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 at least ten (10) feet wide shall also be maintained.
- e. 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 non illuminated or any lighting must be indirect. Portable signs of any kind are prohibited.

- f. Any loading service area shall be in the rear of the building.
- g. The planning commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

B. Dimensional Requirements

All RPUDs shall comply with the following area regulations:

1. Minimum Size

Five (5) acres.

2. Front Yard

- a. There shall be a front yard setback for all buildings 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 plan based upon the type of buildings and nature of the PUD.

5. Lot Area and Frontage

In the case of detached dwellings no lot shall be approved with an area of less than eight thousand (8,000) 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.

C. Density of Development

The maximum overall density shall be specified in terms of the number of dwelling units per gross acres of the acreage of the entire development. The maximum density shall be as follows:

1. For a RPUD containing only single family detached dwellings - 4.35 dwelling units per acre.
2. For a RPUD containing multi-family dwellings or a combination of building types - 12 dwelling units per acre.

D. 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. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations for a paved street shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Association. The following general specifications shall conform to the minimum standards.

- a. The base of streets shall consist of six (6) inches of crushed stone or gravel, compacted.
- b. The surface of all streets shall consist of hot plant mix asphalt or better materials, two (2) inches in depth, rolled and compacted.
- c. Pavement widths shall be as follows:

Collector Street	24 ft.
Minor Street	20 ft.
One-Way Street	12 ft.
- d. Dead-end streets shall be provided with adequate turn-around.

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 as defined in Section 4.010, of this resolution.

3. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. 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 at minimum of five hundred (500) feet apart except for areas of detached dwellings where the fire hydrants may be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant. Fire hydrants are to be placed in accordance with Section 3.120, of this resolution. **(Amended by Resolution 15, Dated March 20, 2000)**

4 Waste Disposal

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

5. Recreation and Open Space

Recreation uses provided as a 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. 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.

6.050 CPUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICTS

A. Permitted Uses

Within an approved CPUD, the following uses and their accessory structures may be permitted by the planning commission as part of the approval process.

1. Commercial Activities

**Convenience Commercial
Entertainment and Amusement
Financial, Consultative, and Administrative Services
Food and Beverage Services
Food Service Drive-In
General Business and Communication Services
General Personal Services
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation**

2. Community Facility Activities

Essential Services

3. Non Agricultural Resource Processing (Amended by Resolution 4, November 16, 2015)

Bottling or otherwise packaging spring water including any required health or safety treatment.

B. Dimensional Requirements

All CPUDs shall comply with the following area regulations:

1. Minimum Size

Two (2) acres.

2. Front Yard

The front setback for buildings shall be forty (40) feet with a permanently landscaped front yard of ten (10) feet exclusively 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 other than the required yards above, no yard requirements are established. The planning commission shall specify internal yards as part of the approval of the final master plan based upon the type of buildings and nature of the CPUD.

5. Maximum Height of Buildings

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

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. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained by the landowner/developer subject to the following standards.

- a. The base of streets shall consist of six (6) inches of crushed stone or gravel, compacted.
- b. The surface of all streets shall consist of hot plant mix asphalt or better materials, two (2) inches in depth, rolled and compacted.
- c. Pavement widths shall be as follows:

Collector Street	24 ft.
Minor Street	20 ft.
One-Way Street	12 ft.
- d. Dead-end streets shall be provided with adequate turn-around space.

2. Off-Street Parking and Loading

The off-street parking and loading requirements contained in 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.

3. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. 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 a maximum of one thousand (1,000) feet apart. Fire hydrants are to be placed in accordance with Section 3.120, of this resolution. **(Amended by Resolution 15, Dated March 20, 2000)**

4. Waste Disposal

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

5. Signs

Signs in CPUDs shall comply with the provisions contained in Section 4.080, of this resolution.

6. Landscaping

At least ten (10) percent of the total area of the CPUD shall be landscaped to enhance site appearance. Included in the ten (10) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 3.110. The nature of the buffering shall be specified by the planning commission as part of the approval of the final master plan, based on the type of buildings and the nature of the CPUD.

D. Exceptions for Certain CPUDs **(Amended by Resolution 4, November 16, 2015)**

Notwithstanding the foregoing, upon determination by the Planning Commission that the proposed use within the CPUD will not result in direct retail activities or require access by the general public, the Planning Commission may:

- (1) Consider surrounding land uses and the visibility of the area to be developed within the CPUD from public streets and surrounding properties and on that basis modify or waive the yard, periphery boundary, landscaping or buffering requirements otherwise applicable to the CPUD.
- (2) Waive or modify the required improvements set forth in Section 6.050(C) provided the Planning Commission shall require such health and safety provision as are determined to be appropriate and shall require adequate provision for access considering the nature of the proposed use. The Planning Commission may place limits on the extent of the proposed use to assure that the health, safety and access provisions remain adequate.

MIXED-USE ZONING DISTRICT ORDINANCE

The following zoning district provisions represent a commercial zoning classification that permits, rather than mandates, a vertical mix of commercial and residential uses within the same district. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities.

The zoning applies solely to the Commercially Zoning areas adjacent to I-24 Exit 31 (Map Attached) and other areas approved for C-5 Zoning Designation by the Planning Commission and approved by the Cheatham County Commission.

6.060 - C-5, Neighborhood Commercial, Mixed-Use District (Adopted June 16, 2008)

101. Purpose

The purposes of the C-5, Neighborhood Commercial, Mixed-Use District are to:

- (1) Accommodate mixed-use development and buildings with neighborhood-serving retail, service, and residential uses;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- (3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

102. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

“Floor Area Ratio” means the ratio of a building’s gross floor area to the area of the lot on which the building is located.

“Gross Floor Area” is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use’s minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

“Mixed-use Building” means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

103. Allowed Uses

Uses are allowed in “C-5” zoning districts in accordance with the use table of this section.

USE GROUP	Zoning District
Use Category	C-5
Specific Use Type	
P= permitted by-right C = conditional use N = Not allowed	
RESIDENTIAL	
Household Living	
Live/Work Space located above the ground	P - C
Live/Work Space, ground floor	C-N
Dwelling Units located above the ground floor	C
Detached House	P
Multiunit (3+ units) Residential	N
Single-Room Occupancy	N
Townhouse	N
Duplex	N
Group Living	
Assisted Living	C
Group Home	N
Nursing Home	C
Temporary Overnight Shelter	N
Transitional Residences	N
Transitional Shelters	N
PUBLIC AND CIVIC	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	P
Lodge or Private Club	C
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	C
School	C
Utilities and Services, Minor	P
Utilities and Services, Major	N
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	C
Sales and Grooming	P
Veterinary	P
Work or Sales Space	C
Drive-Through Facility [See comment]	P
Eating and Drinking Establishments	
Restaurant (Fast Food – Drive Thru)	C

Seated Service	P
Tavern (PRIMARILY FOOD)	C

USE GROUP	Zoning District
Use Category	C-5
Specific Use Type	
P= permitted by-right C = conditional use N = Not allowed	
Entertainment and Spectator Sports	
Small (1–149 seats)	C
Medium (150–999 seats)	C
Large (1,000+ seats)	C
Financial Services	C
Food and Beverage Retail Sales	P
Gas Stations	C
Lodging	
Small (1–16 guest rooms)	C
Large (17+ guest rooms)	C
Medical Service	P
Office	P
Parking, Commercial (Non-accessory)	C
Personal Service, including health clubs and	C
Repair Service, Consumer, including bicycles	C
Residential Storage Warehouse	N
Retail Sales, General	C
Vehicle Sales, Service, and Repair	C
OTHER	
Wireless Communication Facilities (RETAIL)	P
Co-located	C
Freestanding (Towers)	C

104. Commercial Establishment Size Limit

The gross floor area of commercial establishments in the C-5 district shall not exceed 10,000 square feet.

105. Indoor/Outdoor Operations

All permitted uses in the C-5 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

106. Floor-to-Floor Heights and Floor Area of Ground-floor Space

- (1) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.
- (2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 - (a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - (b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

107. Lot Area per Unit (Density)

The minimum lot area per dwelling unit shall be 750 square feet for mixed-use buildings and 1,200 square feet for all other buildings.

108. Floor Area Ratio The maximum FAR shall be 2.0 for mixed-use buildings and 1.25 for all other buildings.

109. Setbacks

- (1) The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
- (2) The minimum rear setback is 15 percent of the lot depth.
- (3) No interior side setbacks are required in the C-5 district, except when C-5 -zoned property abuts R-zoned property, in which case the minimum side setback required in the C-5 district shall be the same as required for a residential use on the abutting R-zoned lot.

110. Building Height

The maximum building height shall be 35 feet for mixed-use buildings and 35 feet for all other buildings.

111. Off Street Parking

Off-street automobile storage or standing space shall be provided upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (9' x 18' or 8' x 19') and such space shall be provided with vehicular access to a street or alley. All parking for commercial, or multi-family uses shall be covered with a dustless material and spaces lined and marked. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. **Single Detached Dwelling, Duplex and Mobile Homes:** Not less than two (2) spaces for each dwelling unit.
- B. **Apartment, Townhouse, and Condominium:** Not less than two (2) spaces per dwelling unit.
- C. **Boarding Houses and Rooming Houses:** Not less than one (1) space for each (1) room to be rented.

- D. **Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- E. **Hotels, Motels and Other Tourist Accommodations:** Not less than one space for each room to be rented plus one (1) additional space for each two (2) employees.
- F. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- G. **Office and Professional Buildings:** Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.
- I. **Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.
- J. **Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- K. **Service Stations:** Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area of fraction thereof, whichever is greater.
- L. **Restaurants:** Not less than one (1) space per one hundred-fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
- M. **Shopping Centers:** Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.
- N. **Other Structures or Uses Customarily Requiring Automobile Storage Areas:** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

Certification of Minimum Parking Requirement

Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building commissioner to determine whether or not the requirements of this section are met.

Combination of Required Parking Spaces

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

Requirements for Design of Parking Lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this resolution.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. A parking lot for multi-family residential or commercial uses shall be suitably paved with an all weather wearing surface or dustless material. All paving must be completed within three (3) months after completion or issuance of a temporary occupancy permit.

(2) No off-street parking is required for nonresidential uses in C-5 districts unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

(3) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

112. Transparency

(1) A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.

(2) The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than 3 feet above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

113. Doors and Entrances

(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or

businesses.

114. Vehicle and Driveway Access

No curb cuts are allowed for lots that abut alleys.