

ZONING ORDINANCE

COLLEGEDALE, TENNESSEE



AS AMENDED THROUGH MARCH 1, 2022

ZONING DISTRICTS

(AG)	AGRICULTURAL
(R-1-L)	LOW DENSITY SINGLE-FAMILY RESIDENTIAL
(R-1-H)	HIGH DENSITY SINGLE-FAMILY RESIDENTIAL
(R-1-T)	RESIDENTIAL ZERO LOT LINE TOWNHOUSE DISTRICT
(R-2)	LOW DENSITY SINGLE AND TWO-FAMILY RESIDENTIAL
(R-3)	MULTI-FAMILY RESIDENTIAL
(U-1)	UNIVERSITY
(C-1)	NEIGHBORHOOD COMMERCIAL
(C-2)	SHOPPING CENTER COMMERCIAL
(C-3)	INTERCHANGE COMMERCIAL DISTRICT
(MU-TC)	MIXED USE-TOWN CENTER
(MU-BC)	MIXED USE-BUSINESS CENTER
(I-1)	INDUSTRIAL DISTRICT
(A-1)	AIRPORT DISTRICT
(F-1)	FLOOD HAZARD DISTRICT

ADOPTED

FEBRUARY 15, 1999

Amended through October 2, 2000

Amended through October 7, 2002

Amended through November 3, 2003

Amended through May 5, 2003

Amended through May 2, 2004

Amended through June 21, 2004

Amended through November 1, 2004

Amended through December 4, 2006

Amended through March 3, 2008

Amended through November 3, 2008

Amended through December 7, 2009

Amended through January 4, 2010

Amended through November 1, 2010

Amended through May 5, 2011

Amended through June 6, 2011

Amended through February 21, 2012

Amended through December 30, 2013

Amended through October 5, 2015

Amended through December 31, 2015

Amended through March 1, 2016

Amended through May 15, 2017

Amended through September 15, 2017

Amended through March 20, 2018

Amended through March 1, 2022

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TABLE OF CONTENTS

Chapter 1 – Introduction.....	1-1
Chapter 2 – Definitions.....	2-1
Chapter 3 - Zoning Districts.....	3-1
Chapter 4 - AG Agricultural District.....	4-1
Chapter 5 - R-1-L Low Density Single-Family Residential District.....	5-1
Chapter 6 - R-1-H High Density Single-Family Residential District.....	6-1
Chapter 7 - R-2 Low Density Single and Two-Family Residential District.....	7-1
Chapter 8 - R-3 Multi-Family Residential District.....	8-1
Chapter 9 - U-1 University District.....	9-1
Chapter 10 - C-1 Neighborhood Commercial District.....	10-1
Chapter 11 - C-2 Shopping Center Commercial District.....	11-1
Chapter 12 - C-3 Interchange Commercial District.....	12-1
Chapter 13 - I-1 Industrial District.....	13-1
Chapter 14 – MU-TC Mixed Use Town Center District.....	14-1
MU-BC Mixed Use Business District.....	14-5
Chapter 15 - A-1 Airport District.....	15-1
Chapter 16 – R-T-H Residential Zero Lot Line Townhouse District.....	16-1
Chapter 17 - Supplementary District Provisions.....	17-1
17.01 Site Plan Requirements.....	17-1
17.02 Off-Street Parking Requirements.....	17-2
Parking Table.....	17-3
17.03 Off-Street Loading and Unloading Requirements.....	17-4
17.04 Access Control.....	17-5
17.05 Reserved	
17.06 Accessory Use Regulations.....	17-7
17.07 Temporary Use Regulations.....	17-8
17.08 Home Occupations.....	17-9
Short-Term Rentals.....	17-9
17.09 Planned Residential Developments.....	17-13
17.10 General Lot Restrictions.....	17-21
17.11 Vision at Street Intersections.....	17-22
17.12 Swimming Pool Restrictions.....	17-22
17.13 Day Care Facilities.....	17-22
17.14 Standards for Bed and Breakfast Inns.....	17-23
17.15 Telecommunications Structures.....	17-24
Purpose.....	17-24
Severability.....	17-25

General Definitions.....	17-25
Co-Location Requirements.....	17-31
Exemptions and Administratively Approved Sites.....	17-32
Special Permits Required.....	17-32
Telecommunications Facilities Outside the Public ROW.....	17-33
Telecommunications Facilities Inside the Public ROW.....	17-37
17.16 Residential Driveway Requirements for Steep Slopes.....	17-46
17.17 Planned Commercial Overlay.....	17-49
Chapter 18 - Exceptions and Modifications.....	18-1
18.01 Scope.....	18-1
18.02 Nonconforming Uses.....	18-1
18.03 Exceptions to Height Limitations.....	18-2
18.04 Lots of Record.....	18-3
18.05 Special Exceptions Permits.....	18-3
Chapter 19 - Administration and Enforcement.....	19-1
19.01 Administration of the Ordinance.....	19-1
19.02 The Enforcement Officer.....	19-1
19.03 Building Permits.....	19-2
19.04 Temporary Use Permits.....	19-2
19.05 Certificate of Occupancy.....	19-2
19.06 Board of Zoning Appeals.....	19-3
19.07 Procedure for Authorizing Uses Permitted on Appeals.....	19-4
19.08 Variances.....	19-5
19.09 Amendments to the Ordinance.....	19-7
19.10 Remedies.....	19-8
19.11 Penalties for Violations.....	19-8
19.12 Conflict with other Regulations.....	19-8
19.13 Separability.....	19-8
19.14 Effective Date.....	19-9
Chapter 20 – Sign Regulations.....	20-1
Chapter 21 – Flood Hazard District.....	21-1

APPENDIX

Illustration: A-2-1 Types of Lots

CHAPTER 1

INTRODUCTION

SECTION

01.01. AUTHORITY

01.02. TITLE

01.03. PURPOSE

01.04. ENACTMENT

01.01. AUTHORITY.

An ordinance, in pursuance of the authority granted in Section 13-7-201 through 13-7-211, Tennessee Code Annotated, to regulate in the City of Collegedale, Tennessee, the location, height and size of buildings and other structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated thereunder.

01.02. TITLE.

This ordinance shall be known as the Zoning Ordinance of the City of Collegedale, Tennessee. The zoning map shall be referred to as the Official Zoning Map of the City of Collegedale, Tennessee.

01.03. PURPOSE.

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the City of Collegedale. They have been designed to lessen congestion in the streets; to secure safety from fires, floods, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, waste water, schools, parks, and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land within the City of Collegedale.

01.04. ENACTMENT.

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall be any building or premises be utilized for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished so that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

CHAPTER 2

DEFINITIONS

SECTION

02.01. SCOPE

02.02. DEFINITIONS

02.01. SCOPE

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

02.02. DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them:

Abutting. Having a common border with, or being separated from such common border by, an alley or easement.

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Building. A subordinate building not more than two (2) stories in height, the use of which is incidental to that of the main building on the same lot. Accessory buildings include storage buildings, detached garages, gazebos, detached patio structures, pool houses, etc., or any other structure that is an accessory use to the main structure. Cargo containers, camper trailers, single or double wide mobile homes, canvas or vinyl structures or structures of similar materials or type are not considered accessory buildings and may not be used for this purpose.

Accessory Facility. The permanent building(s) customarily necessary to support operations of the permanent, principal building, including garages, platforms and docks, maintenance and storage facilities, and other similar structures.

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Acre. Forty-three thousand, five hundred and sixty (43,560) square feet.

Advertising. Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

Advertising Sign or Structure. See sign.

Agriculture. The tilling of soil, the raising of crops, horticulture, and gardening, including the keeping or raising of domestic animals or fowl, but not including agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals, or similar uses.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

Appeal. A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this ordinance.

Architecturally Indiscernible. In regards to telecommunication facilities, towers and antennas, architecturally indiscernible means that the antenna and equipment are architecturally harmonious with respect to the material, height, bulk, scale, and design to the building or structure where located.

Area, Building. The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Assisted Living. A multi-family group housing complex that provides independent living space for either elderly or handicap persons under the care and supervision of centralized management.

Assisted Living Facility (Elderly Housing). (Added 11/1/04) A facility with a special combination of housing, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living containing a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential; and which is licensed as such by the State of Tennessee.

Automobile Wrecking. The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

Automobile Wrecking, Junk, and Salvage Yards. Any lot or place which is exposed to the weather and upon which more than vehicles of any kind, incapable of being operated, are placed, located, or found for a period of more than ninety (90) days.

Average Ground Elevation. The elevation of the mean finished grade at the front of a structure.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation. When used for commercial activities, a basement shall be counted as a story.

Board. Collegedale Board of Zoning Appeals (BZA).

Buffer Strip (Planted Evergreen). A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

Building. Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, manufactured homes, and similar structures whether stationary or movable.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is located.

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

Business Support Services. A subcategory of commercial land uses that permits establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personnel and employment services, management and consulting services, protective services, equipment rental and leasing, window cleaning, blueprinting, small business machine repair shops, photo finishing, copying and printing, travel, office supply, and similar services. (added 1/3/06)

Camping Ground. A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing line between channel and the floodplain.

Clinic. See medical facility.

Concealed Wireless Telecommunications Facility. A facility used for the wireless conveyance of voice and data services utilizing portions of the electromagnetic spectrum allocated by the Federal Communications Commission for such purposes, by incorporating free-standing occupied or unoccupied structures that camouflage, integrate, or conceal the presence of wireless telecommunications facility antennas and equipment by incorporating them into existing or planned structures in a manner that is architecturally indiscernible.

Coverage. The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

Country Club. A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, cocktail lounges.

Day-care Center. (amended 11/3/08) A facility operated by a person, society, agency, corporation, institution, or group that receives pay for the care of 13 or more persons for less than 24 hours per day for care outside their own homes, without transfer of custody.

Day Care Home, Family. A facility operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for 5, 6 or 7 children under 17 years of age who are not related to the operator and whose parents or guardians are not residents of the household. A home providing care for fewer than five children will not be regulated by this ordinance.

Day Care Home, Group. A facility operated by a person, social agency, corporation, or institution or any other group which receives from eight to twelve children under 17 years of age less than 24 hours per day for care outside their own homes, without transfer of custody.

Dedication. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Developer. The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

Development. The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or

change in use of any buildings or land; any extension of any use of land or any clearing; grading, or other movement of land, for which permission may be required pursuant to this ordinance.

District. Any section or sections of Collegedale, Tennessee, for which the regulations governing the use of land and the use density, bulk, height, and coverage of buildings and other structures are uniform.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Dwelling. A permanent building or portion thereof built on a permanent foundation used for residential purposes must contain at least a kitchen, bathroom facilities, and a sleeping area. In no case shall the term dwelling include any of the following: motor homes, travel trailers, portable buildings, trailer coaches, storage buildings, tents, cargo container, single-wide modular homes regulated elsewhere in this ordinance, or any other structure not designed specifically for permanent residential dwelling.

Dwelling, Multi-family. A building containing three (3) or more housekeeping units, and designed or used to house three (3) or more families, living independent of each other in separate dwelling units with each unit having its own bedroom, kitchen and bathroom facilities. Multi-Family dwellings shall have a gross floor area of not less than six hundred (600) square feet of living space per dwelling unit and shall be required to have a permanent foundation.

Dwelling, One Family. A building containing one (1) housekeeping unit, and designed or used to house not more than one (1) family. Single-family dwellings shall have a gross floor area of not less than nine hundred (900) square feet of living space. Site built homes and permitted modular homes shall be required to have a permanent foundation.

Dwelling, Townhouse. A one-family dwelling in a row of at least three, and no more than six dwelling units, each with no other dwelling or portion of other dwelling directly above or below, each dwelling unit of which having direct ground level access to the outside and is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-family. A building containing not more than two (2) housekeeping units, and designed or used to house no more than two (2) families, living independent of each other in separate dwelling units with each unit having its own bedroom, kitchen and bathroom facilities. Two-Family dwellings shall have a gross floor area of not less than six hundred (600) square feet of living space per dwelling unit and shall be required to have a permanent foundation.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Exterior storage. Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family. One or more persons related by blood, marriage, or adoption, or a group of not to exceed one (1) person not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a board or lodging house, hotel, club, or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Flag Lot. An interior lot located to the rear of another lot, but with a narrow portion of the lot extending to a street. No part of the narrow portion of the lot can be less than twenty-five (25) feet in width. The front yard requirements shall apply to all the yards of a flag lot.

Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

Garden Center. A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. These items may include plants, nursery products, and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Garage. A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Gasoline Service Station. Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, (but not butane or propane fuel), or automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning, or otherwise servicing automobiles, but not including painting, or major repair.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouse. A building, permanent or portable, which is used for the growth of small plants.

Greenway. A linear park that by design provides for pedestrian traffic flows and open space vegetative buffers.

Health Department. The Hamilton County Office of the Tennessee Department of Health and Environment.

Height of Building. The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch

Home Occupation. An occupation conducted in a dwelling unit where only those residing on the premises shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in conduct of the home occupation, notwithstanding permitted Short-term Rentals as described in section 17.08 (1); there is no change in the outside appearance of the building or premises, no traffic shall be generated in greater volumes than normal, and such home occupation shall not create noise, vibration, glare, fumes, odors, or electrical interference. Short-term rental units, as defined in this section, shall be considered home occupations and must comply with the regulations laid out in Section 17.08 Short-term rentals.

Homeowner's Association. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests.

Hospital. (See Medical Facilities.)

Hotel/Motel. Every building or structure or enclosure or any part thereof kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished - whether with or without meals - to transient guests (in contrast to a boarding, rooming, lodging, or apartment house) shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storing and salvaging of machinery not in operable condition, or for the sale of parts thereof.

Kennel. Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding care or breeding, for which any fee is charged.

Lakes and ponds. Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Livestock. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

Lodging/Boarding House. A building designed or used for the more or less permanent occupation, with or without serving of meals; or more than three lodgers or boarders. For the purpose of these regulations, a lodging or boarding house shall mean multi-family dwelling.

Lot. A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

Lot Area. The total surface area land included within lot lines.

Lot Corner. A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot Lines. The boundary dividing a given lot from the street, an alley, or adjacent lots.

Lot, Rear. The rear lot line is the boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be for the purpose of this Resolution a line not less than 10 feet long, lying wholly within the lot, and parallel to a farthest distance from the front lot line.

Lot of Record. A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the date of passage of the Collegedale Subdivision Regulations.

Lot Width. The width of a lot at the building setback line measured at right angles to the centerline of its depth.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, Recreational Vehicles, and other similar vehicles placed on a site for greater than 180 consecutive day. For insurance purposes, the term "manufactured home" does not include park trailers, Recreational Vehicles, and other similar vehicles.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Medical Facilities:

Convalescent, Rest, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

Dental Office or Doctor's Office. Same as dental or medical clinics.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Public Health Center. A facility primarily utilized by a health unit for the provision of public health services.

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects on the social, economic, or psychological well-being of individuals.

Nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Off-Street Parking Space. A yard, space, or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

Open Space. An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

Outdoor storage, bulk. Goods for sale or display that have a large size, mass or volume and are not easily moved or carried, such as railroad ties, large bags of feed or fertilizers, wood, etc. (Added 3/3/08)

Outdoor storage, non-bulk. Goods for sale or display that are distinguished from bulk items by being small in size or volume and not requiring a mechanical lifting device to move them. Includes such items as bicycles, outdoor furniture, lawn mowers and accessories plus other items that can be easily moved indoors during close of business. (Added 3/3/08)

Owner. The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel. The area within the boundary lines of a development.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking Space. An off-street space available for parking one motor vehicle and having an area of not less than two-hundred (200) square feet (10' X 20') exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Planning Commission. The Collegedale Municipal Planning Commission (CMPC).

Plat. A map, plan, or layout indicating the location and boundaries of individual properties.

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

Public Improvement. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Uses. Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include Recreational Vehicles, camping trailers, truck campers, and motor homes.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation, not to exceed fourteen (14) days.

Refueling Station. A facility that sells petroleum products for automobiles, but does not provide any general maintenance or repair services. More often than not, such facilities are in combination with convenience markets or fast food franchises.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Right-of-Way. The strip of land over which a public road is built.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system of a type approved by the Health Department.

Sanitary Landfill. An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Public Health.

Shelter, Fall-Out. A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center. A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.

Sign, Billboard, or Other Advertising Device. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board, that he will meet certain enumerated safeguards or qualifying conditions.

Stable, Commercial. A building/land where horses are kept for hire, sale, boarding, riding, or show.

Stable, Private. Any building, incidental to an existing residential, principal use, that shelters horses for the exclusive use of the occupants of the premises.

Staff, Collegedale Municipal Planning Commission.

The Development Staff is composed of the City Manager, Planning Director, City Planner, Building Official, City Engineer, Public Works Director, and others as deemed appropriate by the City Manager.

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

Steep Slopes. Land area where the inclination of the land's surface from the horizontal is fifteen (15) percent or greater. Slope is determined from on-site topographic surveys prepared with a two foot contour interval.

Storm Sewers. A municipal or community collection and disposal system for the control of storm drainage.

Story. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above. Story cannot exceed 10 feet. (amended 11/6/06)

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Substantial Improvement. For a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pools. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing. For the purpose of this ordinance, pools shall be regulated as accessory structures and uses.

Tank Farm. An industrial bulk storage facility for the distribution of petroleum products in the form of gasoline, propane, or other gaseous materials.

Toxic Material. Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Usable Floor Space. Floor space used for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

Use. The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Temporary. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance. Permission to depart from the literal requirements of this ordinance.

Warehouse and Storage Facilities, Household Goods (Mini-Warehouse/Mini-Storage). A facility composed of buildings or groups of buildings in a controlled-access and fenced compound designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property; provided, however, that the term "household goods warehouse and storage facility" shall not include any facility used for residential purposes.

Yard, Front. The required open space, unoccupied by buildings between the road or street right-of-way line and the principal building. For corner lots, the structure orientation shall determine the rear and side yard setbacks. (Amended 3/3/08)

Yard, Rear. The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The required space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

Zoning Official. The administrative officer designated to administer the zoning ordinance and issue zoning permits.

CHAPTER 3

ZONING DISTRICTS

SECTION

03.01	CLASSIFICATION OF DISTRICTS
03.02	ZONING MAP
03.03	ZONING DISTRICT BOUNDARIES

03.01 CLASSIFICATION OF DISTRICTS.

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Collegedale, Tennessee:

<u>DISTRICT ABBREVIATION</u>	<u>ZONING DISTRICT</u>
AG	AGRICULTURAL DISTRICT
R-1-L	LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
R-1-H	HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT
R-1-T	RESIDENTIAL ZERO LOT LINE TOWNHOUSE DISTRICT
R-2	LOW DENSITY SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT
R-3	MULTI-FAMILY RESIDENTIAL DISTRICT
U-1	UNIVERSITY DISTRICT
C-1	NEIGHBORHOOD COMMERCIAL DISTRICT
C-2	SHOPPING CENTER COMMERCIAL DISTRICT
C-3	INTERCHANGE COMMERCIAL DISTRICT
MU-TC	MIXED USE-TOWN CENTER DISTRICT
MU-BC	MIXED USE-BUSINESS CENTER
I-1	INDUSTRIAL DISTRICT
A-1	AIRPORT DISTRICT
F-1	FLOOD HAZARD DISTRICT

03.02. ZONING DISTRICT MAP.

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Official Zoning Map of Collegedale, Tennessee. The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained in the Office of the Zoning Official, City of Collegedale and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

03.03. ZONING DISTRICT BOUNDARIES.

1. Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, centerlines of streets or alleys, or the City of Collegedale city limits as they exist at the time of the enactment of this zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Collegedale Board of Zoning Appeals.
2. Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street.
3. It is the purpose of this ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the ordinance shall be observed.

CHAPTER 4

AG AGRICULTURAL DISTRICT

SECTION

04.01	DISTRICT DESCRIPTION
04.02	USES PERMITTED
04.03	USES PERMITTED BY BOARD OF ZONING APPEALS
04.04	USES PROHIBITED
04.05	DIMENSIONAL REGULATIONS
04.06	PARKING SPACE REQUIREMENTS
04.07	ACCESS CONTROL
04.08	SIGNAGE REQUIREMENTS

04.01 DISTRICT DESCRIPTION.

This district is intended to preserve those areas within the City of Collegedale for which agriculture is a desirable and profitable use from encroachment by more intense uses. The AG Agriculture District provides for low density residential development. It is further intended that the AG Agriculture District prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible or uneconomical to provide.

04.02 USES PERMITTED.

In the AG Agriculture District, the following uses and their accessory uses are permitted:

1. Farming and agricultural.
2. Single-family detached dwellings.
3. Gardening, plant nurseries, and hothouses.
4. One roadside stand for the sale of agricultural products produced on the premises, provided that such stand does not exceed a total area of three hundred (300) square feet and provided it is located not nearer than thirty-five (35) feet from the roadway.
5. Governmental uses.
6. Public Utilities and Facilities necessary for the provision of public services.
7. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

04.03 USES PERMITTED BY BOARD OF ZONING APPEALS.

In the AG Agriculture District, the following uses and their accessory uses may be permitted subject to review and approval by the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Churches.
2. Riding stables and kennels.
3. Recreational Vehicle parks and campgrounds.
4. Public or private school, colleges, libraries and fire stations and utility substations.
5. Parks, playgrounds, golf courses, driving ranges, country clubs, community centers and other public recreational facilities.
6. Private recreational facilities other than those permitted.

04.04. USES PROHIBITED.

The following uses are prohibited:

1. Commercial chicken houses, and
2. Feed Lots. All other uses are not specifically permitted or permitted upon review by the Collegedale Board of Zoning Appeals.

04.05. DIMENSIONAL REGULATIONS.

All uses permitted in the AG Agricultural District shall comply with the following requirements.

1. **Front Yard:**
The minimum depth of the front yard shall be determined by the classification of the street on which it fronts. The following depths shall apply:
 - a. Major thoroughfares and collectors fifty (50) feet
 - b. Local streets and cul-de-sacs thirty-five (35) feet
2. **Rear Yard:**
 - a. The minimum depth of the rear yard shall be twenty (20) feet.
3. **Side Yard:** (Amended 1/4/10)
 - a. The side yard shall be a minimum of ten (10) feet for one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
 - b. If the side yard abuts a local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.
 - c. If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be fifty (50) feet.

4. **Land Area:**
 - a. No parcel of land shall be reduced in size to provide separate lots or building sites of less than one (1) acre in area, except in instances where a public water supply is not available, in which case a two(2) acre minimum lot area shall be required.
 - b. However, where there is an existing lot of record of less than one (1) acre, at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing the lot in question has a public water supply. Where a lot of record exists without a public water supply, it may be utilized for one (1) single-family dwelling, provided it is not less than one (1) acre in area.
5. **Maximum Lot Coverage:** Permitted nonagricultural uses, both principal and accessory, shall cover no more than thirty (30) percent of the total land area.
6. **Lot Width:** The minimum lot width shall not be less than one hundred (100) feet measured at the building setback line.
7. **Height Requirement:** No building shall exceed two (2) stories and thirty (30) feet in height, except as provided in Section 18.03.

04.06 PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

04.07 ACCESS CONTROL.

As regulated in Section 17.04.

04.08 SIGNAGE REQUIREMENTS.

As regulated in Chapter 20.

CHAPTER 5

R-1-L

LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION

05.01. DISTRICT DESCRIPTION

05.02. USES PERMITTED

05.03. USES PERMITTED BY BOARD OF ZONING APPEALS

05.04. USES PROHIBITED

05.05. DIMENSIONAL REGULATIONS

05.06. PARKING SPACE REQUIREMENTS

05.07. ACCESS CONTROL

05.01. DISTRICT DESCRIPTION.

This residential district is intended to be used for single family residential areas with relatively low population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

05.02. USES PERMITTED.

In the R-1-L Low Density Single-Family Residential District, the following uses and their accessory uses are permitted.

1. Single-family detached dwellings, but not including mobile homes or "single-wide" manufactured homes.
2. Customary accessory buildings, Except for storage buildings, inclusive of private garages, non-commercial workshops and swimming pools, provided they are located in the rear yard and meet the applicable set-back requirements.
3. Home Occupations.
4. Governmental Uses.
5. Public Utilities and Facilities necessary for the provision of public services.

05.03. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the R-1-L Low Density Single-Family Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Public parks, golf courses, walking trails/picnic areas, parks and playgrounds.
2. Cemeteries.
3. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

05.04. USES PROHIBITED.

In the R-1-L Low Density Single-Family Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the Collegedale Board of Zoning Appeal are prohibited.

05.05. DIMENSIONAL REGULATIONS.

All uses permitted in the R-1-L Low Density Single-Family Residential District shall comply with the following requirements except as provided in Chapter 16.

1. **Front Yard:** The minimum depth of the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be twenty-five (25) feet.
3. **Side Yard:**
 - a. The side yard shall be a minimum of ten (10) feet for the one and two story structures. (Amended 1/4/10)
 - b. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.
4. **Minimum Lot Area Requirements:** (Amended 4/6/20)
 - a. 43,560 square feet for single-family lots on individual wells and septic tanks.
 - b. 25,000 square feet for single-family lots on public water and septic tanks.
 - c. 15,000 square feet single-family lots on sanitary sewers.
 - d. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system, and to provide an area for 100% duplication of that system. Review and approval by Hamilton County Groundwater Protection or any successor entity shall be required. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The septic permitting entity may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.

5. **Maximum Lot Coverage:**
In no case shall be area occupied by all structures, including accessory buildings, exceed forty (40) percent of the total land area.
6. **Lot Width:**
The minimum lot footage on any public street, and the minimum lot width at the building line, shall be not less than seventy-five (75) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet.
7. **Height Requirement:**
No building shall exceed two stories in height above grade at the front setback line.

05.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

05.07. ACCESS CONTROL.

As regulated in Section 17.04.

CHAPTER 6

R-1-H HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION

- 06.01. DISTRICT DESCRIPTION
- 06.02. USES PERMITTED
- 06.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 06.04. USES PROHIBITED
- 06.05. DIMENSIONAL REGULATIONS
- 06.06. PARKING SPACE REQUIREMENTS
- 06.07. ACCESS CONTROL

06.01. DISTRICT DESCRIPTION.

This residential district is intended to be used for single-family residential areas at high population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

06.02. USES PERMITTED

In the R-1-H High Density Single-Family Residential District, the following uses and their accessory uses are permitted.

1. Single-family detached dwellings, but not including mobile homes or “single-wide” manufactured homes.
2. Patio House dwellings, as defined in this Ordinance.
3. Attached dwellings, as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
4. Semi-detached dwellings, as defined in this Ordinance.
5. Customary accessory buildings, except for storage buildings, inclusive of private garages, non-commercial workshops and swimming pools, provided they are located in the rear yard and meet the applicable set-back requirements.
6. Home Occupations.

06.03. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the R-1-H High Density Single-Family Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 19.06.

1. Public parks, golf courses, walking trails/picnic areas, parks and playgrounds.
2. Churches.
3. Cemeteries.

06.04. USES PROHIBITED

In the R-1-H High Density Single-Family Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the Collegedale Board of Zoning Appeal are prohibited.

06.05. DIMENSIONAL REGULATIONS

All uses permitted in the R-1-H High Density Single-Family Residential District shall comply with the following requirements except as provided in Chapter 18.

1. **Front Yard:** The minimum depth of the front yard shall be twenty-five (25) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet.
3. **Side Yard:** The side yard shall be a minimum of ten (10) feet for one and two story detached structures. (Amended 1/4/10)
 - a. The side yard shall be a minimum of twenty (20) feet on one side and zero (0) feet on the other side for Patio House Dwellings.
 - b. The side yard shall be a minimum of ten (10) feet on the unattached sides of Attached Dwellings and zero (0) on the attached sides.
 - c. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be twenty-five (25) feet.
4. **Land Area:** All Lots (public water and sanitary sewers required) 8,000 sq. ft.
5. **Maximum Lot Coverage:** In no case shall the area occupied by all structures, including accessory buildings, exceed forty (40) percent of the total land area.
6. **Lot Width:** The minimum lot footage on any public street shall be not be less than sixty (60) feet for single-family detached structures, thirty-five (35) feet for attached structures.
 - a. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet.
 - b. Lots located on horizontal curves shall have frontage on the right-of-way of not less than fifty (50) feet, but must have a minimum of sixty (60) feet at the building line, and building sites which equal the approximate setback locations of the remainder of the adjacent lot but in no case be closer to the street than the minimum requirements of this district.

7. **Height Requirement:** No building shall exceed two stories in height.

06.06. PARKING SPACE REQUIREMENTS

As regulated in Section 17.02.

06.07. ACCESS CONTROL

As regulated in Section 17.04.

CHAPTER 7

R-2 LOW DENSITY SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

SECTION

- 07.01. DISTRICT DESCRIPTION
- 07.02. USES PERMITTED
- 07.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 07.04. USES PROHIBITED
- 07.05. DIMENSIONAL REGULATIONS
- 07.06. PARKING SPACE REQUIREMENTS
- 07.07. ACCESS CONTROL

07.01. DISTRICT DESCRIPTION.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy at relatively low population densities, single-family and two-family/duplex dwellings. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities.

07.02. USES PERMITTED.

In the R-2 Low Density Single and Two-Family Residential District, the following uses and their accessory uses are permitted:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Patio House dwellings, as defined in this Ordinance.
4. Attached dwellings, as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
5. Semi-detached dwellings, as defined in this Ordinance.
6. Customary accessory buildings.
7. Home Occupations.
8. Churches.
9. Public parks/Public Recreation Facilities.
10. Private golf courses.
11. Governmental Uses.
12. Public Utilities and Facilities necessary for the provision of public services.

07.03. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the R-2 Low Density Single and Two-Family Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Collegedale Board of Zoning Appeals:

1. Group Homes.
2. Lodge Halls, civic organizations, and private clubs, except a club whose chief activity is customarily carried on as a business.
3. Family Day Care Facilities, Group Day Care Facilities, subject to the provisions of Section 17.13 of this Ordinance.
4. Public/private schools.
5. Cemeteries.
6. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

07.04. USES PROHIBITED.

In the R-2 Low Density Single and Two-Family Residential District all uses, except those uses or their accessory uses specifically permitted or permitted on appeal by the Collegedale Board of Zoning Appeals are prohibited.

07.05. DIMENSIONAL REGULATIONS

All uses permitted in the R-2 Low Density Single and Two-Family Residential District shall comply with the following requirements except as provided in Chapter 16.

1. **Front Yard:** The minimum depth of the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet for the principal structure, and fifteen (15) feet for any permitted accessory structure.
3. **Side Yard:**
 - a. The side yard shall be a minimum of ten (10) feet for one and two story detached structures. (Amended 1/4/10)
 - b. The side yard shall be a minimum of twenty (20) feet on one side and zero (0) on the other side for Patio House Dwellings.
 - c. The side yard shall be a minimum of ten (10) feet on the unattached sides of Attached Dwellings and zero (0) on the attached sides.
 - d. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.

4. **Minimum Lot Area Requirements:** (Amended 4/6/2020)

43,560 square feet for single-family lots on individual wells and septic tanks

25,000 square feet for single-family lots on public water and septic tanks

15,000 square feet single-family lots on sanitary sewers

The following area requirements shall apply for two-family dwellings:

54,540 square feet for lots with public water and sanitary sewers

54,540 square feet for lots with individual wells and septic tanks

17,000 square feet for lots with public water and sanitary sewers

In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system, and to provide an area for 100% duplication of that system. Review and approval by Hamilton County Groundwater Protection or any successor entity shall be required.. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The septic permitting entity may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.

5. **Maximum Lot Coverage:**

In no case shall the area occupied by all buildings, including accessory buildings, exceed forty (40) percent of the total land area except as permitted in the case of a cluster development.

6. **Lot Width:**

The minimum lot footage on any public street, and the minimum lot width at the building line, shall be not less than one hundred (100) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet.

7. **Lot Depth:**

No lot's depth shall exceed its width by a ratio of four (4) to one (1).

8. **Height Requirement:**

No building shall exceed two (2) stories.

07.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

07.07. ACCESS CONTROL.

As regulated in Section 17.04.

CHAPTER 8

R-3

MULTI-FAMILY RESIDENTIAL DISTRICT

SECTION

- 08.01. DISTRICT DESCRIPTION
- 08.02. USES PERMITTED
- 08.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 08.04. USES PROHIBITED
- 08.05. DIMENSIONAL REGULATIONS
- 08.06. PARKING SPACE REQUIREMENTS
- 08.07. ACCESS CONTROL
- 08.08. SITE PLAN REQUIREMENTS

08.01. DISTRICT DESCRIPTION.

This section provides for a wider range of residential uses, including multi-family dwellings, mobile home parks, and general types of residential development. It is the intent of this ordinance that the R-3 district contain sound development and be a desirable place in which to live.

08.02. USES PERMITTED.

Within the R-3 Multi-Family Residential District of Collegedale, the following uses shall be permitted:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Semi-detached dwellings as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
4. Attached dwellings as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
5. Patio House dwellings, as defined in this Ordinance.
6. Townhouse dwellings provided that each individual building maintains a minimum 20 foot separation from other buildings on the same property.
7. Multi-family dwellings, provided that each individual building maintains a minimum 20 foot separation from other buildings on the same property.
8. Customary accessory buildings.
9. Home Occupations.
10. Churches.
11. Public parks/ Recreational facilities.
12. Board and rooming houses.
13. Mobile Home Parks provided they meet minimum requirements of the Collegedale Mobile Home Park Ordinance.
14. Governmental uses.
15. Public Utilities and Facilities necessary for the provision of public services.

08.03. USES PERMITTED BY BOARD OF ZONING APPEALS

In the R-3 Multi-Family Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Day Care Centers, Group Day Care Facilities, Family Day Care Facilities subject to the provisions of Section 17.13 of this Ordinance.
2. Public/private schools.
3. Cemeteries
4. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

08.04. USES PROHIBITED.

In the R-3 Multi-Family Residential District all uses, except those uses or their accessory uses specifically permitted are prohibited.

08.05. DIMENSIONAL REGULATIONS.

All uses permitted in the R-3 Multi-Family Residential District shall comply with the following requirements except as provided in Chapter 16.

1. **Front Yard:** The minimum depth of the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be twenty-five (25) feet.
3. **Side Yard:** The side yards shall be a minimum of twenty-five (25) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two. (Amended 1/4/10)
 - a. The side yard shall be a minimum of fifty (50) feet on one side and zero (0) on the other side or Patio House Dwellings.
 - b. The side yard shall be a minimum of twenty-five (25) feet on the unattached sides of Attached Dwellings and zero (0) on the attached sides.
 - c. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.
4. **Minimum Lot Area Requirements:** (Amended 4/6/20)

43,560 square feet for single-family lots on individual wells and septic tanks

25,000 square feet for single-family lots on public water and septic tanks

15,000 square feet single-family lots on sanitary sewers

The following area requirements shall apply for two-family dwellings:

Lots with public water and sanitary sewers 17,000 sq. ft.

Lots with public water and septic tanks 54,450 sq. ft.

Lots with individual wells and septic tanks 54,450 sq. ft.

On lots or parcels of land where there are three-family dwellings:

Lots with public water and sanitary sewers 19,000 sq. ft.

On lots or parcels of land where there are four-family dwellings:

Lots with public water and sanitary sewers 21,000 sq. ft.

On lots or parcels of land where there are more than four-family dwellings, each additional dwelling requires an additional 2,000 sq. ft. per dwelling.

5. **Maximum Lot Coverage:**

In no case shall the area occupied by all buildings, including accessory buildings, exceed fifty (50) percent of the total land.

6. **Lot Width:**

The minimum lot footage on any public street, and the minimum lot width at the building line, shall be not less than one hundred (100) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet.

7. **Lot Depth:**

No lot's depth shall exceed its width by a ratio of four (4) to one (1).

8. **Height Requirement:**

No building shall exceed three (3) stories.

08.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

08.07. ACCESS CONTROL.

As regulated in Section 17.04.

08.08. SITE PLAN REQUIREMENTS.

Prior to the issuance of a building permit for Multi-Family Developments or Townhouse Dwellings, as defined in this Ordinance, a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 9

U-1 UNIVERSITY DISTRICT

SECTION

- 09.01. DISTRICT DESCRIPTION
- 09.02. USES PERMITTED
- 09.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 09.04. USES PROHIBITED
- 09.05. DIMENSIONAL REGULATIONS
- 09.06. PARKING SPACE REQUIREMENTS
- 09.07. OFF-STREET LOADING AND UNLOADING
- 09.08. ACCESS CONTROL
- 09.09. SIGNAGE REQUIREMENTS
- 09.10. SITE PLAN REQUIREMENTS

09.01. DISTRICT DESCRIPTION.

This district is intended to provide for those uses associated with the operation of the Southern University for the purpose to assure for the grouping of university related uses to provide for a harmonious, efficient and convenient educational center.

09.02. USES PERMITTED

Within the University District of Collegedale, the following uses shall be permitted.

1. Educational facilities including universities, primary and secondary, and nursery facilities.
2. Public assembly facilities including churches, auditoriums, stadiums and arenas.
3. Group quarters including dormitories, apartments and rooming houses.
4. Commercial businesses that are for the primary purpose of serving the university.
5. Single-family detached dwellings.
6. Two-family dwellings.
7. Semi-detached dwellings as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
8. Attached dwellings as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
9. Patio House dwellings, as defined in this Ordinance.
10. Townhouse dwellings provided that each individual building maintains a minimum 20 foot separation from other buildings on the same property.
11. Multi-family dwellings, provided that each individual building maintains a minimum 20 foot separation from other buildings on the same property.
12. Recreational facilities associated with the university or its accessory uses.
13. Professional offices associated with the operation of the university.
14. Governmental Uses.
15. Public Utilities and Facilities necessary for the provision of public services.

09.03. USES PERMITTED BY BOARD OF ZONING APPEALS

In the U-1 University District, the following uses and their accessory uses may be permitted subject to review and approval by the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Mobile Home Parks/Travel Trailer Parks, provided they meet minimum requirements of the Collegedale Mobile Home Park Ordinance.
2. Cemeteries.
3. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

09.04. USES PROHIBITED

In the U-1 University High District all uses, except those uses or their accessory uses specifically permitted are prohibited.

09.05. DIMENSIONAL REGULATIONS

All uses permitted in the U-1 University District shall comply with the following requirements. In the case of one and two-family dwellings, the Dimensional Regulations in the R-2 District shall apply.

1. **Front Yard:** The minimum depth of the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be thirty (30) feet for the principle structure and twenty (20) feet for any permitted accessory structure.
3. **Side Yard:** The side yards shall be a minimum of thirty (30) feet for the one and two story structures, plus ten (10) additional feet of side yard for each additional story over two. (Amended 1/4/10)
 - a. The side yard shall be a minimum of sixty (60) feet on one side and zero (0) on the other side for Patio House Dwellings.
 - b. The side yard shall be a minimum of thirty (30) feet on the unattached sides of Attached Dwellings and zero (0) on the attached sides.
 - c. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be fifty (50) feet.

4. **Land Area:**

For all uses other than single family or two family dwelling the minimum lot area shall be one (1) acre or 43,560 square feet.

The following area requirements shall apply for single family dwellings:

Lots with public water and sanitary sewers	15,000 sq. ft.
Lots with public water and septic tanks	43,560 sq. ft.
Lots with individual wells and septic tanks	43,560 sq. ft.

The following area requirements shall apply for two-family dwellings:

Lots with public water and sanitary sewers	17,000 sq. ft.
Lots with public water and septic tanks	54,540 sq. ft.
Lots with individual wells and septic tanks	54,540 sq. ft.

On lots or parcels of land where there are three-family dwellings:

Lots with public water and sanitary sewers	19,000 sq. ft.
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On lots or parcels of land where there are four-family dwellings:

Lots with public water and sanitary sewers	21,000 sq. ft.
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On lots or parcels of land where there are over four-family dwellings:

Each additional dwelling shall contain an additional 2,000 sq. ft. per dwelling.

5. **Maximum Lot Coverage:**

In no case shall the area occupied by all buildings, including accessory buildings, exceed seventy-five (75) percent of the total land area.

6. **Lot Width:**

The minimum lot footage on any public street, and the minimum lot width at the building line, shall be not less than seventy-five (75) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet.

7. **Lot Depth:**

No lot's depth shall exceed its width by a ratio of four (4) to one (1).

8. **Height Requirement:**

No building shall exceed five (5) stories or sixty-five (65) feet, except as provided in Section 18.03

09.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

09.07. OFF-STREET LOADING AND UNLOADING

As regulated in Section 17.03.

09.08. ACCESS CONTROL.

As regulated in Section 17.04.

09.09. SIGNAGE REQUIREMENTS

As regulated in Chapter 20

09.10. SITE PLAN REQUIREMENTS.

Prior to the issuance of any building permit for Multi-Family Developments or Townhouse Dwellings, as defined in this Ordinance, a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 10

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION

- 10.01. DISTRICT DESCRIPTION
- 10.02. USES PERMITTED
- 10.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 10.04. USES PROHIBITED
- 10.05. DIMENSIONAL REGULATIONS
- 10.06. PARKING SPACE REQUIREMENTS
- 10.07. OFF-STREET LOADING AND UNLOADING
- 10.08. ACCESS CONTROL
- 10.09. SIGNAGE REQUIREMENTS
- 10.10. SITE PLAN REQUIREMENTS

10.01. DISTRICT DESCRIPTION.

This district is established to provide areas for neighborhood business activities to serve small businesses that provide retail sales and services to residential areas of the community. It is intended that these districts be located at the intersection of major arteries and residential collector streets and not internal to residential developments. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed will not unduly impede the flow of traffic and will not adversely affect adjacent zones and properties.

10.02. USES PERMITTED.

The following uses and their accessory uses shall be permitted in the C-1 Neighborhood Commercial District:

1. Neighborhood convenience markets, which may include as a subordinate use, carry-out food sales, video rentals, and similar uses.
2. Gasoline service stations, provided that no repair service is provided.
3. Carry out food sales provided that on-site dining facilities are provided for no more than 20 patrons.
4. Governmental Uses.
5. Public Utilities and Facilities necessary for the provision of public services.
6. Cemeteries.
7. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

10.03. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the C-1 Neighborhood Commercial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Family Day Care Homes, Group Day Care Homes, and Day Care Centers, subject to the provisions of Section 17.13 of this Ordinance.
2. Commercial recreation facilities.

10.04. USES PROHIBITED.

All uses, except those uses or their accessory uses specifically permitted or permitted upon appeal and approved by the Collegedale Board of Zoning Appeals are prohibited.

10.05. DIMENSIONAL REGULATIONS.

The following requirements shall apply to all uses permitted in this district:

1. **Front Yard:** The depth of the front yard shall be thirty-five (35) feet from any right-of-way.
2. **Rear Yard:** Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet; where a commercial building is serviced from the rear and abuts residential property the depth of the rear yard shall not be less than forty-five (45) feet.
3. **Side Yard:**
 - a. The width of any side yard which abuts a residence district shall be not less than twenty-five (25) feet. In all other cases each side shall be not less than fifteen (15) feet.
 - b. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet. (Amended 1/4/10)
4. **Land Area:**
 - a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than seventy-five hundred (7,500) square feet.
 - b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the planning commission based on recommendations of the Health Department, but in no case shall be less than twenty thousand (20,000) square feet.
5. **Lot Width:** The minimum lot footage on any public street shall be not less than seventy-five (75) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet. Lots located on horizontal curves shall have frontage on the right-of-way of not less than sixty (60) feet, but must have a minimum of seventy-five (75) feet at the building line, and building sites which equal the approximate setback locations of the remainder of the adjacent lot but in no case be closer to the street than the minimum requirements of this district.

6. **Lot Depth:**
No lot's depth shall exceed its width by a ratio of four (4) to one (1).
7. **Height Restrictions:**
No building or structure shall exceed two (2) stories or twenty-five (25) feet, except as provided in Section 18.03.
8. **Buffer Strip:**
Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than fifteen (15) feet wide shall be provided.

10.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

10.07. OFF-STREET LOADING AND UNLOADING.

As regulated in Section 17.03.

10.08. ACCESS CONTROL.

As regulated in Section 17.04.

10.09. SIGNAGE REQUIREMENTS.

As regulated in Chapter 20.

10.10. SITE PLAN REQUIREMENTS.

Prior to the issuance of any building permit in this district a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 11

C-2 SHOPPING CENTER COMMERCIAL DISTRICT

SECTION

- 11.01. DISTRICT DESCRIPTION
- 11.02. USES PERMITTED
- 11.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 11.04. USES PROHIBITED
- 11.05. DIMENSIONAL REGULATIONS
- 11.06. PARKING SPACE REQUIREMENTS
- 11.07. OFF-STREET LOADING AND UNLOADING
- 11.08. ACCESS CONTROL
- 11.09. SIGNAGE REQUIREMENTS
- 11.10. SITE PLAN REQUIREMENTS

11.01. DISTRICT DESCRIPTION.

This district is established to provide an area for community-wide and regional retail and service business. This district allows for businesses that depend on visibility or proximity to automobiles and vehicle traffic.. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness to adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere without contributing to congestion on the major roads.

11.02. USES PERMITTED.

The following uses and their accessory uses shall be permitted in the C-2 Shopping Center Commercial District:

1. Any retail or wholesale business or services excluding those requiring outside storage, bulk, except as noted (4) below. (Amended 3/8/08)
2. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, etc.
3. Restaurants, grills, and similar eating establishments.
4. Automobile sales rooms, repair, or service garages.
5. Banks.
6. Insurance agencies.
7. Off-street parking lots.
8. Public utility structures.

9. Signs as regulated in Chapter 20.
10. Hotels and motels provided off-street parking is provided.
11. Public places of assembly such as churches or indoor theaters.
12. Governmental Uses.
13. Public Utilities and Facilities necessary for the provision of public services.
14. Cemeteries.
15. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.
16. Gasoline Service Stations, provided that no repair service is provided. (added 1/3/06)

11.03. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the C-2 Shopping Center Commercial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Family Day Care Homes, Group Day Care Homes, and Day Care Centers subject to the provisions of Section 17.13 of this Ordinance.
2. Self-Storage, Mini-Warehouses (Commercial Storage Facilities) (Amended 10/5/15)

11.04. USES PROHIBITED.

In the C-2 Shopping Center Commercial District, all uses, except those uses specifically permitted or permitted on appeal by the Collegedale Board of Zoning Appeals are prohibited.

11.05. DIMENSIONAL REGULATIONS.

All uses permitted in the C-2 Shopping Center Commercial District shall comply with the following requirements:

1. **Front Yard:** (Amended 1/4/10) The depth of the front yard shall be thirty-five (35) feet from any right-of-way.
2. **Rear Yard:** Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases, the rear yard shall be twenty (20) feet.
3. **Side Yard:** (Amended 6/21/04) (Amended 12/7/09) (Amended 1/4/10)
 - a. The depth of the side yard shall be ten (10) feet, except that a thirty (30) foot side yard setback shall be required on any side which abuts a residential district, in addition the appropriate amount of landscape buffering shall be required pursuant to the requirements

of the Landscape Ordinance. Commercial buildings may be built on a common lot line provided there is mutual consent in writing of the owners of the building and land directly involved, and the adjacent walls or common wall of the building has a fire resistant rating equal to the requirements contained within the current edition of the Building Code adopted by the City of Collegedale, Tennessee.

- b. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.

4. Land Area:

The minimum size of all lots shall be 25,000 square feet.

5. Height Requirement:

No building shall exceed four (4) stories or fifty (50) feet, except as provided in Section 18.03.

6. Buffer Strip:

Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than fifteen (15) feet wide shall be provided.

11.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

11.07. OFF-STREET LOADING AND UNLOADING.

As regulated in Section 17.03.

11.08. ACCESS CONTROL.

As regulated in Section 17.04.

11.09. SIGNAGE REQUIREMENTS.

As regulated in Chapter 20.

11.10. SITE PLAN REQUIREMENTS.

Prior to the issuance of any building permit in this district a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 12

C-3

INTERCHANGE COMMERCIAL DISTRICT

(Added 10-02-00)

SECTION

- 12.01. DISTRICT DESCRIPTION
- 12.02. USES PERMITTED
- 12.03. USES PROHIBITED
- 12.04. DIMENSIONAL REGULATIONS
- 12.05. PARKING SPACE REQUIREMENTS
- 12.06. OFF STREET LOADING AND UNLOADING
- 12.07. ACCESS CONTROL
- 12.08. SIGNAGE CONTROL
- 12.09. SITE PLAN REQUIREMENTS

12.01. DISTRICT DESCRIPTION.

This district is to provide areas in which the principal use of land is devoted to commercial establishments, which cater specifically to the needs of motor vehicle oriented trade because of their unique location adjacent to an interstate highway system.

12.02. USES PERMITTED.

The following uses and their accessory uses shall be permitted in the C-3 Interchange Commercial District:

1. Any retail or wholesale business or services excluding those requiring outside storage, bulk.
(Amended 3/8/08)
2. Professional offices etc.
3. Drive-Up Restaurants.
4. Full-Service Restaurants or other similar eating establishments.
5. Banks and Financial Institutions.
6. Insurance agencies.
7. Public utility structures and facilities necessary for the provision of public services.
8. Signs as regulated in Chapter 20.
9. Hotels and motels provided off-street parking is provided.
10. Public places of assembly such as churches or indoor theaters.
11. Governmental uses.

12. Telecommunication structures, subject to the provisions of the Collegedale Telecommunications Ordinance.
13. Gasoline Service Stations, provided that no repair service is provided. (added 1/3/06)

12.03. USES PROHIBITED

In the C-3 Interstate Exchange District, all uses, except those uses specifically permitted or permitted on appeal by the Collegedale Board of Zoning Appeals are prohibited.

12.04. DIMENSIONAL REGULATIONS

All uses permitted in the C-3 Interstate Exchange District shall comply with the following requirements:

1. **Front Yard:** (amended 11/6/06)
The depth of the front yard shall be thirty-five (35) feet from any right-of-way.
2. **Rear Yard:**
 - a. Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth.
 - b. The depth of a rear yard, which abuts a residential district, shall be not less than twenty-five (25) feet. In all other cases, the rear yard shall be twenty (20) feet.
3. **Side Yard:**
(Amended 6/21/04) (Amended 12/7/09) (Amended 1/4/10)
 - a. The depth of the side yard shall be ten (10) feet, except that a thirty (30) foot side yard setback shall be required on any side which abuts a residential district, in addition the appropriate amount of landscape buffering shall be required pursuant to the requirements of the Landscape Ordinance.
 - b. Commercial buildings may be built on a common lot line provided there is mutual consent in writing of the owners of the building and land directly involved, and adjacent walls or common wall of the building has a fire resistant rating equal to the requirements contained within the current edition of the Building Code adopted by the City of Collegedale, Tennessee.
 - c. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.
4. **Land Area:**
The minimum size of all lots shall be 25,000 square feet and those lots not served by a public sanitary sewer system shall not be permitted.
5. **Height Requirement:** No building shall exceed four (4) stories of fifty (50) feet, except as provided in Section 18.03.
6. **Buffer Strip:**
Where a commercial building abuts a residential district at either side the side or rear yard, a planted buffer strip of not less than fifteen (15) feet shall be provided.

12.05. PARKING SPACE REQUIREMENTS

As regulated in Section 17.02. However, if full-service restaurants are to be located within a hotel or motel that cater to the general public in addition to hotel/motel patrons, additional parking shall be required in addition to any other measures determined necessary by the Municipal Planning Commission.

12.06. OFF STREET LOADING AND UNLOADING

As regulated in Section 17.03.

12.07. ACCESS CONTROL

As regulated in Section 17.04.

12.08. SIGNAGE REQUIREMENTS

As regulated in Chapter 20.

12.09. SITE PLAN REQUIREMENTS

Prior to issuance of any building permit in this district a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 13

I-1 INDUSTRIAL DISTRICT

SECTION

- 13.01. DISTRICT DESCRIPTION
- 13.02. USES PERMITTED
- 13.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 13.04. USES PROHIBITED
- 13.05. DIMENSIONAL REGULATIONS
- 13.06. PARKING SPACE REQUIREMENTS
- 13.07. OFF-STREET LOADING AND UNLOADING
- 13.08. ACCESS CONTROL
- 13.09. SIGNAGE REQUIREMENTS
- 13.10. SITE PLAN REQUIREMENTS

13.01. DISTRICT DESCRIPTION.

The industrial district is established to provide areas in which the principal use of land is for manufacturing and assembly plants, processing, storage, warehousing, and distribution. It is the intent that permitted uses are conducted so that most of the noise, odor, dust, and glare of each operation is confined within an enclosed building. These industries may require direct access to rail, water, or street transportation routes. These regulations are intended to prevent friction between uses within the district and also between adjoining commercial or residential uses.

13.02. USES PERMITTED.

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

1. Any retail establishment which includes the manufacturing of goods for sale at retail on the premises.
2. Repair or service facilities including, but not limited to, automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing and welding.
3. Contractors or construction equipment dealers' yards.
4. Grain or feed storage or processing.
5. Heating fuel or building material storage or wholesaling.
6. Truck terminals.
7. Railroad installations or receiving yards.
8. Wholesale or warehouse receiving yards.
9. Bottling plants and milk distribution stations or packaging works.

10. Assembly of parts for production of finished equipment.
11. Manufacturing, fabricating, processing, or assembling processes which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat, or glare such as, but not limited, to the following:
 - a. Bolts, nails, rivets, or similar fastenings.
 - b. Clothing.
 - c. Food products.
 - d. Pharmaceuticals.
 - e. Furniture and wood products.
 - f. Hand tools and hardware products.
 - g. Leather goods, but not tanning.
 - h. Musical instruments, games, or toys.
 - i. Office machines.
 - j. Optical goods.
 - k. Paper products, but not paper mills.
 - l. Sporting goods.
12. Signs and billboards as regulated in Chapter 20.
13. Governmental Uses.
14. Public Utilities and Facilities necessary for the provision of public services.
15. Adult-Oriented Establishments (as defined in Title 9, Chapter 6, of the City Code.) (added 4/05).
16. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.

13.03. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the I-1 Industrial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Family Day Care Homes, Group Day Care Homes, and Day Care Centers, subject to the provisions of Section 17.13 of this Ordinance.
2. Other industrial uses that would not be hazardous to the general area.
3. Establishments primarily engaged in the Retail Sale of Specialized Lines of Merchandise, such as: Auctioning of Personal Property, Used and Repossessed Motorized Vehicles, etc. (Added 11/3/03)

13.04. USES PROHIBITED.

All uses except those uses specifically permitted in the I-1 Industrial District are prohibited.

13.05. DIMENSIONAL REGULATIONS.

All uses permitted in the I-1 Industrial District shall comply with the following requirements.

1. **Front Yard:** (Amended 1/4/10)
The depth of the front yard shall be thirty-five (35) feet from any right-of-way.
2. **Rear Yard:**
The minimum depth of the rear yard shall be thirty (30) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the rear setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
3. **Side Yard:** (Amended 1/4/10)
 - a. The minimum depth of the side yard shall be twenty-five (25) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the side setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
 - b. If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.
4. **Railroads:**
Lots abutting upon a railroad lead track easement or right-of-way shall reserve sufficient space to permit construction of a side track approximately parallel to the railroad easement or right-of-way.
5. **Land Area:**
Where public water and sewer service are available, there shall be required a minimum land area of one-half (1/2) acres. In areas where only public water is available there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available except where the planning commission has determined that such use does not require a supply of potable water in its manufacturing operation. In those cases, the Board of Zoning Appeals shall grant written approval of the use and shall establish a minimum land area which shall not be less than five (5) acres.
6. **Maximum Lot Coverage:**
Buildings and accessory facilities shall not cover more than fifty (50) percent of the lot; buildings, accessory facilities, parking, and materials handling and transfer facilities shall not cover more than eighty (80) percent of the lot. No building or accessory facilities above ground shall extend beyond the building setback line(s) into the setback area(s).

7. Lot Width:

The minimum lot footage on any public street shall be not less than two hundred (200) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet. Lots located on horizontal curves shall have frontage on the right-of-way of not less than one hundred and fifty (150) feet, but must have a minimum of two hundred (200) feet at the building line, and building sites which equal the approximate setback locations of the remainder of the adjacent lot but in no case be closer to the street than the minimum requirements of this district.

No lot shall be less than two hundred (200) feet wide at the building setback line or exceed a three-to-one (3:1) ratio.

8. Lot Depth:

No lot's depth shall exceed its width by a ratio of four (4) to one (1).

9. Buffer Strip:

Where an industrial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than twenty-five (25) feet wide shall be provided.

13.06. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

13.07. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

As regulated in Section 17.03.

13.08. ACCESS CONTROL.

As regulated in Section 17.04.

13.09. SIGNAGE REQUIREMENTS.

As regulated in Chapter 20.

13.10. SITE PLAN REQUIREMENTS.

Prior to the issuance of any building permit in this district a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 14

MIXED USE DISTRICTS

MIXED USE TOWN CENTER &

MIXED USE BUSINESS CENTER DISTRICTS

SECTION (MU-TC)

- 14.01. DISTRICT DESCRIPTION
- 14.02. USES PERMITTED
- 14.03. USES PERMITTED BY BOARD OF ZONING APPEALS
- 14.04. USES PROHIBITED
- 14.05. DIMENSIONAL REGULATIONS
- 14.06. PARKING SPACE REQUIREMENTS
- 14.07. OFF-STREET LOADING AND UNLOADING
- 14.08. ACCESS CONTROL
- 14.09. SIGNAGE REQUIREMENTS
- 14.10. SITE PLAN REQUIREMENTS
- 14.11. LANDSCAPING REQUIREMENTS
- 14.12. SPECIAL CONDITIONS

SECTION (MU-BC)

- 14.13. DISTRICT DESCRIPTION
- 14.14. USES PERMITTED
- 14.15. USES PERMITTED BY BOARD OF ZONING APPEALS
- 14.16. USES PROHIBITED
- 14.17. DIMENSIONAL REGULATIONS
- 14.18. PARKING SPACE REQUIREMENTS
- 14.19. OFF-STREET LOADING AND UNLOADING
- 14.20. ACCESS CONTROL
- 14.21. SIGNAGE REQUIREMENTS
- 14.22. SITE PLAN REQUIREMENTS

14.01. DISTRICT DESCRIPTION

This district is intended to assist in implementation of the Four Corners Master Plan by allowing a mixture of high-density residential, retail and service uses in a coordinated fashion around a Town Center public space. Emphasis is given to the pedestrian environment as well as buffering, screening, and landscaping to create a unique area of Collegedale.

14.02. USES PERMITTED

Within the MU-TC of Collegedale, the following uses shall be permitted.

1. Semi-detached dwellings as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
2. Attached dwellings as defined in this Ordinance, and subject to the provisions of Section 17.09 (Planned Residential Developments) of this Ordinance.
3. Patio House dwellings, as defined in this Ordinance.
4. Townhouse dwellings provided that each individual building maintains a minimum 20 foot separation from other buildings on the same property.
5. Reserved.
6. Bed and Breakfast facilities, subject to the provisions of Section 17.14 of this Ordinance.
7. Religious Institutions
8. Financial Institutions
9. Assisted-Living Facilities
10. Medical Offices
11. Professional Offices
12. Nursing Home
13. Outpatient Clinic
14. Parking lots
15. Business Support Services (added 1/3/06)
16. Personal Care Services
17. Retail Facilities, excluding automobile sales and service, or any use requiring outside storage, bulk. (amended 3/8/08)
18. Public Utilities and Facilities necessary for the provision of public services.
19. Governmental uses
20. Theater
21. Apartments, located within commercial structures, provided the following conditions are met:
 - a. Apartments shall be located above the ground floor or in the rear of the building, if a one-story building.
 - b. Provide a floor layout to ensure adequate space and separate outside entrance.

- c. One off-street parking space per apartment shall be provided, in addition to other spaces required.
 - d. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
 - e. The character of the building as a commercial structure shall not be changed by the addition of a residential use.
 - f. A site plan and floor layout shall be presented to Planning Commission to ensure the provisions of 1 through 5 above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city.
22. Establishments primarily engaged in the washing, waxing, and polishing of motor vehicles, or in furnishing facilities for the self-service washing of motor vehicles. (Added 5/5/03)
23. Restaurants. (added 1/3/06)

14.03. USES PERMITTED BY BOARD OF ZONING APPEALS

In the MU-TC (Mixed Use-Town Center) District, the following uses and their accessory uses may be permitted subject to review and approval by the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

- 1. Home Occupations
- 2. Day Care Centers, Group Day Care Facilities, Family Day Care Facilities subject to the provisions of Section 17.13 of this Ordinance
- 3. Automotive Fueling Centers (gas stations) (Amended 10/5/15)

14.04. USES PROHIBITED

In the MU-TC (Mixed Use-Town Center) District all uses, except those uses or their accessory uses specifically permitted in Section 14.02 above, are prohibited.

14.05. DIMENSIONAL REGULATIONS

All uses permitted in the MU-TC (Mixed Use-Town Center) District shall comply with the following requirements.

- 1. **Front Yard:**
None (although the front yard of all structures must comply with the Street Landscaping requirements of the Collegedale Landscaping Ordinance.)
- 2. **Rear Yard:**
The minimum depth of the rear yard shall be thirty (30) feet for the principle structure and twenty (20) feet for any permitted accessory structure.
- 3. **Side Yard:**
There shall be no minimum required side yard along any street frontage, nor is there a minimum side yard requirement internal to the property, except, however, all single-family detached residential structures shall maintain a minimum separation of ten (10) feet

between buildings. The Planning Commission shall reserve the right to require changes in building layouts during site plan review, depending upon a recommendation from City Staff that the site plan does not demonstrate safe design, or that the design as proposed does not meet the adopted goals for the area.

4. **Land Area:**

For all uses other than residential, there shall be no minimum lot area, as long as all setback, landscaping, and parking requirements are met:

On lots or parcels of land where there are three-family dwellings:

Lots with public water and sanitary sewers 15,000 sq. ft.

On lots or parcels of land where there are four-family dwellings:

Lots with public water and sanitary sewers 18,000 sq. ft.

On lots or parcels of land where there are over four-family dwellings each additional dwelling shall contain an additional 3,000 sq. ft. per dwelling.

5. **Maximum Lot Coverage:**

In no case shall the area occupied by all buildings, including accessory buildings, exceed seventy-five (75) percent of the total land area.

6. **Lot Width:**

The minimum lot footage on any public street shall be not less than fifty (50) feet. In the case of cul-de-sacs, all lots shall front on the turnaround right-of-way line for a distance of no less than twenty-five (25) feet.

7. **Lot Depth:**

No lot's depth shall exceed its width by a ratio of four (4) to one (1).

8. **Height Requirement:**

No building shall exceed three (3) stories or forty-five (45) feet, except as provided in Section 18.03.

14.06. PARKING SPACE REQUIREMENTS. (Amended 5/2/11)

For residential uses, the parking requirement will be the same as required in Section 17.02 of this Ordinance. For non-residential uses, the parking requirement will be seventy-five (75) percent of the requirements listed in Section 17.02 of this Ordinance.

14.07. OFF-STREET LOADING AND UNLOADING.

As regulated in Section 17.03.

14.08. ACCESS CONTROL.

As regulated in Section 17.04.

14.09. SIGNAGE REQUIREMENTS.

As regulated in Chapter 20.

14.10. SITE PLAN REQUIREMENTS.

Prior to the issuance of a building permit, a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

14.11. LANDSCAPING REQUIREMENTS.

Uses in this zoning district must comply with the Landscaping requirements found in the Collegedale Landscaping Ordinance.

14.12. SPECIAL CONDITIONS.

In order to achieve the objectives listed in the “Four Corners Master Plan: Statement of Assumptions, Objectives, Goals and Policies”, which is the official policy guide for this zoning district, the following conditions apply to all development in the MU-TC zone:

- a. To achieve the mix of residential and non-residential uses the Plan requires, not less than 10%, of the total uses in the MU-TC zoning district will be of a residential nature. Allocation of the percentage will be on a “first-come-first-served” basis.
- b. All buildings, when determined feasible by the Planning Commission, will be situated so that front yards, except for required street landscaping, are eliminated. Structures are encouraged to locate behind the sidewalk, with required parking to the rear.

14.13. MU-BC DISTRICT DESCRIPTION.

This district is established to provide an area that allows a diverse mix of retail and service businesses with manufacturing and industrial uses. This district allows for businesses that depend on visibility or proximity to automobiles and vehicle traffic as well as non-obtrusive industrial businesses that do not create much outdoor noise, odor, dust or glare. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness to adjacent lots.

14.14. USES PERMITTED.

The following uses and their accessory uses shall be permitted in the MU-BC Mixed Use Business District:

1. Any retail or wholesale business or services
2. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, etc.
3. Restaurants, grills, and similar eating establishments.
4. Automobile sales rooms, repair, or service garages.
5. Banks.
6. Insurance agencies.

7. Off-street parking lots.
8. Public utility structures.
9. Storage buildings inclusive of mini-warehouses, etc.
10. Signs as regulated in Chapter 20.
11. Hotels and motels provided off-street parking is provided.
12. Governmental Uses.
13. Public Utilities and Facilities necessary for the provision of public services.
14. Telecommunications Structures, subject to the provisions of the Collegedale Telecommunications Ordinance.
15. Gasoline Service Stations
16. Repair or service facilities including, but not limited to, automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing and welding.
17. Contractors or construction equipment dealers' yards.
18. Wholesale or warehouse receiving yards.
19. Manufacture or the assembly of parts for the production of finished equipment either for onsite or offsite assembly (including automotive suppliers).
20. Manufacturing, fabricating, processing, or assembling processes which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat, or glare such as, but not limited, to the following:
 - a. Bolts, nails, rivets, or similar fastenings.
 - b. Clothing.
 - c. Food products.
 - d. Pharmaceuticals.
 - e. Furniture and wood products.
 - f. Hand tools and hardware products.
 - g. Leather goods, but not tanning.
 - h. Musical instruments, games, or toys
 - i. Office machines.
 - j. Optical goods.
 - k. Paper products, but not paper mills.
 - l. Sporting goods.

14.15. USES PERMITTED BY BOARD OF ZONING APPEALS.

In the MU-BC Mixed Use Business District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07.

1. Family Day Care Homes, Group Day Care Homes, and Day Care Centers subject to the provisions of Section 17.13 of this Ordinance.
2. Other Industrial uses that would not be hazardous to the general area, and that are similar in nature to the uses permitted in the MU-BC district.

14.16. USES PROHIBITED.

In the MU-BC Mixed Use Business District, all uses, except those uses specifically permitted or permitted on appeal by the Collegedale Board of Zoning Appeals are prohibited.

14.17. DIMENSIONAL REGULATIONS.

All uses permitted in the MU-BC Mixed Use Business District shall comply with the following requirements:

1. **Front Yard:**
The depth of the front yard shall not be less than thirty-five (35) feet from any right-of-way.
2. **Rear Yard:**
Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than thirty (30) feet. In all other cases, the rear yard shall be twenty (20) feet.
3. **Side Yard:**
The depth of the side yard shall be ten (10) feet, except that a thirty (30) foot side yard setback shall be required on any side which abuts a residential district, in addition the appropriate amount of landscape buffering shall be required pursuant to the requirements of the Landscape Ordinance. Commercial buildings (similar uses which are allowed in C-1, C-2, C-3 & MU-TC districts) may be built on a common lot line provided there is mutual consent of the owners of the building and land directly involved in writing, and the adjacent walls or common wall of the building has a fire resistant rating equal to the requirements contained within the current edition of the Building Code and the International Fire Code adopted by the City of Collegedale, Tennessee.

If the side yard abuts a major thoroughfare, collector road, local street, alley, private right-of-way/easement, or cul-de-sac, the side yard setback shall be thirty-five (35) feet.
4. **Land Area:**
The minimum size of all lots shall be 25,000 square feet.

Where public water and sewer service are available, the minimum lot size shall be 25,000 square feet. In areas where only public water is available there shall be a minimum of two (2) acres. No industrial land use shall be permitted in areas where a public water supply is not available except where the planning commission has determined that such use does not require a supply of potable water in its manufacturing operation. In those cases, the Board of Zoning Appeals shall grant written approval of the use and shall establish a minimum land area which shall not be less than five (5) acres.

5. **Height Requirement:**

No building shall exceed four (4) stories or fifty (50) feet, except as provided in Section 18.03.

6. **Maximum Lot Coverage:**

Buildings and accessory facilities shall not cover more than fifty (50) percent of the lot; buildings, accessory facilities, parking, and materials handling and transfer facilities shall not cover more than eighty (80) percent of the lot. No building or accessory facilities above ground shall extend beyond the building setback line(s) into the setback area(s).

7. **Buffer Strip:**

Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip shall be required in accordance with the Collegedale Landscape Ordinance.

8. **Lot Depth:**

No lot's depth shall exceed its width by a ratio of four (4) to one (1).

14.18. PARKING SPACE REQUIREMENTS.

As regulated in Section 17.02.

14.19. OFF-STREET LOADING AND UNLOADING.

As regulated in Section 17.03.

14.20. ACCESS CONTROL.

As regulated in Section 17.04.

14.21. SIGNAGE REQUIREMENTS.

As regulated in Chapter 20.

14.22. SITE PLAN REQUIREMENTS.

Prior to the issuance of any building permit in this district a site plan drawn in accordance with Section 17.01 of this ordinance shall be submitted to the Collegedale Municipal Planning Commission Staff for administrative review and approval.

CHAPTER 15

A-1 AIRPORT DISTRICT

SECTION

- 15.01. DESCRIPTION
- 15.02. DEFINITIONS
- 15.03. AIRPORT ZONES
- 15.04. AIRPORT ZONE HEIGHT LIMITATIONS
- 15.05. USE RESTRICTION
- 15.06. NONCONFORMING USES
- 15.07. PERMITS

15.01. DESCRIPTION

This district is established as an overlay zone to regulate and restrict the height of structures and objects of natural growth in the vicinity of the Collegedale Airport. It is intended to protect the size of areas available for the landing, takeoff, and maneuvering of aircraft to protect the public investment associated with the utility of the airport.

15.02. DEFINITIONS

Airport. Means Collegedale Airport.

Airport Elevation. 100 feet above mean sea level.

Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section III of this Ordinance.

Board of Appeals. A board consisting of five members appointed by the City Council as provided in Chapter 19, Section 19.06 of this Ordinance.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger than Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use. A pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.

Person. An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Land System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

Structure. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional Surfaces. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree. Any object of natural growth.

Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

15.03. AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Collegedale Airport. Such zones are shown on the Collegedale Zoning Map. An area located in more than one of the following zones is considered to be only the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility Runway Visual Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Utility Runway Non-precision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. **Runway Larger Than Utility Visual Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. **Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-precision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. **Runway Larger Than Utility With a Visibility Minimum As Low as 3/4 Mile Non-precision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. **Precision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. **Transitional Zone.** The transitional zones are the areas beneath the transitional surfaces.

8. **Horizontal Zone.** The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
9. **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

15.04. **AIRPORT ZONE HEIGHT LIMITATIONS**

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway Visual Approach Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Instrument Utility Runway Non-precision Approach Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. **Runway Larger Than Utility Visual Approach Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. **Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-precision Instrument Approach Zone.** Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. **Runway Larger Than Utility With a Visibility Minimum As Low 3/4 Mile Non-precision Instrument Approach Zone.** Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. **Precision Instrument Runway Approach Zone.** Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

7. **Transitional Zone.** Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 100 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zoning projects beyond the conical zoning, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
8. **Horizontal Zone.** Established at 150 feet above the airport elevation or at a height of 250 feet above mean sea level.
9. **Conical Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
10. **Excepted Height Limitations.** Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

15.05. **USE RESTRICTION**

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zoning established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

15.06. **NONCONFORMING USES**

1. **Regulations Not Retroactive.** The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained wherein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
2. **Marking and Lighting.** Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning official to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense for the City of Collegedale.

15.07. PERMITS

1. **Future Uses.** Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section 15.07.03.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 18.03.

2. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. **Nonconforming Uses Abandoned or Destroyed.** Whenever the Zoning official determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use properly, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is dully found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Appeals unless a copy of this application has been furnished to the Airport Manager does not respond to the application within 15 days after receipt, the Board of Appeals may act on its own to grant or deny said application.
5. **Obstruction Marking and Lighting.** Any permit or variance granted may if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Appeals, this condition may be modified to require the owner to permit the City of Collegedale, at its own expense, to install, operate and maintain the necessary markings and lights.

CHAPTER 16

R-1-T RESIDENTIAL ZERO LOT LINE TOWNHOUSE DISTRICT

SECTION

- 16.01. DISTRICT DESCRIPTION
- 16.02. USES PERMITTED
- 16.03. USES PROHIBITED
- 16.04. DIMENSIONAL REGULATIONS
- 16.05. GENERAL REQUIREMENTS
- 16.06. LANDSCAPING REQUIREMENTS
- 16.07. ADDITIONAL PARKING REQUIREMENTS
- 16.08. SPECIAL REQUIREMENTS
- 16.09. SITE PLAN REQUIREMENTS

16.01. DISTRICT DESCRIPTION

1. This section provides regulations for the development of townhouses (rowhouses) and single-family zero lot line dwellings (patio homes) in a manner which is attractive, provides for efficient use of land, and is compatible with surrounding development.
2. It is further intended that these regulations provide for standards which will foster compatibility between R-1-T development and lower density, standard single-family detached uses.
3. For purposes of the R-1-T zone, the term "exterior street" refers to any public, dedicated and accepted street existing prior to the R-1-T development, the term "interior street" refers to any street built as part of the R-1-T development, both sides of which are zoned R-1-T.
4. The R-T-1 zone may only be applied to property served by a sanitary sewer system.
5. The minimum area eligible for the R-T-1 zone is 2 contiguous acres.

16.02 USES PERMITTED

1. Townhouses. (See definition)
2. Zero lot line single-family detached dwellings (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
3. Parks, playgrounds, schools, churches.
4. Accessory uses and buildings.
5. Home occupations.

16.03 USES PROHIBITED

1. Any use not specifically included as a permitted use shall be prohibited in the R-1-T zone.
2. Multiple dwellings on a single-lot are prohibited.

16.04 DIMENSIONAL REGULATIONS

1. **Maximum Density:** Eight (8) units per acre
2. **Minimum Lot Width:**
 - a. Zero lot Line Patio Home Units: Thirty-five (35) feet
 - b. Townhouse Units: Twenty-four (24) feet
3. **Minimum Front Yard Setback** (from a non-arterial Exterior Street):
 - a. **Townhouse dwellings:** twenty-five (25') feet; fifteen (15') feet if rear parking and loading is provided.
 - b. **Patio home dwellings:** twenty-five (25') feet, fifteen (15') feet if rear parking and loading is provided.
 - c. **All other buildings:** thirty-five (35') feet
4. **Minimum Front Yard Setback** (from any Interior Public Street):
 - a. (15) feet (garage portion only); ten (10) feet (garage portion) if rear parking and loading is provided.
5. **Minimum Rear Yard Setback:**
 - a. Twenty-five (25) feet
6. **Minimum Side Yard Setback:**
 - a. **Zero Lot Line Units:**
 - i. From zero to one and one-half (1.5') feet, or a minimum of ten (10') feet from the adjacent property line if buildings are to be separated over one-tenth ($\frac{1}{10}$) of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and one-half (1.5') feet setback. The opposite side yard must be at least ten (10') feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).

- b. **Townhouse Unit** (when a side yard exists):
 - i. Twenty-five (25') feet; fifteen (15') feet if abutting R-1-T, MU-TC, R-3, U-1, or any commercial zone.
- 7. **Engineer Review of Setbacks:**
 - a. As a part of the required site plan submittal and review, the city engineer may require greater setbacks to ensure sight triangle visibility is preserved.
- 8. **Building Separation:**
 - a. Minimum building separation is determined by the current adopted Building Code
- 9. **Minimum Lot Size:**
 - a. Townhouses: 2,400 square feet
 - b. Patio Homes: 3,500 square feet
- 10. **Maximum Building Height:**
 - a. No building shall exceed thirty-five (35') feet or 2 ½ stories in height.

16.05. GENERAL REQUIREMENTS

- 1. **The following regulations apply to all development in the R-1-T zone:**
 - a. Security & Privacy: To assure security within a development, no windows, doors, or other openings are permitted on the zero-lot line of structures except that the use of translucent glass block shall be permitted to allow natural light to enter the building without significantly compromising privacy.
 - b. Sidewalks shall be constructed, and are to be built according to the established standard, and which shall connect with existing external sidewalks if present.
 - c. At least twenty (20) percent of the site shall be devoted to open/recreational space which consists of landscaping using maintained utilizing a combination of the following:
 - i. Planted grass; and
 - ii. Existing natural vegetation where practicable, OR additional vegetative plantings as required by the landscape ordinance.

16.06. LANDSCAPING REQUIREMENTS

Landscaping shall adhere to the following:

- 1. **Overall Development**
 - a. Sections 14-708 through 14-713 shall apply.
 - b. One street tree is required for each fifty (50') of street right-of-way, and planted within the grass verge between the edge of curb and the edge of the street right-of-way.
- 2. **Individual Lots**
 - a. A minimum of one (1) Class 1 Shade Tree or two (2) Ornamental Trees as specified by Section 14-713 Plant Installation Specifications (minimum size) shall be planted in the front yard, or within ten (10) feet of front of

residence in the side yard.

- b. A minimum of eight (8) – three (3) gallon shrubs must be planted.
- c. Air conditioning equipment, electrical, gas, and water meters must be screened

16.07. ADDITIONAL PARKING REQUIREMENTS

As regulated in Section 17.02.

16.08. SPECIAL REQUIREMENTS

- 1. The exterior architectural design of any proposed dwelling and common elements such as clubhouses shall be subject to the applicable provisions of the Collegedale “Commercial and Multi-Family Design Ordinance.”
- 2. Due to the nature of these housing types, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Collegedale Subdivision Regulations.
- 3. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.
- 4. Rear loaded garages and parking shall be used unless an applicant demonstrates significant barriers to such a configuration during the review process.

16.09. SITE PLAN REQUIREMENTS

- 1. Zoning approval is subject to site plan review. The site plan shall be submitted with the rezoning application and shall show the following:
 - a. Site access and preliminary street layout.
 - b. Location of any alleys
 - c. Proposed location of utility mains and lateral extensions
 - d. Type of off-street parking.
 - e. Preliminary lot design.
 - f. Range of lot sizes.
 - g. Number of lots.
 - h. Acreage.
 - i. Open space/recreation areas provided.
 - j. All buffer, landscape and screen areas including site specific landscape design.

CHAPTER 17

SUPPLEMENTARY DISTRICT PROVISIONS

SECTION

- 17.01. SITE PLAN REQUIREMENTS
- 17.02. OFF-STREET PARKING REQUIREMENTS
- 17.03. OFF-STREET LOADING AND UNLOADING REQUIREMENTS
- 17.04. ACCESS CONTROL
- 17.05. RESERVED
- 17.06. ACCESSORY USE REGULATIONS
- 17.07. TEMPORARY USE REGULATIONS
- 17.08. HOME OCCUPATIONS
- 17.09. PLANNED RESIDENTIAL DEVELOPMENTS
- 17.10. GENERAL LOT RESTRICTIONS
- 17.11. VISION AT STREET INTERSECTIONS
- 17.12. SWIMMING POOL RESTRICTIONS
- 17.13. DAY CARE FACILITIES
- 17.14. STANDARDS FOR BED AND BREAKFAST INNS
- 17.15. TELECOMMUNICATIONS STRUCTURES
- 17.16. RESIDENTIAL DRIVEWAY REQUIREMENTS FOR STEEP SLOPES
- 17.17. PLANNED COMMERCIAL DEVELOPMENT OVERLAY

17.01. SITE PLAN REQUIREMENTS

1. Building Permit/Site Plan

Where required by this Ordinance, no building permit shall be issued to erect or alter any commercial, industrial, place of public assembly, or multi-family building proposed in the corporate limits of the City of Collegedale until a site plan has been submitted to, and received approval from the Collegedale Municipal Planning Commission Staff in accordance with the provisions of this section.

2. Site Plan Submission

The owner or developer shall submit five (5) copies of the proposed site and engineering construction plan(s) to the City of Collegedale Building Official.

3. Site Plan Standards

Every site plan submitted shall include the following information:

- A. Name of development or address.
- B. Name and address of owner or record and the applicant.
- C. Present zoning of the site and abutting property.
- D. Date, scale and north point with reference to source or meridian.
- E. Courses and distances of centerlines of all streets and all property liens.
- F. All building restricting lines, highway setback lines, easements, covenants, reservation and rights-of-way.

- G. The total land area.
 - H. Topography of existing ground, and paved areas and elevation of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed line illustrating two-foot or five-foot contours as required by the City Engineer based on mean sea level datum.
4. The site plan shall show the location, dimensions, size and height of the following when existing or proposed:
- A. Sidewalks, streets, alleys, easements and utilities.
 - B. Buildings and structures.
 - C. Public sewer systems.
 - D. Slopes, terraces, and retaining walls.
 - E. Driveways, entrances, exits, parking areas/spaces, loading spaces and sidewalks.
 - F. Water mains and fire hydrants.
 - G. Trees and shrubs.
 - H. Recreational areas.
 - I. Distances between buildings.
 - J. Number and design of multi-family dwelling units.
 - K. Square footage of floor space.
 - L. Plans for collecting stormwater and methods of treatment of water courses including a delineation of limits of the floodplain, if any.
 - M. Proposed grading, surface drainage, terraces, retaining wall heights, grades at construction and ground floor elevations of buildings.

17.02. OFF-STREET PARKING REQUIREMENTS

1. Spaces Required.

Off-street automobile storage or standing space shall be provided on each lot or for each residential unit upon which any of the following uses are hereafter established. One (1) passenger vehicle space shall be determined as not less than one hundred sixty two (162) square feet (9 feet wide by 18 feet long for standard spaces and 9 feet wide by 22 feet long for parallel spaces) of parking space with an aisle width of not less than twenty six 26 feet and such space shall be provided with vehicular access to a street or alley. No portion of the parking space shall have a grade in excess of five (5) percent in any direction. All public parking spaces shall be paved. The use of gravel as a surface material is prohibited. The number of public parking spaces provided shall meet the minimum requirements for the specific uses as set forth in Table 17-1.

Table 17-1

USE	DESCRIPTION	REQUIRED PARKING
1702.1	AUTOMOBILE REPAIR GARAGE	1 SPACE PER 150 SQ. FT. OF GROSS FLOOR AREA
1702.2	AUTOMOBILE SERVICE STATION	3 SPACES FOR EACH SERVICE BAY, PLUS 1 SPACE FOR EACH EMPLOYEE
1702.3	CONVENIENCE STORE	Minimum: 1 SPACE PER 300 SQ. FT. Maximum: 1 SPACE PER 200 SQ. FT.
1702.4	GENERAL BUSINESS AND PROFESSIONAL OFFICES (NON-RETAIL)	Minimum: 1 SPACE PER 350 SQ. FT. OF GROSS FLOOR AREA; Maximum: 1 SPACE PER 200 SQ. FT.
1702.5	PROFESSIONAL MEDICAL OFFICES, CLINICS	1 SPACE PER 200 SQ. FT. plus one space per treatment area.
1702.6	GENERAL COMMERCIAL, RETAIL, PERSONAL SERVICES, NOT INCLUDING GROCERY STORES	Minimum: 1 SPACE PER 300 SQ. FT. OF GROSS FLOOR AREA; Maximum: 1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA
1702.7	GROCERY STORE OR SUPERMARKET	1 SPACE PER 200 SQ. FT. FOR STORES 20,000 SQ. FT. AND UNDER. 1 SPACE PER 250 SQ. FT. FOR STORES OVER 20,000 SQ. FT.
1702.8	RETAIL/MIXED USE/MULTI-TENANT CENTER UNDER 15,000 SQ. FT.	Minimum of 1 space per 175 square feet of gross floor area, but in no case less than the combined parking requirements of all uses.
1702.9	RETAIL MIXED USE SHOPPING CENTER OVER 15,000 SQ. FT.	Minimum of 1 space per 200 square feet of gross floor area, but in no case less than the combined parking requirements of all uses.
1702.10	RESTAURANT: SIT DOWN ¹	1 space per 175 square feet of gross floor area, plus one space per two employees.
1702.11	RESTAURANT: FREESTANDING DRIVE THROUGH (FAST FOOD)	10 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA
1702.12	RESTAURANT: QUICK SERVICE NOT FREESTANDING	8.5 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA
1702.13	RESTAURANT: WHEN LOCATED WITHIN A HOTEL	Full-Service Restaurants located within a hotel or motel shall provide an additional seventy-five (75) percent of the requirement for restaurants in addition to hotel and motel parking requirements
1702.14	TOURIST ACCOMMODATIONS, HOTEL OR MOTEL	NOT LESS THAN 1.1 SPACE PER ROOM OFFERED AS TOURIST ACCOMMODATION
1702.15	PLACES OF WORSHIP, AUDITORIUMS, OTHER PLACE OF PUBLIC GATHERING	Not less than one (1) space for every three (3) 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 one hundred (100) square feet of floor space devoted to that particular use shall be provided.
1702.16	HOSPITALS AND NURSING HOMES	One (1) space per 200 square feet of gross floor area, plus one space per treatment area. Nursing Homes shall require One (1) space per six (6) patient beds, plus one (1) space per employee per largest shift and one (1) space per staff member and visiting doctor.
1702.17	RETIREMENT HOMES NOT REQUIRING NURSING CARE	.75 SPACES PER UNIT
1702.18	LODGES, FRATERNAL, OR SOCIAL CLUBS	1 SPACE PER 250 SQ. FT. OF GROSS FLOOR AREA
1702.19	MANUFACTURING OR OTHER INDUSTRIAL USE	Not less than 1 space for every 5 persons employed on a single shift, with a minimum of 5 spaces provided for any establishment.
1702.20	DWELLING, ONE AND TWO FAMILY	2 SPACES PER DWELLING UNIT
1702.21	DWELLING, MULTI-FAMILY	1.8 SPACES PER DWELLING UNIT
1702.22		

¹Floor refers to "Gross Floor Area" unless otherwise specified.

²Outdoor seating shall provide 1 space per 400 sq. ft. of seating area

2. Certification of Minimum Parking Requirements.

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

3. Combination of Required Parking Space.

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 space required for churches, theaters, or assembly halls whose peak attendance will be at night.

4. Remote Parking Space.

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within five hundred (500) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use. Remote parking spaces shall include continuous pedestrian facilities between the lot and principal use.

5. 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. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 17.04. (amended 11/6/06)
- C. The parking lot shall be contoured providing drainage to eliminate surface water.

17.03. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

Every building or structure hereafter constructed and used for industry, or business or trade in all districts shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

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

The Board of Zoning Appeals may hereafter reduce or increase this requirement in the interest of safety where unusual or special conditions merit special consideration.

17.04. ACCESS CONTROL.

In order to expedite the movement of traffic; to promote the safety of the motorist and pedestrian; and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access on to the streets of Collegedale, it is necessary to classify such streets as follows:

- a. Major thoroughfares
- b. Collectors
- c. Local streets

The classification of each street shall be as shown on the Major Route Plan of Collegedale, Tennessee, which is kept in city hall.

1. Development Requiring Access Control Plan.

All commercial and industrial establishments and apartment complexes of four (4) or more dwelling units must file an access control plan meeting all requirements of this section and must have such plan approved prior to obtaining a building permit.

2. General Access Regulations Applying to All Classifications of Streets.

A. Maximum Width of All Access Points:

The maximum width of all access points shall be thirty-six (36) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, the CMPC may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.

- B. Temporary Access Ways:** Temporary access ways may be generated by the planning commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.

- C. Off-street Parking Lanes Entirely Independent of Public Streets:** No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

- D. Access for Lots Fronting on More Than One Street:** In all commercial developments where a lot abuts more than one street, the planning commission may require that the access be provided from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed on to two or more streets, the number of access points shall conform to those allowed for each street classification. (See Subsection C.)

3. **Construction of Frontage Roads and Interior Circulation Drives.**

In order to limit the number of individual access points to an arterial or collector street, the CMPC shall encourage and may require the development of frontage roads and inter-connecting interior circulation drives.

- A. **Frontage Roads:** Frontage roads are those which parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties eliminating the traffic congestion which would be caused if each parcel had its own access on to the arterial or collector street. Access points between the frontage road and the major thoroughfare shall be no closer together than 500 feet. Access points between the frontage road a collector street shall be no closer than 300 feet (measured along the street right-of-way). All frontage roads shall be built to the standards specified in the Collegedale Subdivision Regulations and shall be dedicated as public streets subject to the city's street adoption policy and then maintained by the City of Collegedale.

Access requirements for property served by a frontage road shall be the same as for property fronting a minor street (i.e. at least 100 feet apart) except that the planning commission may also allow a regrouping of access points on to the frontage road in accordance with an approved site plan which does not destroy the intent of these access control provisions.

- B. **Interior Circulation Drives:** Interior circulation drives are needed in large developments which require large parking areas. These drives interconnect all parking lot access points with all buildings and areas of vehicular traffic, parking, loading and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. The planning commission shall encourage and may require that the interior circulation drives of adjacent developments be connected to eliminate the need to use the public streets to drive from one to another. All circulation drives shall be clearly defined and marked appropriately with arrows, etc. to assist public circulation into and out of the property and its parking areas.

An area of land not less than 20 feet deep shall be provided between the public street right-of-way line and the edge of all proposed frontage roads or interior circulation drives. This area will separate the roadways with a minimum turning, radius. Such area shall be landscaped and grassed.

The width, placement, and design of frontage roads and interior circulation drives shall be reviewed by the planning staff and shall be approved by the CMPC.

4. **Specific Number of Access Points Allowed for Each Street Classification.**

Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads unfeasible; the planning commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification.

- A. **Access Points for Major Thoroughfares:** In the absence of a frontage road, all lots having between 100 and 500 feet of frontage shall have no more than one (1) point of access to the major thoroughfare. For lots with over 500 feet of frontage, additional access points shall be allowed provided they are spaced at least 500 feet apart from each other and from the first access point. For development generating high overall or high peak traffic volumes, the CMPC may lessen the distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting a major thoroughfare has less than 100 feet of frontage, the CMPC shall first attempt to obtain joint access with either adjacent property or access on to a frontage road. If this is not feasible, one single access point may be allowed, and should be located with consideration to the distance to the access points on the adjacent lots.

- B. **Access Points for Collector Streets:** In the absence of a frontage road, all lots less than 300 feet in width shall have no more than one (1) point of access to any one public street. For lots with over 300 feet of frontage, additional access points shall be allowed provided they are spaced at least 300 feet apart from each other and from the first access point.
- C. **Access Points for Local Streets:** All lots of less than 100 feet shall have no more than one (1) point of access to the local street. For lots with over 100 feet of frontage, additional access points may be allowed provided they are spaced at least 100 feet apart from each other and from the first access point. (Frontage Roads shall also be considered Local Streets in order to provide the most lenient access provisions to developers who construct these beneficial facilities.)

17.05. RESERVED. (Amended 2/21/12)

17.06. ACCESSORY USE REGULATIONS.

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

As an addendum to these requirements, the following shall apply:

5. Small storage buildings, not larger than twelve (12) feet by twelve (12) feet and with a maximum height to the low point of the eaves of six (6) feet, may be located in the side and rear yards provided that:
 - A. The buildings shall be set back at least five (5) feet from the side and rear lot lines.
 - B. In the case of a corner lot, the accessory building must conform to existing setback regulations.

17.07. TEMPORARY USE REGULATIONS.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the zoning official. Said application shall contain a graphic description of the property to be utilized and a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

1. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
2. **Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Collegedale Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.
3. **Miscellaneous Assemblies:** In any district, a Temporary Use Permit may be issued for any assembly such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a seven (7) day period.

17.08. HOME OCCUPATIONS. (Amended 10/1/2018)

A Home Occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, no signage is allowed, and no alteration to any building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

1. **Short-Term Rentals.** The City has determined that regulation of Short-term Rental Units is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulation the methods of operation. To meet these ends, the City has determined that all persons who are operating or will operate Short-Term Rental Units must be issued a permit pursuant to the requirements of this section.
 - a. **Operating Permit Required.** It is unlawful to operate or advertise any Short-term Rental Unit within the City without a Short-term Rental Unit Operation Permit issued under this section.
 - b. **Application Requirements.** Every qualifying property owner desiring to operate a Short-term Rental Unit shall submit an application for an Operating Permit to the Building, Codes, and Safety Director or his/her designee. In addition to the information required by the application itself, the Building, Codes, and Safety Director or his/her designee may request other information reasonably required to allow the City to process the application. The permit application shall not be considered complete until the Building, Codes, and Safety Director has all information as required by the application or otherwise. Each application shall contain at the least all of the following information.
 1. Applicant must acknowledge that they have read all regulations pertaining to the operation of a Short-Term Rental Unit, including this Section, the City's business license requirements, the City's occupancy privilege tax requirements, any additional administrative regulations promulgated or imposed by the City to implement this Section, and acknowledging responsibility for compliance with the provisions of this article.
 2. Applicant must submit an Affidavit of Life Safety Compliance acknowledging that during each Short-term Rental Unit Occupancy, the Rental Unit shall have on the premises, and installed to manufacturer specifications: (i) a smoke alarm meeting Underwriters Laboratory (UL) 217 standards inside each sleeping room, outside of and within fifteen feet of sleeping rooms, and on each story of the dwelling unit, including basements; (ii) a carbon monoxide detector within 15 feet of all bedrooms; and (iii) a fire extinguisher. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be operational. It shall be unlawful to operate a Short-term Rental Unit without a smoke alarm, carbon monoxide detector, and fire extinguisher as required by this section. The Affidavit must also specifically include the number, locations, and operation of the required life safety equipment for the Short-term Rental Unit. This equipment will be

subject to verification or inspection before the initial permit is issued, at all other reasonable times upon reasonable notice, and such other times as any safety incident concerning the Rental Unit is reported to the City.

3. If a lessee is operating a Short-term Rental Unit, the lessee shall provide the full legal name of the owner of the Short-term Rental Unit; (ii) the mailing address, email address, and telephone number(s) of the owner; and (iii) the owner's signature acknowledging the owner's understanding of all City Short-term Rental Unit rules and verifying the owner's agreement that they are legally responsible and liable for compliance by the lessee and all occupants of the Short-term Rental Unit with all provisions of this Section and other applicable ordinances of the City.
4. Applicant must designate a person who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (i) being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-term Rental Unit; and (ii) taking any remedial action necessary to resolve any such complaints. This contact person may be the owner, a lessee, or the owner's agent.
5. Applicant must provide the full legal name, street and mailing addresses, email address, and telephone number of the owner of the Short-term Rental Unit, and in cases where a business entity or trust is the owner of the property, the individual who has responsibility for overseeing the property on behalf of the business entity or trust, including the mailing address, email address, and telephone number of the individual having such responsibility. If the owner of a Short-term Rental Unit is a business entity, the business must submit documentation to demonstrate that the business is in good standing with the Tennessee Secretary of State.
6. Applicant and owner (if different), must acknowledge in writing that in the event a permit is approved and issued, Applicant and owner (if different) assume all risk and indemnify, defend and hold the City harmless concerning the City's approval of the permit, the operation and maintenance of the Short-term Rental Unit, and any other matter relating to the Short-term Rental Unit. Applicant must provide proof of liability insurance for the property being utilized as a Short Term Rental, as defined.
7. Applicant must provide a valid business license along with proof that Applicant remitted taxes due on renting the Short-term Rental Unit, pursuant to Title 67, Chapter 6, Part 5 of the Tennessee Code for filing periods that beginning April 1, 2018. Applicant must submit and provide copy of Hamilton County Hotel/Motel Occupancy Privilege Tax form.

c. **Fees.**

An application for an Operating Permit under this article shall be accompanied by a fee of Three Hundred (\$300.00) Dollars. Said fee is designed to reimburse the City for the cost of processing the application and inspecting the Short-term Rental Unit. There shall be no proration of fees, and once paid, they are non-refundable.

d. **Issuance of Permit.**

Once the Building, Codes, and Safety Director or his/her designee has determined that the application is complete, a permit shall be issued or denied within fourteen (14) business days. If the Building, Codes, and Safety Director is satisfied that the application and the Short-term Rental Unit conform to the requirements of this Section and other applicable laws and Ordinances, a permit shall be issued to Applicant. If the application or Short-term Rental Unit does not conform to the requirements of this Section or other pertinent laws or ordinances, the permit shall not be issued, but the Applicant will be advised in writing of the deficiencies and be given a reasonable opportunity to correct them. If not corrected within a reasonable period of time, the application will be permanently denied and written notice of the denial given. The Operating Permit shall be valid for one (1) calendar year from the date of issuance, unless the Operating Permit is revoked pursuant to this article or terminated by Ordinance or otherwise.

e. **Permit Renewal.**

Unless suspended or revoked for a violation of any provision of this Section or other law, City ordinance or rule, a permit may be renewed annually upon payment of a renewal fee of One Hundred (\$100.00) Dollars. As with the application fee, this fee is designed to compensate the City for the cost incurred in processing the application and taking any other action necessary to attempt to ensure the Applicant's compliance with this Ordinance. The renewal fee shall be paid no later than fourteen (14) business days prior to the expiration date for the current permit. A renewal application shall be submitted to the office of the Building, Codes, and Safety Director. A renewed Operating Permit shall be good for one (1) calendar year from the date of issuance.

f. **Permit Non-Transferable.**

A permit issued under this Section is non-transferable, and any attempt to transfer it shall render the Permit void. A transfer of the ownership interest in the property itself shall also render the Permit void, whether the transfer is voluntary or involuntary and whether by deed, court order, foreclosure, by law, or otherwise.

g. **No Vested Rights.**

Except in instances where constitutional principles or binding state or federal laws otherwise provide, the provisions of this article and any ordinances or other measures concerning Short-term Rental Units are not a grant of vested rights to

continue as a Short-term Rental Unit indefinitely. Any Short-term Rental Unit use, and permits for Short-term Rental Units, are subject to provisions of other ordinances, resolutions, or other City measures concerning Short-term Rental Units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other City measures may change the terms, conditions, allowance, or duration for Short-term Rental Unit use, including but not limited to those that may terminate some or all Short-term Rental Unit uses, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the City, this explicit recitation is set forth to avoid any uncertainty or confusion.

h. **Compliance with City and State Laws.**

It shall be unlawful to operate a Short-term Rental Unit in a manner that does not comply with all applicable city and state laws, and any violation shall subject the violator to a fine of fifty (\$50.00) Dollars for each violation. For any violation, each day that the violation exists shall constitute a separate offense.

i. **Operation without Permit.**

Any Short-term Rental Unit operating or advertising for operation without a valid permit shall be deemed a public safety hazard. The City may issue the operator, the owner, and the local contact person a civil citation for operating a Short-term Rental Unit or advertising one for operation without a permit and the penalty for such is fifty (\$50.00) Dollars per day per Unit.

j. **Public Nuisance.**

It is unlawful and a violation of this article and is hereby declared a public nuisance for any person to commit, cause, or maintain a violation of any provision of this Section or to otherwise fail to comply with any requirement contained in this Section. The operation or maintenance of a Short-term Rental Unit in violation of this article or any other City Ordinance may be abated or summarily abated by the City in any manner permitted by this Code or otherwise provided by law for the abatement of public nuisances. The City may issue civil citations to the operator, owner, occupants, and local contact person for any violation of this article or any other City ordinance by the operator, owner, local contact person, or occupants of the Short-term Rental Unit, and the penalty for such is fifty (\$50.00) Dollars per day.

k. **Complaints.**

All complaints regarding Short-term Rental Units shall be filed with the Building, Codes, and Safety Director or his/her designee. Those making complaints are specifically advised that any false complaint made against a Short-term Rental Unit owner or provider is punishable as perjury under T.C.A. § 39-16-702. For any complaint made, the City shall provide written notification of the complaint by regular mail to the operator and owner (if different) of the property at the address(es) provided on the application on file. The City shall investigate the complaint, and within thirty (30) days of the date notice was sent to the operator, the operator shall respond to the complaint, and may present any evidence they deem pertinent, and respond to any evidence produced by the complainant or obtained by the City through its investigation. If, after reviewing all relevant material, the City finds the complaint to be supported by a preponderance of the evidence, the City may take, or cause to be taken, enforcement action as provided in this Section or otherwise in the Zoning Ordinance, Municipal Code, or the generally applicable law.

l. Revocation of Permit.

The City may permanently revoke an Operating Permit if the City discovers that: 1) an Applicant obtained the permit by knowingly providing false information on the application; 2) the continuation of the Short-Term Rental Unit presents a threat to public health or safety; 3) the owner ceases to own the property; 4) the property is not used as a Short-Term Rental for a period of thirty (30) months or more; 5) there has been a violation of a generally applicable local law three (3) or more separate times arising as a result of the operation of the property as a Short-Term Rental Unit and all appeals from the violations have been exhausted.

m. Appeal of Denial or Revocation.

If a permit is revoked, the Building, Codes, and Safety Director shall state the specific reasons for the revocation. Any person whose application has been denied or whose Operating Permit has been revoked may appeal such denial by submitting a written request for a hearing to the Building, Codes, and Safety Director within ten (10) days of the denial or revocation. A hearing shall be conducted by the City's Planning Commission at its next regularly scheduled meeting, and the Applicant or Permit Holder must be present for the appeal to be heard. The Planning Commission shall consider whether the denial or revocation was justified and whether good cause exists to issue or reinstate the permit. The decision of the Planning Commission shall be issued verbally during the course of the meeting and the Applicant or Operating Permit Holder shall be given the opportunity to address the Planning Commission. Should the Applicant or permit holder fail to appear, the appeal shall be dismissed. The decision resulting therefrom shall be final and subject only to judicial review pursuant to state law.

17.09. PLANNED RESIDENTIAL DEVELOPMENTS

1.0 Purpose

The Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide for the planned, orderly, and efficient improvement of large, unique, or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and historical features which may exist. Such features may include but not necessarily be limited to steep slopes, soils, streams and other water bodies, woodlands and pasturelands, wetlands, watershed lands, flood plains, historic structures or sites, cultural features, and scenic views.

The Planned Unit Development is further intended to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values by utilizing best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefit.

It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants and without detriment to neighboring properties.

The PUD shall provide for a mixture of housing types such as detached single-family homes, townhouses, and zero lot line homes in order to be responsive to changing market demands and conditions while assuring adequate privacy, light and air, interior space, freedom from noise and traffic, and access to open space and recreation. The regulations herein are intended to secure the health, safety, and general welfare of the community and of the residents of the proposed development.

1.1 **Severability**

If any part, section, subsection, paragraph, sentence, phrase, clause, term, or word in this code is declared invalid by a court of competent jurisdiction, such a finding shall not affect the validity or enforceability of the remaining portions of the ordinance.

2.0 **Location**

The PUD overlay may be located where sufficient land and infrastructure exists or is planned for which will allow for a development that meets the standards and requirements herein.

2.1 **Infrastructure Requirements**

Water, sewerage, street, and other required infrastructure shall be adequate for the proposed development or there shall be a definite proposal for the addition of the needed infrastructure. Required infrastructure for all PUD projects are as follows:

1. Water – Public water is required.
2. Wastewater – Public sewer is required.
3. Roads/Streets – All interior streets and roads must meet the requirements for such facilities for the City of Collegedale as well as the following:
 - a. The City requires interior streets and sidewalks through the development that connect to the existing street and sidewalk infrastructure of the city.
 - b. The provision and/or design of streets is subject to review by the City Engineer who may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, curve radii, wider or narrower rights-of-way, pavement widths, medians, traffic calming or other associated features, and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant and/or verified by the City Engineer.

2.2 Underlying Zones

The PUD may overlay the following districts:

1. AG
2. R-1-L
3. R-1-H
4. R-2
5. R-3
6. U-1

3.0 Permitted Uses

No building, structure, or land shall be used except for one or more of the following:

- 3.1 Single-family detached dwellings
- 3.2 Fee simple townhouse dwellings; provided that such use shall not exceed twenty five (25) percent of the total number of dwellings on the site.
- 3.3 Home occupations as defined in Chapter 2 of the Collegedale Zoning Ordinance
- 3.4 Residential accessory uses and structures
- 3.5 Attached multi-family condominium dwellings
- 3.6 Public or private parklands including the preservation of natural open space
- 3.7 Golf Courses, except driving ranges, miniature courses, "Par 3" courses and other similar commercial operations.
- 3.8 Churches, places of worship

4.0 Prohibited Uses

Any use not specifically listed above as a permitted or special exception use, shall not be permitted.

5.0 Dimensional Requirements

5.1 Project Site Area

The minimum development site for a PUD shall be five (5) acres under ownership by a single entity.

5.2 Building Height for all dwelling types

No building shall exceed 2 ½ stories or thirty five (35) feet in height.

5.3 Setbacks

No free-standing building shall be closer than ten (10) feet to any other free-standing building and no closer than 25 (twenty-five) feet to the exterior PUD boundary line.

6.0 Open Space

- 6.1 A minimum of twenty (20) percent common open space shall be provided.
- 6.2 Common open space is an important element in a mixed-use development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes.
- 6.3 Common Open space shall be defined as an area suitable for passive recreational use or which provides an area of beautification and landscaping, exclusive of detention ponds, retention ponds, flood-control channel rights-of-way, area devoted to parking,

vehicular traffic, or private use, and any other area which does not significantly lend itself to the overall benefit of either the particular development or surrounding environment.

- 6.4 Such space shall, in general, be available for entry and use by the residents of the PUD.
- 6.5 Areas restricted by utility transmission easements may be included in the open space calculations at half credit. Therefore, 2 acres restricted by such an easement would be calculated at one acre total.
- 6.6 Retention and detention ponds may be included if they are designed as part of a pedestrian-accessible passive park with the following amenities as a minimum: pond fountain (for retention ponds only), benches, and walking path. Detention ponds shall be planted with grass or other live ground cover so as to contribute to the green open space character when the detention pond is dry.
- 6.7 All Common Open Space shall be maintained in one of the following methods:
 1. By the developer or management authority of the PUD; or
 2. by a Home Owner's Association (HOA) established by deed restrictions, or by a management company acting on behalf of the established HOA.

7.0 **Computation of Density**

The maximum allowed number of dwelling units in a PUD density shall be calculated based on the underlying zone. Maximum dwelling units per acre allowed each base zone shall be calculated by multiplying the PUD gross acreage by the following:

Units per acre

- | | | | |
|----|-------|---|-----|
| 1. | AG | = | 1.5 |
| 2. | R-1-L | = | 5.0 |
| 3. | R-1-H | = | 6.0 |
| 4. | R-2 | = | 6.0 |
| 5. | R-3 | = | 7.0 |
| 6. | U-1 | = | 8.0 |

8.0 **Development Standards and Site Improvements**

8.1. **Minimum Elevations**

1. All lots shall have a building area above the 100-year flood stage as delineated on the most recently adopted Flood Insurance Rate Maps (FIRM) on file in the office of the City's Floodplain Manager.
2. Streets may not be at an elevation less than one (1) foot below the flood level given above.

8.2 **Site Improvements**

1. All dedicated public streets and all streets, roads, rights-of-way or access easements serving lots to be sold shall be constructed in accordance with the Collegedale Subdivision Regulations on rights-of-way having a minimum width as required by the Collegedale Subdivision Regulations except that through approval of a PUD

Development Plan, the Planning Commission thereby grants variances from this requirement.

2. When lots are to be sold, all physical improvements required by the Collegedale Subdivision Regulations including water lines, drainage improvements, etc., shall be installed.
3. Fire hydrants in a location approved by the fire authority having jurisdiction shall be installed.
4. Sidewalks or an equivalent paved internal pedestrian circulation system shall be installed.

8.3 **Lot Configuration**

1. All lots shall front properly dedicated public streets.
2. Each fee simple townhouse building lot within the development shall front a public street for a minimum of twenty-four (24) feet, with a minimum depth of 110 (one hundred ten) feet.
3. Single family building lots shall front a public street for a minimum of 50 (fifty) feet with a minimum depth of 110 (one hundred ten feet)

9.0 **General Standards and Requirements**

9.1 **Preservation of Features**

The development shall be compatible with the existing topography of the land and shall make the best attempt to preserve any unusual topographic or natural features. Requests to waive this standard must be accompanied by a report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features(s).

9.2 **Design Focus**

The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations. It must be shown that conventional development regulations would not allow the design of the proposed project and that the project as proposed offers features that are an improvement to conventional zoning from a community or public perspective.

9.3 **Land Disturbance**

No alteration or disturbance of land in a Planned Development district or the natural or cultural resources thereon shall be permitted until the Project Plan has received approval from the Building Official. Any subsequent land disturbance must be consistent with the approval granted by the Zoning Official.

9.4 **Subdivision Regulation**

Land within a Planned Development shall be treated in its entirety as a subdivision and thus subject to the provisions of the City of Collegedale Subdivision Regulations, except as follows:

1. All Land Subdivision is included regardless of size, land use, purpose of subdivision, or whether new streets are involved.

2. Preliminary and final plats shall follow the procedures and meet all of the requirements of the City of Collegedale Subdivision Regulations which shall be supplemented by the requirements of this Section. Wherever there is a conflict between the provisions of the Subdivision Ordinance and this Section, the provisions of this Section shall govern.

9.5 **Integrated Functional Design**

Planned Unit Developments must be built as a single integrated design entity. While a PUD may be subdivided subject to the provisions of this Section and the City of Collegedale Subdivision Regulations, every lot shall be contiguous and the PUD shall not be fragmented or separated by non-PUD lands.

9.6 **Interconnectivity of Land Uses/Phases**

1. Each phase of the project shall not be isolated from adjacent phases or land use areas.
2. Each phase shall be served by at least one public roadway which shall connect to adjacent phases.

10.0 **Application Process**

The application, review, and approval of a PUD shall consist of five phases.

10.1 **Pre-Application Meeting**

1. The applicant shall attend a Pre-Application meeting with the Collegedale Municipal Planning Commission staff before a PUD application is submitted and/or accepted.
2. The Pre-Application meeting shall include, but is limited to, the following topics: reason for the proposal, PUD Development Plan, adjacent **development patterns, transportation, open space areas, etc.**

10.2 **Staff Review**

1. The applicant shall submit a PUD Development Plan along with an application for the Residential Planned Unit Development to City of Collegedale development staff.
2. Four 24" x 36" copies of the PUD Development Plan shall be provided, drawn at a minimum scale of one inch equals fifty feet (1"=50") and shall contain the following components:
 - a. Proposed PUD boundary line with dimensions;
 - b. Identified land use areas such as, but not limited to, single-family detached dwellings, two-family attached dwellings, multi-family attached dwellings, non-residential, open space, detention ponds, etc.;
 - c. Lot lines only for single-family detached dwellings (no structures);
 - d. Lot lines and structures for multi-family dwellings (including townhouses);
 - e. Public streets;
 - f. Public and private alleys;
 - g. Sidewalks or paved internal pedestrian circulation system;

- h. Legend with the following:
 - i. Total acreage of each land use.
 - ii. Total number of proposed single-family detached units.
 - iii. Total number of proposed single-family attached units.
 - iv. Total number of proposed multi-family attached units.
 - v. Permitted gross number of residential units per acre.
 - vi. Proposed gross number of residential units per acre.

10.3 **Planning Commission Review**

1. If the applicant has met the Pre-Application Meeting and PUD Development Plan requirements, the Planning Commission shall review the proposed Development Plan in the month following the application deadline at their next regularly scheduled meeting/public hearing.
2. Upon recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PUD Development Plan shall be submitted to the Collegedale Mayor and Board of Commissioners.

10.4 **Collegedale City Commission Review**

1. The Collegedale City Commission shall review the PUD Development Plan for consideration, public hearing, and action only after it has been reviewed by the Planning Commission.
2. The ordinance by the Collegedale Mayor and Board of Commissioners approving the PUD Development Plan shall have attached thereto, as an exhibit, a copy of the approved PUD Development Plan.

10.5 **Subdivision Plat**

1. Upon approval or approval with conditions of the PUD Plan by the Collegedale Mayor and Board of Commissioners, the applicant may submit a Preliminary or combined Preliminary and Final Subdivision Plan per the City of Collegedale Subdivision application process. This is only necessary if the applicant desires to subdivide land based on an Approved PUD Development Plan.
2. The Preliminary Plat or the combined Preliminary and Final Plat shall have a note indicating the Collegedale City Commission Ordinance number which approved the PUD Development Plan.
3. A PUD site plan approved by the Board of Commissioners that deviates from the subdivision design standards as controlled by the Collegedale Subdivision Regulations shall be noted on the final plat prior to recording.

11.0 Enforcement

11.1. An Approved PUD Development Plan may be revoked by the Collegedale Board of Commissioners upon written report by City Engineer or Building Codes & Safety Director that the PUD is not constructed in conformance with the Approved Development Plan.

11.2. If the Approved PUD Development Plan is revoked by the Collegedale Board of Commissioners, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Development Plan until a decision is made by the Collegedale Board of Commissioners as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated.

11.3. If the Approved PUD Development Plan is revoked, the City Engineer or or Building Codes & Safety Director shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issued building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

11.4 No building permit shall be granted until after approval of the PUD Development Plan.

11.5 The or Building Codes & Safety Director Inspection shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the Planning Commission.

11.6 During such time as an Approved PUD Development Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

12.0 Changes and Modifications

Proposed changes to a PUD Development Plan subsequent to its approval by the Collegedale Board of Commissioners are considered "Major Changes or Minor Changes."

12.1 Major Changes

A major change is one of the following:

1. Any increase in gross density;
2. Any change in the PUD boundary;
3. Changing the land use from Residential to Non-Residential;
4. Changing single-family detached dwelling to any other residential type;
5. Moving townhouses or multi-family dwellings closer to or adjacent to existing single-family dwellings;
6. Increasing the amount of land dedicated to any use other than single-family detached dwellings;
7. Increasing the number of units adjacent to existing single-family detached residential unit(s);
8. Any significant change to the location of access as determined by City Engineer based on

potential negative impacts, including, but not limited to, traffic patterns, traffic flow, and sight distance or relocating access to another existing public street;

9. Any increase in building height one story or greater. If a major change is made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body, it shall be considered the same as a new petition and shall be made in accordance with the procedures specified in the Section.

12.2 Minor Changes

A minor change is any change that is not found in the list of major changes. Minor changes made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body may be approved by the Planning and Development Staff. Staff shall have the right and responsibility to withhold approval and refer the PUD Plan to the Planning Commission in any situation where the various reviewing agencies, utilities, or Planning Commission member is in disagreement; or in cases involving unusual land features or patterns of development.

17.10. GENERAL LOT RESTRICTIONS.

The following general lot restrictions shall be complied with in all districts:

1. Any number of structures, whether intended for dwelling purposes or other use, may be constructed on a single tract of land provided that each structure and its site must meet all adopted zoning and subdivision regulations of the community as to the appropriateness of land use, access, area requirements, setbacks, and other provisions, in the same manner as though the structure were constructed on a separate lot of record.
2. Before issuing a building permit in cases of doubt or questions, the permit issuing officer may require a site plan drawn to scale with sufficient detail to assure compliance with all regulations.
3. Such site plan, if required, is to be prepared at the expense of the applicant and is to be filed and kept on record as an attachment to the building permit.
4. No building permits shall be issued for a building or use on a lot which does not:
 - A. (amended 12/4/06) Abut, for a minimum distance of twenty-five (25) feet, on an already constructed, dedicated, and publicly accepted municipal or county street or road, except in commercial developments where lots can be subdivided off of ingress/egress access easements that area a minimum of 50 feet in width and that have access to an already constructed, dedicated and publicly accepted municipal or county street or road; or
 - B. Abut, for a minimum distance of twenty-five (25) feet, on a street in a subdivision which has received final approval but not yet recorded and for which proper bond has been posted; or

5. Projections in the yard areas:
 - A. Porches, porticos, or similar permanently unenclosed ground story projections may extend into required yards no more than three (3) feet.
6. Small storage buildings, not larger than twelve (12) feet by twelve (12) feet and with a maximum height to the low point of the eaves of six (6) feet, may be located in the side and rear yards provided that:
 - A. The buildings shall be set back at least five (5) feet from the side and rear lot lines.
 - B. In the case of a corner lot, the accessory building must conform to existing setback regulations.

17.11. VISION AT STREET INTERSECTIONS.

On a corner lot in any district, within the area formed by the centerlines of the intersecting or intercepting streets and a line joining points on such centerlines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to visions between the height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

17.12. SWIMMING POOL RESTRICTIONS.

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required yard and in no case will a pool be permitted in a front yard.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.

17.13. DAY CARE FACILITIES.

The following regulations and procedures apply to the approval and operation of Family Day Care Homes, Group Day Care Homes, and Day Care Centers, as defined in this Ordinance and where allowed as a permitted use or a use permissible on appeal:

1. All dimensional regulations of the district shall apply.
2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least five (5) feet in height.
3. Along the site boundary of the facility, buffering, screening and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.

5. The facilities' operation and maintenance shall meet the minimum requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one space for Family Day Care Homes, two spaces for Group Day Care Homes, and three spaces for Day Care Centers caring for up to fifteen children with an extra space for every five children accommodated above fifteen, plus the specific required spaces for the district in which the facility is located.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

In any district where a church is established as a permitted use or a use permissible on appeal, family day care homes, group day care homes, and day care centers, as defined in this Ordinance, may be approved by the Board of Zoning Appeals as an accessory use to said church, provided that the family day care home, group day care home, or day care center is operated and maintained by said church, on the church premises, and further provided the above conditions are met, as determined by the Board of Zoning Appeals.

17.14 STANDARDS FOR BED AND BREAKFAST INNS

Where Bed and Breakfast operations are allowed according to this Ordinance, the following standards will be used to evaluate the proposal. Such other conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located may be required, however the following standards are a minimum:

1. Permits - No building permit or Certificate of Occupancy for such use shall be issued without written approval of either the Board of Zoning Appeals or the Municipal Planning Commission, whichever has jurisdiction.
2. Location - The Bed and Breakfast operation shall be located and conducted in the principal building only.
3. Operator Occupied - Proprietors of the Bed and Breakfast shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
4. Number of Rental Units - No more than three (3) bedrooms shall be for rent at any one time at any one Bed and Breakfast establishment.
5. Length of Stay - Lodging of guests at the Bed and Breakfast Inn shall be limited to no more than ten (10) days during any one (1) stay.
6. Site Plan - An accurately drawn plan shall be presented at least ten (10) days prior to the meeting at which the proposal is to be considered. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required.

7. Appearance - The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
8. Advertising - The proposed use shall not be advertised by the use of signs which exceed four (4) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.
9. Parking - Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will comply with Section 15.02 of the Collegedale Municipal Zoning Ordinance.
10. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval.
11. The Board of Zoning Appeals or Planning Commission may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance. Consideration will be given to the impact on adjoining properties. Landscaping, fencing, screening and other methods might be required to mitigate anticipated impacts to the neighborhood.

17.15 TELECOMMUNICATION STRUCTURES (Amended 10-01-18)

A. Purpose.

The purpose of this Ordinance is to establish general standards in accordance with federal and state laws for the siting of Telecommunications Facilities, including Towers, Transmission Equipment, Potential Support Structures, and related appurtenances, including installations on within public Rights-of-Way where permitted herein. In addition to the standards set forth in these guidelines, applications must follow all applicable City, State, and Utility Board standards. The guidelines address federal and state laws for the siting, construction, installation, collocation, modification, operation, and removal of wireless communications facilities in the public Right-of-Way.

The goals of this Ordinance are to:

1. Protect Residential Neighborhoods, corridors, and certain districts from adverse impacts of Telecommunications Facilities, including Towers; and
2. Encourage the location of Towers in non-residential areas; and
3. Minimize the total number of Towers in the city by encouraging Colocation strategies; and
4. Encourage creative and effective use of Stealth Technology for the concealment of new installations of Telecommunications Facilities; and
5. Provide standards for the siting, construction, installation, collocation, modification, operation, and removal of wireless communications facilities in the City's right of way and charges to be uniformly applied to all applicants.
6. Establish basic criteria for applications to site wireless communications facilities in the right of way and provide clear guidance to applicants.

7. Ensure that wireless communications facilities will conform to all applicable health and safety regulations and will blend into their environment to the greatest extent possible.
8. Enhance the ability of wireless communications carriers to deploy wireless infrastructure quickly, effectively, and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.
9. Comply with, and not conflict with or preempt, all applicable state and federal laws.

B. Severability.

If any part, section, subsection, paragraph, sentence, phrase, clause, term, or word in this ordinance is declared invalid by a court of competent jurisdiction, such finding shall not affect the validity or enforceability of the remaining portions.

C. General Definitions.

For purposes of this subsection, the following General Definitions are included to provide greater clarity to this ordinance for specific terms referenced herein:

Aesthetic Plan: Means any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the authority or designated area within the authority. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after adoption of the aesthetic plan.

Alternative Structure: A structure that is not primarily constructed for the purpose of holding Antennas but on which one or more Antennas may be mounted, including but not limited to buildings, water tanks, pole signs, billboards, church steeples, electric power transmission poles/, and streetlights.

Antenna: An apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) Antennas, sectionalized or sectorized (panel) Antennas, multi or single bay (FM& TV), Yagi, or parabolic (dish) Antennas. This definition does not include Towers.

Applicant: Means any person who submits an application pursuant to this part.

Application: Means a request submitted by an applicant to an Authority.

Architecturally Indiscernible: Means a building, addition or feature containing or housing an Antenna or related equipment which is architecturally harmonious in such aspects as façade material, height, bulk, scale, form, and design with the building or structure to which it is to be housed or located.

Authority: Means:

1. The City of Collegedale.
2. Upon state-owned property, the State of Tennessee

This definition does not include a government-owned electric, gas, water, or wastewater utility that is a division of, or affiliated with a municipality, or county.

Authority-owned Potential Support Structure (PSS): Means a PSS owned by an authority but does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively owned, or government-owned.

Base Station: means equipment and non-Tower supporting structure at a fixed location that enables Federal Communications Commission (“FCC”) licensed or authorized wireless telecommunications between user equipment and a communications network. Examples include Transmission Equipment mounted on a rooftop, water tank, silo or other above ground structure other than a Tower. The term does not encompass a Tower as defined herein or any equipment associated with a Tower. “Base Station” includes, but is not limited to:

1. Equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers, Antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks); any structure other than a Tower that, at the time the application is filed under this section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
2. “Base Station” does not include any structure that, at the time the application is filed under this section, does not support or house wireless Transmission Equipment.

Breakpoint Technology: The engineering design of a Monopole, or any applicable Support Structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the Monopole, the failure will occur at the Breakpoint rather than at the base plate, anchor bolts, or any other point on the Monopole.

Cellular on Wheels (COW): A temporary wireless service facility placed on property to provide short-term, high volume telecommunications services to a specific location and which can be easily removed from the property.

Clear Zone: Means that portion of the Right-of-Way that is intended for pedestrian traffic along the sidewalk. The minimum width and location of the Clear Zone shall be determined by the paved area of any sidewalk within the Right-of-Way, however, in all instances it must be a minimum of forty-eight (48) inches of width and otherwise compliant with the Americans with Disabilities Act (ADA) for public sidewalk accessibility. In areas of congested pedestrian activity in the Form Based Code District, a wider minimum portion of the sidewalk may be required. The location of the Clear Zone shall be consistent for the entire block, and in most instances it shall be required to be located immediately adjacent to the facade of adjoining properties. The Clear Zone must at all times be free from any items, obstacles, or barriers so as to allow clear movement for pedestrians along the public Right-of-Way.

Co-Locate, Collocating, and Colocation: In their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a Potential Support Structure (PSS). “Colocation” does not include the installation of a new PSS or replacement of authority-owned PSS. The term(s) may also refer to shared use of existing Towers by small cell wireless, or other wireless telecommunications installations. Co-location is preferred to the construction of new Towers, or PSSs when practical.

Communications Facility: means the set of equipment and network components, including wires and cables and associated facilities, used by a Communications Service Provider to provide Communications Service.

Communications Service: Means cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service.

Communications Service Provider: Means a cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 153(51), a provider of information service as defined in 47 U.S.C. § 153(24), a video service provider as defined in § 7-59-303, or a wireless provider.

Fee: Means a one-time, nonrecurring charge.

Historic District: Means a property or areas zoned as an historic district or zone pursuant to Tennessee Code Annotated § 13-7-404.

Distributed Antenna System (DAS): A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one Antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the Antennas.

Eligible Facilities Request: A request for modification of an existing Tower or Base Station involving Collocation of new Transmission Equipment; removal of Transmission Equipment; or replacement of Transmission Equipment that does not Substantially Change the physical dimensions of such Tower or Base Station.

Eligible Support Structure: Any Tower or Base Station existing at the time the application is filed with the City. For purposes of this ordinance, the definition of “Eligible Support Structure” shall include utility structures currently hosting fiber, cable and wire used in the distribution of telecommunications services.

Local Authority: Means the City of Collegedale.

Micro Wireless Facility: Means a small wireless facility that:

1. Does not exceed twenty-four inches (24”) in length, fifteen inches (15”) in width, and twelve inches (12”) in height; and
2. The exterior antenna, if any, does not exceed eleven inches (11”) in length.

Monopole: A structure that consists of a single vertical pole without guy wires, designed and erected on the ground to support communications antennas and connected appurtenances. A monopole could either be a Tower or a Small Cell Support Structure but would not include Non-Tower Wireless Communications Facilities since those are not originally designed to support communications Antennas and connected appurtenances.

Non-Tower Wireless Communications Facilities: Wireless communications facilities other than Tower-based wireless communications. This includes facilities mounted to existing structures that were not originally intended to accommodate wireless communications facilities, such as buildings, Utility Poles, water towers, steeples, billboards, flagpoles, etc.

Ordinance: Shall refer to this and other applicable sections of the Collegedale Municipal Code, as amended.

Person: Means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an Authority.

Personal Wireless Service Facility (PWSF): means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996 (Telecommunications Act), and usually consisting of an Antenna or group of Antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a Tower. Facilities may include new, replacement, or existing Towers, replacement Towers, collocation on existing Towers, Base Station attached concealed and non-concealed Antenna, dual purpose facilities, concealed Towers, and non-concealed Towers, so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Planning Commission: Shall mean the Collegedale Municipal Planning Commission in Collegedale, Tennessee.

Potential Support Structure for a Small Wireless Facility (PSS): Means a pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the collocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

For the purposes of this Ordinance, a PSS could include a Monopole or a Non-Tower Wireless Communications Facility that is erected within the public Right-of-Way or on private property and that does not exceed forty feet in height in zoning districts allowing residential uses, or the lesser of either, the maximum building height in the associated zoning district, or no more than forty (50) feet in zoning districts that disallow residential uses.

Qualified Co-Location Request: Any request for Collocation of a PWSF on a Tower or Base Station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Rate: Means a recurring charge.

Residential Neighborhood: means an area within a local authority's geographic boundary that is zoned or otherwise designated by the local authority for general purposes as an area primarily used for single-family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas;

Right-of-Way or ROW: Means the space, in, upon, above, along, across, under, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the Authority, and any unrestricted public utility easement established, dedicated,

platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority, but excluding lands other than streets that are owned by the authority.

Small Wireless Facility: Means a wireless facility with:

1. An Antenna that could fit within an enclosure of no more than six (6) cubic feet in volume; and;
2. Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. "Other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and
3. Small Wireless Facility includes a Micro Wireless Facility.

Smart Pole: Means any pole, which consists of a design pre-approved by the City of Collegedale, for the purpose of also serving as a Telecommunications Facility Support Structure, including Potential Support Structures for a Small Wireless Facility.

Staff: Means those employees of the City of Collegedale assigned to support and/or administer the powers and duties prescribed to the Collegedale Municipal Planning Commission.

Stealth Technology: Means design techniques applied to telecommunications structures that will help conceal them or make them less visible to the casual observer. Implementation of such techniques shall have the goal of making a telecommunications Architecturally Indiscernible. Such techniques may include, but are not limited to, facilities constructed to resemble light poles, trees, flagpoles, steeples, or other streetscape elements. Stealth Technology may also include concealment wrap, landscaping, and placing applicable structures underground.

Substantial Change: Means a modification or Collocation of an Eligible Support Structure if it meets any one or more of the following criteria:

1. A Telecommunications Facility Collocation on an existing PSS structure within a Right-of-Way that increases the overall height of the structure, Antenna and/or Antenna array more than 10% or 10 feet, whichever is greater.
2. A Telecommunications Facility Collocation for Towers not in a Right-of-Way that protrudes from the structure more than 10% or 20 feet, whichever is greater, or the width of the structure at the elevation of the Collocation, and for Towers within a Right-of-Way, that protrudes from the structure more than 6 feet.
3. A Telecommunications Facility Collocation on an existing structure that fails to meet current building code requirements (including wind loading).
4. A Telecommunications Facility Collocation that adds more than four (4) additional equipment cabinets or one (1) additional equipment shelter.
5. A Telecommunications Facility Collocation that requires excavation outside of existing leased or owned parcel or existing easements.
6. A Telecommunications Facility Collocation that defeats any existing concealment elements of the structure.

7. A Telecommunications Facility Collocation that fails to comply with all conditions associated with the prior approval of the structure except for modification of parameters as permitted in this section.

Support Structure: Means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Telecommunications Facility: Means one or more Antenna, utility structures currently hosting either fiber, cable or wire, Tower, Base Station, mechanical and/or electronic equipment, conduit, cable, fiber, wire, and associated structures, enclosures, assemblages, devices and supporting elements that generate, transmit or produce a signal used for communication that is proposed by an entity other than the City of Collegedale, including but not limited to radio/TV/satellite and broadcast Towers, telephone service, including new microwave or cellular Towers, PWSF, DAS, Small Wireless Facilities and COW.

Tower: A support structure and all appurtenances constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of any telecommunications services or Personal Wireless Service Facility. This includes traditional commercial cellular Towers and Transport Poles. For the purposes of this Ordinance, a Tower is differentiated from a Potential Support Structure for a Small Wireless Facility in that a Tower is a Monopole that may exceed the permitted building height of the associated zoning district and is not permitted within the public Right-of-Way. A Tower may be concealed or non-concealed. Non-concealed Towers include:

1. Guyed- A style of Tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building; and
2. Lattice- A self-supporting, tapered style of Tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal cross strips or bars to support Antennas.
3. Monopole- A style of freestanding Tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of Tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Transport Pole: A type of Tower that includes microwave backhaul. Transport Poles are subject to all requirements associated with a Tower.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communications service, including, but not limited to radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility, Overhead: Utility infrastructure that is located primarily above ground as determined by Staff. For the purposes of this Ordinance, Overhead Utilities include, but are not limited to power lines and communications lines.

Utility Pole: A structure used for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public Right-of-Way or Utility easement. A Small Cell Support Structure may be incorporated onto a Utility Pole provided such pole does not extend, with the application of Small Cell Support Structures.

Utility, Underground: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of this Ordinance, underground utilities include, but are not limited to waste lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, certain Small Cell Support Systems/DAS structures, and communications lines.

Wireline Backhaul Facility: Means a communications facility used to transport communications services by wire from a wireless facility to a network.

Wireless Communications Facility: Means equipment at a fixed, unstaffed location typically consisting of a Tower or Base Station that enables wireless communications between user equipment and a communications network, including:

1. Equipment cabinets associated with wireless communications.
2. All materials or techniques used to conceal the installation.
3. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
4. A “Wireless Communications Facility” does not include:
 - i. The structure or improvements on, under, or within which the equipment is collocated.
 - ii. Wireline Backhaul Facilities; or
 - iii. Coaxial or fiber-optic cable that is in between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
5. A “Wireless Facility” includes small wireless facilities.

Wireless Provider: Means a person or company who provides wireless service.

Wireless Services: Means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile provided to the public.

D. **Colocation Requirements.**

Collocation or location on existing Alternative Structures is required where possible. Applicants for a new Telecommunications Facility must explore all Collocation opportunities and opportunities to locate their Antenna on existing Alternative Structures whenever possible. Any Applicant for a Telecommunications Facility shall utilize Eligible Support Structures first and then Alternative Structures.

E. Exemptions and Administratively Approved Sites.

Determinations as to exemptions and administrative approval shall be provided by the Staff upon submission of a completed application. A Special Permit issued by the Collegedale Board of Zoning Appeals for Transmission Equipment shall not be required under the following circumstances:

1. Concealed Devices -Transmission Equipment which is concealed within a building or structure so that it is Architecturally Indiscernible may be permitted in all zoning districts subject to building permit procedures and standards, as may be amended.
2. Additions To Existing Structures In Any Zoning District- An Antenna, a dish or transmitter may be placed inside or on an existing structure, including but not limited to steeples, silos, spires, utility water tanks or Towers, athletic field lighting poles, utility poles and similar structures (but excluding single-family or duplex dwellings for any commercial use), subject to structural adequacy and provided the addition of the Antenna and any supporting structure shall not create a Substantial Change. The setback requirements for freestanding Towers shall not be applied to existing structures used to support or house the Antenna. Additional antennas may be placed on existing Towers without obtaining a Special Permit.

The placement of Antennas in or on existing structures or Towers shall be subject to the screening landscape standards of this section if the addition of the Antenna or associated equipment causes any significant change to the ground level view of the existing structure as determined by the Building Official.

3. Existing Towers -Antennas, dishes, or similar equipment or additional users which do not create a Substantial Change, may be added on existing Towers without obtaining a Special Permit, but shall be subject to all applicable zoning, set-back, design, building permits, and building code regulations.

F. Special Permits Required:

Except as exempted by regulations of a particular zone, Special Permits shall be required for all Towers as provided herein:

1. Subject to the issuance of a Special Permit by the Board of Appeals for Variances and Special Permits, commercial Towers may be permitted to locate on publicly owned property in all zoning divisions where special permits are required.
2. Subject to the issuance of a Special Permit by the Collegedale Board of Zoning Appeals, commercial Towers may only be permitted to locate on any property whether publicly or privately owned that is located in any zone where Towers are listed as a permitted use.
3. The issuance of any Special Permit by the Collegedale Board of Zoning Appeals is subject to all landscaping standards, co-location requirements and other requirements set forth in the Special Permit procedures.

G. Telecommunications Facilities located outside of the Right-of-Way: Such facilities are subject to the following conditions and approval by the Planning and Building Department Staff and/or the Collegedale Board of Zoning Appeals.

1. Special Permit Procedures: A completed application and the following information must be provided to the Building Department when applying for a Special Permit:
 - a. A schematic site plan, including schematic landscape plan with an elevation view of the type of facility to be placed on the site.
 - b. The site plan shall depict where the Tower is to be located on the site and where additional co-located Transmission Equipment, shelters or vaults can be placed.
 - c. Construction plans: Detailed construction plans or drawings prepared by a licensed engineer certifying that the Tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit.
 - d. Landscape plans: Landscape plans that comply with the landscaping requirements of this ordinance shall be required at the time of applying for a building permit.
 - e. Identification of the intended user(s) of the Tower.
 - f. A statement prepared by the applicant that considers other alternatives to the proposed site and the impact of the proposed Tower. A map of the coverage area identifying all existing Towers and other sites with suitable zoning and adequate land area to site a Tower shall be included. The applicant shall justify the selection of the proposed site over other available alternative sites within the identified coverage area weighing the relative impacts of the proposed site to other available sites with particular consideration of the impact of the Tower upon adjacent properties, historic areas, scenic vistas and residential neighborhoods.
 - g. Towers shall be sited so as to be as unimposing as practical. The applicant shall demonstrate that through location, construction, or camouflage, the proposed facility will have minimum visual impact upon the appearance of adjacent properties, views and vistas of historic areas, scenic assets, and the integrity of residential neighborhoods. False representations in an application shall be grounds for denial of a special exceptions permit. The Board of Appeals is specifically empowered to utilize its collective judgment in assessing and approving or denying the application based upon such information.
 - h. Documentation of the number of other users that can be accommodated within the design parameters of the Tower as proposed. If the Tower will not accommodate the required number of users, the applicant must demonstrate with compelling evidence why it is not economically, aesthetically, or technologically feasible to construct the Tower with the required co-location capability. Applications failing to fulfill the co-location requirement are not eligible for administrative approval by the Building Official or other Staff.
 - i. A statement indicating the owner's commitment to allow feasible shared use of the Tower within its design capacity for co-location.
 - j. Documentation of a valid leasehold or ownership interest in the underlying property.

- k. The applicant or the landowner shall provide proof of the establishment of a financially secure and legally enforceable method of removing a Tower when it ceases to be used for a period of twelve (12) months. This financial assurance can be provided through a sinking fund, a lien upon land which has a greater unencumbered appraised value than the cost of removal of the Tower, a removal bond, a letter of credit or any alternative financial arrangement which is approved by the city's Finance Officer as to financial adequacy and the City Attorney as to legal enforceability. If the applicant or landowner owns more than one (1) Tower, a blanket removal bond or alternative financial assurance may cover multiple sites.
2. Fees: A non-refundable fee of one thousand five hundred (\$1,500) dollars must accompany any site plan submitted for the purposes of securing a building permit for the construction of a Tower. The fee covers engineering and other costs associated with the review of a site plan for a Tower.
3. Aesthetics: Towers and Antennas shall meet the following requirements.
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color to reduce obtrusiveness.
 - b. At a Tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will enable them to blend into the natural setting and surrounding built environment.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Landscape Requirements: Tower sites shall be subject to the following landscaping standards:
 - a. The visual impact of a Tower on adjacent properties and streets shall be minimized to the extent practicable by utilizing existing topography, structures, and natural vegetation to screen the Tower. For all visual exposures not equivalently screened by existing structures or natural vegetation, all Tower sites shall be landscaped with a ten (10) foot deep landscape yard with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. All plantings shall meet the installation and planting size requirements as specified below:
 - i. Intent: All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures specified in the current edition of American Studies for Nursery Standard.
 - ii. Screening Trees: Screening trees are used to meet the tree planting requirements of this ordinance and shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet. Recommended species are American Holly, Foster Holly, Southern Magnolia, Eastern Red Cedar, Atlas Cedar, Deodar Cedar and Virginia Pine.

- iii. Screening Shrubs: All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and mature spread of at least five (5) feet. Recommended species include: Fragrant Olive, English Holly, Burford Holly, Nellie R. Stevens Holly, Wax Myrtle, Cherry Laurel, English Laurel and Leatherleaf Viburnum.
 - iv. Prohibited Plants: The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance: Kudzu Vine, Purple Loosestrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, Garlic Mustard, Paulownia, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.
 - v. Maintenance: The property owner (or lessee if so provided in a written lease) shall be responsible for the maintenance of all installed landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner (or lessee if provided in a written lease) with new plantings that meet the requirements of these regulations.
- b. A break in the landscape not to exceed sixteen (16) feet in width shall be allowed for access for maintenance personnel and vehicles.
 - c. New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the Director of Codes Administration finds that they achieve reasonably equivalent screening as specified in subsection (a) herein.
 - d. In Commercial and Industrial Districts a sight-obscurer fence at least eight (8) feet in height and a minimum of seventy-five percent (75%) opaque may be substituted for screening trees or screening shrubs as specified in subsection (a) herein by special exception from the Board of Zoning Appeals when the applicant can demonstrate that it is impractical to provide living screening material.
 - e. No screening shall be required if the applicant adequately demonstrates that base of the Tower site is not visible from adjoining property or is not otherwise visible from a dedicated Right-of-Way.
 - f. Site landscaping is not required for Antennas which are being collocated on existing Towers, or which are being placed on other buildings or structures where the Antenna is allowed as an accessory use.
 - g. No screening shall be required when this screening is explicitly prohibited by Federal Communications Commission regulations or is otherwise restricted by site limitations. The Collegedale Board of Zoning Appeals shall review and approve any deviations from the standards specified herein.
5. Colocation Requirements:
- a. New Towers of a height of more than one hundred (100) feet and less than two hundred (200) feet must be designed and built to accommodate three (3) or more personal communication system carrier applications and must be made available

upon reasonable terms for Collocation to at least three (3) additional single Antenna applications such as paging, 911, two-way, and emergency management communications. Additionally, the site must be sufficiently large enough to accommodate at least three (3) telecommunication equipment shelters, cabinets or additions to existing structures.

- b. New Towers of a height of two hundred (200) feet to two hundred fifty (250) feet must be designed and built to accommodate at least three (3) personal communication system applications and at least three (3) additional single Antenna applications plus at least one (1) additional personal communication system application and at least one (1) additional single Antenna application for each additional fifty (50) feet of height, to a maximum of six (6) personal service communication system carriers and six (6) single Antenna applications, to be made available upon reasonable terms for Collocation.
- 6. Other Requirements:
 - a. Height: No Tower shall exceed a height of two hundred and fifty (250) feet above grade.
 - b. Design Standards: The proposed site plan and Tower design plans shall meet or exceed all applicable standards, as may be amended, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and Institute of Electrical and Electronics Engineers (IEEE) Standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, National Electrical Safety Code, and the American Steel Institute. The proposed site shall also be designed and built in compliance with Section 106 of the National Historic Preservation Act of 1996 if applicable.
 - c. Maintenance: The property owner (or lessee if provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of these regulations.
 - d. Removal of Abandoned Antennas and Towers: Any permitted Tower that is not operated as a personal communication system carrier application for a continuous period of twelve (12) months shall be considered abandoned and the owner of such Antenna or Tower shall remove same within ninety (90) days of receipt of notice from the Building Official. Failure to remove an abandoned Tower shall be deemed to be a violation of these regulations and shall be subject to the penalty. The owner of the Antenna or Tower may appeal the decision of the Building Official to the Board of Appeals for Variances and Special Permits, but at such hearing shall be required to show just cause why the Antenna or Tower should not be considered abandoned and subject to removal.
 - c. Setback: Towers shall be set back from all property lines on which the Tower is located by the distance equal to the height of the lowest engineered Breakpoint on the proposed structure or the height of the Tower. Provided, however, the minimum setback for any Tower is fifty (50) feet.

- d. Breakpoint Technology: For purposes of these regulations, the engineered failure point is the location(s) on the Tower that is designed to fail when overstressed beyond the structural parameters of the Tower design. This failure point will cause the overstressed portion of the structure to fall in upon itself in such a way as to reduce the remaining stress on the structure to such a level that result in no further failures of the Tower structure.
 - i. The lowest engineered failure point is described such that if the Tower should collapse, the tallest remaining vertical section of the structure shall be equal to the setback from the abutting property lines.
 - ii. If the proposed Tower is designed with failure points that allow for the collapse of the structure upon itself, a letter stamped by a licensed Professional Structural Engineer evidencing the design and fall zone parameters of the proposed Tower shall satisfy the requirements determining the minimum fall zone setback distance.
 - iii. No portion of the Tower structure shall be designed or constructed so that the height of the Tower allows it to fall across the property line of the abutting property.
 - iv. The Tower must comply with building codes and other federal, state, and local regulations.
- e. Guyed Towers: Any Tower requiring the use of guy wires is prohibited. Monopoles and Lattice Towers are permitted.
- f. A sign furnished by the Staff shall be prominently posted by the applicant on the site of the proposed Tower for at least fifteen (15) consecutive days prior to the meeting of the Collegedale Board of Zoning Appeals to give notice to the public of the application and the Board meeting date.

H. Telecommunications Facilities located inside of the public Right-of-Way

Towers as defined herein are prohibited within the right-of-way. Qualifying Telecommunications Facilities, including Potential Support Structures (PSS) for Small Wireless Facilities located within Rights-of-Way are subject to the following standards, conditions, procedures, along with Staff review and approval in accordance with Tennessee Code Annotated § 13-24-401 et seq.

- 1. General Location Criteria. The following shall apply to all Communication Facilities locating in the public Right-of-Way.
 - a. Collocation Preference. Whenever an applicant proposes to place a new wireless facility within 250 feet from an existing wireless facility, whether on a new pole or an existing potential support structure, the applicant must either collocate with the existing facility or demonstrate with clear and convincing evidence that a collocation is either not technically feasible or space on the existing facility is not potentially available.
 - b. Adherence to an adopted Aesthetic Plan. pursuant to TCA § 13-24-411, Construction or deployments shall adhere to the City's adopted Aesthetic Plan.
 - c. General Limitation on New Poles. The standards herein strongly discourage more than one new pole per 500 feet.

- d. Alignment with Other Poles. The centerline of any new pole must be aligned with the centerlines of existing poles on the same sidewalk segment, but only if the new pole height does not conflict with overhead power utility lines and facilities.
- e. Setbacks for Visibility and Access. Any new pole and/or equipment and other improvements associated with a new or existing pole must be set back from intersections, alleyways and driveways and placed in locations where it will not obstruct motorists' sightlines or pedestrian access. In general, no obstruction will occur when a new structure and/or equipment is setback at least (i) 50 feet from any intersection; (ii) six (6) feet from any driveway cut or alleyway entrance or exit; or (iii) six (6) feet from any permanent object or existing lawfully-permitted encroachment in the public right-of-way, including without limitation bicycle racks, traffic signs and signals, street trees, open tree wells, benches or other street furniture, streetlights, door swings, gate swings or sidewalk café enclosures. An additional setback for a specific pole may be required when presumptively acceptable setback would nevertheless obstruct motorists' sightlines or pedestrian access.
- f. Obstructions. Any new pole and/or equipment and other improvements associated with a new existing pole must not obstruct any:
 - i. Worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
 - ii. Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop
 - iii. Worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency;
 - iv. Fire hydrant access;
 - v. Access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way; or
 - vi. Access to any fire escape.
- g. Americans With Disabilities Act. Notwithstanding compliance with the requirements herein, structures and facilities shall not be in conflict with the Americans With Disabilities Act by hindering use of the Right-of-Way.
- h. Historic or Architecturally Significant Structures. Any new pole and/or equipment and other improvements associated with a new or existing pole may not be placed directly in front of any historic or architecturally significant structures in prominent locations. Applicant must comply with federal rules regarding historic structures and require a Section 106 study (National Historic Preservation Act (NHPA) on all applicable installation locations.
- i. Public Utility Easements. The City may prohibit or limit deployment or colocation of Small Wireless Facilities in public utility easements when the easements are:

- i. Not contiguous with paved roads or alleys on which vehicles are permitted.
 - ii. Located along the rear of residential lots, parcels, or tracts.
 - iii. In an area where no electric distribution or telephone utility poles are permitted to be deployed.
- j. Potential Support Structures used for lighting. The City may require lighting to be included on a replacement PSS.
- k. Deployments affecting regulatory signs. If an applicant submits an application that will affect a regulatory sign as defined by the Manual on Uniform Traffic Control Devices, or any sign requiring breakaway supports, the City may deny the application. Under these circumstances, the applicant may seek reconsideration of the design through a conference which shall be held within thirty (30) days of such a request by the applicant.
- l. Unsafe, abandoned, or inoperable deployments. When a deployment as regulated herein is abandoned, deemed unsafe, or rendered inoperable, the City shall remove or cause the removal or repair of the deployment in order to restore the Right-of-Way to a safe condition.
- m. Undergrounding. The City may require an applicant to comply with undergrounding requirements in the Right-of-Way for compliance in certain circumstances or locations, or to comply with an established Aesthetic Plan.
- n. Restoration and Maintenance of the Right-of-Way. The City may require an applicant to:
 - i. Repair damage caused by entities entitled to deploy infrastructure in a Right-of-Way, including damage to public roadways, sidewalks or other pedestrian facilities, and bicycle paths, and to other utility facilities placed in a ROW consistent with established policies.
 - ii. Require maintenance or relocation of infrastructure deployed in the ROW, timely removal of infrastructure no longer utilized, and require insurance, a surety bond, or indemnification for claims arising from the applicant's negligence consistent with established policies.
- o. Work permits. Notwithstanding approval of applications as controlled within this Ordinance, the City shall also require applicants to obtain work, or traffic permits and pay the established fees if any prior to the deployment of a PSS or Small Wireless Facility.
- p. Categories of Applications: Every application to locate Wireless Communication Facility in the right of way shall be classified by the following types:
- q. Minor modification that:
 - i. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower, utility pole or base station.
 - ii. Does not substantially change the physical dimension (width, height, and depth) of the existing wireless tower, pole-mounted equipment or base station.

- r. Major modification that:
 - i. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
 - ii. Substantially changes the physical dimension (width, height, and depth) of the existing wireless tower or base station or does not qualify for approval pursuant to 47 U.S.C. § 1455(a) for any lawful reason.
- s. New transmission equipment on an existing or new utility pole:
 - i. Siting new transmission equipment on a Potential Support Structure in the right of way that does not already support transmission equipment; or
 - iv. Siting a new wireless communication facility on a new pole or other support structure in the right of way.

2. Minor Modifications: Minor modifications are additions or changes to previously approved facilities and covered under 47 U.S.C. § 1455(a), which mandates approval for certain applications that do not propose a substantial change to the underlying facility. Federal regulations provide specific definitions and criteria for approval or denial. The provisions in this section are intended to assist applicants and application reviewers to determine whether an application qualifies for approval as a minor modification.

- a. Approval and Denials
 - i. Criteria for Approval. Staff may approve an application for a minor modification when it finds that the proposed project:
 - 1. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
 - 2. Does not substantially change the physical dimensions of the existing wireless tower or base station.
 - b. Criteria for Denial. Notwithstanding any other provisions in this Ordinance, and consistent with all applicable federal laws and regulations, the application may be denied for a minor modification when it finds that the proposed project:
 - i. Does not satisfy the criteria for approval;
 - ii. Violates any legally enforceable standard or permit condition reasonably related to public health and safety; or
 - iii. Involves the replacement of the entire support structure, triggering other applicable standards.

3. Major Modifications

- a. General Design and Construction Standards. To promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community, wireless facilities in the public right-of-way must comply with all applicable provisions in this section. In the event that any other law, regulation or code requires any more restrictive structural design and/or construction requirements, the most restrictive requirement will control.
- b. Collocation. Collocations between two separate wireless service providers on the same support structure is encouraged whenever feasible and safe.

- c. Antennas on Existing or Replaced Utility Poles. The antenna(s) associated with installation on existing or replaced utility poles must be located within the communication zone and have concealed cable connections, antenna mount and other hardware. The maximum dimensions for panel style antennas shall be 30" high and 12" wide. The maximum dimensions for canister style antennas shall be 30" high and 16" in diameter.
- d. Antennas on New Stand Alone Poles without Power or other Utility Lines. The antenna(s) associated with installation on new poles that are not replacing utility poles may have antennas located on top of the pole, provided there are no electrical lines located on the poles. These antennas must have concealed cable connections, antenna mount and other hardware. The maximum dimension shall be 48" high and 18" wide.
- e. Equipment Mounting on Existing or Replaced Utility Poles. All pole- mounted equipment must be installed as flush to the pole as possible, using stainless steel banding straps. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together and if possible on the same side of the pole. Standard color for all equipment shall be grey but other colors may be required when installing on a decorative pole.
- f. Pole-Mounted Equipment Cages or Equipment Shrouds. When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage. Equipment cages may not extend more than 24 inches from the face of the pole.

The equipment cage must be non-reflective and be colored gray or in a color matching the existing pole. Equipment cages should be mounted flush to the pole. All pole-mounted equipment must be installed as flush to the pole as possible. Any standoff mount for the equipment cage may not exceed 4 inches.
- g. Undergrounded Equipment Vaults. Pole-mounted equipment in self- contained cages is permitted, but equipment in an environmentally controlled underground vault may be required in some areas.
- h. Ground-Mounted Equipment. New ground-mounted equipment is not permitted, unless the applicant shows clear and convincing evidence that the equipment cannot be feasibly installed as a pole-mounted installation, in an environmentally controlled underground vault, or within an existing street feature (such as a bus stop shelter) for a valid technical reason. Increased costs alone shall be presumed to be insufficient. In the event that ground- mounted equipment is used, the applicant must conform to the following requirements:
 - i. Self-Contained Cabinet or Shroud. The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the tapered metal pole (with the exception of Utility Board power poles) and undergrounded between the pole and the ground-mounted cabinet.
 - ii. Concealment. The Ground-Mounted Equipment shall incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, public art displayed on the cabinet, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

- iii. Ambient Noise Suppression. The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.
- iv. Utility Lines. Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.
- v. Electric Meter. Each wireless communication facility must be individually metered. Multiple operators on a shared pole must have their own meter. Site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.
- vi. Telephone/Fiber Optic Utilities. Cabinets for telephone and/or fiber optic utilities may not extend more than 10 inches from the face of the pole, and must be painted, wrapped or otherwise colored to match the pole.
- vii. Spools and Coils. To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for wireless communication facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.
- viii. Underground Conduit. All underground conduit placed behind the curb face and underneath the sidewalk must be SCH 80 PVC encased in concrete. All underground conduit must be Rigid Conduit when placed: (1) underneath driveway aprons, (2) within tree wells or (3) in front of the curb face and beneath the street.
- ix. Above-Ground Conduit. On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter, and painted to match the pole.
- x. Ground Rods. All ground rods shall comply with current ANSI/TIA 222 and other applicable standards. If attaching to existing utility poles, wireless communication facilities shall be bonded (connected) to the existing pole ground or as required by the utility.
- xi. Lights. Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. The provisions in this subsection shall not be interpreted to prohibit installations on streetlights or the installation of luminaires on new poles when required.
- xii. Generally Applicable Health and Safety Regulations. All facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions.

4. New and Replacement Poles or Structures

- a. General Restrictions on New Wood PSS installations. In all locations, the City reserves the right to require a metal PSS rather than a wood PSS based on the built and/or natural environmental character of the proposed site location as found in the Aesthetic Plan.

- b. Overall Height. The heights of a PSS should be consistent with other poles in the vicinity, the built environment, the neighborhood character, the overall site appearance and the purposes in these standards. In no case shall a PSS installation exceed forty (40) feet in height in zoning districts allowing residential uses, or where applicable, the lesser of either, the maximum building height in the associated zoning district, or no more than forty (50) feet in zoning districts that disallow residential uses.
- c. Pole Diameter. Pole diameter shall be consistent with the surrounding poles. The applicant shall consider other poles in vicinity, the built environment, the neighborhood character, the overall site appearance and the purposes in these Guidelines.
- d. Wood Pole Footings and Foundations. All new wood poles, if permitted, must be direct buried to a depth determined, stamped, sealed and signed by a professional engineer licensed and registered by the State of Tennessee, and subject to review and approval.
- e. Tapered Metal Pole Footings and Foundations. All new tapered metal poles must be supported with a reinforced concrete pier designed, stamped, sealed and signed by a professional engineer licensed and registered by the State of Tennessee, and subject to review and approval.
- f. Tapered Metal Pole Material. All tapered metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant material and finished in accordance with these Guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.
- g. Lighting; Banners. The applicant may be required to install functional streetlights and/or banner brackets if technically feasible when it is determined that such additions will enhance the overall appearance and usefulness of the proposed facility.
- h. Signage. Signage and labeling on poles and equipment should be limited only to what is required by FCC and OSHA. In addition, site node information (pole address, node identification number, and emergency contact information) may be included.
- i. Damage of Equipment. Upon notification, the wireless communication facility provider must rectify any aesthetic damage to their equipment within 30 days. Any damage that concerns safety must be addressed immediately.

5. Installations on Existing Poles and Other Potential Support Structures

- a. General. The standards encourage applicants to consider existing poles and other potential support structures prior to any new pole to reduce congestion in the public right-of-way. All generally applicable design, construction and location standards will be considered when reviewing applications for new facilities installed on existing poles or other potential support structures in the public right-of- way.
- b. Privately-Owned Structures. For a privately-owned structure in the public right-of-way onto which an applicant proposes to attach a wireless communications facility, if the owner of the structure requires more restrictive standards than those contained in these Guidelines, the more restrictive standards shall control. If any portion of a privately-owned structure is on private property, the applicant must first obtain all applicable zoning and building permits prior to submittal.
- c. City Owned Structures. The City, in its proprietary capacity, retains sole and absolute discretion over whether and on what terms it may allow wireless facilities on its poles and other facilities in the public right-of- way notwithstanding conflicting design provisions set

forth in these Guidelines. Applicants may not submit any applications in connection with City-owned poles or other facilities without a valid and fully executed agreement to use the specific pole or other facility. The City shall not authorize any attachments to City-owned infrastructure that negatively impacts the structural integrity of the support structure.

- i. Independent Power Source. A Wireless Communications Facility on a City-owned Potential Support Structure may not use the same power source that provides power for the original purpose of the Potential Support Structure.
- ii. City-Owned Traffic Control Signal Poles. The City prohibits wireless facilities (and all other non-traffic control facilities) on City-owned traffic control signal poles.

6. Additional Design and Construction Standards for Major Modifications. In addition to all applicable General Design and Construction Standards, all major modifications to eligible facilities are to comply with the following requirements:

- a. Coordination with Original Facility Design. The applicant must design the proposed installation in a manner that mimics the design and any concealment elements of the existing facility. To the extent feasible, new facilities should utilize capacity in existing equipment cages or cabinets and existing conduits or risers.
- b. Antennas. The guidelines discourage side-mounted antennas that overhang the roadway, but may permit side-mounted antennas that overhang the sidewalk provided that the antenna complies with all applicable setbacks and vertical clearance requirements.
- c. Structural Integrity. Any additional equipment must not negatively impact the structural integrity of the support structure and must comply with all applicable local, state and federal codes and regulations.

7. Minor Technical Exceptions. In some circumstances strict compliance with these Guidelines may result in undesirable aesthetic outcomes, and minor deviations may be granted when the need for such deviation arises from circumstances outside the applicant's control. For example, if an applicant proposes to construct a standard configuration facility in an office district, but required a pole with a slightly wider base due to poor foundation conditions, the City may grant a technical exception rather than subjecting an otherwise preferred design to a standard review. In contrast, if an applicant proposed a 50-foot tall standard configuration facility in an office district because it desired additional service area, the City would apply standard review because the need for additional height arises from the applicant's preferences. This section describes the required findings for a minor technical exception.

Required Findings. The City may, in its sole discretion, grant a minor technical exception from strict compliance with the design and location guidelines when:

- a. The applicant has requested an exception in writing;
- b. The proposed facility would normally qualify for minor review but for the need for a minor technical exception;
- c. The need for the exception arises from an external factor outside the applicant's control that impacts public health, safety or welfare, including without limitation soil compaction, existing congestion or clutter with in the right-of-way or other location-specific condition or phenomenon.
- d. The proposed deviation from the applicable requirement is less than 10% larger than the generally applicable standard; and

- e. The granting of a minor technical exception would not create any obvious hazard or unreasonable obstruction in the public right-of-way.

8. Application Requirements and Fees for Small Wireless Facilities. The City shall require a completed application in adherence to the following requirements:

- a. An applicant shall include up to twenty (20) Small Wireless Facilities in a single application.
 - i. The application fee shall be one hundred (\$100) dollars for each of the first five (5) Small Wireless Facilities in a single application.
 - ii. An additional two hundred (\$200) dollar fee for the first application an applicant files following the effective date of this Ordinance.
 - iii. Beginning January 1, 2020 and every five (5) year interval thereafter, the application fee will be raised ten (10) percent more than previously required.
 - iv. The annual rate for colocation of a Small Wireless Facility on a City-owned PSS shall be one hundred (\$100) dollars per installation.
- b. Upon the submittal of an application to the City Building Department, Staff shall determine whether the application is complete and notify the applicant of any deficiencies relating to one or more Small Wireless Facilities included in an application within thirty (30) days, and if there is a need to conduct a conference with applicant to clarify or correct:
 - i. Safety considerations not adequately addressed by the application or regarding which the local authority proposes additional safety-related alterations to the design;
 - ii. Potential of conflict with another applicant's application for the same or a nearby location;
 - iii. Impact of planned construction or other public works projects at or near the location identified by the application;
 - iv. Alternative design options that may enable colocation on existing PSS instead of deployment of new PSS or opportunities and potential benefits of alternatives design that would incorporate other features or elements of benefit to the City.
- c. The City shall approve or deny application for deployment or colocation of Small Wireless Facilities within sixty (60) days unless circumstances allowing extension to seventy-five (75) days as allowed by TCA § 13-24-409.
- d. A preliminary site plan shall be required with a diagram or engineering drawing depicting the design for installation of the Small Wireless Facility with sufficient detail for Staff to determine that the design of the proposed installation and any new PSS or any modification of a PSS is consistent with all generally applicable aesthetic, design, and safety requirements, including those specified by the Manual on Uniform Traffic Control Devices. Such a site plan shall include:
 - i. The location of the site, including the latitudinal and longitudinal coordinates of the specific location of the site;
 - ii. Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party;

- iii. The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all generally applicable ROW requirements for deployment of any associated infrastructure that is not a Small Wireless Facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility;
 - iv. The applicant's certification of compliance with surety bond, insurance, or indemnification requirements; rules requiring maintenance of infrastructure deployed in ROW; rule requiring relocation or timely removal of infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the local authority imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the ROW; and
 - v. The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.
- e. Timeframe for deployment. If an applicant does not complete deployment within nine (9) months of receiving approval for an application, the City shall require the applicant to complete a new application and pay an additional application fee, unless both parties, by mutual agreement agree to an extension, or because the deployment is delayed because of a lack of commercial power or communication transport facilities to the site.

17.16

RESIDENTIAL DRIVEWAY REQUIREMENTS FOR STEEP SLOPES

(Added 5/2/04)

The following regulations are established in order to promote the safety of the motorist, the pedestrian, and to minimize traffic congestion and conflict by establishing the following regulations for residential driveways within the corporate limits of Collegedale, Tennessee. The term “residential driveway” as used in this chapter, means any portion of the normal sidewalk area, including grass plot, curb, gutter and sidewalks, of the street, roadway and alley of the City of Collegedale intended for the use by vehicles as a means of ingress and egress between public right-of-way and abutting residential property.

A. Applicability

The requirements of this section do not apply if the elevation of the ground at the setback location above the proposed road/street centerline is nine (9') feet or less, or if the elevation of the ground at the setback location below the proposed road/street centerline is seven (7') feet or less. Residential driveways with a slope of ten percent (10%) or less are exempt from these regulations. Pursuant to Collegedale Municipal Code, Title 16, STREETS AND SIDEWALKS, ETC, section 16-210 no one shall cut, build, or maintain a driveway across a curb or sidewalk, public street, alley, or other public place without first obtaining a permit from the building inspector.

B. Residential Driveway Permit Required

No point of access on city streets or rights-of-way shall be constructed until a valid residential driveway permit has been issued by the Collegedale Building Inspector. No point of access on any state highway shall be constructed until a valid permit has been obtained from the Tennessee Department of Transportation, a copy of said permit shall be provided to the Collegedale Building Inspector. Residential driveway permits shall be valid for a period of one (1) year from the date of approval/issuance of said permit. No final Certificate of Occupancy shall be issued until all applicable access control and residential driveway requirements of these regulations have been complied with.

C. Location Approval Prerequisite to Building Permit

The location of all curb cuts, points of ingress and egress from all streets, roadways, right-of-ways, and parking and loading areas for all uses shall be approved by the Director of Public Works, or his/her designee before a building permit shall be issued. Residential driveways shall be so located that vehicles entering or leaving the property will not interfere with the free movement of traffic, or create a hazard on the highway. Where feasible, residential driveways shall be located where there are no sharp curves and steep grades and where sight distance is adequate for safe operation. Residential driveways shall not be so located that they will not interfere with the placement of signs, signals, or other devices that affect traffic operation.

D. Permit Procedure

Application for a residential driveway permit shall be made to the building inspector on the form provided. Each application for a residential driveway permit shall be accompanied by a site plan for the site to be served by said driveway entrance. Said site plan shall, at the minimum, depict the following:

1. Be drawn to scale.
2. The location of all structures and parking areas on the site.
3. The location of the proposed driveway(s) or entrance(s).
4. The location of all existing driveway(s) or entrance(s).
5. The location of all driveways or entrances for all properties within three hundred (300) feet of the site. Residential driveways and entrances for both sides of the street shall be included.
6. The location of all existing utility poles on the site or within the public right-of-way adjacent to it.
7. The location of all catch basins, culverts or other drainage structures located on the site or within the public right-of-way adjacent to it.

E. Permit Fee

Prior to the issuance of any required residential driveway permit, the applicant shall pay a fee as established by the City Manager for all residential driveway permits.

F. Maximum Slope and Transition Requirements

Construction of all residential driveways shall be as required by current regulations, specifications and drawings as contained within these regulations. The maximum slope permitted on a residential driveway shall be thirty (30%) percent between the transition landings. Residential driveways shall have transition landings at the top and bottom of the residential driveway(s) to prevent vehicles from scraping the pavement. Transition landings shall comply with the following regulations:

Drive Slope	Transition Length	Transition Segments
0 – 9%	0'	0'
10%– 19%	12'	1 @ 12'
20% - 24%	18'	2 @ 9'
25% - 30%	24'	3 @ 8'

See appendix of these regulations for typical detail of residential driveway transition requirements.

G. Dimension and Location Requirements

1. Driveway(s) for residential use, as designated within this ordinance shall be not less than ten (10) feet or nor more than twenty-two (22) feet in width.
2. The width of driveway(s) shall be measured parallel to the street at the property line.
3. Residential driveway(s) on corner lots shall be constructed at least fifteen (15) feet from the intersection of the corner property lines. Residential driveways shall also be setback a minimum of five (5) feet from side property lines.
4. Residential driveway(s) shall be constructed to clear utility poles, light poles, drainage structures, signs, traffic-control devices, fire hydrants and other similar installations, or such facilities shall be relocated at the expense of the property owner or lessee in conjunction with the owners or operating authorities of the facilities affected.

H. Abandoned Residential Driveways

Any residential driveway(s) abandoned for vehicular use due to changes in property development or use shall be removed and the site reformed to conformity with adjacent existing conditions.

17.17.

PLANNED COMMERCIAL DEVELOPMENT OVERLAY (PCD)**1. Intent**

An integrated development provides an opportunity for cohesive design when flexible regulations are applied. The Planned Commercial Development (PCD) shall represent an overlay district designed to accomplish the following:

- A. To encourage the clustering of commercial and higher-density residential uses within areas specifically designed to accommodate such activities.
- B. To provide for the orderly development of activities so that any adverse impact on surrounding uses and on the general flow of traffic can be reduced.
- C. To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, ingress and egress, loading, landscaping, signage and design.
- D. To encourage a harmonious mix of commercial and higher-density residential uses consistent with adopted land use plans for Collegedale.

2. Location

- A. The PCD shall be applied as an overlay to the C-2 Shopping Center Commercial District.
- B. The PCD overlay shall only be applied to parcels with frontage on Apison Pike, Old Lee Highway, or Lee Highway.
- C. The PCD overlay shall only be applied to parcels or lots which are entirely or partially located within 3,960 feet of the Interstate 75 right-of-way as measured outward in a straight line from the nearest external boundary of the property.
- D. The PCD shall be located in areas capable of being served by public sewer.
- E. Property utilizing the PCD overlay shall have a minimum of one hundred (100) feet of frontage on a public street.

3. Area Requirements

- A. Minimum Land Area: The minimum site area for a PCD overlay shall be ten (10) acres at the time of application.
- B. Maximum Land Area: There shall be no maximum development site size for a PCD.
- C. Minimum Lot Size: No minimum lot size required.

4. **Uses Permitted, Uses Prohibited, Signage**

Residential:

If included in the PCD overlay, the residential portion may include single-unit detached dwellings, townhouses, row houses, patio homes, condominiums, and apartments. The number of dwelling units on each lot shall be limited by the minimum parking space requirements. Residential uses shall be subordinate to the commercial and office portion of the development.

Office: Office buildings.

The building area available for office use on each lot shall be limited by the minimum parking space requirements.

Retail and Services.

Restaurants, Retail Buildings. The building area available for retail use shall be limited by the minimum parking space requirements.

Lodging: Hotels and Inns.

The number of guest rooms available on each lot shall be limited by the minimum parking space requirements. Lodging shall be further limited to no more than forty percent (40%) of the total site of the PCD overlay.

Open/Civic Spaces.

Public Pavilions, Greens, Squares, Plazas, Parks. A minimum of seven (7%) of the total land area of the PCD overlay shall be used for one or more of the public spaces as described in Section (4.3) of this ordinance.

Mixed Use Buildings: Retail, Office, and Residential uses may be included within the same structure.

Prohibited Uses:

The following uses are specifically prohibited:

Manufacturing Facilities

Warehouses, Mini Warehouses and other Self-Storage facilities

Adult-Oriented Establishments

Vehicle Sales or Vehicle Repair Facilities

Outdoor Commercial Storage, Outdoor Display or Sales, except as provided in Section 4.2(A)(3) of this ordinance.

Household waste recycling facilities, including intake, sorting and processing activities

Manufactured Homes

Any other use not allowed in the C-2 zone.

Signage:

Signs not relating to identification of or direction to premises and occupants, or to products sold or rendered on the premises are prohibited. Refer to section 14.0 of this ordinance for additional signage requirements.

Other:

In the Planned Commercial Development overlay, the following uses and their accessory uses may be permitted subject to appeal and approval of the Collegedale Board of Zoning Appeals in accordance with the provisions of Section 19.07 of the Zoning Ordinance.

- i. Family Day Care Homes, Group Day Care Homes, and Day Care Centers further subject to the provisions of Section 17.13 of the Zoning Ordinance.

4.1 **Residential Component.**

- A. A residential component is encouraged, but not required.
- B. Density: The residential density shall be a minimum of 4.0 units per acre gross (as calculated by using the residential portion of the proposed site plan). The maximum allowed density for detached residences shall not exceed 6.0 units per acre; the maximum density for attached dwellings shall not exceed 18.0 units per acre.
- C. Limitations: In no event shall the residential building area exceed twenty-five (25%) of the non-residential building area.

4.2 **Open/Civic Spaces.**

- A. A minimum of seven percent (7%) of the total area of the PCD overlay shall be used for one or more of the following public space types:
 - 1. Green:

An open space, available for unstructured recreation. It shall be centrally located so as to function as an easily accessible space. A green is spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. It may also include a public pavilion. Easements for greenways and multi-use paths shall be credited toward the seven percent (7%) open/civic space requirement. Parking landscape islands are not creditable.
 - 2. Square:

An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns, fountains, trees and the like, which are formally disposed. Squares shall be located at the intersection of important streets within the PCD overlay.
 - 3. Plaza:

An open space available for civic purposes and commercial activities such as small-scale sales displays, kiosks, outdoor dining areas, and similar uses, provided that such displays are not left in place overnight. A plaza shall be spatially defined by building frontages. Its landscape shall consist of hard surfaces such as concrete, brick or stone. It may also include a public pavilion. Trees and container plantings are typical.
 - 4. Walkways:

Walkways with a minimum width of five (5) feet are required connect the civic spaces with a public right-of-way or other access point if the civic space cannot be accessed from the required sidewalks.

- B. Larger PCD overlay sites may encompass a range of terrain, some of which is not developed due to steepness, the presence of wetlands or sinkholes, floodways or flood plains. Undisturbed woodlands found within the above areas may be credited to a maximum of one-half (1/2) the open/civic space requirement for the total PCD overlay area.
- C. In any case, after all credits are applied, there shall still be a minimum of three percent (3%) of the site devoted to the open space types listed in Section 4.2 (A)(1) through Section 4.2 (A)(3) of this ordinance.

5. Environmental Requirements

- A. The alteration of the natural environment shall be subject to local, state, and federal regulations.
- B. Riparian: The riparian corridors of blue-line streams as indicated on United States Geological Survey (USGS) Quadrangle Maps, or identified by the Tennessee Department of Environment and Conservation (TDEC) shall be a minimum of thirty (30) feet in width on each side of the stream. The riparian corridors shall be maintained free of structures, except that thoroughfare crossings may be allowed. Streams may be moved only if approved by the Tennessee Department of Environment and Conservation.
- C. Storm Water: Regional storm water detention or retention facilities may be utilized if approved by the City Engineer. There shall be no detention or retention required on individual lots. Storm water retention and detention ponds may be placed within a “green” civic space and shall be credited toward the seven percent (7%) civic space requirement of the PCD overlay if they are natural or constructed bio-retention cells, grass swales or “filter strips” and approved by the City Engineer. Such features may not contribute to more than forty percent (40%) of the required green space.
- D. Trees: Tree coverage should be maximized by preserving existing groves of trees and the planting of additional trees as provided in the Collegedale Commercial Landscape Ordinance.

6. Parking Requirements

Off-street automobile storage or standing space shall be provided within the PCD overlay. One (1) passenger vehicle space shall be determined as one hundred sixty two (162) square feet (9 feet wide by 18 feet long) of parking space and such space shall be provided with vehicular access to a street or alley. Aisle widths shall not have a width of less than twenty-four (24) feet or twenty-six feet if required for fire apparatus access. No portion of any parking space shall have a grade in excess of five (5) percent in any direction.

- A. Minimum Requirements. The following requirements apply to the PCD overlay:
 - i. Dwellings: Not less than 1.8 spaces per dwelling unit.
 - ii. Tourist Accommodations, Hotels: Not less than one (1) space for each room offered for tourist accommodation.

- iii. Any auditorium, Religious Facility, Stadium, or Other Place of Public Assembly:
Not less than one (1) space for every three (3) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.
- iv. Commercial Building or Use:
One (1) space for each one hundred and seventy five (175) square feet of usable floor space.
- v. Medical Offices:
Four (4) spaces per doctor, plus one additional space per employee.
- vi. Offices:
One (1) space for each two hundred (200) square feet of office space.
- vii. Restaurants:
One (1) space per one hundred fifty (150) square feet of usable floor space, plus one (1) space for every two (2) employees.
- viii. Full-Service Restaurants located within a hotel shall provide an additional seventy-five (75%) of the requirement for restaurants in addition to hotel parking requirements.

B. Reduced Parking

Standard parking requirements may be reduced by site provisions for on-street parking within the development. The minimum parking space requirement may be reduced as much as ten percent (10%) for non-residential uses if approved by the City Engineer. Apison Pike, Old Lee Highway, and Lee Highway may not be utilized for on-street parking.

C. Compact Car Spaces

No more than 15% of the required parking spaces in a Planned Commercial Development overlay zone may be designated as 'Compact Spaces'

- i. Dimensions: Compact Car Spaces shall have a minimum width of eight (8) feet and a minimum depth of sixteen (16) feet. Aisle widths shall not have a width of less than twenty-four (24) feet or twenty-six feet if required for fire apparatus access.
- ii. Identification: Each compact parking space shall be identified by a 12" x 18" sign with the word 'COMPACT CAR PARKING ONLY' mounted at 48" above grade and located two feet (2') in front of the parking space.'

7. Public Frontages

- A. The public frontage is the space between the edge of the right-of-way and the edge of the curb. It usually includes walkways, landscaping, and lighting. The minimum width of the public frontage shall be at least ten (10) feet from the edge of the curb to the edge of the right-of-way.

- B. Sidewalks:
Sidewalks with a minimum width of five (5) feet are required within the public rights-of-way, including easements used for public vehicular access. New sidewalks shall connect to any existing sidewalks.
- C. Trees:
Trees shall be planted and maintained within the public right-of-way or access easement (if applicable) between the sidewalk and the curb either in a grass strip or in individual tree wells combined with pervious concrete or pavers with a minimum width of two (2) feet. The minimum planting ratio is one (1) tree per forty (40) linear feet of right-of-way frontage. The minimum spacing between trees shall be fifteen (15) feet measured trunk to trunk. This provision shall replace any street planting required by the Collegedale Landscape Ordinance unless otherwise specified. In addition, this provision only applies to new sidewalks constructed as a part of the development unless permission is obtained from the appropriate authority to include trees within the right-of-way of an existing sidewalk.
 - i. Types of Trees:
Except in areas underneath existing overhead utilities or upper-story balconies projecting into the right-of-way, street trees shall be large-maturing canopy trees. In areas beneath existing overhead utilities or other building features, understory trees shall be used with the consent from the utility and/or easement holder.
 - ii. Tree Size:
The trunk diameter of trees used to fulfill this requirement shall measure two (2) inches in diameter or greater.
- D. Substitutions:
Street frontage buffers prescribed in Section 14-506 of the Collegedale Landscape Ordinance may be substituted in place of requirements found in this section subject to Design Review Committee approval.
- E. Bicycles:
Class II on-street bike lanes or Class III on-street bike routes are encouraged within the PCD overlay. These facilities should provide a connection with existing or planned bicycle infrastructure.

8. Private Frontages (Street Yards)

- A. The private frontage or street yard is the space between the edge of the right-of-way and the principal building. It is composed of grass and other natural plantings to promote ingress and egress safety and to add visual interest to expanses of parking lots.
- B. Walkways:
A pedestrian connection shall be provided to existing or planned sidewalks within a public right-of-way from buildings with a front setback twenty-five feet or more.
- C. Trees:
Trees shall be planted and maintained within the Street Yard. The minimum planting ratio shall be one (1) shade tree and one (1) ornamental tree per thirty (30) linear feet of street frontage. Driveway widths may be excluded from the minimum planting calculation for trees. Nothing in this standard should be construed as mandating a continuous line of trees spaced in an equidistant fashion within the Street Yard. Once the required ratio is

determined, trees of appropriate species or type may be massed or spaced to best accommodate the site's requirements. This provision shall replace any street planting required by the Collegedale Landscape Ordinance unless otherwise specified.

D. Shrubs:

Twelve (12) shrubs per thirty (30) linear feet of street frontage shall be planted and maintained in the Street Yard. A minimum of fifty percent (50%) of these shrubs must be evergreen. Driveway widths may not be excluded from the minimum planting calculation for shrubs. This provision shall replace any street planting required by the Collegedale Landscape Ordinance unless otherwise specified.

9. **Vehicular Access**

A. Public Streets:

All public streets shall be constructed in accordance with plans and specifications approved by the Collegedale City Engineer.

B. All lots shall be served from properly dedicated public streets or recorded access easements.

C. Each building lot within the development shall front a public street or public access easement for a minimum of twenty-five (25) feet.

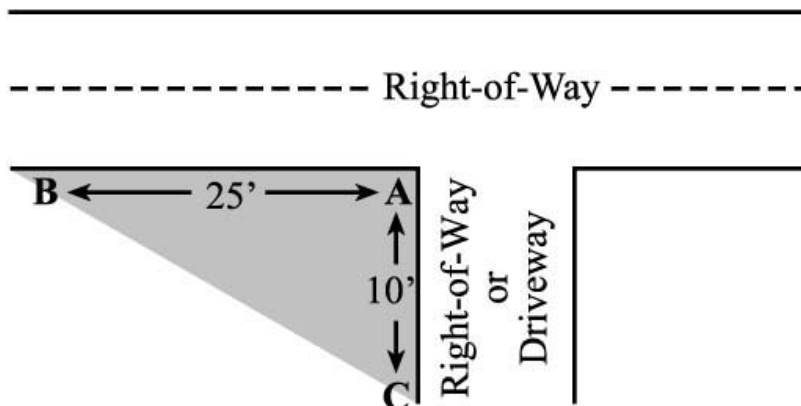
10. **Maintenance of Visibility at Access Points**

A. No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to and street shall impair visibility from or of approaching vehicular traffic, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below.

POINT A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

POINT B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

POINT C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C



11. **Setbacks**

- A. Building setback is measured from the property line.
- B. Front:
No minimum. A twenty-five (25) foot maximum from public streets, public access easements, or parking areas is preferred.
- C. Side: No minimum, except as determined necessary by the Fire Marshall.
- D. Rear: No minimum, except as determined necessary by the Fire Marshall.
- E. Perimeter: The perimeter setback shall be no less than twenty-five (25) feet.
- F. Attached Buildings:
For attached fee-simple buildings, there shall be no interior side yard requirement. Such buildings must meet all building code requirements for zero lot line construction.

12. **Building Height**

- A. Maximum:
Subject to Fire Marshall approval, the maximum building height within the PCD overlay is Six (6) stories or seventy (70) feet, including parapets.
- B. Minimum:
Two (2) stories or eighteen (18) feet, including parapets.
- C. Communications towers shall be subject to setback requirements set forth in the Chapter 17, Section 17.15 of the City of Collegedale Telecommunications Ordinance.

13. **General Landscaping Requirements**

- A. Perimeter Boundary and Screening
Sections 14-507 and 14-508 of the Collegedale Landscape Ordinance apply to the perimeter of the PCD overlay.
- B. Parking Areas
Section 14-509 of the Collegedale Landscape Ordinance applies.

14. **Signage**

- A. Signs not relating to identification of premises and occupants, or to products sold, or services rendered on the premises are prohibited.
- B. Chapter 20 of the Collegedale Zoning Ordinance regulates signage within the PCD overlay with the following sign area exceptions exclusive to the PCD overlay:
 - 1. Development Signs shall not exceed twenty-five (25) feet in height with a sign area not to exceed two-hundred (200) square feet on each side.
 - 2. Single Tenant Signs shall not exceed eight (8) feet in height with a sign area not to exceed forty (40) square feet on each side.
 - 3. Multi-Tenant Signs shall not exceed fourteen (14) feet in height with a sign area not to exceed sixty-four (64) feet on each side.
 - 4. Monopole Site Signs shall not exceed one-hundred feet in height with a sign area not to exceed one-hundred (100) square feet; location(s) of such signs exceeding sixty (60) feet in height must be specifically noted on the submitted site plan prior to final approval.
- C. All other requirements of Section 17.05 of the Collegedale Zoning Ordinance shall regulate signage within the PCD overlay.

15. **Other Requirements**

- A. **Underground Utilities:**
Utility distribution lines within the development shall be placed underground.
- B. **Lighting:**
Lighting shall be at an appropriate height, appropriate lumens, and directed away from any residential structure within or adjacent to the PCD overlay so as not to be intrusive or disruptive. Sidewalks shall be illuminated.
- C. **Refuse Containers:**
Dumpster type containers shall be located away from residential areas and shall limit hour of pickup service from 8 a.m. to 8 p.m.
- D. **Compliance:**
A bond may be required of the applicant to ensure the construction of all planned site improvements.

16. Design Review

- A. The Collegedale Commercial & Multi-Family Residential Design Standards Ordinance shall regulate exterior building appearance.

17. Development Plan Review

- A. A development plan shall be prepared by a licensed architect, landscape architect, or civil engineer.
- B. A vicinity map showing the location, existing zoning, and location of the perimeter boundaries included in the application shall accompany the development plan.
- C. The development plan shall be drawn at a minimum scale of one inch equals fifty (50') feet and shall graphically show the following:
 - 1. Existing surrounding development and land uses.
 - 2. Boundaries, dimensions, square footage, densities and locations of proposed buildings, parking areas, Development Signs, Multi-Tenant Signs, Monopole Site Signs, and other improvements and facilities to be constructed within the development along with such other pertinent information.
 - 3. Proposed Uses: Each land use category (Residential, Lodging, Office, Retail, Civic).
 - 4. Landscaping: The landscape plan may be submitted with the PCD application or as a separate submittal in adherence to this document and to the general commercial landscape ordinance as applicable.
 - 5. Existing and proposed streets, access drives, alleys, parking, pedestrian walks, bicycle paths, etc.
 - 6. Retention ponds, detention ponds, and other storm water drainage facilities.
 - 7. Key environmental features such as topography, streams, wetlands, floodways, and any 100-year floodplains.
- D. The requirements of the PCD overlay site plan shall apply to the development site and shall not be nullified by transfer of land ownership.
- E. A traffic study may be required by the City Engineer. If necessary, it shall be submitted with the PCD overlay Development Plan.

18. Process

- A. The applicant and/or developer shall schedule and attend a meeting with Collegedale municipal staff to review the site plan before submitting the plan for approval.
- B. A PCD overlay application and Development Plan shall be submitted to Collegedale municipal staff for review prior to recommendation to the Collegedale Planning Commission.
- C. The PCD overlay shall be approved subject to the approval of the Development Plan.
- D. The Collegedale Planning Commission shall render its recommendation to the Collegedale City Commission for final approval.

- E. Upon approval by the Collegedale City Commission, the PCD overlay Development Plan becomes a legal and enforceable document.
- F. No PCD overlay shall be approved by the Collegedale City Commission unless it is first submitted to Collegedale municipal staff and the Planning Commission for review.
- G. Upon the recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PCD overlay shall be submitted to the Collegedale City Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the PCD overlay, with specific reference to, but not limited to, the following conditions:
 - 1. The property adjacent to the area to be included in the PCD overlay will not be adversely affected;
 - 2. The plan is consistent with the intent and purpose of the Ordinance to promote public health, safety, morals, and general welfare.
 - 3. There is a reasonable assurance that development will proceed according to the approved Development Plan.
 - 4. Any resolution by the City Commission approving the PCD overlay shall have attached thereto, as an exhibit, the official PCD overlay Development Plan.
 - 5. In addition to the Development Plan, the Planning Commission may require such other additional information as may be determined necessary to adequately review the proposed development.
 - 6. Any desire to change the PCD overlay boundary as shown on an approved PCD Development Plan shall be considered a “major change” to the site plan and shall require submittal of a new PCD overlay application and Development Plan.
 - 7. All other changes shall be considered “minor” and may be approved by the City Manager or his/her designees from Collegedale municipal staff consisting of the Building & Codes Inspector, the Strategic Planner, and the City Engineer.
 - 8. All traffic and road improvements as required by the City Engineer shall be complete before a certificate of occupancy is issued for the non-residential use structures.

19. Definitions

Bioretention Cells, Grass Swales, and Filter Strips. A bioretention cell is a multifunctional landscaped depression that uses plants and layers of soil, sand, and mulch to control runoff volume and timing, reduce the temperature of and remove pollutants from storm water before it enters local waterways. Bioretention cells can be incorporated into open space, roadway swales, and parking areas.

- (a) Components of a Typical Bioretention Cell (Source: Low-Impact Development Center):
 - (i) Grass buffer strips – reduce runoff velocity and filter particulate matter.
 - (ii) Gravel/sand bed – provides aeration and drainage of planting soil and assists in the flushing of pollutants from soil materials.

- (iii) Ponding area – provides storage of excess runoff and facilitates the settling of particulates.
- (iv) Organic layer – filters pollutants and prevents soil erosion.
- (v) Planting soil – provides area for storm water storage and nutrient uptake by plants.
- (vi) Vegetation – removes water through evapotranspiration and pollutants through nutrient cycling.

Class II On-Street Bike Lane: Class II facilities include bicycle lanes and shouldered bikeways. A bicycle lane is a portion of the roadway separated from conventional travel lanes with a stripe, and designated for exclusive or preferential use by bicyclists. They are one-way facilities placed on both sides of a street in order to carry bicyclists in the same direction as motor vehicle traffic.

Class III On-Street Bike Route: Class III facilities include bicycle routes. On a bike route, bicyclists and motorists share the same travel lanes. Motorists will typically have to move into the adjacent lane in order to safely pass a bicyclist.

Filter Strip: A narrow band of vegetation used to filter storm water runoff either before it enters a storm water management device or another body of water. Filter strips can be incorporated into parking lots or along the edge of other paved surfaces and are most effective when used in combination with other storm water management techniques.

Grass Swales: Can be used as an alternative to curb and gutter systems and can often be effectively combined with bioretention cells.

Greenway: A corridor of protected open space managed for conservation, recreation and non-motorized transportation. Greenways are corridors of land recognized for their ability to connect people and places together. These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams, or manmade, such as abandoned railroad beds and utility corridors. Greenways as vegetated buffers protect natural habitats, improve water quality and reduce the impacts of flooding in floodplain areas. Most greenways contain trails, which enhance existing recreational opportunities, provide routes for alternative transportation, and improve the overall quality of life in an area.

Land Area: Ground surface necessary for buildings, required parking, service drives and landscaped areas.

Multi-Use Path: The constructed path within a greenway. They do not allow motor vehicle traffic, but they do permit a range of non-motorized travel including bicycling, walking, running and in-line skating.

Pervious Surface: A surface that permits full or partial absorption of water into the ground.

Tree Canopy: The effective radial circumference area of a mature tree's vegetative cover, including all branches and leaves. The canopy can be conveyed in values of percentage.

CHAPTER 18

EXCEPTIONS AND MODIFICATIONS

SECTION

- 18.01. SCOPE
- 18.02. NONCONFORMING USES
- 18.03. EXCEPTIONS TO HEIGHT LIMITATIONS
- 18.04. LOTS OF RECORD
- 18.05. SPECIAL EXCEPTIONS PERMITS

18.01. SCOPE.

Chapter 18 of this ordinance is devoted for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 16.

18.02. NONCONFORMING USES.

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification, providing, however, that the establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
3. The lawful use of land existing at the time of passage of this Ordinance, although such use may not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for a period of six (6) months, the future use of said land shall be in conformity with the provisions of this Ordinance. Any nonconforming mobile home shall be removed and not subject to replacement to comply with the provisions of this Ordinance under any of the following conditions:
 - A. A mobile home is not occupied for residential use for a period of six (6) months.
 - B. The mobile home deteriorates to an unsafe or uninhabitable condition as determined by the Zoning Official.

- C. The mobile home is moved for any reason from its original location.

If any mobile home loses its legal nonconforming status, it shall be moved within thirty (30) days of written notice from the Zoning Official or his agent.

4. Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to extent of more than sixty (60) percent of its fair market value immediately prior to damage in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
5. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs of alterations required for structural safety.
6. An existing nonconforming use or building which is located within the F-1 Floodway District and/or F-2 Floodway Fringe District shall meet the requirements of those districts.

18.03. EXCEPTIONS TO HEIGHT LIMITATIONS.

The height limitations of this ordinance can be exceeded provided the following conditions are met, as determined by the Board of Zoning Appeals:

1. The developer must present, at the time he applies for a building permit, a copy of the building plans which have been approved by the Collegedale Fire Chief. These plans must show all of the following:
 - A. A standpipe riser with one and one-half (1 1/2) inch fire hose connections,
 - B. An automatic sprinkler protection system for the entire building
 - C. Enclosed exit stairways,
 - D. Smoke and heat detection units, and
 - E. Any other fire protection and prevention requirements which the fire chief feels are necessary for the building.

The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association Standards (NFPA).

2. Before the building can be occupied, the developer must secure a statement from the fire chief that the fire protection systems have been installed according to the plans and that the system is functioning properly.
3. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain

elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials.

18.04. LOTS OF RECORD.

The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one or more adjacent lots or official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.
2. No lot which is not or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.
4. In the case of in-fill development, new structures shall not be so constructed as to setback further than the adjacent existing structure, but in no case shall the minimum front yard requirements of this Ordinance be varied.

18.05. SPECIAL EXCEPTIONS PERMITS

The following requirements or regulations qualify, or supplement as the case may be, the regulations or requirements appearing elsewhere in this Ordinance. A Special Exceptions Permit is used to regulate a use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

1. Revocable Special Exceptions Permit for a Household Recycling Collection Facility
 - A. Intent: The Revocable Special Exceptions Permit for a Recycling Collection Facility is intended to allow limited for-profit facilities for the purpose of collection and sorting of containers and materials typically used within domestic households while specifically excluding materials produced by industrial users. Such facilities are privately operated and are not open for public use, though they do serve to augment and enhance municipal recycling activities already extant within the City of Collegedale and Hamilton County. It is

not the intent of this Special Exceptions Permit to allow the collection or storage of hazardous materials including, but not limited to, medical waste, waste oils, electronic component waste, automotive waste, radioactive substances, PCBs, lead, arsenic, mercury or other similar heavy metal compounds, sewer sludge, animal waste or other biological waste. No onsite smelting or waste processing activities other than storage sorting and distribution shall be allowed

- B. Definition: Household Recycling Collection Facility – A collection center to be used for the collection, sorting and other assimilation and shipment of household materials including mixed paper, glass, aluminum and steel cans, cardboard and newsprint.
- C. Applicability: Application for a Revocable Special Exceptions Permit for the Household Recycling Collection Facility is allowed in C-2 and C-3 zones.
- D. Permitted Uses: The Revocable Special Exceptions Permit allows uses that are necessary for and accessory to the operation of the Household Recycling Collection Facility, as shown on a site plan approved by the City Commission.
- E. General Restrictions: The development and use of property as a Household Recycling Collection Facility may be permitted as a Special Exceptions by the City Commission with or without additional conditions, provided that the following requirements are met:
 - (a) Maximum site area used shall be one (1) acre.
 - (b) No portion of the lot or parcel used for household recycling collection shall be located within five hundred (500) feet of the boundary of any residential zoning district as measured in a straight line.
 - (c) The grounds shall be non-illuminated except for necessary security.
 - (d) All parking shall be on the site and shall be approved by the City Engineer
 - (e) The facility shall not be open to the general public.
 - (f) Materials shall be stored in covered bins
 - (g) The portion of the site used for storage shall be screened from public view by a sight obscuring fence no less than six (6) feet high.
 - (h) The Special Exceptions Permit may be revoked by the City Commission upon written report by the City Building Inspector that the Household Recycling Collection Facility is not being constructed or used in conformance with the approved site plan.
 - (i) Additional conditions may include, but are not limited to: building footprint, building size, building location, ingress and egress, frequency of truck traffic, hours of operation, and mitigation of objectionable odors.

G. Revocation

- (a) The issuance of the Revocable Special Exceptions Permit allowed by this section does not create a vested right to the continuance of the same.
- (b) The City Commission may revoke the Revocable Special Exceptions Permit with or without cause upon thirty (30) days notice before the Commission considers any such action. The permit holder may appear at the meeting of the Commission and, upon request, be heard on the issue of the revocation. If the City Commission votes

to revoke the permit, it may provide for immediate revocation or revocation after an interval to be determined within its discretion.

- (c) If acts or operations on the property that are subject to a Revocable Special Exceptions Permit under this section are an immediate threat to the health, safety or welfare of the City or its citizens, the Building Inspector may order immediate suspension of the Permit. In such case, the permit holder may appeal the decision of the Building Inspector to the City Commission at its next Monday regular meeting, provided that notice of the appeal is given before the close of business at City Hall the Friday preceding the regular meeting.

2. Special Exceptions Permit for Fee-Simple Ownership of Commercial Space (Amended 4/21/15)

A. **Intent:**

The option of fee-simple commercial ownership is advantageous for users who wish to purchase a specific “contained” portion of a structure concurrently with rights to the land underlying such space, thereby necessitating a process for review and approval in the event such action creates lot configurations not allowed under standard zoning requirements. The Commercial Fee-Simple Special Exceptions Permit is intended to provide additional flexibility for owners and developers of commercially zoned property while creating a review and approval process to ensure that land is developed in an orderly and harmonious fashion. A Special Exceptions Permit for such use shall be granted only after administrative review and approval by the Board of Zoning Appeals.

B. **Applicability:**

Property eligible for the Commercial Fee-Simple Special Exceptions Permit shall be zoned one of the following designations:

- C-1
- C-2

C. **Effect:**

Use of the special exceptions permit will allow for the creation of fee-simple commercial lots contained within a building shell that are exempt from area standards prescribed in the underlying zone. The building shell itself is NOT exempt and remains subject to all applicable zoning standards.

D. **Area Requirements:**

- (a) The minimum lot size where the building shell is located shall be dictated by the underlying zone.
- (b) For any internal lot(s) created within the building shell, there shall be no minimum lot frontage, depth or area requirements except as those required for the preservation of health, safety and public welfare as stipulated by the Board of Zoning Appeals at the request of the City Engineer.
- (c) The location of the building shell encompassing the contained space and underlying fee-simple lots shall conform to all applicable zoning and land use standards and is not affected by the approval and issuance of the Commercial Fee-Simple Special Exceptions Permit.

E. Other Stipulations:

- (a) Provision must be made for an appropriate ownership association, created in accordance with T.C.A. Section 66-27-101 et pass.
- (b) Any plat used to record a fee-simple commercial lot or lots using this Special Exceptions Permit must also include statements regarding ongoing maintenance of certain common elements and provision for reciprocal access for all owners of the lots as specified in the Collegedale Subdivision Regulations.

F. Application Process:

- (a) Application shall be made to the Planning and Economic Development Office before the close of business on the 20th day of any month for consideration at the following month's Planning Commission hearing.
- (b) A preliminary plat drawn by a licensed land surveyor shall be submitted at the time of application demonstrating the location and configuration of the proposed lots within the building shell.
- (c) A site plan drawn by a licensed engineer shall be submitted at the time of application demonstrating the general layout of the proposed development. The following elements shall be included on the site plan for the purposes of this use:
 - (i) A scale of not less than 1 inch equals 40 feet.
 - (ii) The total acreage of the site.
 - (iii) The current zoning of the site and surrounding properties.
 - (iv) Date, approximate north point and graphic scale
 - (v) The names and ownership of adjacent lots, parcels, or tracts.
 - (vi) A vicinity map
 - (vii) Location and length of existing property lines
 - (viii) Location of proposed fee-simple commercial lots contained within a building's shell.
 - (ix) General location of all planned structures
 - (x) Site ingress and egress
 - (xi) Parking facilities

G. Staff Review:

Upon receipt of an administrative review fee, City administrative staff will review the submitted material for compliance with applicable municipal land use regulations pertaining to the health, safety and welfare of the community before making a recommendation before the Board of Zoning Appeals. Following an affirmative decision by the Board of Zoning Appeals, a final plat may be recorded with the Hamilton County Register of Deeds.

H. **Definitions:**

Building Shell---For the purposes of this permit, a building shell at minimum consists of all exterior walls and the roof structure which encompasses one or more core spaces which may be divided into separate fee-simple lots intended for individual ownership.

Common Elements---Land amenities, parts of buildings, central services, and any other facilities owned and used in common by all lot or unit owners, and designated in the master deed as such. Common elements may include, but are not limited to parking, landscaping, fire detection and suppression equipment, walkways. Maintenance of such areas is not the responsibility of the City of Collegedale and shall be set forth by the owner's association in the form of restrictive covenants and declarations, which shall guarantee the maintenance of these areas.

Fee-Simple---A private land right whereby a property owner unconditionally owns a specific piece of land.

CHAPTER 19

ADMINISTRATION AND ENFORCEMENT

SECTION

- 19.01. ADMINISTRATION OF THE ORDINANCE
- 19.02. THE ENFORCEMENT OFFICER
- 19.03. BUILDING PERMITS
- 19.04. TEMPORARY USE PERMITS
- 19.05. CERTIFICATE OF OCCUPANCY
- 19.06. BOARD OF ZONING APPEALS
- 19.07. PROCEDURE FOR AUTHORIZING USES PERMITTED ON APPEAL
- 19.08. VARIANCES
- 19.09. AMENDMENTS TO THE ORDINANCE
- 19.10. REMEDIES
- 19.11. PENALTIES FOR VIOLATIONS
- 19.12. CONFLICT WITH OTHER REGULATIONS
- 19.13. SEPARABILITY
- 19.14. EFFECTIVE DATE

19.01. ADMINISTRATION OF THE ORDINANCE.

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

19.02. THE ENFORCEMENT OFFICER.

The provisions of this ordinance shall be administered by the Collegedale Zoning Official. The zoning official shall administer and enforce this ordinance and, in addition, he/she shall:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all Certificates of Occupancy and make and maintain records thereof.
3. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
4. Maintain and keep current zoning maps, and records of amendments thereto.

5. Conduct inspections as required in this ordinance and such other inspections as are necessary to ensure compliance with the various other general provisions of this ordinance. The zoning official shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his/her authorized duties.
6. Administer and enforce the city's floodplain management program.

19.03. BUILDING PERMITS.

1. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, fill or excavate land lying within any flood hazard areas, or to erect or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done, in excess of one thousand five hundred (\$1,500.00) dollars shall first make application to the zoning official and obtain the required permit therefore.
2. Minor repairs may be made with the approval of the zoning official without a permit; provided that such repairs shall not violate any of the provisions of this code.

19.04. TEMPORARY USE PERMITS.

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Collegedale Zoning Official. Application for a Temporary Use Permit shall be made in writing to the zoning official on forms provided for that purpose.

For the purposes of this Ordinance, the term temporary shall be for a period of time not to exceed one (1) year. Such temporary use permits can be renewed at the end of one (1) year at the discretion of the Board.

19.05. CERTIFICATE OF OCCUPANCY.

No land or building or their structure or part thereof hereafter erected, moved, or altered in its use shall be used until the zoning official shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) working days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the zoning official to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; of, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

19.06. BOARD OF ZONING APPEALS.

1. Membership.

The Board of Zoning Appeals shall consist of three (3) members. Board members shall be appointed by the mayor. Board members shall serve without compensation.

2. Terms of Office.

The mayor, with shall appoint one (1) of the members of the board of zoning appeals to serve as the chairman during their term. The chairman of the board of zoning appeals may select one of the members to serve as the vice chairman who shall preside over the meetings of the board of zoning appeals during the absence of the chairman. Of the three (3) members initially

appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years. At the expiration of the terms of initial appointment, all reappointments or new appointments shall be for a term of three (3) years. The mayor shall be responsible for accepting the resignation of any member of the board of zoning appeals and appointing a replacement. Vacancies shall be filled for unexpired terms in the manner herein provided for initial appointments.

3. Conflict of interest.

A board member with either a direct or indirect interest in property affected by the consideration of the board shall be disqualified from any deliberating and voting in the proceedings on that matter.

4. Powers.

Generally. The board of zoning appeals shall be vested with all of the powers granted to a board of appeals pursuant to Tennessee Code Annotated, § 13-7-207.

- A. **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the zoning official or other administrative official in the carrying out of enforcement of any provision of this ordinance.
- B. **Special Exceptions:** To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Municipal Planning Commission is authorized to pass.
- C. **Variances:** To hear and decide applications for variances from the terms of this ordinance (See Section 19.08).

5. Action by the board.

Two (2) board members shall constitute a quorum and concurrence of at least two (2) members shall be necessary to deny or grant any application.

6. Conditions. In granting a variance, special exception permit, or change to a nonconforming use or structure, the board may impose conditions, restrictions or time limits considered necessary to protect surrounding properties and more effectively carry out the general intent of this section.

7. Rules. The board may adopt such rules, regulations and procedures as it may deem necessary to carry into effect the provisions of this section.

8. Procedure.

Meetings of the Board of Zoning Appeals shall be held on the second Monday of each month, and at such other times as the board may determine. All meetings shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

9. Appeals to the Board of Zoning Appeals

An appeal to the Board of Zoning Appeals may be taken from any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the zoning official based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing an application (see appendix) with the Board a notice of appeal specifying the grounds thereof.

The zoning official shall transmit to the Board all papers constituting the record upon which the action appealed was taken. Appeals shall be filed at Collegedale City Hall with the accompanying fee. The deadline for such action shall be the close of business on the 20th day of each month for hearing at the following month's scheduled meeting. If the 20th falls on a non-working day, then the deadline shall be the close of business on the next workday. This provision allows for a reasonable time to give public notice of the hearing, as well as due notice to the parties in interested. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

19.07. PROCEDURE FOR AUTHORIZING USES PERMITTED ON APPEAL.

The following procedure is established to provide procedures for appeal of a proposed use by the Board of Zoning Appeals. the procedure shall be the same whether review is required by this ordinance or whether a review is requested by the zoning official to determine whether a proposed use is potentially noxious, dangerous, or offensive. This procedure shall also be used in submitting special exceptions to the Board of Zoning Appeals.

1. Application.

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of adjacent property owners, and any other material pertinent to the request which the BZA may require. Application for a building permit shall be made in writing to the zoning official on forms provided for that purpose. The application for a building permit for excavation, filling, construction, moving, or alteration, shall be accompanied by a plan or plat drawn to a scale showing the following in sufficient detail to enable the zoning official to ascertain whether the proposed excavation, filling, construction, moving, or alteration is in conformance with this ordinance:

- A. The actual shape, location, and dimensions of the lot to be built upon;
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
- C. The existing and intended use of all such buildings or other structures;
- D. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed construction or alteration as set forth in the application is in conformity with the provisions of this ordinance, the zoning official shall issue a building permit for such construction. If an application for a building permit is not approved, the zoning official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance, and building permits shall be void after six (6) months from date of issue, unless substantial progress on the project has been made by that time.

19.08. VARIANCES.

The purpose of this provision is to hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or physical conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property that do not generally apply to other property in the area.

(A) **Application.** After written denial of a permit, a property owner may make application for a variance, using the standard form made available by the Board of Zoning Appeals.

(B) **Hearings.**

Upon receipt of an application and a fee, as set by the Board of Commissioners, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his/her land. Such hearing shall be preceded by a public notice of the hearing. The board shall consider and decide all applications for variances within forty-five (45) days of such hearing and in accordance with the standards provided below.

(C) **Standards for Variances.**

In granting a variance, the Board shall ascertain that any such request, and subsequent findings and decisions by the Board is in accordance with this Ordinance and Subsection 3 of Tennessee Code Annotated, Section 13-7-207.

(D) **Action of the Board of Zoning Appeals.** In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination initiating the appeal. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination by the codes enforcement officer, or to decide in favor of the applicant

on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

- (E) **Appeals.** Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State of Tennessee. (1978 Code, § 11-1307)

1. **Application.**

After written denial of a permit, a property owner may make application for a variance, using the standard form made available by the Board of Zoning Appeals.

2. **Hearings.**

Upon receipt of an application and a fee, as set by the Board of Commissioners, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. Such hearing shall be preceded by a public notice of the hearing. The board shall consider and decide all applications for variances within forty-five (45) days of such hearing and in accordance with the standards provided below.

3. **Standards for Variances.**

In granting a variance, the board shall ascertain that the following criteria are met as outlined in Subsection 3 of Tennessee Code Annotated Section 13-7-207.

- A. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the board, do not apply generally in the district;
- B. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested;
- C. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss of value shall not justify a variance. There must be a deprivation of beneficial use of land.
- D. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development;
- E. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

19.09. AMENDMENTS TO THE ORDINANCE.

1. General.

The city council may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment. However, no amendment shall become effective unless it be first submitted to and approved by the planning commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the chief legislative body.

2. Initiation of Amendment.

Amendments may be initiated by the city council, the planning commission, or by all of the owners of property affected by the proposed amendment.

3. Application for Amendment - Fee.

An application by an individual for an amendment shall be accompanied by a fee, as set by the Board of Commissioners, payable to the City of Collegedale.

4. Review and Recommendation by the Planning Commission.

The planning commission shall review and make recommendations to the city council on all proposed amendments to the ordinance.

5. Grounds for an Amendment.

The planning commission in its review and recommendation, and the city council in its deliberations, shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area.
- B. It has been determined that the legal purposes for which zoning exists are not contravened.
- C. It has been determined that the proposed amendment will cause no adverse effects upon adjoining property owners unless such adverse affect can be justified by the overwhelming public good or welfare.
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
- E. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan, and consequently, the zoning map.

6. Public Hearing and Notice of Hearing.

A public hearing shall be held on all proposed amendments to this ordinance. Notice of such hearing shall be in a newspaper of general circulation within the City of Collegedale at least fifteen (15) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

7. Effect of Denial of Application.

Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases.

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

19.10. REMEDIES.

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the zoning official or any other appropriate authority or any adjacent or neighborhood property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

19.11. PENALTIES FOR VIOLATIONS.

Upon conviction, any person violating any provision of this ordinance shall be fined not less than two (\$2.00) dollars nor more than fifty (\$50.00) dollars for each offense. Each day such violations continue shall constitute a separate offense.

19.12. CONFLICT WITH OTHER REGULATIONS.

Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute; the requirements of this ordinance shall govern. Whenever the provisions of any other city adopted code require more restrictive standards that are required by this ordinance, the provisions of such code shall govern.

19.13. SEPARABILITY.

Should any action or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the facility of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

19.14. EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

CHAPTER 20

SIGNAGE

Section 20.1

Purpose

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this chapter is to regulate signs that are visible from streets or which are visible from one site to another to provide reasonable regulations for the design, construction, placement and maintenance of signs in order to protect the public health, safety and general welfare of the community. The intent is not to regulate content, only the number, type, location, height and size of signs. This chapter has the following objectives:

1. To ensure that signs are designed, constructed, installed and maintained to assure public and traffic safety.
2. To reflect and support the desired character and development patterns of the community.
3. To allow adequate and effective signs without dominating the visual landscape.
4. To balance the needs of business with the desire to preserve and enhance the visual character of the City.

20.1.2 This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech.

20.1.3 Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the City of Collegedale (City) or the Collegedale Board of Zoning Appeals are prohibited.

20.1.4 A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in this section.

20.1.5 These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

- 20.1.6** These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.
- 20.1.7** These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- 20.1.8** These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Section 20.2

Severability.

- 20.2.1 If any part, section, subsection, paragraph, sentence, phrase, clause, term, or word in this code is declared invalid by a court of competent jurisdiction, such a finding shall not affect the validity or enforceability of the remaining portions of the code.

Section 20.3

Definitions.

- 20.3.1 Attached Sign. A sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen (18) inches from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen (18) inches from a building, canopy, awning, marquee or mechanical equipment shall be considered a “Projecting Sign.”
- 20.3.2 Awning. A shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.
- 20.3.3 Balloon Sign. Any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises of tethered or floating above any portion of the premises.
- 20.3.4 Banner. Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing that is anchored on two or more edges or at all four corners, or by one edge when not on a pole or staff. Banners do not include flags or balloon signs.

- 20.3.5 Building. Any structure that encloses a place for sheltering any occupancy that contains not less than three hundred (300) square feet of enclosed space at the ground level or, is routinely used for human occupancy in the ordinary course of business.
- 20.3.6 Cabinet Sign, Can Sign. A sign structure comprised of a frame and face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet sign refers only to the frame and face.
- 20.3.7 Canopy or Awning. a multi-sided overhead structure supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.
- 20.3.8 Channel Letter. Individual letters that are independently mounted to a wall or other surface and internally illuminated with a covered face. The “air space” between the letters is not part of the sign structure but rather of the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.
- 20.3.9 Code. unless otherwise specifically referenced means the Municipal Code of the City of Collegedale, Tennessee.
- 20.3.10 Convenience Sign. A small ground-mounted sign directing pedestrian and vehicular circulation within a site.
- 20.3.11 Development Sign. A permanent ground-mounted sign, located at the entrance to a development, typically associated with residential subdivisions.
- 20.3.12 Dimensional Letter. A letter, logo, or symbol that has been cut-out, cast, fabricated, or molded from material such as metal or plastic.
- 20.3.13 Electronic Message Center or Sign (EMC). An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs include light emitting diodes (LEDs), liquid crystal displays (LCDs), lamps as a lighting source. Any reference to EMC also refers to electrically activated changeable copy signs such as flipper matrix.
- 20.3.14 Facade. the face of a building, especially the principal front that looks onto a street or open space.
- 20.3.15 Flag. A flag is a sign made of fabric, bunting, or similar material, attached along one side to a single pole that is either freestanding or attached to a building.
- 20.3.16 Flashing Sign. A sign whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. Generally, a message is continuously repeated, with the sign used as an attention-getting device.

- 20.3.17 Flat Wall (Façade-Mounted) Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
- 20.3.18 Freestanding Sign. A permanently affixed single or double-faced sign which is constructed independent of any building and supported by one or more columns, uprights, braces or constructed device.
- 20.3.19 Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
- 20.3.20 Government Imitation Sign. Any sign designed to imitate or appear as a Government Sign, placed by any non-government entity.
- 20.3.21 Ground Mounted Sign. A freestanding sign with a solid base directly and continuously connected to at least 50 percent of the sign face width or with two bases of at least 12 inches in width, measured at the narrowest dimension, each. The lowest portion of the sign face in a ground-mounted sign is at least 12 inches, but less than eight feet, above grade.
- 20.3.22 Grade. The existing landscape before construction or newly established landscape after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of elevating a freestanding sign.
- 20.3.23 Hanging Sign. A projecting double-faced sign mounted to a wall or pole and hung from a bracket or support arm.
- 20.3.24 Height. Total measurement of the vertical side of the rectangle which is used to calculate "sign area" or the distance from the lowest grade at the sign support to the highest point on the sign for sign height.
- 20.3.25 Highway Sign. A Freestanding sign erected and maintained within the view of motorists who are driving on a highway.
- 20.3.26 Illuminated sign. A sign that contains or consists of lights or a light source or that is illuminated by another light source intended primarily to illuminate the sign. The following definitions apply to illuminated signs:
- A. Exposed illumination means a light source that is seen such as neon, fiber optics and bare bulbs that are not external illumination.
 - B. External illumination means an external light source directed to illuminate the exterior surface of the sign. External illumination includes downlit (lit from above), uplit (lit from below) and backlit; provided, that the light does not transmit through translucent material.

- C. Internal illumination means a source of illumination entirely within the sign which makes the sign face visible at night by means of light being transmitted through a translucent material and where the source of illumination is not visible.
- D. Opaque means any material which does not allow light to pass through it.
- E. Translucent means any material which allows light to pass through it.

20.3.27 Integral Sign. A sign that is embedded, extruded or carved into the material of a building facade made of bronze, brushed stainless steel or aluminum, or similar material attached to the building facade.

20.3.28 Mansard. Lower portion of a roof with two pitches, including a flat-top roof with a mansard portion.

20.3.29 Mansard Sign. Any sign attached to the mansard portion of a roof.

20.3.30 Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

20.3.31 Minor Sign. A sign described in Section 20.5.6, and any sign not larger than six (6) square feet per side, and that can be removed by hand if abandoned.

20.3.32 Monument Sign. A permanent freestanding sign that has a solid supporting base equal to or greater than the width of the sign face and at least 12 inches high with no separations between the sign and base. The sign and base may be one integrated unit. If not an integrated unit, the supporting base shall be a minimum 12-inch vertical height.

20.3.33 Nonconforming Sign. A sign that was lawful when erected, but that does not comply with this chapter.

20.3.34 Occupant. Each separate person, business, or other entity which owns or leases and occupies a separate portion of a building, dwelling, or premises.

20.3.35 Painted Wall Sign. A subcategory of a wall sign and consist of paint applied directly to the exterior wall of a building, or the mural sign consists of paint applied directly on a structure and is not a sign type included in Table 1. Mural signs may not include any additional materials including, but not limited to, electrical components or lighting, dimensional structural elements, or automated methods that cause changes in the appearance of the mural.

20.3.36 Permanent Sign. A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and its intended use appears to be indefinite.

20.3.37 Person. A company, corporation, limited liability company, association, partnership, joint venture, business, proprietorship, or any other legal entity.

20.3.38 Pole Sign. A permanent freestanding sign with a visible support structure consisting of a single pole whose base is fixed below the surface of the ground.

- 20.3.39 Political (Campaign) Sign. A sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with a local, state, or national election or referendum.
- 20.3.40 Post and Panel Sign. A sign which uses one or more visible posts and is unlighted.
- 20.3.41 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
- 20.3.42 Principal Use Building. The building in which the principal use of the site is conducted. Sites with multiple principal uses may have multiple principal buildings; however, storage buildings, garages and other accessory structures or uses shall not be considered as the principal use building.
- 20.3.43 Projecting Sign. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 20.3.44 Push-through Sign. A letter or logo that is cut out of a backing material as thick or thicker than the sign face. The material is then mounted on the inside of the sign face so that it is flush with or extends through and beyond the front of the sign face.
- 20.3.45 Pylon Sign. A freestanding sign in excess of eight feet in height, that is supported by one or more structural elements extending from and permanently attached to the ground by a foundation or footing where the width of the sign structure measures less than 75 percent of the width of the sign.
- 20.3.46 Reader Board. A sign attached to or made a part of the support system of a freestanding sign typically used to display interchangeable messages.
- 20.3.47 Reverse Channel Letter Sign. Letters mounted away from a wall, or sign surface. Any illumination is placed behind each letter, logo, or other device forming a halo effect.
- 20.3.48 Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.
- 20.3.49 Sandwich Board/Sidewalk Sign. A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame, which is typically in the shape of an A.
- 20.3.50 Set Back. The distance from a property line boundary, or the boundary of a leasehold to the nearest point on the sign.
- 20.3.51 Sign. The physical components of materials placed or constructed primarily to convey a message or other display.

- 20.3.52 Sign Face. The surface upon, against or through which the sign copy or message is displayed or illustrated.
- 20.3.53 Sign Area. The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire sign copy, excluding architectural trim and structural supports.
- 20.3.54 Sign Band. The prominent flat horizontal area located on the first story of a building directly above storefronts or primary entrances and architecturally designed for wall-mounted signs.
- 20.3.55 Sign Copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, notify, or otherwise communicate information to the observer.
- 20.3.56 Sign Face. means the surface upon, against or through which the sign copy or message is displayed or illustrated.
- 20.3.57 Sign Height. The height of a freestanding sign is the vertical distance from the mean grade elevation taken at the fronting street side of a structure to the highest point of a sign or supporting structure.
- 20.3.58 Site. A lot or contiguous lots under common ownership or control, and constructed or improved under an approved and permitted development.
- 20.3.59 Snipe sign. Any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned, leased or maintained by the owner of the sign.
- 20.3.60 Street Frontage. The width of a legal tax parcel, tract, or lot measured along the line separating the property from a street.
- 20.3.61 Temporary Sign. A sign means a sign that is intended to be placed for a brief time, and is not a permanent sign. Campaign signs are regulated by T.C.A. § 2-7-143.
- 20.3.62 Vehicle Sign. Any sign attached to or displayed on a vehicle.
- 20.3.63 Window Sign. A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.
- 20.3.64 Zoning District, Mixed-Use. MU-TC, U-1
- 20.3.65 Zoning District, Non-Residential. C-1, C-2, C-3, MU-BC, I-1
- 20.3.66 Zoning District, Residential. AG, R-1-L, R-1-H, R-2, R-3, PUDs not containing commercial, civic, office, or industrial uses.

Section 20.4

General Provisions

20.4.1 Applicability

A sign may be erected, placed, established, painted, created, or maintained on private property in the City of Collegedale only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter.

20.4.2 Effect

The effect of this Chapter is to:

- 20.4.2.1 Establish a permit system to allow a variety of types of signs in non-residential zones and a limited variety of signs in residential zones, subject to the standards and the permit procedures of this Chapter.
- 20.4.2.2 Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without a requirement for permits.
- 20.4.2.3 Provide for temporary signs in limited circumstances.
- 20.4.2.4 Prohibit all signs not expressly permitted by this Chapter.
- 20.4.2.5 Provide for the enforcement of the provisions of this Chapter.

20.4.3 Signs Exempt from Regulation

The following signs are allowed in all sign districts without a sign permit and are not included in the determination of the type, number, or area of permanent signs allowed. All signs, even those exempt from permitting, must comply with sign placement and maintenance requirements.

- 20.4.3.1 Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- 20.4.3.2 Flags mounted on a pole in the ground or on a building. However, such flags are exempt but are subject to Zoning Ordinance height regulations and must be located and constructed so that if the pole should collapse, its reclining length would be contained on the property on which it is installed. This exemption is subject to the following limitations:
 - A. Three flags per site under six acres.
 - B. Six flags per site over six acres.
 - C. Maximum width of the flag shall not exceed one-fourth the height of the pole

- 20.4.3.2 Traffic control and informational signs such as stop, yield, and similar signs, the faces of which meet the requirements of the Tennessee Department of Transportation or other standard in use such as the Manual on Uniform Traffic Control Devices (MUTCD).
- 20.4.3.3 Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not snipe signs.
- 20.4.3.4 Where a federal, state or local law requires or allows a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign shall be no larger than four square feet and located in a place on the property to provide access to the notice that is required to be made. Signs posted under this Section are not snipe signs.
- 20.4.3.5 Numerals representing street addresses for dwellings and businesses as required for emergency location and response.
- 20.4.3.6 Any sign not legible from a street (public or private). This includes drive-in and drive-through menu board signs and signs within buildings, including signs at least ten (10) feet back from window.
- 20.4.3.7 Signs located within a sports stadium or athletic field and oriented to the playing field or spectator areas.
- 20.4.3.8 Signs that are carried or worn by humans or animals are allowed at all times while they are being carried or worn.
- 20.4.3.9 Signs in non-residential and mixed-use zoning districts not greater than four (4) feet in height with a sign area not exceeding six (6) square feet per side and not discernible from a public right-of-way or private street with a public access easement.
- 20.4.3.10 Signs in residential zoning districts not exceeding four (6) feet in total height above grade, or four (4) square feet.
- 20.4.3.11 Campaign signs are regulated by T.C.A. § 2-7-143.
- 20.4.3.12 Any special event signage that is placed on any property within the City that is directly associated with a City sponsored event. No sign shall be placed any closer to the edge of pavement (public or private) than ten (10) feet or in such a location which blocks visibility of motorists.

20.4.4 Transitional Provisions

20.4.4.1 Existing Signs

All signs legally erected prior to the effective date of this Ordinance are considered legal by this Ordinance and may remain in place and in use, subject to certain restrictions on modification, replacement, and other actions affecting the sign, as set forth in this Ordinance.

20.4.4.2. Existing Permits

All holders of permits for signs issued legally prior to the effective date of this Ordinance may erect the signs which are the subject of such permits within the times allowed by such permits, and such signs shall then be treated as though they had been erected prior to the effective date of this Ordinance. However, such permits may not be extended or amended unless the sign which is the subject of such permit will conform to all the requirements of this Ordinance.

20.4.4.3 Existing Violations

All violations of the sign regulations repealed by this Ordinance shall remain violations of the ordinances of the City of Collegedale and all penalties and enforcement remedies set forth hereunder shall be available to the City of Collegedale as though the violation were a violation of this Ordinance. However, if the effect of this Ordinance is to make a sign that was formerly nonconforming become conforming, then enforcement action shall cease except to the extent of collecting penalties (other than removal of the sign) for violations that occurred prior to the effective date of this Ordinance.

Section 20.5

Permits & Procedures

20.5.1 Permit Applications

Except as otherwise provided within this Chapter, it shall be unlawful for any person to erect, construct, enlarge, modify, move or replace any sign or cause same to occur without first having obtained a sign permit issued by the City of Collegedale.

20.5.1.1 Applications for sign permits shall be submitted on City forms.

20.5.1.2 An application for a sign permit must be filed with the Planning & Economic Development Department on forms furnished by that department.

20.5.1.3 An application for a temporary sign must state the dates intended for the erection and removal of the sign.

- 20.5.1.4 The application form shall include the name and address of the property owner, sign owner, sign manufacturer and sign installer and must be accompanied by fee in the uncodified schedule.
- 20.5.1.5 The minimum submittal requirements include drawings showing the design, location, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to the building or structure.
- 20.5.1.6 The Planning & Economic Development Director or designee must process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within seven (7) business days of receipt. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.
- 20.5.1.7 If the application is rejected, city administration must provide a list of the reasons for the rejection in writing (or email). An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

20.5.2 Approval and Inspection.

- 20.5.2.1 The City shall issue the sign permit if the application is properly submitted and the proposed sign meets the standards of this chapter and other applicable laws and regulations.
- 20.5.2.2 The approved sign shall be constructed and installed within six months of the approval date.
- 20.5.2.3 Once the sign is constructed or installed on site, the applicant must notify the Department of Planning and Economic Development to conduct a final inspection, which includes an electrical inspection (if applicable) by the Building and Codes Director or designee. Upon receiving satisfactory inspection(s), the sign permit will then be validated by the City of Collegedale.
- 20.5.2.4 If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit is void.

- 20.5.2.5 The permit for a temporary sign must state its duration as provided in this Chapter.

20.5.3 Permit Revocation

- 20.5.3.1 The City may revoke sign permits if a sign is found to be in violation of this Chapter, if the violation cannot be cured, or if the permittee fails to take steps to cure the violation.
- 20.5.3.2. A permit may be revoked if the City determines that information in the application was materially false or misleading; the sign as installed does not conform to the sign permit application; the sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or the Building Official/Zoning Administrator or designee determines that the sign is not being properly maintained or has been abandoned.

20.5.4 Appeals

- 20.5.4.1 Appeals of the standards in this Chapter, the Zoning Ordinance, or an administrative interpretation or enforcement of same, shall be processed in accordance with the procedures contained within the Collegedale Zoning Ordinance.

20.5.5 Sign Plan Option

- 20.5.5.1 Sign Plan is intended to integrate the signs proposed for a nonresidential development project with the overall site design.
- 20.5.5.2. Applicability. The submittal of a Sign Plan shall be optional.
- 20.5.5.3 An increase in sign height or sign area of more than 25 percent or an increase in the number of signs is not allowed.
- 20.5.5.4 An application for a Sign Plan shall include filing fees and all plan views, building elevations, square foot sign area allowances, sign location areas and examples of appropriate building signs and freestanding signs.

20.5.6 Nonconforming Signs

The following shall apply to existing legally permitted signs or sign structures that met all applicable regulations in effect at the time of installation, but were made nonconforming prior to or as of the effective date of this Chapter:

- 20.5.6.1 Minor repairs or maintenance may be performed on a nonconforming sign or sign structure such as cleaning, printing, painting, re-facing, or refinishing the surface so as to maintain the condition of the sign.
- 20.5.6.2 Nonconforming billboards may be continued in accordance with the provisions of T.C.A. §13-7-208.
- 20.5.6.3 Signs which were unlawful under the prior Ordinance and which do not conform to this Chapter must be removed immediately.

20.5.7

Sign Compliance

Signs shall be brought into compliance with this Ordinance when:

- 20.5.7.1 A sign is structurally altered.
- 20.5.7.2 A sign is changed so as to increase the extent of the nonconformity except as provided in applicable portions of T.C.A. §13-7-208.
- 20.5.7.3 The use of a business or property changes.
- 20.5.7.4 The sign is abandoned for a period of six (6) months or longer.
- 20.5.7.5 The sign or sign structure is destroyed or damaged to the extent that repair would cost 50 percent or more of the current cost to replace the sign, including labor and materials.
- 20.5.7.6 A sign is relocated, replaced or must be brought immediately into compliance with all provisions of this Code.
- 20.5.7.7 Temporary signs, including snipe signs and graffiti that do not comply with this Chapter must be removed immediately.

20.5.8

Removal of Landscape Materials and Natural Vegetation

Trees, shrubs, or other vegetation shall not be trimmed, damaged, destroyed, or removed to increase or enhance the visibility of signs in the following circumstances:

- 20.5.8.1 Within public right-of-way, unless the work is done pursuant to the express written permission of the City or State as applicable.
- 20.5.8.2 On property that is not under the ownership or control of the person responsible for the work, unless the work is done pursuant to the express permission of the person or entity owning the property on which the trees, shrubs, or other vegetation is located.
- 20.5.8.3 In any area where trees or shrubs are required to remain pursuant to a duly adopted statute, ordinance, resolution, or other applicable code.

Section 20.6

Prohibited Signs.

20.6.1 No sign shall be erected unless:

- 20.6.1.1 Constructed pursuant to a valid building permit when required under the Municipal Code.
- 20.6.1.2 Authorized under the Municipal Code, including additional applicable provisions within the Collegedale Zoning Ordinance.

20.6.2 Sign Types Prohibited in all Zoning Districts:

- 20.6.2.1 Bench Signs;
- 20.6.2.2 Freestanding Canopy with Signs;
- 20.6.2.3 Government-imitation Signs;
- 20.6.2.4 Air-activated devices, streamers, tethered balloons or other inflatable signs or figures, except as authorized by this Ordinance
- 20.6.2.5 Mechanical Signs;
- 20.6.2.6 Parked-vehicle signs (including but not limited to: Trucks, cars, planes, boats, semi-truck trailers, military equipment, etc.);
- 20.6.2.7 Roof Signs, including signs painted on roofs;
- 20.6.2.8 Searchlights;
- 20.6.2.9 Signs erected in a public right-of-way, except for those placed by or on behalf of a governmental entity;
- 20.6.2.10 Signs interfering or blocking the sight of directional, instructional, or warning signs;
- 20.6.2.11 Signs on natural features such as trees, other vegetation, and rocks;
- 20.6.2.12 Banners, except as otherwise specified within this Chapter;
- 20.6.2.13 Signs attached to utility poles, or bridges;
- 20.6.2.14 Snipe signs;
- 20.6.2.15 Any sign which is portable or not securely attached to a building or to the ground (sand bags, rocks, guide wires, tape, stakes, fence posts, chains, and staples are not considered a form of secure attachment);

- 20.6.2.16 Information boxes larger than 12 inches by 14 inches and 3 inches in depth when erected alone or placed on sign structure;
- 20.6.2.17 Any sign which exhibits statements, words or pictures of an obscene or pornographic nature;
- 20.6.2.18 Any sign with moving parts, flashing or blinking lights, animation or sound emitting devices (excluding two-way communication devices used solely for such two-way communication);
- 20.6.2.19 Exposed neon window signs;
- 20.6.2.20 Flags, except as permitted in this Chapter;
- 20.6.2.21 Trash receptacle signs;
- 20.6.2.22 Open channel letter signs
- 20.6.2.23 Attached Building Mounted smooth-faced cabinet or can signs.

Section 20.7

TEMPORARY Signs Allowed in Non-Residential and Mixed Use Zoning Districts.

C-1 C-2 C-3 MUTC MUBC I-1 U-1 ZONING DISTRICTS

20.7.1

Description

1. A sign intended for temporary use other than temporary construction site signs and campaign signs. Campaign signs are regulated by T.C.A. § 2-7-143.
2. Temporary signs that meet the standards of this section are not included in the determination of the type, number, or area of permanent signs allowed.
3. A permit must be obtained before displaying signs allowed in this Section.

20.7.2

Permitted Districts

1. C-1, C-2, C-3, MUBC, MUTC, I-1, U-1.
2. Residential uses in the U-1 zoning district shall be subject to the standards in Section 20.8 relating to temporary signs.
3. Legal non-conforming residential uses in C-1, C-2, C-3, MUBC, and MUTC shall be subject to the standards in Section 20.X.

20.7.3

Quantity Permitted

1. One (1) temporary attached sign on a building face fronting a street right-of-way.
2. One (1) temporary freestanding board sign.
3. An occupant may be allowed one (1) temporary attached sign and one (1) temporary freestanding sign for simultaneous use, provided each sign is used for the same duration as allowed in this Section.

20.7.4

Sign Area

1. No sign shall exceed thirty-two (32) square feet in area.

20.7.5

Sign Height

1. There is no height limit for signs attached to buildings, provided that no sign extends beyond the top of the building.
2. Freestanding signs shall not exceed six (6) feet in height.

20.7.6

Placement

1. Banners and board signs may be attached to buildings.
2. Banners shall not be attached to the ground
3. Signs shall be installed and secured tightly to the building or to the ground

- using sturdy supports.
- 4. No loose, secure attachments are allowed.

20.7.7 Construction

- 1. Banners of vinyl or similar material are permitted.
- 2. Board signs of rigid, weatherproof construction are permitted.
- 3. All signs shall be installed and secured tightly to the building. No loose, non-secure attachments are allowed.

20.7.8 Illumination

- 1. Illumination is prohibited.

20.7.9 Limit of Use

- 1. No occupant shall be eligible for issuance of an attached temporary sign for more than a total of one hundred five (105) days during any calendar year, and no occupant shall be allowed to use more than two (2) temporary signs at a time.
- 2. All temporary sign permits shall state an effective date and an expiration date; such permits shall be issued only for fifteen (15) or thirty (30) day increments. Any temporary sign and its supporting structure permitted under this Section shall be removed at or before 11:59 p.m. of the expiration date on the temporary sign permit notwithstanding any other provision of this Section, unless the temporary sign permit for such sign is renewed as set forth herein.
- 3. No occupant may obtain a temporary sign permit until the expiration of thirty (30) days from the end of such occupant's last temporary sign permit period or renewal period, whichever is later.

20.7.10 Renewal of Permit:

- 1. A temporary sign permit may be renewed once for an additional consecutive fifteen (15) day period; such renewal may be made by contacting the Permit Clerk for the Department of Planning and Development prior to the expiration date of the initial permit.
- 2. No fee shall be charged for such renewal if requested by the applicant prior to the initial permit's expiration.

20.7.11 Permit Fee and Display of Permit:

- 1. A permit fee of twenty-five dollars (\$25.00) shall be charged for the issuance of each temporary sign permit and upon issuance such temporary sign permit shall be securely affixed to and readily viewable on the temporary sign.

Section 20.8

Temporary Signs Allowed in Residential Districts

AG R-1 R-2 R-3 U-1 ZONING DISTRICTS

20.8.1 Description

1. This classification includes signs intended for temporary use in residential districts, other than temporary construction site signs and campaign signs.
2. Campaign signs are regulated by T.C.A. § 2-7-143.
3. No permit shall be required for signs meeting the standards in this Section.

20.8.2 Permitted Districts

1. AG, R-1, R-2, R-3, residential uses in U-1, and legal non-conforming residential uses in all other zones.

20.8.3 Quantity Allowed

1. Up to two (2) signs allowed by this Section may be placed on the property.

20.8.4 Location

1. Signs shall be located outside of existing rights-of-way, slope easements, and construction easements.
2. Signs shall be located outside of the sight triangle (see Section 20.23.2).

20.8.5 Sign Area

1. The maximum sign area may not exceed four (4) square feet per sign, with a total of eight (8) square feet for a double sided sign.

20.8.6 Sign Height

1. No sign may exceed five (5) feet in height, nor shall it be situated so the sign or any part thereof exceeds six (6) feet in height above grade.

20.8.7 Construction and Appearance

1. Signs allowed in this Section shall be constructed of durable materials.
2. Such signs determined by the Building and Codes Officer to be in a dangerous condition, or otherwise constitute a safety hazard shall be removed or replaced.

20.8.8 Illumination

1. Signs shall not be illuminated.

20.8.9 Limit of Use

1. Signs shall not be displayed longer than three (3) months out of every twelve

Section 20.9

PERMANENT ATTACHED Sign Types

Allowed in Non-Residential Zoning Districts

20.9.1 Attached Sign Types Allowed

The following regulations specify the sign types, dimensions, locations, allowed zones, and other circumstances in which such structures are permitted by this Chapter.

20.9.2

Awning Sign

20.9.2.1	Description:	An awning sign is part of or attached to the front face of an awning which is attached to a building.
20.9.2.2	Permitted Zoning Districts:	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.9.2.3	Quantity Permitted:	One awning sign per primary ground floor entrance is permitted.
20.9.2.4	Sign Area:	Either sixty (60) percent of the awning valance or twenty-five (25) percent of the awning face is permitted.
20.9.2.5	Sign Height:	The maximum height is sixteen (16) feet.
20.9.2.6	Placement:	<p>A. Any sign allowed in this Section shall be placed either on the awning valance or awning face.</p> <p>B. The awning must not extend beyond ten (10) feet from the building or structure.</p>
20.9.2.7	Construction:	Awnings shall be constructed of opaque canvas, cotton duck, or similar materials with lettering painted, screen printed, or appliqued.
20.9.2.8	Illumination:	Only external illumination is permitted.

20.9.3 Band Sign

20.9.3.1	Description:	A sign that is nearly flat against the facade and placed directly above the ground floor entrance of a building or leased portion thereof.
20.9.3.2	Permitted Districts;	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.9.3.3	Quantity:	A maximum of one per primary entrance.
20.9.3.4	Sign Area:	A maximum of 1.5 square feet per linear foot of entrance facade is permitted.
20.9.3.5	Sign Height:	N/A
20.9.3.6	Placement:	<ul style="list-style-type: none"> A. Shall be applied to the ground floor facade, and shall not extend above the roofline. B. Must be vertically aligned with the center of an architectural element such as a storefront window or entrance, or centered over the overall space occupied by the business. C. Band signs shall not project more than twelve (12) inches from the building facade.
20.9.3.7	Construction:	Shall be constructed of brick, stone wood, metal, or a composite material that has the same or similar properties.
20.9.3.8	Illumination	<ul style="list-style-type: none"> A. Internal illumination must use punch-through letters, channel letters, or backlit channel letters. B. External illumination may be used.

20.9.4 Canopy Sign

20.9.4.1	Description:	A multi-sided overhead structure supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.
20.9.4.2	Permitted Districts:	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.9.4.3	Quantity:	Maximum of one (1) canopy per building facade and may be used only if no wall, band, or awning sign exists on the building facade.
20.9.4.4	Sign Area:	Signs allowed in this Section are limited to a maximum of ninety (90) percent of the canopy face or one hundred twenty (100) square feet, whichever is smaller.
20.9.4.5	Sign Height:	The maximum height is sixteen (16) feet.
20.9.4.6	Placement:	<p>A. Shall not project above or below the canopy or be located above the building roofline.</p> <p>B. Canopy signs shall not extend more than one (1) foot from the canopy face.</p>
20.9.4.5	Construction:	Signs shall be constructed of durable metal, or a composite material with the same or similar properties.
20.9.4.6	Illumination:	External illumination only shall be used.

20.9.5 Hanging Sign

20.9.5.1	Description:	A projecting double-faced sign hanging from beams, brackets or poles.
20.9.5.2	Permitted Districts:	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.9.5.3	Quantity:	<p>A. One hanging sign may be</p>

- B. installed on a primary building. Multiple-tenant buildings may have one sign on each tenant's storefront that provides customer access.

20.9.5.4 Sign Area:

- A. Signs may be two-sided.
- B. A maximum of six (6) square feet per side is permitted.

20.9.5.5 Sign Height:

N/A

20.9.5.6 Placement:

- A. A minimum clearance of eight feet between the bottom of the sign and the finished grade below the sign is required.
- B. Maximum height above grade shall be the roofline or window sill of the second story, whichever is less.
- C. At alleys, when no curb exists, a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.
- D. Signs may project a maximum of four (4) feet from the building facade.

20.9.5.7 Construction:

Wood, metal, or a composite material that has the same properties.

20.9.5.8 Illumination:

Signs may be illuminated using one of the following means:

- A. Internal push-through illumination panels
- B. Reverse (backlit) channel letter illumination
- C. External illumination

20.9.6 Projecting Sign

20.9.6.1 Description:

A sign that projects from and is supported by a wall of a building with the display surface of the sign in a plane

		perpendicular to or approximately perpendicular to the wall.
20.9.6.2	Permitted Districts:	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.6.6.3	Quantity:	One projecting sign may be installed on the primary use building. Multiple-tenant buildings may have one sign on each tenant's storefront that provides customer access.
20.6.6.4	Sign Area:	<ul style="list-style-type: none"> A. Projecting signs shall not exceed 18 square feet in area. B. Projecting sign area shall be deducted from the building's sign allowance.
20.6.6.5	Sign Height and Width:	<ul style="list-style-type: none"> A. Signs must not exceed 6 feet in height (length). B. Signs shall not exceed 36 inches in width.
20.6.6.6	Placement:	<ul style="list-style-type: none"> A. Projecting signs shall extend no more than 36 inches from the building. B. Projecting signs shall be located on the first story except that a projecting sign may be installed on the wall of the second story, provided the sign and sign supports are installed no higher than the second floor window opening or 24 feet above grade, whichever is lower. C. Projecting signs shall not extend above the roofline or roof eave or above the parapet of the building. D. A minimum clearance of eight feet between the bottom of the

sign and the finished grade below the sign is required. At alleys, when no curb exists, a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.

20.6.6.7 Construction:

- A. Metal, plastic, or composite materials.
- B. "Can" or "Cabinet" signs are prohibited.

20.6.6.8 Illumination:

Signs may be illuminated using one of the following means:

- A. Internal push-through illumination panels
- B. Reverse (backlit) channel letter illumination
- C. External illumination

20.9.7 Wall Sign

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| 20.9.7.1 | Description: | A single-sided sign that is attached to or painted on an exterior wall of a building so that the sign face is parallel or approximately parallel to and within 18 inches of a building wall. |
| 20.9.7.2 | Permitted Districts: | C-1, C-2, C-3, MUBC, MUTC, I-1, U-1 |
| 20.9.7.3 | Quantity: | A maximum of one sign per building facade fronting a right-of-way used by the general public is permitted if no sign band is present. |
| 20.9.7.4 | Sign Area: | <ul style="list-style-type: none"> A. For buildings less than 35,000 square feet, the total sign area permitted is ten (10) percent of the subject facade, not to exceed one hundred (100) square feet. B. For buildings over 35,000 square feet, the total sign area permitted is ten (10) percent of the subject facade, not to exceed one hundred fifty (150) square feet. |

- C. Signs shall reflect the proportional and dimensional relationship of the building.
- 20.9.7.5 Sign Height:
 - A. For buildings less than 35,000 square feet, logos, channel letters, and push-through letters shall not exceed thirty-six (36) inches in height.
 - B. For buildings over 35,000 square feet, logos, channel letters, and push-through letters shall not exceed forty-eight (48) inches in height.
 - C. For multi-tenant buildings, the wall sign area for the primary entrance for each occupant space shall not exceed one (1) square foot per linear foot of the facade associated with said space
- 20.9.7.6 Placement:
 - A. Signs for multi-tenant buildings, shall be located within the primary facade of the occupant space.
 - B. No sign shall be placed higher than second story windows.
 - C. No sign shall be placed higher than sixteen (16) feet above the finished grade of the building.
 - D. Signs shall not project more than twelve (12) inches from the facade.
 - E. No sign shall be attached to any chimney, cupola, or other architectural feature that extends above the building's primary roofline.
- 20.9.7.7 Construction:
 - A. Metal, plastic, or composite materials.
 - B. "Can" or "Cabinet" signs are prohibited.
- 20.9.7.8 Illumination:
 - Signs may be illuminated using one of the following means:
 - A. Internal push-through illumination panels
 - B. Reverse (backlit) channel letter illumination
 - C. External illumination

20.9.8 Window Sign

20.9.8.1	Description:	A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.
20.9.8.2	Permitted Districts:	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.9.8.3	Quantity:	A maximum of five (5) signs is allowed, and subject to maximum sign area provisions herein.
20.9.8.4	Sign Area:	<p>A. Signs shall not exceed 20% of the aggregate window and door area of the primary entrance.</p> <p>B. Signs visible through the window or door and that identify the nature of the establishment's business, names of professionals, hours of operation, etc., that do not exceed 3 square feet, shall not be included in the total window sign area.</p>
20.9.8.5	Sign Height:	N/A
20.9.8.6	Placement:	Signs shall be located fully within the interior of the building and attached directly to or mounted within 12 inches of the inside of the commercial business.
20.9.8.7	Construction:	Metal, wood, easily removable, vinyl, paint, cloth, paper, or like material.
20.9.8.7	Illumination:	<p>A. Signs may be internally illuminated, provided the signage is UL-approved, non-animated, does not flash, blink or otherwise contain attention-getting features.</p> <p>B. Neon signs are prohibited.</p> <p>C. Electronic message centers are prohibited</p>

Section 20.10

PERMANENT GROUND MOUNTED Sign Types Permitted

20.10.1 Ground Mounted Sign Types Allowed

The following regulations specify the sign types, dimensions, locations, allowed zones, and other circumstances in which such structures are permitted by this Chapter.

20.10.2 Convenience Sign

20.10.2.1	Description:	A small, ground-mounted sign for pedestrian and vehicular circulation within a site.
20.10.2.2	Permitted Districts:	C-1, C-2, C-3, MUBC, MUTC, I-1, U-1
20.10.2.3	Quantity:	A maximum of one sign per entrance and one sign per exit shall be permitted
20.10.2.4	Sign Area:	Signs allowed in this Section shall have up to two sides with a maximum of five (5) square feet per side.
20.10.2.5	Placement:	<p>A. Signs permitted in this Section must be located out of any right-of-way.</p> <p>B. All signs permitted in this Section must be located out of the sight triangle.</p>
20.10.2.6	Sign Height:	Signs allowed in this Section maximum mounting height of four (4) feet above grade.
20.10.2.7	Construction:	Signs allowed in this Section must be fabricated of brick, stone, wood, metal, or a composite material that has the same properties.
20.10.2.8	Illumination:	<p>Signs allowed in this Section may utilize:</p> <p>A. Internal punch-through illumination; or</p> <p>B. Reverse channel letter illumination; or</p> <p>C. External backlit illumination; or</p> <p>D. External illumination.</p>

20.10.2 Development Sign

20.10.2.1	Description:	A permanent ground-mounted sign, located at the entrance to a development, typically associated with residential subdivisions.
20.10.2.2	Permitted Districts:	AG, R-1-L, R-1-H, R-2, R-3, and MUTC, including PUD overlays.
20.10.2.3	Quantity:	Each entrance may have a maximum of one (1) sign, not to exceed two (2) signs per development.
20.10.2.4	Sign Area:	<ul style="list-style-type: none"> A. Signs allowed by this Section may have a maximum area of thirty-two (32) square feet per side. B. Signs may have two sides
20.10.2.5	Sign Height:	Signs allowed in this Section shall not exceed eight (8) feet in height above grade.
20.10.2.6	Placement:	<ul style="list-style-type: none"> A. Signs shall be placed at least ten (10) feet from any right-of-way. B. No sign shall be located within the sight triangle.
20.10.2.7	Construction:	<ul style="list-style-type: none"> A. Signs shall be constructed of brick, stone, wood, and metal. B. Signage may also be a part of a decorative wood, brick, stone, or masonry wall of a design comparable with the character of the neighborhood. C. Split-face block and concrete block facades are prohibited.
20.10.2.8	Illumination:	<ul style="list-style-type: none"> A. Signs may be internally illuminated with backlit channel letters. B. External illumination may be used. C. No illumination source shall be directed at streets or neighboring properties, or cause a glare interfering with motorists' safe operation.

20.10.2 Freestanding Ground Mounted Sign

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| 20.10.2.1 | Description: | <p>A. Monument Sign. A permanent ground-mounted freestanding sign that has a solid supporting base equal to or greater than the width of the sign face and at least 12 inches high with no separations between the sign face and base.</p> <p>B. Pylon Sign. A permanent ground-mounted freestanding sign in excess of eight feet in height, that is supported by one or more structural elements extending from and permanently attached to the ground by a decorative foundation or footing where the width of the supporting structure measures less than 75 percent of the width of the sign.</p> |
| 20.10.2.2 | Permitted Districts: | C-1, C-1, C-3, MUTC, MUBC, I-1, U-1 |
| 20.10.2.3 | Quantity: | <p>A. Except as otherwise allowed by this Section, one permanent freestanding ground-mounted sign shall be permitted on a site, lot, tract, or parcel of property.</p> <p>B. For sites with total public street frontage exceeding 1,000 linear feet, up to two additional permanent ground-mounted signs may be placed if the site has multiple street frontages and/or entrances.</p> <p>C. No permanent freestanding ground-mounted sign shall be located within 1,000 feet from another permanent freestanding ground-mounted sign.</p> |
| 20.10.2.4 | Sign Area in General: | A. The area of a sign permitted in this Section is determined by the measurement in linear feet of the public |

road frontage of the lot, parcel, or tract (site) upon which it is placed.

- B. For C-1, C-2, C-3, MUBC, MUTC, I-1, and U-1 zoning districts:

CLASS A: On sites with public road frontage up to fifty (50) feet, sign area shall not exceed twenty-five (25) square feet.

CLASS B: On sites with public road frontage of greater than 50 feet, but less than 250 feet, sign area shall not exceed fifty square feet.

- C. On sites zoned MUTC, and with public road frontage exceeding 250 linear feet, sign area shall not exceed fifty (50) square feet.

- D. For C-1, C-2, C-3, MUBC, I-1 zoning districts:

CLASS C: On sites with public road frontage greater than 250 feet, but less than 500 feet sign area shall not exceed 64 square feet.

CLASS D: On sites with public road frontage greater than 500 feet, sign area shall not exceed 84 square feet.

20.10.2.5 Sign Height and Width:

CLASS A SIGNS:

- A. Maximum sign height shall not exceed six (6) feet, with a maximum width not to exceed eight (8) feet.
- B. A maximum height of eight (8) feet with a maximum width of

six (6) feet is permitted as an alternative.

CLASS B SIGNS:

- C. Maximum height shall not exceed six (6) feet with a maximum width of eight (8) feet.
- D. A maximum height of eight (8) feet with a maximum width of six (6) feet is permitted as an alternative.

CLASS C SIGNS:

- E. Maximum height shall not exceed twelve (12) feet, with a maximum width not exceeding ten (10) feet.

CLASS D SIGNS:

- F. Maximum sign height shall not exceed twelve (12) feet, with a maximum width not exceeding twelve (12) feet.
- G. A maximum height of fourteen (14) feet with a maximum width of eight (8) feet may be permitted as an alternative.

20.10.2.6 Placement

- A. At intersections, no sign shall be located within the sight triangle as defined within this Chapter.
- B. No ground mounted sign shall be located closer than ten (10) feet of any adjacent property boundary or public right-of-way. A fifteen (15) foot side-yard setback shall be required if the

side lot line abuts a residential district.

- C. No portion of a freestanding sign shall be in, or project over, a public right-of-way, or a private access easement used by the public.
- D. No portion of a freestanding ground-mounted sign shall be located within a utility easement without express written permission from the utility or other entity granted certain rights by said easement.
- E. Written permission to locate a permanent freestanding ground-mounted sign shall be provided to the City along with the permit application submitted for such signs. Permit applications submitted without written permission will not be processed.

20.10.2.7 Construction and Appearance

- A. All building materials shall be durable, be of low maintenance, and be of the same or higher quality as the principal structure on the site.
- B. Any structural support elements shall be architecturally similar to the design of the sign.
- C. Freestanding ground mounted signs shall incorporate a decorative brick, stone, imitation stone facade covering a base of at least twelve (12) inches in height, not to exceed eighteen (18) inches in height above grade. The first twelve

(12) inches are excluded from the total sign height calculation.

- D. The following materials are allowed for sign backgrounds, frames, supports, cladding, and ornamentation:
 - a. Brick;
 - b. Natural Stone, including panels, or imitation stone.
 - c. Durable, corrosion resistant metal panels, when used in combination with brick, or stone.
 - d. Decorative, architectural grade Metal Composite Materials.
 - e. Architectural grade, decorative wooden elements may be used, or materials simulating the appearance of natural wood if the Building & Codes Inspector determines the proposed materials are durable and comparable with the overall site.
- E. All materials except those listed above under appropriate materials are prohibited.
- F. The following materials are expressly prohibited for sign backgrounds, frames, supports, and ornamentation:
 - a. Exposed metal poles, when not enclosed by decorative, architectural grade cladding as specified in this Section;
 - b. Smooth-face, or split-faced concrete blocks, whether painted, stained, or unpainted;
 - c. Metal Panels, when used without brick or stone; and

- d. Wood, including, but not limited to untreated wood, exposed framing lumber, etc.
- G. All exposed raceways must be painted to match the finish of the sign facade. If a facade is brick, a black raceway is permitted.

20.10.2.8 Illumination:

Signs may be illuminated using one of the following means:

- A. Internal push-through illumination panels
- B. Reverse (backlit) channel letter illumination
- D. External illumination
- E. A maximum of 10 foot candles is permitted on any portion of the sign. A foot candle is defined as a unit of illuminance or light falling onto a surface, and represents the light level on a surface one foot from a standard candle. One foot candle is equal to one lumen per square foot. A lumen is the basic measure of the quantity of light emitted by a source.

20.10.3 Freestanding Pole Sign

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| 20.10.3.1 | Description: | A permanent freestanding sign with a visible support structure consisting of a single pole whose base is fixed below the surface of the ground. |
| 20.10.3.2 | Permitted Districts: | C-2, C-3 |
| 20.10.3.3 | Quantity: | A qualifying site consisting of a tax parcel shall be permitted one (1) detached pole sign, providing the property meets all criteria for this sign type, including, but not limited to locational requirements in this section. |

- 20.10.3.4 Sign Area: Pole signs shall be limited to one hundred twenty (120) square feet of sign area per face or two hundred forty (240) square feet of total sign area.
- 20.10.3.5 Sign Height:
- A. No sign shall be erected to exceed a height of forty (40) feet above grade.
 - B. No sign shall be erected unless the base of the copy area is greater in height than eighteen (18) feet from the height above grade.
- 20.10.3.6 Placement:
- A. Signs shall be located on sites or any part thereof that are situated within 1,760 feet of the centerline between the northbound and southbound travel lanes of Interstate 75 measured in a straight line above the prevailing topography.
 - B. Vehicular access to such sites shall be obtained from Lee Highway, Old Lee Highway, or the portion of Little Debbie Parkway lying north of Wolftever Creek.
 - C. Any such sign permitted by this section shall be located at the rear of the property, and at least 200 feet from the portion of the property fronting and adjacent to the rights-of-way referenced herein.
 - D. No pole sign shall be located within five-hundred (500) feet of any residence, church, school, or City owned property used for public gatherings.
 - E. No pole sign shall be located in a such a manner where its fall zone is not contained on the site where the proposed sign will be located.
 - F. “Breakpoint” technology may be utilized, however, a stamped engineer’s or manufacturer’s certification stating the breakpoint limits shall accompany any pole sign application.

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| 20.10.3.7 | Construction: | Sign Poles, frames, and all other support structures shall be colored flat black, flat brown, or flat dark green. |
| 20.10.3.8 | Illumination: | No sign allowed in this Section shall emit light more intense or luminous than 25 foot candles (270 candelas). |
| 20.10.3.9 | Other Conditions: | All applications for pole signs shall be accompanied by complete plans and specifications showing the construction, methods of support and the materials to be used. |
| 20.10.3.10 | Plans and specifications shall include the following: | <ul style="list-style-type: none"> A. The total number of square feet of existing and proposed signage on the site where the proposed pole sign is to be erected. B. A Site Plan, drawn to scale, showing where the sign is to be located in relation to property lines, buildings, and utilities. |

20.10.4 Post and Panel (Arm) Sign

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| 20.10.4.1 | Description: | A permanent freestanding ground sign which uses one or more visible posts for support which are highlighted, visible features, and which are constructed using decorative materials. |
| 20.10.4.2 | Permitted Districts: | All zoning districts |
| 20.10.4.3 | Quantity: | One (1) sign allowed on a site. |
| 20.10.4.4 | Sign Area: | For signs authorized in this Section, the maximum sign area permitted is eight (8) square feet. |
| 20.10.4.5 | Sign Height: | <ul style="list-style-type: none"> A. On AG, R-1, R-2, R-3, and U-1 zoned properties used for residential purposes, no sign permitted by this Section shall exceed six (6) feet in height above grade. |

- B. On C-1, C-2, C-3, MUTC, MUBC, I-1, and U-1 zoned properties used for non-residential purposes, no sign permitted by this Section shall exceed ten (10) feet in height above grade.

20.10.4.6 Placement:

- A. The bottom edge of the sign panel shall maintain a minimum three (3) feet clearance from grade.
- B. Signs in this Section shall be located a minimum of ten (10) feet behind any right-of-way.
- C. A ten (10) foot setback shall be required from any abutting property boundary
- D. Signs shall not be located in the sight triangle.

20.10.4.7 Construction:

- A. Durable, stained/painted weather-treated wood, metal, or a composite material that has similar or properties and appearance.
- B. Plastic posts are not permitted.

20.10.4.8 Illumination:

- A. Illumination is only is permitted on sites zoned C-1, C-2, C-3, MUTC, MUBC, I-1, and U-1 zoned properties used for non-residential purposes.
- B. Internal push-through illumination panels.
- C. Reverse (backlit) channel letter illumination.

Section 20.11

Digital Signage

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| 20.11.1 | Description: | <ul style="list-style-type: none"> A. Digital (LED) Signage shall be permitted within the City of Collegedale, subject to certain requirements including, but not limited to, size, location, and luminance as stated herein. B. Digital signage technology shall be limited to permanent free-standing ground-mounted signs except as provided in this Section. C. Temporary digital signage is prohibited. |
| 20.11.2 | Permitted Districts: | <ul style="list-style-type: none"> A. C-1, C-2, C-3, MUBC, MUTC, I-1, U-1 zones. B. Non-residential, institutional uses located in zones AG, R-1-L, R-2, R-3, provided such signs are not located within five hundred (500) feet of a residentially-zoned property. |
| 20.11.3 | Quantity: | <ul style="list-style-type: none"> A. One sign per site may utilize digital display technology. |
| 20.11.4 | Sign Height, Width and Area: | <ul style="list-style-type: none"> A. Digital signage must be incorporated into permanent ground signs, and are subject to the height, width, and area requirements for such signs as regulated in this Chapter. B. No more than forty (40) percent of a permanent ground-mounted sign's copy area may consist of a digital display. |

- 20.11.5 Placement:
- A. No digital sign shall be constructed or operated within five hundred (500) feet of a residential zone or use.
 - B. In zones that allow a mix of residential and non-residential uses, no digital signs shall be erected or operated within three hundred (300) feet of residential uses.
 - C. No digital sign shall be erected or operated in such a manner that causes it to face an area zoned or used for residential purposes.
 - D. Building-mounted digital signs may be allowed in the C-2 PCD overlay, subject to review and approval by the planning and building staff.
 - E. Building-mounted digital signs are prohibited in all other zones.
- 20.11.6 Construction:
- Refer to the applicable standards for permanent freestanding signs.
- 20.11.7 Illumination
- A. Digital signage shall utilize an automatic control mechanism in response to ambient lighting.
 - B. Luminance of digital signs shall be expressed in candelas per square meter or using the equivalent unit, “nit.”
 - C. Digital signage incorporating changeable message technology shall be limited to a luminance measure no greater than four thousand (4,000) nits during daylight hours, and shall not exceed one hundred fifty (150) nits at night.
 - D. The luminance of digital signs located within a district allowing a mix of residential and non-residential uses shall not exceed one hundred (100) nits at night.

20.11.8 Other Provisions

- A. Scrolling text is prohibited.
- B. If the digital display utilizes changeable message technology, each message shall be displayed for a minimum of six (6) seconds.
- C. Transitions to the next message displayed shall be instantaneous, without fade.

Section 20.12**Additional Provisions****20.12.1 Alternative Sign Area Calculation****20.12.2 Alternative Sign Area Allowance Eligibility:**

In cases where a property is of significant size, but features limited frontage on a public right-of-way, an alternative method of determining sign area allowance is provided for monument and pylon signs. This method of calculation may be utilized if ALL of the following conditions are met:

- A. The parcel must consist of at least three (3) acres in area.
- B. The primary physical ingress/egress to the property is obtained using frontage on a public right-of-way using a “flag” or “stem” that is less than seventy-five (75) linear feet in width as depicted on a survey or recorded plat.
- C. Leasehold boundaries shall be excluded from the alternative sign area calculation.

20.12.3 Alternative Sign Area Calculation:

If the above requirements are met, then an applicant may choose to calculate sign area based on the following.

- A. For eligible sites, each acre and prorated portion thereof, seventy-five (75) feet of “virtual frontage” are calculated and added to the existing physical frontage.
- B. The sum of the physical frontage and the virtual frontage shall determine sign area allowance.
- C. In no case shall a sign exceed the maximum sign area otherwise specified within this Chapter.
- D. All other provisions within this Chapter shall apply.

CHAPTER 21

FLOOD HAZARD DISTRICT

Flood hazard districts as established by the Hamilton County, Tennessee, Flood Insurance Rate Maps, are governed by the Collegedale Municipal Floodplain Zoning Ordinance. A copy of this ordinance is located in the Appendix of the Collegedale Municipal Zoning Ordinance.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Collegedale, Tennessee, Mayor and City Commission, do ordain as follows:

Section B. Findings of Fact

1. The City of Collegedale, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Collegedale, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and telecommunications, sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" See "Special Flood Hazard Area".

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" See "Structure".

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of: solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Floodprone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Collegedale, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- a. By the approved Tennessee program as determined by the Secretary of the Interior or
- b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

“Reasonably Safe from Flooding” means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special Flood Hazard Area” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Zone A:

Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Zone AE & A1-30:

Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Zone AH:

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Zone AO:

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements and floodplain management standards apply. Some AO Zones have been designated in areas with high flood velocities such as alluvial fans and washes.

Zone A99:

Areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection

system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No Base Flood Elevations (BFEs) or depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.\

Shaded Zone X:

Areas subject to inundation by the 500-year flood and inundation by the 100-year flood with average depths of less than one foot or with drainage areas less than one square mile. Shaded Zone X areas include those protected by levees from the 100-year flood. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Unshaded Zone X:

Areas determined to be outside of the 500-year floodplain; therefore, this area is not likely to be inundated by flooding.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure

prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of Collegedale, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Collegedale, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 3, 2016, and Flood Insurance Rate Map (FIRM), Community 475422, Panel Numbers 47065C0378G, 47065C0379G, 47065C0384G, 47065C0383G, 47065C0387G, 47065C0389G, 47065C0391G, 47065C0392G, 47065C0393G, and 47065C0394G, dated February 3, 2016, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance

conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Collegedale, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Collegedale, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. **Application stage**

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are

available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. **Construction Stage**

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

- 1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- 2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by

Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Collegedale, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. **Residential Structures**

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: **“Enclosures”**.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: **“Enclosures”**

2. **Non-Residential Structures**

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: **“Enclosures”**

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter

walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: **“Enclosures”**

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. **Enclosures**

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. **Standards for Manufactured Homes and Recreational Vehicles**

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. **Standards for Subdivisions and Other Proposed New Development Proposals**

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home

parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Collegedale, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)
Located within the Special Flood Hazard Areas established in Article III, Section B, where
streams exist, but no base flood data has been provided and where a Floodway has not
been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Collegedale, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)
 Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not

exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the City of Collegedale, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. **Authority**
The City of Collegedale, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. **Procedure**
Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.
3. **Appeals: How Taken**
An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty (\$50) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.
4. **Powers. The Municipal Board of Zoning Appeals shall have the following powers:**
 - a. **Administrative Review**
To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.
 - b. **Variance Procedures**
In the case of a request for a variance the following shall apply:

- 1) The City of Collegedale, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Collegedale, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Section C. Effective Date

This Ordinance shall become effective February 1, 2016, in accordance with the Charter of the City of Collegedale, Tennessee, and the public welfare demanding it. Approved and adopted by the City of Collegedale, Tennessee, Mayor and City Commissioners.

APPENDIX

Illustration 2-1

TYPES OF LOTS

