

Zoning Resolution & Subdivision Ordinance Assessment

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MAURY COUNTY
UNIFIED
— DEVELOPMENT —
PLAN
TENNESSEE


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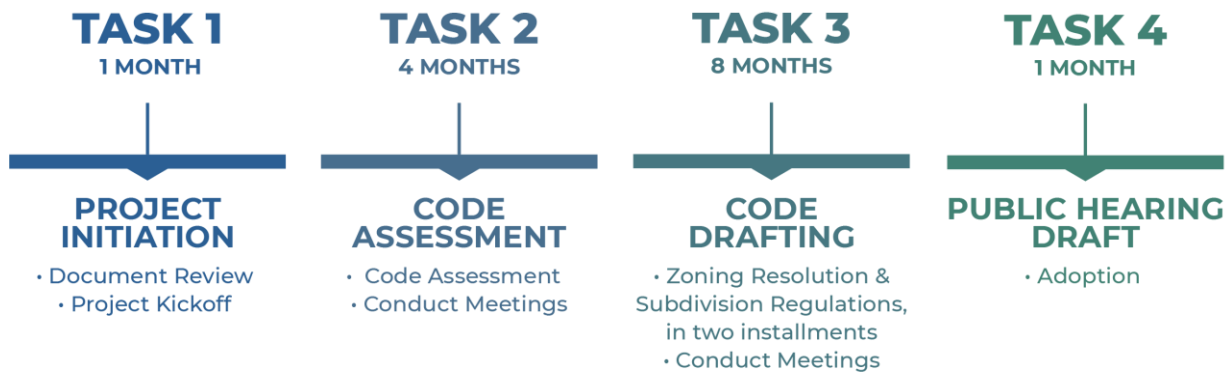
I. Introduction and Overview

Introduction

Maury County is undertaking a comprehensive rewrite of its Zoning Resolution and Subdivision Regulations.

The overall timeline of this project is provided below.

Figure II-1: Project Schedule



Overview of This Assessment

This Assessment is the beginning of the discussion of what will be included in Maury County’s updated zoning and subdivision regulations. It synthesizes the key goals and policy direction included in the Maury County Comprehensive Plan, and the input provided during the project kickoff event about the effectiveness of the current Zoning Resolution and Subdivision Regulations. The Assessment evaluates the current regulations, in the context of the Comprehensive Plan, local experience, and modern best practices, and recommends changes that would best enable the county to meet its goals.

It is organized into five parts. Part I—which you are reading now—is an introduction and overview. Part II is a Diagnosis of the existing Zoning Resolution and Subdivision Regulations. This part discusses the key goals for the project, how the current regulations fall short, and then provides suggestions for how to achieve these goals in the updated regulations. Part III includes an Annotated Outline for an updated Zoning Ordinance that implements the key goals identified in the Diagnosis. Part IV includes an Annotated Outline for updated Subdivision Regulations that implements the key goals identified in the Diagnosis. An Appendix is included as Part V.

The updated Zoning Ordinance and updated Subdivision Regulations will help the county achieve its vision for future growth and development. Using the guidance included in the Comprehensive Plan and incorporating feedback from County staff, the Planning Commission, and other community members, the Assessment provides the framework for identifying the key goals that need to be addressed in the updated regulations to accomplish the important community goals. These key goals include:

I. Introduction and Overview

- ★ Create a modern and user-friendly Zoning Ordinance and Subdivision Regulations that are graphically rich.
- ★ Update, streamline, and clarify the development review procedures.
- ★ Modernize, simplify, and revise the Zoning Districts and their structure to better implement the county's goals of:
 - ★ Preserving and maintaining a rural character in most places in the county;
 - ★ Supporting the rural and agricultural economy;
 - ★ Coordinating and supporting development that is appropriate for its context, such as higher density suburban development near the municipalities; and
 - ★ Coordinating infrastructure expansion with future development (CFIS Goal 1)
- ★ Maintain the County's rural character.
- ★ Modernize and refine the development standards to support the county's desired development goals.

This Assessment and the annotated outlines will serve as the roadmap for the drafting of the updated Zoning Ordinance and updated Subdivision Regulations.

Residents, business and property owners, elected and appointed officials, and everyone else in Maury County are encouraged to read this Assessment and note the parts you agree with—as well as the parts that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of collaborating in order to achieve the county's desired goals for future growth and development.

II. Diagnosis

Theme 1: Create User-Friendly Regulations

The Maury County Zoning Resolution was initially adopted in 1986 and has been amended 34 times since 2006. The county's Subdivision Regulations were initially adopted in 1985, comprehensively revised in 2009, and amended periodically since then. Each document is somewhat unwieldy and difficult to understand for everyone—residents, developers, county staff, advisory and review board members, and elected officials alike. It does not include features commonly included in more modern codes such as:

- ★ A logical and intuitive organization;
- ★ Integration of graphics, illustrations, photographs, and tables to help explain zoning terms;
- ★ Clear formatting that makes it easy to navigate the document;
- ★ Cross references that make the document easier to understand;
- ★ Consistent review standards that apply logically to different types of applications;
- ★ Use tables that provide clarity about what uses are allowed in different districts and clear definitions of allowable uses;
- ★ Consistent, easy-to-locate definitions; and
- ★ Regulations and definitions written in “plain English.”

There is a general consensus in the community that one of the key goals of the update project should be to update, reorganize, and modernize the current regulations in ways that that will make them more user-friendly. We suggest this can be done in six ways.

1.1. Make the Structure More Logical and Intuitive

The Zoning Resolution and the Subdivision Regulations are not logically or intuitively organized. For example, many of the procedures that relate to the land development process are in Article VIII, Administration and Enforcement. However, the administrative procedures that apply to Planned Unit Development (PUD) districts are intermingled with the substantive procedures for PUD districts in Article VI. Still other procedures such as temporary use permits, sign permits, and home occupation permits are in Article IV. The procedures located in Article IV are intermingled with development standards that apply to specific uses such as private airports (Sec. 4.070), as well as general development standards that apply to all development, such as the off-street parking requirements in Sec. 4.010. This confusing mixture of procedures and substance makes the regulations more difficult to understand for everyone.

Typically, modern codes are organized in a hierarchical fashion based on procedural and substantive relationships. Similar provisions are kept together, and the code is organized in a way

that is much easier to understand. We recommend that the Zoning Resolution and Subdivision Regulations be replaced with updated regulations that are organized in this fashion.

Under the reorganized structure, in the updated Zoning Ordinance all procedures will be consolidated into one article (Article 2: Administration). Within Article 2, procedures that are common to multiple types of development applications will be established in one place, making the individual procedures more consistent and easier to understand. The current Zoning Resolution lists permitted, special exception, and prohibited uses within each zone district; to ensure consistency of uses throughout all zone districts and for ease of use, we recommend they be consolidated into two integrated articles, Article 3: Zone Districts and Article 4: Use Regulations. Standards that apply to all development will be included in Article 5: Development Standards. Nonconformity provisions will be consolidated into one article (Article 6: Nonconformities), and enforcement provisions in another (Article 7: Enforcement). Finally, the definitions will be consolidated with new provisions that address rules for construction, measurement, and interpretation (Article 8: Definitions and Rules for Construction, Interpretation, and Measurement) and placed in the back of the regulations as they typically serve as a supplementary reference tool rather than as a primary source of regulatory information.

Figure II-1: Proposed Outline of Updated Regulations

Proposed Zoning Ordinance Outline	Proposed Subdivision Regulations Outline
Article 1. General Provisions	Article 1. General Provisions
Article 2. Administration	Article 2. Administration
Article 3. Zone Districts	Article 3. Design Standards and Required Improvements
Article 4. Use Regulations	Article 4. Surety Requirements
Article 5. Development Standards	Article 5. Enforcement
Article 6. Nonconformities	Article 6. Definitions and Rules of Interpretation
Article 7. Enforcement	
Article 8. Definitions and Rules of Construction, Interpretation, and Measurement	

The updated Subdivision Regulations will be organized in a similar fashion. Procedures will be consolidated into Article 2: Administration. Design standards will be included in Article 3: Design Standards. Required improvements will be included in Article 4: Required Improvements. As in the updated zoning regulations, there will be sections for enforcement (Article 5) and for Definitions and Rules of Interpretation (Article 6). The existing technical standards will continue to be included in appendices.

The proposed outlines of the updated Zoning Ordinance and updated Subdivision Regulations are summarized in Figure II-1: Proposed Outline of Updated Regulations.

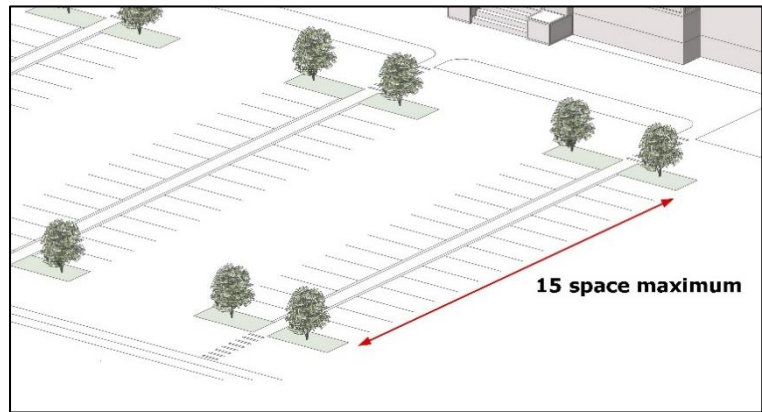
1.2. Graphics, Illustrations, Flowcharts and Tables

One way to make regulations user-friendly is through the use of graphics, illustrations, photos, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Flowcharts, illustrations, graphics, and diagrams are also helpful in development regulations because they convey information concisely and, in many instances, more clearly—eliminating the need for lengthy, repetitive text. The current regulations do not take advantage of modern graphic design concepts and tools that produce clear illustrations and graphics to help explain or establish zoning and subdivision requirements.

1.2.1. Graphics and Illustrations

The current regulations rely on text to convey most regulatory concepts. There is one graphic in the Zoning Resolution (Figure 4-1, illustrating sign area) and none in the Subdivision Regulations. This is unfortunate because well-designed graphics help to clarify the desired intention behind various regulations. We suggest that adding graphics throughout the regulations that illustrate procedures, development

Figure II-2: Sample Illustration from Another Code



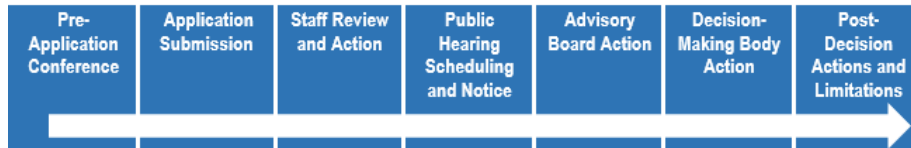
form, and other zoning concepts (such as parking space dimensions, parking lot landscaping, and other landscaping and screening requirements) would make the regulations more user-friendly (see an example in Figure II-2). The use of photographs to demonstrate both preferred and discouraged development forms and patterns would also improve the clarity of the regulations.

1.2.2. Flowcharts and Summary Tables

Flowcharts and summary tables are also helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the process required for review of a specific type of development application—from the time of application submission to the final decision on the application. See Figure II-3 for an example used in another code.

Figure II-3: Sample Process Flowchart

Figure 2-1: Zoning Map Amendment Procedure



Tables are also effective ways to present certain types of information. The current regulations make some use of tables, such as in the development standards that apply to breweries, craft breweries, and the like (Sec. 4.200 of the Zoning Resolution), but they could be better designed and easier to use, and there are many other places where the use of tables would improve the ease of understanding the regulations. We suggest the new Zoning Ordinance and Subdivision Regulations use well-designed and well-formatted tables where appropriate, consolidating as much information as practical. Also, all tables should be labeled according to the subsection in which they are located, so they can be more easily referenced from elsewhere in the document. Lastly, tables should be consistently formatted for readability.

1.3. Improve Document Formatting and Referencing

The current regulations are functionally difficult to navigate and use. Each document is delivered as a plain-text PDF with no active links or bookmarks to easily navigate among different sections of the document. Improved section headers would help readers understand where they are located in a document, especially in the context of longer, multiple-page provisions.

To improve readability, modern codes use distinctive heading styles to distinguish various sections, subsections, paragraphs, and subparagraphs more clearly. We have included an example page layout from another community's code in Figure II-4. When combined with better alignment, white space, tables, and graphics, the text becomes much easier to read and interpret. Additionally, modern codes use:

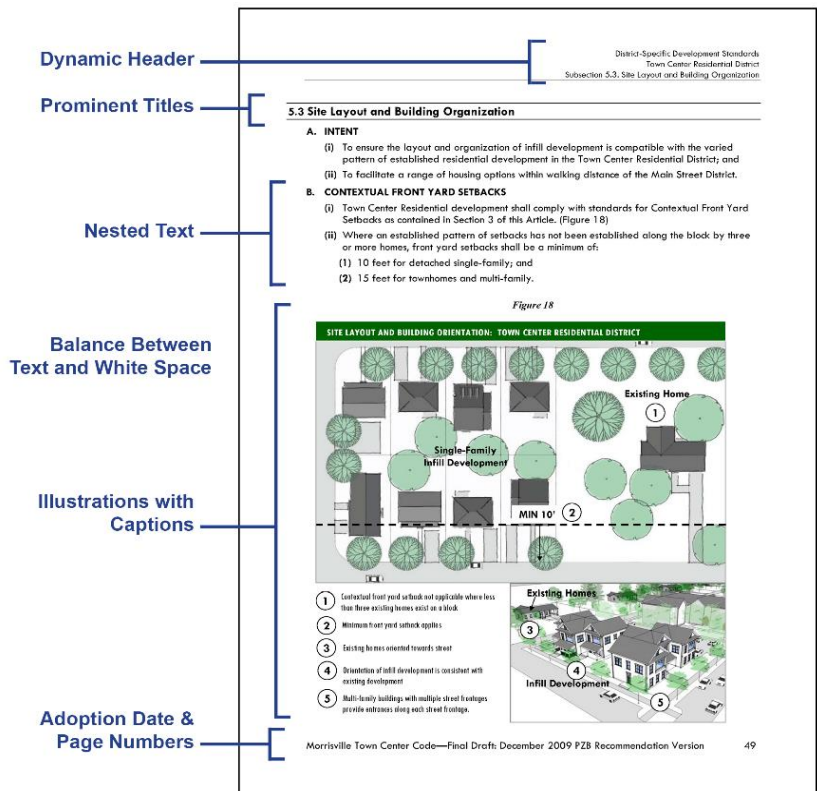
- ★ An easy to understand referencing system;
- ★ A detailed table of contents;
- ★ Detailed headers and footers which highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- ★ Numerous cross-references which are "live" when exported to PDF or other formats;
- ★ Colored and bolded text in appropriate locations;

As illustrated in the example page layout, we suggest all these techniques be used to enhance

user-friendliness in the updated Zoning Ordinance and Subdivision Regulations. These documents can be prepared using dynamic references in a Microsoft Word document so that as the new regulations are amended in the future, staff will be able to generate revised versions of the document with active cross-references.

In addition, we recommend that the regulations establish a hierarchy of articles and sections with a logical numbering system—one that anchors regulations within clearly defined articles and sections. The regulations are currently consolidated in a single Zoning Resolution document and a single Subdivision Regulations document, with articles used as a means of organization; however, within each article there is no consistent hierarchy that clarifies how provisions relate to one another. For example, Section 4.010, Off-Street Parking Requirements, and Section 4.300, Environmental

Figure II-4: Sample Code Page



Standards, apply to essentially all development in the county, but both are on the same hierarchical level as Section 4.120, Development Standards for Travel Trailer Parks, which applies to only a small subset of development in the county.

In addition, the existing document hierarchy is inconsistent. In some cases, the set of headers below the section numbers are lowercase letters (e.g., Secs. 4.400a, 4.400b, etc.), while elsewhere numbers are used (e.g. Secs. 4.201.1, 4.201.2, etc.) and other sections employ uppercase letters (e.g. Secs. 4.090A, 4.090B, etc.). The Zoning Resolution and Subdivision Regulations use different numbering schemes as well.

To better organize the rewritten regulations, we recommend using a consistent hierarchy of articles followed by section numbers. The top level would be articles (e.g. Article 5: Development Standards); the second level would be sections (e.g. Section 5.9, Signs), and the regulations that relate to each section would be organized in a consistent hierarchy underneath (e.g. Section 5.9.1, Section 5.9.2, and so forth). The same hierarchy would be used throughout each article of the updated regulations. A suggested hierarchy is used within Part III, Annotated Outline of New Zoning Ordinance, and Part IV, Annotated Outline of New Subdivision Regulations.

1.4. Make the Language Clearer and More Precise

Another way to make regulations user-friendly is to ensure language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of general or aspirational language can generate greater consensus about the effect of different provisions. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

In the existing regulations there is language that is general and imprecise, and instances where provisions conflict. During the rewrite, all procedures, standards, and other regulatory language will be reviewed and, where appropriate, modified with clear, precise, consistent, and measurable standards consistent with the County's planning and development goals.

One place where the use of precise language is particularly important is the definition section. In the current Zoning Resolution and Subdivision Regulations, most definitions are consolidated into one section in each document. This is a best practice that we will carry forward in the updated regulations. In addition, we will review each definition and, as appropriate, modernize and refine it. In particular, during the kickoff meeting we learned that the County's definition of an agricultural use is inconsistent with the state's definition, and that making the definition consistent would aid in administration of the zoning regulations. We will revise this definition accordingly. New definitions will be added where necessary to aid in clarity, and unnecessary definitions removed as appropriate.

The end result will be regulations that are more precise and easier to understand and use.

1.5. Consider Using a Procedures Manual

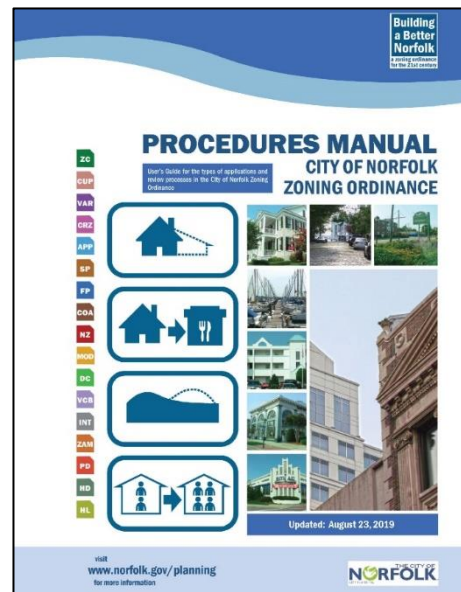
The current regulations include specific details relating to application submittal requirements—for example, the requirements at Sec. 2-102.3, Concept Plan Requirements, of the Subdivision Regulations. Some of these are quite lengthy and detailed (the list of items required on a final plat requires 38 separate entries, Sec. 2-105.6). We recommend removing such submittal requirements from the regulations and placing them in a Procedures Manual that is authorized to be prepared by the Building Commissioner, with consultation from other responsible departments in the County. The Procedures Manual will be referenced, as appropriate, throughout the updated ordinances. The Procedures Manual would include requirements for development applications in the same way that the existing Roadway and Drainage Technical Standards provide additional detail regarding required subdivision improvements.

The Procedures Manual (see Figure II-5 for an example) could include application content requirements, information about application fees, schedules for application processing, and details about nuts and bolts staff review processes. The manual might also include a summary or explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. If they are included in the ordinances, the County would be required to amend them every time the requirements change. Moreover, long lists of application requirements clutter the regulations, making them harder to use.

Many modern codes use a Procedures Manual to assist in the efficient administration of regulations. We recommend the County consider such a practice for the updated Zoning Ordinance and Subdivision Regulations.

Figure II-5: Sample Procedures Manual



1.6. Update and Streamline Review Procedures

1.6.1. Overview of Current Review Procedures

The county’s current development review procedures in the Zoning Resolution are categorized and summarized below in Table II-1: Current Zoning Development Review Procedures.

Table II-1: Current Zoning Development Review Procedures					
D = Decision R = Recommendation * = Public Hearing					
Review Procedure	Building Commissioner	Board of Zoning Appeals	Planning Commission	County Commission	Section in Resolution
Discretionary Approvals					
Amendments to Zoning Resolution or Map			R	D*	8.090
Preliminary Site Plan (see below)					8.034A
Planned Unit Development (PUD)					
Map Amendment and Preliminary Development Plan (PDP) [1]	R		R	D*	6.021
Final Development Plan (PDP)	R		D		6.022
PUD Amendment					
Minor Changes to Adopted FDP	D [2]				6.027
Amendments to an Approved FDP During Period of Initial Construction	[3]				6.028
Control of PUD Following Completion		[4]			6.029
Special Use Exception		D			8.080
Preliminary Site Plan [5]		D	D		8.034A
Site Development					
Final Site Plan (FDP) [6]	R/D		D		8.034B
Permits					
Home Occupation (Type I)	D				4.040
Home Occupation (Type II)		D			4.040
Sign Permit	D				4.090
Temporary Use Permit	D	D (some)			4.030
Approval of Utility System			R	D	4.130
House Moving			D		4.190
Zoning Certificate	D				8.012
Building Permit	D				8.030
Plot Plan [7]	D				8.033
Certificate of Occupancy	D				8.050
Relief					
Variance		D			8.070
Floodplain Variance		D			5.071.6A4b
Appeal		D*			8.060
Floodplain Appeal		D			5.071.6A4a

Table II-1: Current Zoning Development Review Procedures					
D = Decision R = Recommendation * = Public Hearing					
Review Procedure	Building Commissioner	Board of Zoning Appeals	Planning Commission	County Commission	Section in Resolution
NOTES					
<p>[1] Approval of the Preliminary Development Plan PDP by the County Commission is an amendment to the zoning map. If the applicant fails to apply within one year for approval from the Planning Commission for a Final Development Plan, or if the Planning Commission believes approval of the Final Development Plan should be withheld, the Planning Commission is instructed to send a report to the County Commission recommending removal of the PUD district from the zoning map. Sec. 6.022a.</p> <p>[2] The Building Commissioner (BC) may approve minor modifications (such as changes in the location of streets and underground utilities) that do not result in any increase in residential density; result in no more than a three percent increase in floor area proposed for nonresidential use or ground area covered by buildings; or that result in no more than a two percent reduction in set-aside common open space. Sec. 6.027b.</p> <p>[3] During actual development or construction of a PUD or a stage of a PUD, if proposed modifications exceed the limits of the authorized changes permitted in Minor Changes to Adopted FDP above, the provisions of this procedure apply. For an amendment to add uses not authorized in the FDP but allowed in the PUD, the Planning Commission may decide on the application if it determines the proposal will not change the basic policy and concept of the plan, or it shall make a recommendation to the County Commission which shall make a decision on the application. For other proposed amendments, the Planning Commission shall make a recommendation to the County Commission, which shall make a decision on the application. Public hearings are optional in some circumstances and required in others. Sec. 6.028a-c.</p> <p>[4] The Board of Zoning Appeals may authorize minor extensions, alternations, or modifications of existing buildings or structures that are consistent with the purpose and intent of the FDP and do not increase the “cube” of any building or structure by more than 10 percent. Additional uses may be allowed in accordance with the procedures for approval of “[sic] conditional uses.” Other amendments require approval by County Commission in accordance with the procedure for Amendments to Zoning Map, but no amendments are allowed “unless such changes are required for the continued successful functioning of the planned development or unless such are required by changes in conditions that have occurred since the final plan was adopted or by changes in the development policy of the community.” Sec. 6.029.</p> <p>[5] Submitted with an application for a special exception use in conjunction with an application to amend the zoning map, and any application for a use or special exception use in the C-3 or M-3 zones. Sec. 80.34A.</p> <p>[6] Applies to most development except for one- and two-family dwellings (which require approval of a Plot Plan), and small-scale nonresidential development which involves less than 1,500 square feet of addition or alteration and meets other standards. Sec. 8.035. While site plans are listed in the Zoning Resolution as part of the building permit process, they are required to be submitted with other applications and therefore are listed separately in this table.</p> <p>[7] Required for single-family detached, two-family, and mobile home dwellings on individual lots. Sec. 8.033.</p>					

The current development review procedures in the Subdivision Regulations are categorized and summarized in Table II-2: Current Subdivision Review Procedures.

Table II-2: Current Subdivision Review Procedures D = Decision R = Recommendation S = Staff Review * = Public Hearing + = Pre-application conference required				
Review Procedure [1]	Building Commissioner	Planning Commission	County Commission	Section in Regulations
Major Subdivision				2-101.2(3)
Concept Plan	S+	D☐		2-102
Preliminary Plat [2]	S	D*		2-103
Construction Plan	D [3]			2-104
Final Subdivision Plat	S	D		2-105
Minor Subdivision [4]	S+	D		2-101.2(2)
Variances		D [1]		
Additional Subdivision Procedures				
Vacation of Plats	S	D	[5]	1-109
Administrative Subdivision (Lot Split) [6]	D			2-101.2(1)
Changing and Modifying Lot Lines [7]	S			2-107.3
Dedication of Right-of-way, Public Use Lands, or Easements [8]		D		2-107.4
Converting Parcels to Building Sites		D		2-107.1
Consolidation Plat [9]	D			2-107.2
NOTES				
[1] The Planning Commission may grant variances from standards in the regulations if extraordinary hardships or practical difficulties would result from strict compliance. Sec. 1-110. However, there is no procedure for this in the current regulations just the general statement.				
[2] If a preliminary plat proposes to reserve land for public use, approval by the County Commission or appropriate government agency is required before the Planning Commission may approve a preliminary plat. Sec. 2-103.4.				
[3] The regulations are not clear about who approves the Construction Plan, but staff states the review is performed by staff.				
[4] Available for subdivisions that create three to five lots fronting a public way, do not involve construction of a new or improvement of an existing public way, do not require the extension of public facilities or the creation of public improvements, and are not in conflict with the General Plan.				
[5] The same procedure as for approval of plat is used for vacation of plat. Sec. 1-109. In addition, provides that the County Commission "may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, or public ways."				
[6] Available for the division of a tract into two lots. The Building Commissioner may refer the application to the Planning Commission for its review and decision due to complexities of the application, concerns regarding the configuration, or concerns regarding existing or proposed easements.				
[7] The requirements for this procedure are established by the BC but typically require a final plat.				
[8] May take place by plat or by written document (deed or other instrument) and requires Planning Commission approval. The regulations further state that "If the dedication is for a road right-of-way that, by the location of the dedication area, would divide a tract into two parcels, the plan shall be created as a final subdivision plat in conformance with these regulations."				
[9] The BC may refer the application to the Planning Commission for its review and decision due to complexities of the application, concerns regarding the configuration, or concerns regarding existing or proposed easements.				

Based upon our independent review of the procedures, and feedback received from staff, Planning Commission members, and other members of the public, there are several general concerns with the current development review procedures:

- ★ There is no table that summarizes procedures.
- ★ The review procedures are poorly organized.
- ★ There are no standard review procedures.
- ★ It would be useful to have more clarity regarding when certain plans are required (e.g. concept plans), the required content of the plans, and which body approves them. Additionally, when certain plans are required as part of other review procedures, they are not well integrated into those procedures.
- ★ The current planned unit development regulations are overly complex, both procedurally and substantively, and do not sufficiently focus on the key issues the county should regulate in planned development (development parameters, standards, and quality).
- ★ The current special exception use procedure provides the Building Commissioner the discretion to determine whether a use is a special exception use and subject to special exception use review; the regulations should clearly identify what uses are subject to review as special exception uses.
- ★ The current regulations have a two-tiered approach to the regulation of home occupations (Type I and Type II home occupations). Type I home occupations are handled administratively. Type II home occupations require approval by the ZBA. In most all modern development codes, home occupations are included in one category and reviewed and approved administratively, subject to a specific set of development standards. The County should consider this approach in the updated regulations.
- ★ The sequencing of some of the procedures is inefficient and creates confusion about review authority among different reviewing bodies (e.g. a special exception use permit in conjunction with a rezoning request, or a rezoning before approval of a PUD);
- ★ The current major subdivision review procedure requires applicants receive approval by the Planning Commission at three separate steps (concept plan, preliminary plat, and final subdivision plat). Many modern codes have consolidated that to two steps for more straightforward subdivisions in an effort to streamline development review, something the County should consider doing in some cases.
- ★ Several procedures could be deleted, such as the Converting Parcels to Building Sites procedure, while others could be consolidated, such as the dual home occupation approval procedures.
- ★ Useful procedures are missing, such as a procedure to allow the Building Official to provide interpretations when questions arise about the meaning of text or terms in the zoning or subdivision regulations.

- ★ The provisions relating to the vesting of development rights in accordance with T.C.A. § 13-3-413 could be more clear.
- ★ The criteria that decision-makers use to evaluate whether an application meets the relevant standards are often imprecise and general, increasing uncertainty in the development review process.
- ★ Finally, several procedures may not comply with the state enabling law.

1.6.2. Recommendations for Streamlining

To address many of these issues, we suggest the following changes to the current development review procedures for the County's consideration:

- ★ Consolidate all development review procedures into Article 2: Administration, as shown in Part III, Annotated Outline of New Zoning Ordinance, and Part IV, Annotated Outline of New Subdivision Regulations.
- ★ Clarify the responsibilities of each review and decision-making body (the Building Commissioner, the Board of Zoning Appeals, the Planning Commission, and the County Commission).
- ★ Establish a set of standard procedures. The standard procedures would:
 - ★ Locate in one place the review procedures that apply to all development applications;
 - ★ Require neighborhood meetings for more complex development applications;
 - ★ Require pre-application conferences for more complex development applications, as is done for a few applications in the current Zoning Resolution;
 - ★ Clarify when an application is complete, and when formal review timelines are initiated;
 - ★ Consolidate public notice requirements; and
 - ★ Establish a common set of rules that apply to all post-decision permits and approvals;
- ★ Streamline, modify, and clarify certain application-specific review procedures, including the role and responsibilities of each review and decision-making body, and the review standards that apply to each type of application.
- ★ Update and clarify the review standards for development applications, to make them more precise and consistent with the County's planning and development goals.
- ★ Ensure all procedures conform with state and federal law.

More specifically, these streamlining recommendations are shown in Table II-3: Suggested Zoning Development Review Procedures, and Table II-4: Suggested Subdivision Review Procedures, and discussed in more detail after the tables.

Table II-3: Suggested Zoning Development Review Procedures				
D = Decision R = Recommendation S = Staff Review A= Appeal * = Public Hearing + = Pre-application conference required ^ = Neighborhood meeting may be required				
Review Procedure	Bldg. Comm.	Board of Zoning Appeals	Planning Comm.	County Comm.
Discretionary Approvals				
Zoning Map Amendment+^	R		R	D*
Zoning Ordinance Text Amendment+	R		R	D*
Planned Development+^	R		R	D*
Special Exception Permit+	S	D*		
Site Development				
Site Plan				
Minor	D			
Major+	R		D*	
Zoning Compliance Certificate	D			
Permits				
Sign Permit	D			
Home Occupation Permit	D			
Temporary Use Permit	D			
Utility System Permit	S		R	D
House Moving Permit	S		D	
Building Permit	D			
Certificate of Occupancy	D			
Relief and Interpretation				
Zoning Variance	S	D*		
Floodplain Variance	S	D*		
Appeal	S	D*		
Floodplain Appeal	S	D*		
Interpretation	D	A*		

Table II-4: Suggested Subdivision Review Procedures		
D = Decision R = Recommendation A= Appeal * = Public Hearing + = Pre-application conference required ^ = Neighborhood meeting may be required		
Review Procedure	Building Commissioner	Planning Commission
Discretionary Approvals		
Subdivision Regulations Amendment	R	D*
Subdivision		
Major Subdivision ^{^+}		
Concept Plan [1]	R	D
Preliminary Plat	R	D
Construction Plans	D	
Final Plat	R	D
Minor Subdivision	R	D
Lot Split	D	
Additional Procedures		
Lot Line Modification	D	
Interpretation	D	A
NOTES:		
[1] Concept Plan only required for applications that propose 50 or more residential units or more than 10,000 square feet of nonresidential development.		

These recommendations are discussed in greater detail below.

1.6.2(a). Consolidate Procedures into One Article

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, we suggest locating all procedures for development review in one article, Article 2: Administration, in both the updated Zoning Ordinance and Subdivision Regulations. In each new ordinance, this new Article 2 would include a delineation of the roles and responsibilities of each review body and establish standard procedures common to all development applications, as well as review standards and any special rules needed for specific development applications. The only exceptions would be the floodplain variance and floodplain appeal procedures, which would remain consolidated with the substantive provisions governing floodplains in the updated Zoning Ordinance due to their limited applicability and the requirements of state and federal law.

1.6.2(b). Establish a Set of Standard Procedures

As noted earlier, the elements common to the development review process are addressed separately for each type of development application in the Zoning Resolution and Subdivision Regulations, resulting in repetition and inconsistencies. To address this problem, modern codes establish a set of standard review procedures that generally apply to all development application procedures. If there are exceptions for a specific procedure, they are noted. We suggest the updated regulations include a set of standard review procedures that that apply to all development applications. This new section would include common procedural requirements that address such things as:

- ★ Who has authority to submit applications;
- ★ Pre-application conferences;
- ★ Neighborhood meetings;
- ★ Application fees and schedule;
- ★ Completeness determination provisions;
- ★ Rules governing preparation of the staff report;
- ★ Public notification and public hearing requirements (which could be set down to comply with the minimum requirements of state law, or as several persons suggested, expanded to ensure notification is provided to a broader group of citizens);¹
- ★ Deferral and withdrawal of applications;
- ★ Procedures for review and approval of applications by staff, the Board of Zoning Appeals, the Planning Commission, and the County Commission (including the imposition of conditions of approval);
- ★ Appeals;
- ★ Post-decision actions and notifications;
- ★ Amendments; and
- ★ Expiration and lapse of approval.

In the section that follows the standard procedures, where special rules and the review standards for each different type of development application is set down, the updated ordinances will identify which of the standard review procedures apply. For example, a pre-application conference would not be required for a variance request but might apply to an application for a major subdivision.

1.6.2(c). Add a Neighborhood Meeting Requirement

A neighborhood meeting is one way to augment public participation efforts. Neighborhood meetings are used by an increasing number of local governments throughout the southeast and the United States to provide a framework for a development applicant to get together with neighbors and landowners surrounding a proposed development to (1) educate the neighbors about a proposed project, (2) hear neighbor concerns, and (3) attempt to resolve these concerns in an informal setting. The timing and requirements for neighborhood meetings vary from community to community. Generally, they provide an opportunity for

¹ One recommendation we received was to expand the notification requirements for amendments to the zoning map. The current requirement is for published notice and mailed notice to land that is “abutting, touching, an/or fronting a parcel of land for which rezoning is being requested.” Sec. 8.091.F(3) of the Zoning Resolution.

neighbors and applicants to engage in the development review process early-on, and inform each other of their perspectives.

In some communities, the neighborhood meeting is optional. If the applicant decides to proceed with the neighborhood meeting, parameters are established in the code about how notice is given and how the meeting is conducted. In other communities, the neighborhood meeting must take place before an application is submitted. Within still other communities, the neighborhood meeting is required prior to completion of staff review of the application or the Building Commissioner may require that applicant conduct a neighborhood meeting prior to completion of staff review of the application, if the Building Commissioner determines the development proposed is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

We suggest the most appropriate time to conduct a neighborhood meeting is before the application is submitted. If that is not possible, the second-best option is to conduct the meeting before staff completes its review of the application. Requiring a pre-submission neighborhood meeting, ideally held in the neighborhood affected by the project, allows the applicant to work with the community and generate a proposal that is mutually beneficial and addresses as many of the public's concerns as possible. This could potentially streamline the process by heading off issues that would otherwise arise late in the development approval process.

The current Zoning Resolution does not require a neighborhood meeting. We recommend the County include in the updated Zoning Ordinance a pre-submission neighborhood meeting requirement for certain types of applications. We suggest this requirement include the following provisions:

- ★ The neighborhood meeting be held before submission of the application.
- ★ The applicant provide written notification to surrounding landowners and affected neighborhood organizations ten days in advance of the meeting;
- ★ The meeting be held at a convenient location for the neighbors;
- ★ The applicant make specific types of information available to the public about the development proposal;
- ★ Ground rules for the meeting be established to require the applicant to explain the development proposal and provide neighbors an opportunity to ask questions, provide comments, and voice concerns;
- ★ The applicant submit a written summary of the neighborhood meeting that is submitted with the application. This summary would explain the development proposal outlined at the meeting, summarize the comments made by the neighbors in attendance, and describe what the applicant did to address neighbors' concerns.
- ★ Allow any person who attended the meeting to submit a response to the applicant's written summary.

If a neighborhood meeting requirement is included in the regulations, we suggest it be required for the following types of applications:

- ★ A zoning map amendment that proposes a rezoning to a district with higher density or intensity.
- ★ A planned development with more than 20 single family lots, 15 townhomes, or multifamily units, or 7,500 square feet of nonresidential development.
- ★ A major subdivision with more than 20 single family lots, 15 townhomes, or multifamily units, or 7,500 square feet of nonresidential development.

1.6.2(d). Add a Procedure for Formal Interpretations of the Zoning Ordinance and Subdivision Regulations

Many modern development codes include provisions that authorize the head of the development department to issue formal written interpretations of provisions of the zoning and subdivision regulations. These interpretations are typically issued in response to questions posed by citizens or developers regarding textual interpretations, interpretations of zone district boundaries, and interpretations of whether an unspecified use falls within a use classification. There is currently no procedure for this in either the Zoning Resolution or the Subdivision Regulations. We recommend that such a procedure be added to the updated Zoning Ordinance and Subdivision Regulations. The Building Commissioner's interpretation of the updated Zoning Ordinance could be appealed to the Board of Zoning Appeals. The Building Commissioner's interpretation of the updated Subdivision Regulations could be appealed to the Planning Commission.

1.6.3. Recommendations for Revisions to Specific Procedures

In addition to the general recommendations discussed above regarding the organization of the administrative procedures and new procedures that should be added, we make the following suggestions regarding specific procedures included in the current regulations:

1.6.3(a). Modernize Planned Development Procedure

The County should consider an overhaul of its Planned Unit Development (PUD) procedures. The current Zoning Resolution consolidates all procedures relating to PUDs in Article 6, Section 6.020 *et seq.*

- ★ Sec. 6.020 establishes the requirement for a pre-application conference.
- ★ Sec. 6.021 provides a process for preliminary approval of a proposed PUD, establishes the contents of the required preliminary development plan, requires staff review of the proposal, and authorizes the Planning Commission to approve, approve with conditions, or reject the preliminary application. Following Planning Commission action, the preliminary plan is forwarded to the County Commission, which reviews the proposal consistent with an application to amend the Zoning Resolution and makes a decision on the application. The approved PUD with the preliminary plan is a rezoning.

- ★ The applicant must then apply to the Planning Commission for approval of a final development plan within one year after preliminary approval (Sec. 6.022). If final approval is not received, the Planning Commission may recommend withdrawal of the approved preliminary development plan and recommend that the proposed site be rezoned to a base zone district, thereby removing the PUD district from the zoning map. Sec. 6.023 allows the final development plan to deviate from the preliminary development plan in minor ways.
- ★ Sec. 6.027 establishes a procedure for the Building Commissioner to approve minor modifications to a PUD during construction; Sec. 6.028 allows the Planning Commission to authorize certain more substantial changes and requires County Commission approval for the most substantial revisions; Sec. 6.029 governs revisions to a PUD after it has been completed. The Board of Zoning Appeals is also authorized to approve minor changes; additional uses can be authorized in accordance with the process for “conditional uses,”² while other changes require approval by the County Commission.

Compared to other codes, the PUD procedures in the current Zoning Resolution are lengthy, hard to understand, complex, and lack clear decision-making standards. We recommend they be substantially revised to streamline and simplify the process and make the planned development regulations more effective. The changes suggested are as follows:

- ★ Provide a single procedure for approval of a Planned Development district, instead of the separate preliminary approval and final approval processes in the Zoning Resolution. The Planning Commission will review and make a recommendation on the application which will include a Planned Development Plan (PD Plan) and the terms and conditions of approval. The application will then be reviewed and a decision made on the application by the County Commission at a public hearing. Approval of a planned development application and the PD Plan and terms and conditions will be considered a map amendment (rezoning) to a PD district—the PD Plan and terms and conditions will be the regulations that govern the development of the planned development. Site plan approval will be required (for the PD or a phase of the PD, as applicable) before development of the PD may occur.
- ★ At the applicant’s option, provide an option for initial review of a concept plan by the County Commission. This will allow an applicant to take the temperature of the County Commission regarding a proposal before spending too much time and money preparing a formal application for review by staff and recommendation by the Planning Commission.
- ★ Authorize County staff to approve minor modifications to an approved PD that do not have significant impacts to the character of the approved PD. The specific modifications that the Building Commissioner would be allowed to approve would be

² While the regulations state “conditional uses,” the Zoning Resolution does not list any conditional uses. We assume this is intended to be a reference to special exception uses.

identified in the updated Zoning Ordinance and include such small changes as realignment of internal roadways, reorientation of buildings, or changes of less than 5 or 10 percent to the square footage of structures on the site. Where the Building Commissioner deems it appropriate, the Building Commissioner could refer any proposed minor modifications to the Planning Commission for review and decision.

- ★ Require that more significant changes be approved only in accordance with the procedures and standards for the initial approval of the PD, as amendments to the PD.
- ★ Establish specific requirements for the contents of the PD Plan and the terms and conditions that are to be included as part of the adopted PD district. The PD Plan establishes the development parameters for the planned development—the allowable uses, the general location and layout of structures on the site, all relevant density/intensity and dimensional standards, the layout of the internal walking, bicycling, and vehicular circulation systems, wastewater management and other public facilities, and other relevant development standards. The terms and conditions outline the conditions of approval for the PD.
- ★ Consolidate the revised planned development procedures with the other administrative procedures in Article 2: Administration, of the updated Zoning Ordinance.

1.6.3(b). Establish a Separate Procedure for Site Plan Review

In most codes, a site plan procedure is used to review a proposed development's compliance with the zone and use regulations, as well as the development standards (parking and landscaping requirements, stormwater standards, open space standards, sidewalks, and other features), before a building permit can be issued and development can begin.

In the current Zoning Resolution, approval of a site plan (also referred to as a development plan) is listed as a prerequisite for a building permit approval (Sec. 8.030 *et seq.*). Site plans are also required to be submitted for review of certain special exception permit and rezoning applications (Sec. 8.034). In addition, plot plan approval is required for one- and two-family detached or semi-detached dwellings, including mobile homes on individual lots, and appear to be reviewed through the site plan process. Most site plans are reviewed by the Planning Commission, while the Building Commissioner reviews and decides site (and plot) plans for one- and two-family detached dwellings and commercial, industrial, or institutional redevelopment that is no greater than 25 percent of the structure's existing gross total square footage or no greater than 1,500 square feet, and meets other standards. Sec. 8.035.

We suggest the County consider clarifying and better organizing the site plan procedure in the updated Zoning Ordinance by establishing a two-tier site plan procedure that is separate from the building permit process. Minor site plan applications would be reviewed and decided by the Building Commissioner. Major site plan applications would be reviewed and decided by the Planning Commission. In our experience, the current threshold for site plans that are required to be decided by the Planning Commission is low. Most communities allow staff to

review and decide development or redevelopment applications that exceed the 25 percent/1,500 square foot limit in the current Zoning Resolution. We suggest that as a starting point for discussion we establish the following thresholds for minor and major site plans:

- ★ Minor site plans:
 - ★ Residential development of fewer than 10 dwelling units
 - ★ Nonresidential development of less than 10,000 square feet
- ★ Major site plan review would occur for proposed development that is greater in size than the threshold for minor site plan review.

Using this as a starting point, we suggest that we coordinate with County staff and the Planning Commission to determine appropriate thresholds for minor and major site plans.

1.6.3(c). Simplify and Modernize the Home Occupation Procedures and Standards

The current Zoning Resolution provides for two types of home occupations—Type I (Minor) and Type II (Major) home occupations. Sec. 4.040. Type I home occupations must be approved by the Building Commissioner. Type II home occupations must be approved by the Board of Zoning Appeals. A Type I home occupation must meet several criteria:

- ★ The activity must be conducted inside the principal dwelling, not in an accessory unit;
- ★ It must be conducted by a resident of the dwelling unit and up to one additional employee;
- ★ It may not be a storage facility for work conducted elsewhere³ or used for manufacture other than homemade arts and crafts;
- ★ It must generate no customer traffic;
- ★ It must not cause any nuisances; and
- ★ It cannot have any external indicia that the site is used for a home occupation.

A Type II home occupation is a home occupation that is not prohibited³ and does not meet the criteria of a Type I home occupation. A Type II home occupation may only take place on property that is at least five acres in area. It can utilize no more than one accessory structure in addition to the principal dwelling, and the accessory structure must be in the rear yard and not exceed 2,000 square feet in floor area or 75 percent of the principal dwelling's square footage, whichever is less. It can only store materials, goods, or equipment in the accessory structure. It must conduct any required parking or loading in the rear yard of the principal building, and it may not have negative impacts on surrounding properties.

Most modern development codes use performance-based standards to regulate home occupations, meaning they allow more flexibility for a home occupation than the County's current regulations as long as the home occupation complies with the performance-based

³ Certain activities are specifically prohibited from operating as a home occupation.

standards. While such regulations might place prohibit certain types of activities, they have few other restrictions as long as the home occupation complies with specific performance-based standards that address such issues as:

- ★ The amount of space the home occupation might use in both a principal or accessory structure;
- ★ What type of businesses are clearly allowed (e.g., personal services like hair styling or nail salon services, or home offices);
- ★ Parking;
- ★ Traffic generation;
- ★ Signage;
- ★ Lighting; and
- ★ The number of nonresident employees.

We suggest the County consider simplifying the home occupation provisions, both procedurally and substantively, by allowing a home occupation use as a by-right accessory use, without the need for administrative or Board of Zoning Appeals approval, and establishing a set of performance-based standards that will apply to all home occupations. This is how home occupations are treated in most modern codes. It will significantly simplify and modernize the current home occupation procedures and standards, without sacrificing the desired protections (as long as clear and appropriate performance-based standards are in place). This is so because the County can enforce these standards against anyone violating them.

1.6.3(d). Modify the Current Procedure for Review of a Special Exception and Rezoning (Map Amendment)

Under the current Zoning Resolution an applicant who seeks to rezone land and develop a use that requires a special exception permit must go through a two-step process. Sec. 8.011. First, the applicant is required to have a special exception application, along with a preliminary site plan, reviewed and decided by the Board of Zoning Appeals. Sec. 8.080. If the special exception application is approved, the applicant is then required to have an amendment to the zoning map reviewed and decided by the County Commission (after review and recommendation by the Planning Commission).

In our experience, this is an unusual procedure because in many ways it “puts the cart before the horse.” This is so because land should be classified in a zone district that allows for a special exception use before a special exception application should be considered; it is only at that point that an applicant should be able to request review and approval of the special exception. Under the current process an applicant must receive approval of the special exception (even though the land is in a zone district that does not allow the special exception use), and then receive rezoning approval so the special exception use is allowed in the zone district where the land is located. Therefore, it is possible that the County Commission could

reject a rezoning request for many reasons after the special exception is approved by the Board of Zoning Appeals, creating substantial uncertainty for the applicant who may propose a use that meets the standards for a special exception but who may not be able to get approval for a rezoning.⁴

To improve the effectiveness and efficiency of the development review process, and ensure the County's review procedures are consistent with state law, we suggest the County modify the current procedure to either:

1. Require a rezoning be approved prior to approval of a special exception permit; or
2. Make it abundantly clear if the special exception is considered first, that any approval is conditioned on the County Commission's approval of a rezoning to a zone district that allows for the special exception use approved.⁵

We suggest the former is the most desirable course of action.

1.6.3(e). Update Procedures to Clarify When and How Statutory Vested Rights Apply

The current Zoning Resolution and Subdivision Regulations acknowledge the authority of TCA § 13-3-413, which establishes statutory vested rights for certain development applications. This statute states that after approval of a "preliminary development plan," a "final development plan," or a building permit, a landowner is allowed to comply with the development standards in effect at the date of plan approval for a certain length of time, even if the development regulations are subsequently amended. The statute describes a preliminary development plan as one that is "typically used to facilitate initial public feedback and secure preliminary approvals from local governments," and provides a nonexclusive list of plan approvals that constitute a final development plan, such as a PUD plan, a subdivision plat, or final engineered site plan.

In most cases, neither the current Zoning Resolution or Subdivision Regulations provides clear guidance regarding what constitutes a "preliminary development plan," which initiates vesting, or a "final development plan," which establishes the vesting period or extends a vesting period that began with adoption of a related preliminary development plan.⁶ For example, it is likely

⁴ Additionally, it is not clear whether the BZA has the authority under state law to approve a special exception use on land where the zoning district does not currently allow the special exception use.

⁵ Likewise, we would eliminate the special provisions regarding rezonings to the C-3 or the M-3 districts (or their successor districts). Currently, all but the Farm Winery use in both districts is allowed only as a special exception use, and thus the current Zoning Resolution notes that any request for rezoning to the C-3 or M-3 districts should be preceded by a special exception application. Sec. 8.011.I. The updated Zoning Ordinance should identify which uses are permitted by right or by special exception in each zoning district, and all development applications should be reviewed similarly, without special provisions for particular zoning districts.

⁶ Sec. 6.024, Expiration/Vesting of Planned Unit Development, and Sec. 8.036, Expiration/Vesting of Site Plans, of the Zoning Resolution, and Sec. 2-103.6, Expiration/Vesting of Preliminary Plat, , Sec. 2-104.2, Expiration/Vesting of Construction Plans, and Sec. 2-105.5, Expiration/Vesting of Final Plat, in the Subdivision Regulations each state: "The vesting period for development standards as to approved development plans shall be as outlined in

that a preliminary plat meets the standards for a preliminary development plan, not a final development plan, but the Subdivision Regulations are not clear on that point. We therefore recommend that the updated regulations provide clear guidance regarding the vesting status of different plan approvals, making clear what constitutes a preliminary development plan and what constitutes a final development plan for purposes of TCA § 13-3-413. While not strictly required by state law, such guidance provides additional certainty regarding the effect of development applications for applicants, nearby landowners, members of review boards, and other citizens.

1.6.3(f). Streamline the Procedure for Major Subdivision

The current Subdivision Regulations establish a four-step process for Planning Commission approval of a major subdivision.

First, an applicant is required to file a concept plan, which lays out the overall plan for the proposed subdivision. Sec. 2-102. The concept plan is reviewed by the Building Commissioner and/or the Planning Commission and is required to be approved by the Planning Commission. A concept plan is valid for one year after approval.

The second step, after approval of the concept plan, is the submission of a preliminary plat, which is an engineering document that lays out the specific arrangement of lots, streets, easements, utilities, and other elements of the subdivision. Following staff review, the preliminary plat is reviewed and decided by the Planning Commission. Sec. 2-103.

The third step, which occurs after the approval of the preliminary plat, involves the submission and review of construction plans for the subdivision, Sec. 2-104, Sec. 2-105.1. (The Subdivision Regulations are not clear about what body is required to approve the construction plans, but County staff advises that these plans are reviewed and approved by staff.)

The fourth and final step is the submission and approval of a final plat. The final plat is reviewed and decided by the Planning Commission, and when approved, recorded in the Register's office. Sec. 2-105.

To streamline and simplify development review, most modern codes use either a two or three step process. Additionally, one or more of the steps often are reviewed and decided by professional-level staff, since some of the subdivision materials submitted (like the review of construction plans) are very technical in nature.⁷ Where allowed by state law, most modern codes involve the decision-making body (in Maury County the Planning Commission) at two steps in the process—at the preliminary plat stage, when the details of the subdivision are ready for review, and at the final plat stage, when the final technical details of the subdivision

TCA 13-3-413 and as amended." Sec. 2-102.4, Expiration of Approval, of the Subdivision Regulations states that a Concept Plan is not considered to be a "Development Plan" for purchases of the statute. Those are all the references to TCA § 13-3-413 in the current regulations.

⁷ State law only requires that the final plat be subject to the approval of the Planning Commission. TCA § 13-3-404.

have been established and the land division is ready for recording. We suggest the County consider following this approach in the following ways.

- ★ Pre- Application Conference Instead of Concept Plan, for Most Subdivisions: For all but larger subdivisions that include multiple phases, the concept plan would be replaced by a requirement that the applicant set up and attend a pre-application conference with staff. The applicant would be required to submit a high-level illustrative plan for the proposed subdivision before the pre-application conference. This plan would show the general layout of the site at a very high level, including access and egress points, location of any community wastewater facilities, the general location of the lots and open space set-asides, and other relevant information. This would be reviewed by staff before the pre-application conference. At the pre-application conference, staff will provide the applicant with feedback on the submission, as well as other issues (but approval of the illustrative plan would not be required). It is only after the pre-application conference is completed that the applicant could submit a proposed preliminary plat for review. The Planning Commission would not be involved in the pre-application conference.

A concept plan would continue to be required for larger developments for which platting of the entire development is not likely to happen all at once, such as multi-phase developments or other larger residential or commercial development. Where required, the concept plan would be approved by the Planning Commission and provide an overall plan for the development. We will work with staff to determine appropriate thresholds where a concept plan would be required—one suggestion is to require a concept plan for residential development with 50 or more dwelling units, or more than 10,000 square feet of nonresidential development.

- ★ Preliminary Plat: The submittal, review, and decision on the preliminary plat would remain as it is under the current regulations, with the Planning Commission reviewing and making a decision on the preliminary plat.
- ★ Construction Plan reviewed by Building Commissioner: The applicant will be required to submit and have construction plans approved prior to submittal of a final plat. The updated regulations will clearly state that construction plans are reviewed and decided administratively by the Building Commissioner.
- ★ Final Plat: As required by state law, the Planning Commission will continue to review and approve the final plat, as well as any sureties or other guarantees required to ensure the completion of any required improvements.

1.6.3(g). Establish Clear Procedures and Standards for Approval of Modifications to Lot Lines

The current Subdivision Regulations state that to modify lot lines the applicant must follow the same general procedure as a final plat, but leave the Building Commissioner discretion to determine the specific procedures and requirements that apply. Sec. 2-107.3. There are no

provisions in the current regulations that establish what procedures and other requirements that apply.

To clarify this current area of uncertainty, we suggest the updated Subdivision Regulations establish the specific procedure and review standards that apply to the review of lot line adjustments. Many communities authorize staff to approve minor lot line adjustments through an administrative procedure. Such administrative approvals might include, for example, lot line adjustments that only impact two lots and do not change the area of either lot by more than a certain percentage (e.g. 10 percent). We suggest the County consider including such a provision in the updated Subdivision Regulations.

1.6.3(h). Clarify the Applicability of Certain Procedures in the Subdivision Regulations

The current Subdivision Regulations identify four “miscellaneous platting situations” in Sec. 2-107. We recommend that the procedure in Sec. 2-107.3, Changing and Modifying Lot Lines, be revised in accordance with the discussion above in Section 1.6.3(g), Establish Clear Procedures and Standards for Approval of Modifications to Lot Lines. We recommend that the other procedures be deleted, as they can be addressed through the typical subdivision procedures.

Theme 2: Update and Modernize the Zone Districts and Use Regulations

Zone districts and allowable uses are core elements of a land development code. They establish the general development character of different geographical areas in the community. They identify what uses can take place in different parts of the community, and in some instances their basic developments forms. Based on our review of the Zoning Resolution and feedback received during project kickoff meetings, we recommend a restructuring of the current zone districts. These changes will better position the county for development that provides needed community services close to residential development while retaining the county’s general rural character.

Overall, we propose to incorporate best practice tools, simplify and modernize the zone district structure, make the zone district section of the zoning regulations more user-friendly, and clarify uses allowable within each district.

2.1. Revise the Zone District Structure

2.1.1. Overview of Current Zone Districts

The current Zoning Resolution includes 11 base zone districts, one overlay district, and four variants of planned unit development districts. These zone districts are identified in Table II-5: Current Zone Districts, together with a brief description of the purpose of and intended character of each district. Districts are listed in the order they are listed in the Zoning Resolution, roughly in order of increased allowed density and intensity.

2.1.1(a). Base Zone Districts

The 11 base zones include one agricultural district (the A-1 district), four types of residential districts ranging from rural to low-to-medium density suburban (the A-2, A-2A, R-1, and R-2 districts), three commercial districts (the C-1, C-2, and C-3 districts), and three industrial districts (the M-1, M-2, and M-3 districts).

2.1.1(b). Planned Unit Development (PUD) Districts

The four planned unit development (PUD) districts are designed to encourage attractive and well-designed development by allowing applicants to modify the standards in the underlying base zone districts in which they are located. The PUD districts include one PUD that allows residential uses, two that support primarily commercial uses, and one PUD that supports industrial uses. The regulations link Residential PUDs to the underlying base zone district, meaning the density of development allowed in the PUD varies based on the underlying base zone.⁸ In the A-1 district, the same amount of density is allowed in a PUD as in the base zone, while in the R-1 and R-2 districts, slightly more density is allowed. The Commercial PUDs have

⁸ It is unclear how the allowable development density correlate between the PUDs and the base zoning districts. In A-2, a landowner is allowed density up to “one (1) acre in area for each single family dwelling unit and/or duplex permitted on the lot.” In A-2A, the minimum lot size is one acre, but duplexes are allowed. However, as a PUD, A-2 and A-2A allow only one dwelling unit per acre.

Floor Area Ratio (FAR) maximums, while the Industrial PUD district has FAR and building height maximums.

In PUDs, the general development standards in the Zoning Resolution apply, although the County Commission is permitted to approve alternatives that satisfy the purpose of the regulations to an equivalent or greater degree. Sec. 6.013. There are open space and building spacing standards for all PUDs, as well as special lot coverage, access, setback, pedestrian circulation, and height standards for Residential PUDs (Secs 6.034-038); open space, off-street parking and loading, sign, and operations standards for Commercial PUDs (Secs. 6.045-048), and open space, setback, boundary, screening, street layout, off-street parking and loading, and sign standards that apply to the Industrial PUDs (Secs. 6.054-0057).

2.1.1(c). Overlay District

The one overlay district is the floodplain district. It contains the floodplain management standards and procedures established by National Flood Insurance Program regulations at 44 CFR Ch. 1, Sec. 60.3.

Table II-5: Current Zone Districts		
Current Zone District	Description	Basic Density/ Intensity Standards
Base Districts: Agricultural and Residential Districts		
A-1: Agricultural Forestry	A district intended to preserve space for agricultural and forestry uses, by reserving land that is best suited for agricultural purposes, minimizing conflicts between agricultural/forestry uses and nonfarm activities, and protecting encroachment of urban (or other non-rural) uses onto lands that cannot support them due to topography, location, or lack of necessary urban services.	Min. lot size: 2 acres (for each dwelling unit)
A-2 Rural Residential	A district intended for areas where development at suburban densities is undesirable due to location, soil conditions (making the land unsuitable for septic uses), absence of necessary urban services, or the location of ongoing agricultural/farming uses. Another district purpose is to prevent urban sprawl and development of uses that require urban services which are impossible or uneconomical to provide.	Max. density: 1 SF dwelling or duplex per acre for area with sanitary sewer Min lot size: 1 acre (no sanitary sewer) 20,000 sf (with sanitary sewer)
A-2A Rural Residential	A district intended for areas where development at suburban densities is undesirable due to location, soil conditions (making them unsuitable for septic uses), absence of necessary urban services, or the location of ongoing agricultural/farming uses. Another district purpose is to prevent urban sprawl and development of uses that require urban services which are impossible or uneconomical to provide.	Min lot size: 1 acre

Table II-5: Current Zone Districts		
Current Zone District	Description	Basic Density/ Intensity Standards
R-1 Suburban Residential	A district intended for low-density one- and two-family residential development and that is particularly suitable near urban areas which have adequate urban services for the development (including water to support fire protection).	Max density: n/a Min lot size: 1 acre (SF dwelling only, no sanitary sewer) 15,000 sf (SF dwelling with sanitary sewer) 22,500 sf (duplex with sanitary sewer)
R-2 Urban Fringe Residential	A district intended for development compatible with residential development along the fringes of the incorporated areas within the County, particularly where a full complement of urban services such as water (to support fire protection) and wastewater is available.	Max density: n/a Min lot size: With water, no sanitary sewer: 1 acre With water and sanitary sewer: 1 du per lot: 10,000 sf 2 du per lot: 15,000 sf 3 du per lot: 17,500 sf 4 du per lot: 25,000 sf 4+ du per lot: 25,000 sf plus 3,600 sf for each du over 4
Base Districts: Commercial Districts		
C-1 Rural Center	A district intended for businesses that provide limited convenience goods and services in areas serving more isolated agricultural and rural residential districts. This district is intended to apply to rural centers and prevent the spread of this type of land use along traffic routes or into surrounding countryside.	Min lot size: Varies based on presence of sanitary sewer and use (residential [SF or duplex] vs commercial)
C-2 General Commercial	A district that allows general and highway commercial activities along the county's principal throughfares, while protecting the traffic-carrying capacity of the county's roads. It requires adequate off-street parking and loading, and ensures the provision of adequate fire protection for buildings intended for occupation by 10 or more persons.	Min. lot size: With water & sanitary sewer: None With water, no sanitary sewer: 10,000 sf With no water, no sanitary sewer: 20,000 sf
C-3 Special Commercial	A district that provides lands to accommodate intense, unsightly, or noxious commercial operations that would negatively impact other commercial operations or the county's economic base if not strictly controlled.	Min. lot size: 2 acres

Table II-5: Current Zone Districts		
Current Zone District	Description	Basic Density/ Intensity Standards
Base Districts: Industrial Districts		
M-1 Light Industrial	A district that accommodates lower intensity industrial uses that are nonintrusive and include administrative, professional, and technical services, in well designed office park settings with the preservation of natural features to the extent possible. The district regulations attempt to protect industrial land from encroachment by nonindustrial land uses. Uses shall be largely compatible with nearby agricultural, residential, or commercial uses. Development is intended to provide adequate fire protection for buildings intended for occupation by 10 or more persons.	Min lot size: 10,000 sf
M-2 Heavy Industrial	A district that accommodates industrial uses that are less compatible with the non-industrial uses located near M-1 districts, with landscaping and siting to minimize the determinantal effect on proximate uses. Development is intended to provide adequate fire protection for buildings intended for occupation by 10 or more persons.	Min lot size: None
M-3 Special Industrial	A district that provides lands for intense or potentially noxious industrial operations, including open land operations. Development is intended to provide adequate fire protection for buildings intended for occupation by 10 or more persons.	Min lot size: 5 acres
PUD Districts		
R-PUD Residential PUD	A PUD district that supports variety, flexibility, and innovation for areas that are predominantly residential, and encourages a mixture of housing types, improved design, safety, and open space. Special requirements apply regarding open space (size and siting) and building spacing,	Min. district size: A-1: 20 acres A-2 & A-2A: 10 acres R-1: 5 acres R-2: 2 acres Max. density (w sewer): A-1: 0.5 du/acre A-2 & A-2A: 1.0 du/acre R-1: 4 du/acre R-2: 12 du/acre
CG-PUD Commercial General PUD	A PUD district intended to encourage the orderly clustering and development of commercial uses within specially designed areas, with special landscaping and buffering requirements and sign standards. The Commercial General PUD district is intended to support a moderately wide range of uses and shopping centers, except for development intended for the CC-PUD district.	Min. district size: None Max. density: None Max. FAR: 1.0

Table II-5: Current Zone Districts		
Current Zone District	Description	Basic Density/ Intensity Standards
CC-PUD Commercial Convenience PUD	A PUD district intended to encourage the orderly clustering and development of commercial activities within specially designed areas, with special landscaping and buffering requirements and sign standards. The Commercial Convenience PUD district is intended to support convenience retail shopping and personal services uses only.	Min. district size: None Max. FAR: 0.35
I-PUD Industrial PUD	A PUD district intended to provide flexible standards to accommodate manufacturing uses while limiting adverse impacts on surrounding non-manufacturing activities. The district includes special open space and screening requirements.	Min. district size: 15 acres (10 acres if contiguous with existing industrial district) Max. FAR: 0.75 (2.0 if contiguous with existing industrial district)
Overlay District		
Floodplain District	This district is an overlay district for lands that are identified as Areas of Special Flood Hazard identified by FEMA in the Flood Insurance Study dated April 16, 2007 and are subject to the floodplain district regulations.	n/a

NOTES
 sf = square feet; FAR = Floor Area Ratio

2.1.2. Proposed Zone District Structure

Based on the evaluation of the current zone district structure, feedback received during the project kickoff meetings (including general direction that the updated regulations should attempt to preserve the county’s rural character), discussions with County staff, and a project goal of making the zoning regulations simpler and more user-friendly, we recommend the County consider revising the zone district structure in the updated regulations as outlined in Table II-6: Proposed Zone District Structure.

Table II-6 follows the same general organization as the existing zone districts, but simplifies the structure. Many of the current districts are proposed to be carried forward, with refinements in their name (to align them more closely with the general character of the district), possible refinements in the uses allowed (to ensure the allowed uses are consistent with the district’s identified character), and possible refinements to the dimensional standards to ensure they are consistent with the identified district character. In addition, and where current zone districts serve the same purpose, allow for the same or similar uses, and have the same or similar dimensional standards, we propose to consolidate them. Like the current district structure, the proposed district structure includes:

- ★ Base Districts:
 - ★ Agricultural and Residential
 - ★ Business (Commercial and Industrial)
- ★ Planned Development Districts

★ Floodplain Overlay District

The changes result in nine base districts, two planned development districts, and one overlay district. Table II-6: Proposed Zone District Structure, shows in the left column the current zone district structure, and in the right column the proposed district structure. Where districts are to be carried forward, consolidated, or deleted, that is shown. More detailed discussion of the proposed changes follows the table.

Table II-6: Proposed Zone District Structure	
Current Zone District	Proposed Zone District
Base Districts: Agricultural and Residential	
A-1: Agricultural Forestry	AF: Agriculture and Forestry
A-2: Rural Residential	RL: Residential Low Intensity [CONSOLIDATED]
A-2A: Rural Residential	
R-1: Suburban Residential	RM: Residential Moderate Intensity [CONSOLIDATED]
R-2: Urban Fringe Residential	
Base Districts: Business	
C-1: Rural Center	CRC: Commercial Rural Center
	CN: Commercial Neighborhood [NEW]
C-2: General Commercial	CC: Commercial Center
C-3: Special Commercial	DELETE (not used)
M-1: Light Industrial	OIL: Office and Industrial Light
M-2: Heavy Industrial	IM: Industrial Medium
M-3: Special Industrial	IH: Industrial Heavy
Planned Development Districts	
R-PUD: Residential PUD	DELETE
CG-PUD: Commercial General PUD	
CC-PUD: Commercial Convenience PUD	
I-PUD: Industrial PUD	
	PD: Planned Development [NEW]
	TN-PD: Traditional Neighborhood Planned Development [NEW]
Overlay District	
Floodway District	FL-O: Floodplain Overlay

2.1.2(a). Agricultural Zone District

The current A-1: Agricultural Forestry District is carried forward and renamed **Agriculture and Forestry (AF)** district, which better aligns with the district character. The AF district will carry forward the general purpose of the district, which is to preserve valuable lands for agricultural and forestry uses, and to prevent more extensive development in areas of the county that lack adequate infrastructure. We recommend maintaining the two acre lot minimum for each

dwelling unit and suggest including minimum lot sizes for other uses. While only one parcel in the County is zoned A-1, retaining the AF district as an option could help the County's efforts to preserve the rural character.

2.1.2(b). Residential Zone Districts

The current A-2: Rural Residential and A-2A: Rural Residential zone districts are proposed to be carried forward and consolidated into the **Residential Low Intensity (RL)** district.

Consolidation of the A-2 and A-2A districts is suggested because they have nearly identical purpose statements and dimensional standards, and only minor differences in uses. The key difference in the two consolidated districts is that the A-2 district allows for individual lots for residential uses to be as small as 20,000 square feet in area if the lot is served by a sanitary sewer system, smaller than one acre minimum lot size in for residential uses in A-2A without sanitary sewer service (although the number of allowed lots is still capped at one per acre of gross land area). Additionally, the A-2 district allows duplex homes, which the A-2A district does not. Given that the A-2A district is only located in one place in the County, we suggest that the RL district generally carry forward the A-2 district standards.⁹

The existing R-1: Suburban Residential and R-2: Urban Fringe Residential zone districts are proposed to be carried forward and consolidated as the **Residential Medium Intensity (RM)** district. These zone districts will accommodate residential development that is slightly more dense than the development allowed in the RL district and that is appropriate for locations near existing urban areas with access to water and sanitary sewer. It does not appear that any land in the County is zoned in the R-1 district, and we will work with staff to ensure that the limited existing development in the R-2 district conforms with the new standards.

2.1.2(c). Business (Commercial and Industrial) Districts

The current regulations contain three commercial base zone districts, with significant overlap in the types of uses and the purpose of each district. We suggest deleting the C-3: Special Commercial district, which is intended for more intense commercial operations, since the district is not currently being used in the County, and with one exception, only allows uses by special exception. As part of the updates to the uses and use standards (see Section 2.3, Classify Uses in a More Logical and Flexible Way, Using a Three-Tiered Classification System, and Section 2.4, Update Use-Specific Standards), uses will be permitted by-right or as special exceptions in the other commercial zone districts with appropriate standards to mitigate any negative impacts they may have on nearby properties.

⁹ These days, development codes frequently allow larger properties with single-family dwellings to contain accessory dwelling units (ADUs). These ADUs can either be attached to and integrated with the primary structure, or located on the property as separate detached structures. The types of standards to regulate and limit the impact of ADUs that are used in other communities and could be included in the County's regulations include standards establishing the maximum size of an ADU, limiting placement on a lot (e.g. only in the back yard), requiring a certain number of parking spaces, requiring access from a separate locked entrance, and prohibiting future subdivision of the property to split ownership of the ADU from the principal residence.

We propose that the updated Zoning Ordinance include six base business districts—three generally commercial and three generally industrial.

The C-1: Rural Center district is carried forward and renamed the **Commercial Rural Center (CRC)** district. The CR district is intended for low-intensity commercial development that provides goods and services to rural communities that are located far from more urban commercial areas. No significant substantive changes are expected to the uses allowed in the district, or the dimensional standards.

The **Commercial Neighborhood (CN)** district is new. The district provides lands to accommodate a limited range of neighborhood-scale residential and nonresidential uses (stand-alone residential would not be allowed). It is characterized by small pockets of commercial and mixed-use development within or at the edge of the County's neighborhoods and along roadways. The district may apply to portions of a block and consist of a few storefronts with limited on-site parking. The allowable uses will be limited to those that are neighborhood-serving and primarily pedestrian-oriented, and the district will include development standards to ensure compatibility with nearby residential development.

The C-2: General Commercial District is carried forward and renamed the **Commercial Center (CC)** district. This district is intended to accommodate higher intensity commercial uses at interchanges and intersections along the County's major transportation corridors, such as I-65, US 31, and SR 396, consistent with the Economic Development policies in the Comprehensive Plan. This district will accommodate the full panoply of commercial uses in the County, including both a mix of commercial uses and residential uses, as well as assisted living and continuing care retirement communities that provide a continuum of care and living arrangements for older adults. The list of permitted uses will be modernized, as discussed in Section 2.4, Update Use-Specific Standards, and no significant substantive changes are expected to the dimensional standards.

The current three industrial districts are proposed to be carried forward with name changes to better align with their purpose and the type of development intended for each district. The M-1: Light Industrial district is renamed the **Office and Industrial Light (OIL)** district, the M-2: Heavy Industrial district is renamed the **Industrial Medium (IM)** district, and the M-3: Special Industrial district is renamed the **Industrial Heavy (IH)** district. No significant substantive changes are expected to the uses allowed in the districts, or the dimensional standards.

2.1.2(d). Planned Development Districts

Two Planned Development districts are proposed to replace the existing PUD districts.

Based on the feedback we received during our kickoff meeting and our review of the Zoning Resolution, and best practices, it appears planned districts can serve a useful purpose in allowing unique types of development in Maury County that could not be accommodated in the base zone districts.

In place of the four separate districts, we recommend that the updated Zoning Ordinance include two new planned development districts. The updated PD districts are supported by new regulations that should:

- ★ Include specific standards for how the parameters for development of the PD should be carried out;
- ★ Provide detail about which development standards may be varied, and which standards may not (for example, many PDs do not allow variation in open space or environmental protection, which we suggest should be the case in the new ordinance); and
- ★ Clarify that a PD Plan and terms and conditions which spell out the terms and conditions of development be approved along with the rezoning approval. The PD Plan and terms and conditions help implement the planned development standards by expressly spelling out the relevant development parameters, establishing phasing (where relevant), providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development.

We propose two PD districts. The first will be the **Planned Development (PD) District** which will generally replace the current four existing PUDs with one planned development district.

We also suggest that the County consider adding a new **Planned Development -Traditional Neighborhood Development (PD-TND)** district. This district is proposed to allow for neo-traditional neighborhood developments in greenfield or near existing urban areas. The PD-TND District would provide a planned development alternative for development that uses traditional neighborhood design (TND) elements, such as civic buildings, a town center, mixed uses, integrated open space, and a variety of housing types, in order to support meaningful public spaces and walkable urbanism.

As noted earlier in Section 1.6.3(a), Modernize Planned Development Procedure, we recommend the new Zoning Ordinance reorganize the PD application process and better incorporate current best practices.

2.1.2(e). Overlay District

The floodplain overlay district regulations are based on a model ordinance drafted by the Tennessee Emergency Management Agency. We propose carrying forward these overlay district regulations as the **Floodplain Overlay (FP-O)** district, with modifications in formatting and organization as necessary for consistency with the rest of the updated regulations.

2.2. Modernize District Formats

Along with restructuring the zone districts, we also suggest the County consider changes to improve the layout of the zone district regulations. Currently the regulations that apply to different districts are scattered throughout the Zoning Resolution. Each district has its own set of uses that are permitted by right or permitted as special exceptions. Dimensional standards are included in list form. The regulations relating to the Planned Unit Development districts are in a separate section of

the Zoning Resolution and are organized differently; allowed uses are defined by reference to the separate base zone districts.

Modern approaches to zone district regulations include the use of attractive layouts, consistent structure, tables for dimensional and intensity standards, and graphics. We recommend that each zone district in the updated regulations be consolidated or referenced in one location. Each district will include a purpose statement, reference to the use table, use-specific standards, and development standards, and a table with applicable intensity and dimensional standards. In addition, graphics and/or photos will be used to depict the desired character of development within the district, as well as typical lot patterns and the application of dimensional standards. An example of this suggested zone district layout from another community's code is shown in Figure II-6, and a full-size version is included in the Appendix.

Figure II-6: Sample Zoning District Layout

Article 3. Zone Districts
Section 3.2. Residential Districts

3.2.3. RSF-1: Residential Single Family 1 District

(a) Purpose and Concept
The purpose of the RSF-1: Residential Single Family 1 District is to provide lands that accommodate low-density, single-family detached dwellings on lots with a minimum lot area of 12,500 square feet. The district also accommodates certain group living arrangements as conditional uses, accessory uses such as home occupations and home-based child care, and other compatible uses. District regulations discourage development that negatively impacts the quiet residential nature of the district.



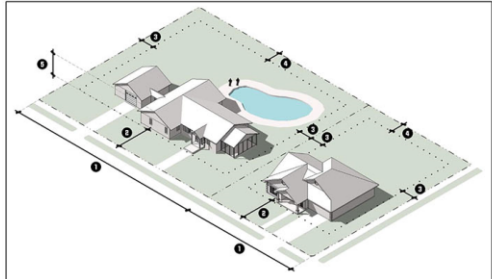
(b) Use Standards
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	All Uses
Lot area, min. (sf)	12,500
Lot width, min. (ft) [1]	90
Front yard setback, min. (ft)	25
Side yard setback, min. (ft)	10
Rear yard setback, min. (ft)	10
Building height, max. (ft)	35
Living area, min. (sf)	1,800
Impervious coverage, max. (percent)	70

NOTES: sf = square feet; ft = feet; min. = minimum; max. = maximum
[1] Minimum lot width is measured along the road frontage as well as along property fronting a lake, canal, or creek, if applicable.

Section 3.2.3. RSF-1: Residential Single Family 1 District



(d) Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

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2.3. Classify Uses in a More Logical and Flexible Way, Using a Three-Tiered Classification System

As noted in Section 2.2, Modernize District Formats, the list of permitted uses in the current regulations is included within each zone district. Information is largely provided in text form, which makes the zone district and use regulations lengthy and difficult to digest. The presentation does not allow for a side-by-side comparison of allowed uses by zone district. In addition, the list of permitted uses has, over time, grown inconsistent and challenging to apply. For example, in the A-2

district, one permitted use is “Medical facilities, including doctors or dental offices.” Sec. 5.042b.10. However, just below, in Sec. 5.042c.5, in the list of uses permitted only as special exceptions, one use that requires a special exception is “Doctors and dental offices.” Meanwhile, the definition of “Medial facilities” in Sec. 2.020 does not list “Doctors and dental offices.” In the A-2 district, “Schools, libraries, and fire stations” is a permitted use, but “Schools, colleges, and libraries” requires a special exception. In the C-1 district, “Light industrial uses as specified in Section 5.061 for the Light Industrial District” are permitted (Sec. 5.051c), but Section 5.061 permits a variety of uses—such as “Visitor orientation centers”—and it is not clear which are the “light industrial uses” that are permitted. This lack of clarity makes it difficult for developers, landowners, review board members, and staff to understand the regulations.

In many modern codes, use regulations are established in a separate article and organized into comprehensive use tables, which show the list of allowed uses by zone district. It is best to consolidate the list into as few tables as possible—for example, using one table each for principal, accessory, and temporary uses. The table should identify permitted and special exception uses, and also include a cross-reference to any applicable use-specific standards. This is the approach we suggest be used in the updated Zoning Ordinance.

The uses in the current Zoning Resolution are organized within each zone district by permitted uses, special exception uses, and, in some districts, a specific list of prohibited uses. There is no further classification or organization of uses, making it difficult to determine if a new use is similar to an existing use (because of its functions and features) and should or should not be allowed in a particular zone district. Based on best practices, we suggest that the updated Zoning Ordinance incorporate a three-tiered use classification system that adds text descriptions to clarify use groups at three different levels. A portion of a use table from another community’s code is included in Figure II-7: Sample Use Table.

The three tiers are:

- ★ **Use Classifications** (broad general classifications such as Residential, Commercial, and Public/Civic/Institutional);
- ★ **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as “Group Living” and “Household Living” under the Residential classification); and
- ★ **Uses** (specific uses within the Use Categories, such as “single-family detached dwellings,” “two-family (duplex) dwellings,” and “townhouse” under the Household Living category and Residential classification).

Many communities are moving to this use classification approach due to its more robust structure and flexibility, and we suggest it be used in the updated Zoning Ordinance.

In addition, we suggest the rewritten use regulations define use categories broadly and list specific uses only if they sufficiently differ from similar broad use categories to justify allowing them in different zone districts. This allows staff more flexibility in determining whether a proposed use is

allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed.

Figure II-7: Sample Use Table

TABLE 4-1: USE PERMISSIONS

P = Permitted (allowed in PD District if specified in PD Plan) Z = Conditional Zoning S = Special use
A = Accessory use only T = Temporary use only **blank cell** = Not allowed

Use Class Use Category Use Type	Residential Districts						Mixed-Use & Nonresidential Districts						PD	Use Standards (Sec. __)
	RC	RLS	RLI	RG	HMV	TN	TD	DE	CM	CC	HLI	IN	PD	
Agricultural														
<i>Agriculture</i>														
Agritourism	P												P	
Enclosed Environment Agriculture	P									P	P	P	P	4.3.2.A.1
Farm	P												P	4.3.2.A.2
Plant Nursery	P	P									P		P	4.3.2.A.3
Silviculture	P												P	4.3.2.A.4
Residential														
<i>Group Living</i>														
Continuing Care Retirement Community			P	P		P		Z	P	P			P	4.3.3.A.1
Dormitory	A		A	A		A	Z	Z	P	P	Z		P	4.3.3.A.2
Family Care Home	P	P	P	P	P	P		P					P	
Residential Care Facility	S	S						S	S	S			P	4.3.3.A.3
<i>Household Living</i>														
Attached Residential Dwelling				P		P	P	P	P	P			P	4.3.3.B.1

2.4. Update Use-Specific Standards

2.4.1. Review, Add, and Refine Uses

In conjunction with the changes in the classification and organization of uses discussed above, we also suggest a thorough review of uses in the Zoning Resolution to insure they are appropriately defined. It appears that taken as a whole, the list of uses included in the Zoning Resolution are comprehensive. However, as part of the reorganization of the uses discussed in Section 2.3 above, we will ensure uses are distinct from each other and do not overlap. Moreover, during our kickoff trip, staff identified certain uses that should be included in the updated code, such as campgrounds, racetracks, and shooting ranges.

In addition, there are areas where the existing list lacks certain more modern uses that may be useful to include. For example, the Zoning Resolution does not discuss solar energy generation facilities, either as separate principal uses or as accessory to principal uses such as single-family dwellings. Solar energy generation facilities have become more popular as the price of solar panels has decreased, and this is the kind of use we suggest the County consider adding.

We also suggest that new use-specific standards be added, as appropriate, for new use types, and that existing use-specific standards be evaluated and updated as appropriate. This evaluation should be informed by input from County staff and stakeholders, as well as current best practices, such as standards for wireless telecommunications towers. At our kickoff meetings, staff advised that the standards and list of zone districts in which mobile home parks and travel trailer parks are permitted should be reviewed and updated, and we will do so.

As part of updating the use-specific standards, we also recommend special exception uses be evaluated to determine whether additional standards would allow some to become permitted uses requiring staff approval instead of a hearing before the Board of Zoning Appeals. This would add to the predictability and efficiency of the development review process for these uses. Based on our review, we suggest that the following special exception uses could be reclassified as permitted uses, subject to specific standards, at least in some zone districts:

- ★ Commercial parking lots
- ★ Doctors and dental offices
- ★ Kennels or animal hospitals
- ★ Livestock, sales, or feeding yards
- ★ Taverns or bars

The Zoning Resolution also includes several “catch-all” uses that are typically allowed only as special exceptions (e.g. Sec. 5.052c, allowing additional commercial and businesses uses not listed as special exceptions in the C-2 district). As part of our review, we will evaluate whether there are additional uses that could be defined that would make these very broad uses unnecessary.

2.4.2. Clarify Accessory Uses and Structures

Accessory uses and structures are uses or structures that are subordinate to the principal use on a site. The Zoning Resolution allows accessory uses and structures, but in most zone districts they are not explicitly identified. Rather, the introductory language within each district states that the listed uses “and their accessory uses” are permitted. This is problematic since it creates some uncertainty about what accessory uses are allowed. In addition, except for the district-specific regulations, most of which designate specific setback requirements for accessory structures, there are no general accessory use or structure standards, and only a limited number of use-specific standards that regulate particular accessory uses.

Similar to our recommendation for a unified principal use table in Section 2.3 above, we suggest that the County include an accessory use table in the updated regulations. The accessory use table will list specific accessory uses and structures that are allowed in each district, and include any use-specific standards that might apply. The list of accessory uses will include some of the current accessory uses, with definitions and standards as appropriate, such as swimming pools, fallout shelters, and limited wood assembly activities; it will also include additional accessory uses or structures such as outdoor storage, antennas, automated teller machines, and other appropriate accessory uses.

2.4.3. Clarify Temporary Uses and Structures

Temporary uses and structures are uses or structures that are proposed to be located in a zone district only for a limited time duration. They include special, or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, large receptions or parties, and community festivals). Temporary uses generally do not include private parties attracting less than a certain number of persons, nor events normally associated with a permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home).

The Zoning Resolution identifies about ten temporary uses and structures and lists applicable standards and any permit requirements for each (Sec. 4.030). We suggest carrying forward the current list of temporary uses, making refinements to the definitions and use-specific standards as appropriate, and adding any additional temporary uses or structures that are appropriate to add.

Theme 3: Maintain the County's Rural Character

Maury County adopted its most recent Comprehensive Plan in 2011. The Comprehensive Plan is a joint plan for the County and for its three municipalities—the City of Columbia, the City of Mt. Pleasant, and the City of Spring Hill.¹⁰ One of the key themes of the Comprehensive Plan is the community's desire to maintain the community's rural character, particularly in the unincorporated parts of the County.

Retaining this rural character is challenging because of the substantial business investment in the community led by General Motors' reinvestment in Spring Hill, and the continued growth of the Nashville region which spills south into Maury County. The County's population has grown substantially in recent years—by nearly 25 percent between 2010 and 2020, to just over 100,000 residents. However, a significant portion of that growth has occurred on land within and adjacent to Columbia and Spring Hill, much of which has been annexed into the municipalities. This has left much of the County's existing rural areas generally undeveloped and rural in character with significant amounts of open space and agricultural lands.

While the Comprehensive Plan is dated, the plan's emphasis on maintaining the rural character of the County echoes what we heard during the kickoff meeting and the feedback from stakeholders.

Based on the vision themes and goals established in the Comprehensive Plan, feedback we gathered from the kickoff trip, and our experience working with other communities to protect rural character through their development regulations, we suggest the County consider adding the following new provisions to the updated regulations to support maintenance of the County's rural character.

3.1. Broaden the By Right Uses in the Rural Area to Support Agricultural Uses and Activities

The current regulations only allow basic agricultural-related uses, single-family and duplex homes and mobile homes, craft breweries, farm wineries, and wineries, in the Agricultural and Forestry (AF)¹¹ district. The updated regulations should allow a wide variety of basic agricultural and agricultural support uses in the Agricultural and Forestry district, by right. Where appropriate, these uses would be subject to performance standards necessary to mitigate any potential off-site, adverse impacts. Basic agricultural uses include agriculture, horticulture, animal husbandry and equestrian activities. Agricultural support uses are support businesses (repair, service, retail, and related uses) related to the basic agricultural uses and activities. The support businesses are further divided into those that are directly associated with an on-going basic agricultural activity and located on the same property, versus a support business that is off-site. Off-site support businesses should be small-scale in nature, and may include such uses as farm product sales and farm machinery repair and leasing. Larger-scale support operations should be directed into the Commercial Rural Center (CRC) and Commercial Center (CC) districts. Demonstration farms and agricultural museums should also be considered as legitimate off-site support businesses since they support basic agriculture and tourism. Animal services (e.g., veterinary services and animal hospitals) are also

¹⁰ Only a portion of the City of Spring Hill is within Maury County; the remainder is within Williamson County.

¹¹ The current A-1 district.

considered agricultural support businesses, but should be located in either the Commercial Rural Center (CRC) or Commercial Center (CC) districts.

By-right nonresidential service and tourism uses should also be added to the Agricultural and Forestry district, subject to performance and location criteria. Examples of such uses could include new equestrian centers and boarding facilities, event facilities, nurseries, conference centers, corporate retreats and training facilities, heritage and rural tourism destinations, agritourism uses like corn mazes and pumpkin patches, and similar uses.

While some of these uses may already be allowed by right under state law, the uses allowed in the updated Zoning Ordinance should be consistent to improve certainty for landowners and their neighbors.

Adaptive reuse of existing farm structures should also be supported in the AF district. Such structures could be adapted for basic agriculture, support agriculture and small-scale on-site businesses.

Finally, and as mentioned earlier, performance standards should be added where appropriate. They will address potential external impacts as well as ensure the maintenance and preservation of the agricultural and rural character of the area. The types of potential impacts identified that might need to be addressed include access/traffic, the location of the use on the land (setbacks), the size/bulk of the use in relation to other uses, the impact on rural character (e.g., height, visibility), and environmental impacts (such as noise and lighting).

3.2. Consider Allowing a Conservation Subdivision Option in the Rural Area

Conservation subdivisions are regulatory tools a number of local governments use to support the preservation and open character of rural areas. We suggest the County consider including a voluntary conservation subdivision option for the Agricultural and Forestry (AF) and Residential Low Intensity (RL) districts that encourage and support the maintenance of rural character. The provisions would be designed to permit single-family residential development that allows reductions in lot size and setback standards if the landowner agrees, as part of the development approval process, to set aside a large portion of the site in open space. Generally, a conservation subdivision has three primary characteristics:

- ★ Smaller building lots;
- ★ More open space; and
- ★ Protection of natural features and farmlands and agricultural activities.

Within this framework, the rules for site development emphasize setting aside and conserving the most sensitive areas of a site, and/or the areas of prime agricultural lands, with the development of building lots on the remaining less sensitive areas. See an example of the distinction between conventional and conservation subdivisions in Figure II-8: Conservation Subdivision Example. The key conservation subdivision standards would:

II. Diagnosis

Theme 3: Maintain the County's Rural Character Section 3.3. Add Agricultural Compatibility Standards

- ★ Limit application of the option to single-family development in the Agricultural and Forestry (AF) and Residential Low Intensity (RL) districts.
- ★ Require a minimum of 10 lots to utilize the development option.
- ★ Require a minimum amount of open space, for example 40 or 50 percent.
- ★ Generally prioritize the lands that must be set-aside as open space (e.g., environmentally sensitive lands, riparian areas, prime farmlands, etc.)
- ★ Allow the open space set-asides to continue to be used for agricultural and farming activities.
- ★ Allow for smaller minimum lot area requirements and lot widths for the single-family development.
- ★ Establish standards for the open space set-aside.

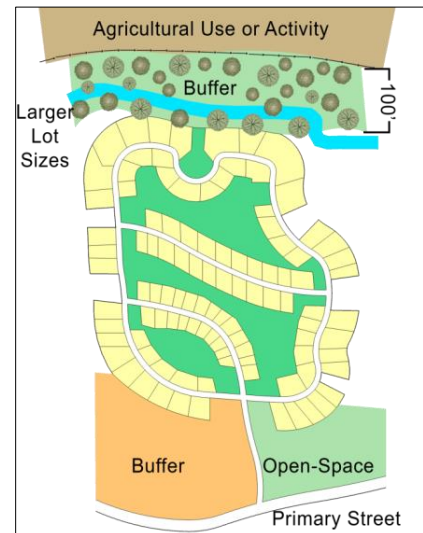
Figure II-8: Conservation Subdivision Example



3.3. Add Agricultural Compatibility Standards

Other tools an increasing number of communities are using to protect and maintain rural character are agricultural compatibility standards. We suggest Maury County consider adding such provisions in the updated Zoning Ordinance. What these provisions would do is require better transitions between residential subdivisions or commercial or industrial development and existing farms, or agricultural or resource-based land uses. Example standards that could be included in the updated regulations might require a new residential subdivision to:

- ★ Provide a 75-or 100 foot-wide buffer of canopy and understory trees along all lot lines abutting or across the street from an existing farm use.
- ★ Configure residential lots so that the largest lots abut the vegetated buffer, and are sufficiently large to allow for a harmonious transition.
- ★ Provide fences along the boundary with the agricultural use that are designed to prevent access (both human and animal) between the farm and adjacent residential development.



3.4. Consider Including New Open Space Set-Aside Standards

The Comprehensive Plan identifies the preservation of the County's natural, historic, and cultural resources as one of the County's key goals. Natural and Cultural Resources Goal 2 establishes a goal to "Preserve and connect Maury County's natural resources," to "[e]nsure that natural resources such as rivers, wetlands, and other environmentally sensitive lands are preserved and protected and that the continuity of these important environmental areas is preserved to maintain a healthy, natural function." At the kickoff meeting we also learned about the importance County residents place on the natural beauty in the area.

The current regulations do not include requirements relating to the provision of open space set-asides in the rural zone districts. We suggest the County consider including a basic set of open space-set-aside standards on a comprehensive basis for all zone districts in the County, including the rural districts. See Section 5.5, Open Space Set-Asides, in Part III, Annotated Outline of New Zoning Ordinance.

3.5. Consider Using an Ombudsman to Educate and Assist Rural Landowners in the Development Permitting Process

One final action that County might consider is the use of an Ombudsman to assist in educating rural landowners about the community's goals of maintaining rural character, the benefits to them, and where appropriate, assisting in ways that can expedite development review when they pursue development options that are consistent with the maintenance of rural character. More specifically, the Ombudsman would be a planning/zoning professional hired by the County who would be available to work with landowners in the rural area on a voluntary basis to answer questions about the updated Zoning Ordinance and Subdivision Regulations, educate them about the development process, assist potential development applicants in the preparation of applications, and 'bird-dog' the application through the development review process. This concept is employed by several local governments and seems to work fairly well while also creating good will between the local government and rural landowners.

Theme 4: Modernize the Development Standards

4.1. Modernize the Access and Off-Street Parking and Loading Standards

The County's existing off-street parking and loading standards are located in Sec. 4.010 *et seq.* of the Zoning Resolution. Sec. 4.010 establishes dimensional requirements and the minimum number of off-street parking spaces required for uses and groups of uses. Other parts of the code allow for parking spaces to be shared among uses with parking demands at different times of day (Sec. 4.012), allow for off-site parking (Sec. 4.013), set basic design and paving requirements (Sec. 4.014), and establish off-street loading requirements (Sec. 4.020).

Access requirements are located primarily in Sec. 3.060, which regulates access onto streets, including the frequency and location of curb cuts, and prohibits curb cuts for driveways that would result in vehicles backing up into a street. Additionally, the Subdivision Regulations contain requirements for street layouts in new subdivisions, particularly in Sec. 4-103, Roads. These provisions govern the organization of streets (Sec. 4-103.18), limit access to certain types of streets (Sec. 4-102.4, Double Frontage Lots and Access to Lots, and Sec. 4-103.16, Access to Arterials and Collectors) and require that each lot have access to a street (Sec. 4-103.11). The Subdivision Regulations also allow the Planning Commission to require sidewalks or bicycle paths where it deems it necessary (Sec. 4-108), and to also require a crossing through the middle of a block where necessary to "provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility" (Sec 4-103.15).

There are no provisions that regulate gated access or private roads (Sec. 3.16 of Appendix A, Roadway and Drainage Technical Standards, states that private roads are allowed as permitted in the Zoning Resolution, but the only place private roads are mentioned are as required in a mobile home park, Sec. 4.102e.1 of the Zoning Resolution).

We suggest that the updated Zoning Ordinance and Subdivision Regulations include modernized parking and access standards that include the following changes:

- ★ Review and Modernize Minimum Parking Requirements. Review and, where appropriate, update the minimum parking requirements to bring them in line with recent studies for parking demand. This involves comparing the County's parking requirements with standards recommended in the Institute of Transportation Engineers' Parking Generation Manual, other national standards and studies, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses.

★ Develop a Consolidated Minimum Parking Table. As with our recommendation for the use table (see Section 2.3, Classify Uses in a More Logical and Flexible Way, Using a Three-Tiered Classification System), assign minimum parking standards to every use that is included in the use table, and establish a parking table in the parking section that sets out these minimum requirements. See an example from another code in Figure II-9: Example of Minimum Parking Table.

Figure II-9: Example of Minimum Parking Table

Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces ^{1, 2]}
	Utility, minor	2.0 per 1,000 sf of office facilities
	Wind energy facility, large	no minimum
	Wireless communications short structure co-location	No minimum
	Wireless communications tower, freestanding	1.0 total
Commercial Uses		
Adult Uses	All Adult Uses	3.5 per 1,000 sf
Animal Care	Animal grooming	3.0 per 1,000 sf
	kennel or animal shelter	3.0 per 1,000 sf
	Veterinary hospital or clinic	3.0 per 1,000 sf
Eating Establishments	Microbrewery	10.0 per 1,000 sf GFA including outdoor dining area
	Restaurant	10.0 per 1,000 sf GFA including outdoor dining area
	Restaurant, drive-through	10.0 per 1,000 sf GFA including outdoor dining area
	Specialty eating establishment	3.0 per 1,000 sf GFA including outdoor dining area

- ★ Update and Modernize the Dimensional Standards for Off-Street Parking Lots. Update the regulations to include additional standards that govern the design and layout of parking facilities. This will include provisions regarding vehicle stacking (to prevent cars looking for a parking space to stack up in the public right-of-way), parking aisle dimensions, parking space configuration, and (in larger parking lots) pedestrian passages. These changes will improve the aesthetics of parking areas and make them easier to navigate for drivers and pedestrians.
- ★ Add Standards for Private Road Maintenance and Gated Communities. Include regulations governing private roads to ensure that private roads are built to a certain standard and require that the development provide assurance that the residents or tenants of the development will maintain the roads. This is done to ensure private roads do not become the County’s responsibility. In addition, where gated communities are allowed, add provisions to ensure that access can be provided for public safety reasons by police, fire, EMS, and other similar agencies. State law requires that the Planning Commission approve new or replacement gates into communities to ensure they comply with similar standards. TCA Title 13, Chapter 8, Security Gates and Barriers.
- ★ Update Standards for Improvements to County Roads. Incorporate the County’s ongoing efforts to ensure that new development or redevelopment provides improvements to existing County roads that are needed to accommodate the additional travel impacts that result from the development project.

4.2. Refine Landscaping and Perimeter Buffer Standards

The current Zoning Resolution has limited provisions requiring the landscaping of developing sites or the use of vegetation and trees to screen development from adjacent lands. In all commercial and industrial zone districts other than the C-1: Rural Center District, an applicant for a new use is required to prepare detailed landscaping plans and maintenance plans that utilize new and existing vegetation and trees as a buffer to screen the commercial buildings and buffer areas from adjoining property. The landscaping plans are reviewed and approved by the Planning Commission. Secs.

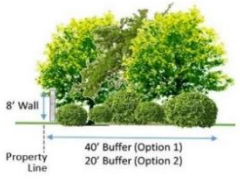

5.052.f, 5.053.f, 5.061.d.5, 5.062.e, and 5.063.f. Likewise, new Commercial PUDs-Convenience, are required to include landscaping along yards adjacent to a street, Sec. 6.045.a.2; additionally, landscaping is required in parking lots within PUDs. Sec. 6.046.C. Other sections of the Zoning Resolution reference landscaping requirements. For example, a wireless communication tower is required to be screened from the road with a landscaped vegetative buffer. Sec. 4.152. As part of the approval of a special use exception for a bed and breakfast homestay exception, the Board of Zoning Appeals is required to determine the appropriate amount of fencing, screening, and landscaping needed as a buffer from surrounding residential properties. Sec. 4.222.11.

In general, the current landscaping provisions lack measurable standards to provide guidance to developers and landowners as they prepare development applications. Because of the absence of such standards, the criteria that the Planning Commission and the Board of Zoning Appeals use when evaluating the adequacy of proposed landscaping, screening, and buffering can vary from project to project, creating uncertainty in the development review process.

To address this issue, we suggest the updated Zoning Ordinance embrace the practice used in modern development codes, and include specific and measurable buffer and landscaping standards. More specifically, we suggest the County consider adding the following landscape and buffering regulations in the updated Zoning Ordinance:

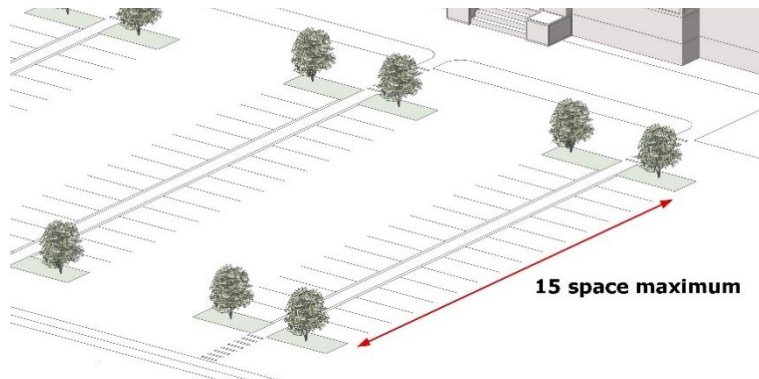
- ★ New Perimeter Buffer Standards. Many modern development codes establish perimeter buffer standards that require a certain width of buffer and density of vegetation based on the type of adjoining properties between incompatible land uses. For example, a single-family detached home being developed next to another single-family detached home would require no buffer. A convenience store being built adjacent to a single-family home would require a moderate width buffer with some vegetation, and a proposed industrial use adjacent to a commercial use would require a wider buffer with additional vegetation and/or a wall or fence. An example of perimeter buffer standards from another code is provided below in Figure II-10: Perimeter Buffer Example. We heard from staff and Planning Commission that this type of change would be useful.
- ★ New Basic Standards for Species Type and Planting Standards. Basic planting and species standards can help ensure the survival of landscaping and help preserve the health of the ecosystem by encouraging the diverse use of native plants and trees while discouraging invasive species. Most modern codes include these type of provisions in their landscape standards.

Figure II-10: Perimeter Buffer Example

Table 5.3.4(c)(2): Landscape Buffer Options			
Buffer Type/Image	Description	Minimum Width and Screening	
		Option 1	Option 2
Type A: Opaque 	This buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong separation.	40 ft 6 trees (including 3 canopy trees) and 120 shrubs per 100 linear feet	20 ft 3 trees (all canopy trees) and 120 shrubs per 100 linear feet, and a wall (see Sec. 5.3.4(c)(5)(A) below)
Type B: Semi-Opaque 	This buffer functions as semi-opaque screen from the ground to at least a height of six feet.	30 ft 5 trees (including 3 canopy trees) and 100 shrubs per 100 linear feet	15 ft 3 trees (all canopy trees) and 120 shrubs per 100 linear feet

- ★ **Basic Streetscape Planting Requirements.** Many communities are including streetscape standards to ensure there is landscaping between new buildings and the street. The County should consider adding basic streetscape planting requirements, such as requiring one tree (or a certain number of trees) in the front yard of every developed lot or for every certain number of feet of street frontage.
- ★ **Expand and Clarify the Parking Lot Landscaping Requirements.** Another recommendation is including measurable standards for landscaping in parking lots, building on the current PUD standards and requiring them for all parking lots that accommodate more than a certain number of parking spaces. These standards would require a certain number of planted islands, and also include perimeter landscape requirements around parking lots to minimize the impact of the lot on public rights-of-way and adjacent properties. See an example graphic from another code at Figure II-11: Parking Lot Interior Landscaping Example.

Figure II-11: Parking Lot Interior Landscaping Example



4.3. Include New Exterior Lighting Standards

The existing Zoning Resolution and Subdivision Regulations contain limited standards regarding exterior lighting. Sec. 6.046.D contains parking lot lighting requirements in PUD development, and Sec. 4.210 *et. seq.* limits the hours of outdoor lighting at an event venue.

Clear and enforceable exterior lighting standards that apply throughout the County are not hard or lengthy to draft. These exterior lighting standards help reduce glare and protect the dark night sky, helping to preserve the County's rural character. We suggest the updated regulations establish objective, measurable standards that can help achieve these goals, including:

Figure II-12: Sample Exterior Lighting Graphic



- ★ Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands (see Figure II-12: Sample Exterior Lighting Graphic);
- ★ Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- ★ Minimum and maximum foot-candle limits to ensure adequate lighting of public and parking areas, and to prevent glare;
- ★ Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- ★ Prohibitions on canopy lighting that extends below the edge of the canopy;
- ★ Prohibitions on full floodlighting of uniquely colored or designed facades (which turns an entire building façade into a form of signage);
- ★ Prohibitions on the up-lighting of signs, monument features, buildings, and the like;
- ★ Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- ★ A provision that would allow modifications to the requirements for safety reasons.

4.4. Include Basic Open Space Requirements in Development

As noted earlier, the Comprehensive Plan identifies the preservation of the Country's natural, historic, and cultural resources as one of the County's key goals. Natural and Cultural Resources Goal 2 establishes a goal to "Preserve and connect Maury County's natural resources," to "[e]nsure

that natural resources such as rivers, wetlands, and other environmentally sensitive lands are preserved and protected and that the continuity of these important environmental areas is preserved to maintain a healthy, natural function.” At the kickoff meeting we also learned about the importance County residents place on the natural beauty in the area.

The current regulations include very few provisions relating to the provision of open space in new development. The Residential PUD includes open space provisions, but the requirement is limited to open space on lots with individual dwelling units or a shared open space area only for use by residents of a multifamily dwelling. Sec 6.034, Zoning Resolution. The PUD includes standards for open space, but no requirement other than it be “appropriate to the scale and character of the PUD development.” Sec. 6.017.

Establishment of open space set-asides and provision of land for recreation are key components to quality development and a healthy community. For these reasons, we suggest the County consider establishing a comprehensive set of open space set-aside standards¹² that vary based on the type of use being developed, and the zone district where the development is located (for example, the requirements for commercial uses would be less than that for residential areas). The open space set-aside standards would clearly ensure a minimum level of “green” area. What constitutes open space would be clearly defined, and include required landscaping areas, buffer areas, environmentally sensitive lands, floodplains, trails, playgrounds and ballfields, stormwater management areas that are designed as site amenities, trails and greenways, lands for passive and active recreation, and gathering places. See a possible example of land that could be set aside as open space in Figure II-13: Natural Land Eligible for Use as Open Space Set-Aside.

Figure II-13: Natural Land Eligible for Use as Open Space Set-Aside



Standards would also ensure that required open space set-asides are usable and functional for designated open space purposes—and do not merely consist of undevelopable “leftover” land. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. Those rules would give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas.

¹² Open space set-asides are private lands on a development site that are set aside in perpetuity for the purpose of preserving environmentally sensitive lands, buffer areas, tree canopy, recreational lands (passive and active), meeting or gathering places, and the like. These lands can be maintained in perpetuity through a variety of tools—including, but not limited to, easements, covenants, dedication (donation of the land to a public agency for public use), conveyance of the lands to a third party beneficiary, etc. It is a concept used in modern development codes to ensure the maintenance and preservation of different types of open space while at the same time conforming to the requirements of the federal law on exactions and the imposition of conditions of approval on development.

Finally, open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides.

4.5. Add Steep Slope Standards to Protect Sensitive Environmental Lands

Many communities have instituted regulations that protect steep slopes. Slope is measured by comparing land's vertical rise over its horizontal distance, or rise over run. Depending on the community, land that has a slope greater than 15 percent (a rise of 15 feet over 100 feet of horizontal run) or 25 percent is generally considered to consist of steep slopes. In certain circumstances, these steep slopes may be at higher risk of erosion and landslides, which can have significant and costly impacts on the County and other landowners. Development on steep slopes must be carefully planned to ensure that the sloped land remains stable and will not impact downhill properties. Moreover, development on hillsides may be visible from a long distance, and thus many local governments include regulations that require vegetation be planted to limit the visual impact of development on the rest of the community.

We suggest that the County consider including in the updated regulations new standards to regulate development on steep slopes and mitigate the potential impacts. We will work with County staff to develop standards that are appropriate for the County. The regulations could include the following provisions:

- ★ Categorization of areas of steep slopes and very steep slopes, following discussions with staff. Areas with steep slopes would have some additional development standards, and areas with even steeper slopes would have more stringent standards.
- ★ A list of uses prohibited in areas with steep slopes and very steep slopes (uses allowed in the zone district would otherwise be allowed).
- ★ Requirements for a geotechnical evaluation of the land, in appropriate circumstances.
- ★ Standards for excavation, grading, and clearing of steep slopes.
- ★ Standards for the use of retaining walls.
- ★ Standards regarding street and driveway access to development on steep slopes.
- ★ Requirements for revegetation of exposed slopes, to mitigate the visual impact and improve the stability of the land.

4.6. Add Fence and Wall Standards

Fencing requirements can have a significant impact on a community's safety and aesthetics. The current regulations include limited provisions regarding fences and walls. A fence is required around a swimming pool (Sec. 4.070), outdoor storage areas for junk or salvage yards (Sec. 4.112), wireless communication towers (Sec. 4.152), and animal board or kennel confinement areas (Sec. 4.182). The current Subdivision Regulations authorize the Planning Commission to require fencing and to specify its dimensions, material, and location. Sec. 4-102.7.

We suggest the County consider including basic standards for fences and walls. These standards would provide better guidance to applicants designing their projects, and the Planning Commission when reviewing applications. Suggestions include:

- ★ Location standards for fences and walls, such as requiring fences to be set back a certain distance from rights-of-way or adjoining property.
- ★ Basic material standards, which could include standards that prohibit certain types of fences in a front yard but permit them elsewhere (e.g. chain link). In addition, this could include a requirement that if one side of a fence is finished and the second side is not, that the finished side of the fence be the side that faces adjoining property or the public or private right-of-way or street. See Figure II-14 for an example of a photo used in another code to illustrate this finished-side standard.
- ★ Dimensional standards, such maximum height requirements for fences and walls. These standards may vary depending on their location in relation to other property (front yard vs side or rear yard) their distance from other property (e.g. whether they are located in a minimum setback), or the zone district where they are located.

Figure II-14: Fence Finished Side Example



4.7. Add Provisions to Protect Existing Single-Family Neighborhoods

There are no provisions in the current regulations that are specifically directed at protecting existing single-family neighborhoods from encroachment from commercial development. Most modern codes include such provisions, and we suggest the County consider adding such provisions in the updated Zoning Ordinance. If included in the updated regulations, they would apply to any new nonresidential development (e.g., commercial, light industrial, or offices) and mixed-use above a certain size that is adjacent to, across the street from, or within a certain distance from single-family residential development or a single-family residential zone district. Table II-7: Potential Neighborhood Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the County should consider including in the updated regulations.

Table II-7: Potential Neighborhood Compatibility Standards	
Standards	Potential Requirement
Site Layout	Require structures to maintain consistent façade directions and building orientations as existing homes along the same block face.
Building Façade Standards	Require construction of a similar roof type as single-family development in terms of slope and arrangement to prevent abrupt changes in roof form
	Orient porches, balconies, outdoor space, and other site attributes such as vending machines associated with nonresidential development away from adjacent single-family residential development

	Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family development
Building Dimension Standards	Require that no building be higher than <> feet within 100 feet of a single-family lot or zone district, and that buildings over <> feet in height be stepped back in height, so that the tallest part of the structure is the furthest from the single-family residential area ¹³
	Require massing standards for building facades visible from a public street that require articulation of the façade in the form of projections or recesses to break-up the building(s) in relation to the single-family development
Parking and Driveway Area Standards	Require parking spaces be oriented away from (or parallel to) single-family residences so that headlights do not project directly into yards
	Require a fully-opaque vegetated buffer or fence, or a comparable buffer between single-family residences and nonresidential development
	Limit the width of driveways to parking areas to 24 feet (two lanes) or 12 feet in width (one lane) except those with turn lanes, to maintain pedestrian comfort and calm the speed of entering traffic
Loading and Refuse Storage Area Standards	Require loading and refuse storage areas be located beyond a certain distance from single-family development
	Require loading and refuse storage areas be located away from and screened from view of single-family development and single-family zone districts using materials that are the same as, or of equal quality to, the materials used for the principal building, which are compatible with the materials used for single-family development
	Require loading and refuse storage areas be incorporated into the overall design of the building and landscaped so that their visual and acoustic impacts are fully contained and out of view from adjacent single-family development
Lighting Standards	Reduce foot-candle values by 1/3 at lot lines and require full cut-off fixtures
Signage Standards	Limit the sign area and maximum height of all signs in transition areas by 25 percent of that normally allowed
Open Space Set-Aside Standards	When open space is required, locate it in the transition area between the nonresidential or mixed-use development and the single-family area, unless there is a compelling reason for it to be located elsewhere on the site

¹³ We will work with County staff to establish appropriate maximum height standards.

III. Annotated Outline of New Zoning Ordinance

This part of the Assessment provides an overview of the proposed structure and general substance of the new Zoning Ordinance that would address the issues identified in Part II that relate to the Zoning Resolution. As part of the review and discussion of the Assessment, the County will provide more detailed direction about the nature and scope of the new regulations and specific provisions. When this process is completed, the actual drafting of the new regulations will begin.

The following pages are a general outline of the new Zoning Ordinance. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued conversations with the County about key code issues.

The sidebar outlines the proposed new structure, which includes eight articles. The proposed Zoning Ordinance is intended to replace the existing Zoning Resolution.

Article 1.	General Provisions
Article 2.	Administration
Article 3.	Zone Districts
Article 4.	Use Regulations
Article 5.	Development Standards
Article 6.	Nonconformities
Article 7.	Enforcement
Article 8.	Definitions, Rules of Construction and Interpretation, and Rules of Measurement

ARTICLE 1: GENERAL PROVISIONS

Article 1 plays an important part in making the updated Zoning Ordinance user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the county regulates zoning, and the general purposes of the Zoning Ordinance

SECTION 1.1. TITLE

This section sets forth the official name by which the regulations may be cited (e.g., “the Maury County Zoning Ordinance”) as well as any acceptable shortened references (e.g., “this Ordinance”).

SECTION 1.2. AUTHORITY

This section contains references to the County’s authority to adopt the Zoning Ordinance in accordance with Tennessee law. It also includes a provision stating that if the regulations cite a provision of Tennessee law or federal law that is amended or superseded, the regulations will be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. GENERAL PURPOSE AND INTENT

This general purpose and intent section informs decision-makers and the courts in future years about the purpose and intent of the County Commission when it adopted the Zoning Ordinance. It includes statements of intent, as appropriate, to reflect the goals, objectives, and policies in the Comprehensive Plan. Purpose statements related to the zone districts, the development standards, and the procedures are located in those specific sections.

SECTION 1.4. APPLICABILITY

This section makes clear who is subject to the requirements of the Zoning Ordinance. It consolidates and relocates provisions related to applicability to this new section. It states that unless stated otherwise or exempted, the standards and requirements of the Zoning Ordinance apply to all development within the County’s boundaries and outside the municipalities. It also includes a section on general exemptions.

SECTION 1.5. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DECREES

This section provides that in case of conflict between the Zoning Ordinance and other legislative enactments of the federal government, the state, or County, the stricter provision applies, to the extent allowed by law. The section also expresses that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, the County’s regulations apply. The section clarifies that the County will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions when reviewing plans for the purpose of ensuring consistency with County requirements.

SECTION 1.6. OFFICIAL ZONING MAP

This section incorporates by reference the Official Zoning Map as well as any related maps. It provides for amendment of the Official Zoning Map upon the approval of a rezoning application. It clarifies that the Official Zoning Map is maintained in a digital format. It also:

- Incorporates and refines the provisions in the existing regulations that relate to boundary interpretations; and
- Identifies the Building Commissioner as the person authorized to interpret the Official Zoning Map and determine where the boundaries of the different zone districts fall, if in dispute. It provides that appeals from the Building Commissioner’s interpretations may be made to the Board of Zoning Appeals.

SECTION 1.7. TRANSITIONAL PROVISIONS

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections in this section state that:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations), and are subject to the penalties and enforcement provisions in Article 7: Enforcement.

- How to treat development applications that are already submitted and in the midst of the development approval pipeline at the time the regulations become effective. During the meeting on the Assessment, and during the code drafting process, we will explore with the County different options for handling this type of applications.
- Existing development approvals and permits are recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their approvals, and the rules in existence at the time of their approval. Substantial amendments to the approvals will subject the development to the new Zoning Ordinance.
- Applications submitted after the effective date of the new Zoning Ordinance are subject to its procedures and standards.

SECTION 1.8. SEVERABILITY

This standard provision states that if any part of the Zoning Ordinance is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is ruled invalid, that decision does not affect its application to other circumstances. It will build on Sec. 8.120 of the Zoning Resolution.

SECTION 1.9. EFFECTIVE DATE

This section establishes the effective date of the new Zoning Ordinance.

ARTICLE 2: ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval or permit is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

As discussed in Section 1.1 of the Diagnosis, this article consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process. It includes the following five sections:

- **Section 2.1. Advisory and Decision-Making Bodies and Persons**, provides an overview of the organization of the article;
- **Section 2.2. Summary Table of Development Review Responsibilities**, includes a summary table of development review procedures that provides an overview of the development approvals and permits under the Zoning Ordinance;
- **Section 2.3, Advisory and Decision-Making Bodies and Persons**, identifies and clarifies the roles of the different bodies and staff responsible for review, advice, and decision-making on applications for development approvals and permits;
- **Section 2.4, Standard Application Requirements and Procedures**, establishes a standard set of review procedures that are generally applicable to the review of all applications for development approvals and permits; and
- **Section 2.5. Application Specific Review Procedures and Decision Standards**, includes the specific review standards and any unique procedural review requirements for each individual application.

Each section is outlined and discussed in more detail below.

SECTION 2.1. PURPOSE AND ORGANIZATION

This introductory section outlines the organization of Article 2, as discussed in the summary above, and serves as a road map for readers using the Zoning Ordinance.

SECTION 2.2. SUMMARY TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES

This section provides an overview of the proposed new review procedures, and which board or person is responsible for review, advice, or making the decision. The proposed set of review procedures are included in Table

II-3: Suggested Zoning Development Review Procedures, from the Diagnosis, which is included below. This section replaces the

procedure summary included in Sec. 8.011 of the Zoning Resolution.

Table II-3: Suggested Zoning Development Review Procedures				
D = Decision R = Recommendation S = Staff Review A= Appeal * = Public Hearing				
+ = Pre-application conference required ^ = Neighborhood meeting may be required				
Review Procedure	Bldg. Comm.	Board of Zoning Appeals	Planning Comm.	County Comm.
Discretionary Approvals				
Zoning Map Amendment ⁺ [^]	R		R	D*
Zoning Ordinance Text Amendment ⁺	R		R	D*
Planned Development ⁺ [^]	R		R	D*
Special Exception Permit ⁺	S	D*		
Site Development				
Site Plan				
Minor	D			
Major ⁺	R		D*	
Zoning Compliance Certificate	D			
Permits				
Sign Permit	D			
Home Occupation Permit	D			
Temporary Use Permit	D			
Utility System Permit	S		R	D
House Moving Permit	S		D	
Building Permit	D			
Certificate of Occupancy	D			
Relief and Interpretation				
Zoning Variance	S	D*		
Floodplain Variance	S	D*		
Appeal	S	D*		
Floodplain Appeal	S	D*		
Interpretation	D	A*		

SECTION 2.3. ADVISORY AND DECISION-MAKING BOARDS AND PERSONS

This section identifies the advisory and decision-making bodies and persons responsible for the review and administration of development under the Zoning Ordinance, including the Building Commissioner, the Board of Zoning Appeals, the Regional Planning Commission (“Planning Commission”), and the County Commission. This section identifies the specific

responsibilities of each review board or staff person. Provisions such as these help establish clear lines of authority in the decision-making procedures. This section will build on regulations in the Zoning Ordinance, including Sec. 8.060, Maury County Board of Zoning Appeals and Powers.

**SECTION 2.4. STANDARD
APPLICATION REQUIREMENTS
AND PROCEDURES**

This section establishes general review procedures that apply to multiple development review procedures, as discussed in Section 1.6.2(b), Establish a Set of Standard Procedures, of the Diagnosis, and building on the limited provisions in Sec. 8.011, Pre-Application Conference, of the Zoning Resolution.

Sec. 2.4.1. Pre-Application Conference

This subsection builds on the provisions in Sec. 8.011, Pre-Application Conference, of the Zoning Resolution.

Sec. 2.4.2. Neighborhood Meeting

See the discussion in Section 1.6.2(c), Add a Neighborhood Meeting Requirement, of the Diagnosis for more information about this new standard application procedure.

Sec. 2.4.3. Application Submission

This subsection includes procedures related to submitting application materials and required fees, which is what many consider the official start of the development review process. It establishes general requirements for who may file an application and requires that development applications be submitted according to the form and content requirements established by the Building Commissioner.

The existing regulations include detailed submittal requirements for many development applications. This kind of information contributes to longer and more cumbersome regulations. It is proposed that Section 2.3, Advisory and Decision-Making

Boards and Persons, authorize the Building Commissioner to establish application requirements and a submission and review schedule for all development applications. It is also recommended that the new regulations follow the modern trend in zoning administration with respect to application forms and content requirements by authorizing the Building Commissioner to consolidate forms, application requirements, fee information, and review and submittal schedules in a separate Procedures Manual (see Section 1.6, Consider Using a Procedures Manual). An alternative would be to include them in an appendix to the Zoning Ordinance. Applicants can refer to the Procedures Manual to determine what materials and fees must be included in the application submission. If the Procedures Manual is used, the County will be able to respond much more easily to changing needs for application requirements, since the manual can be revised by staff without formally amending the Zoning Ordinance.

This subsection also includes provisions governing the revision or withdrawal of applications, including rules governing the administrative/staff withdrawal of an application that has been inactive for an established time period. It also establishes basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

In addition, this subsection includes a provision that allows for simultaneous processing of applications, at the discretion of the Building Commissioner, whenever two or more forms of review and approval are required under the regulations, so long as all applicable state and local requirements are satisfied. It concludes with rules governing the

examination and copying of application documents and related materials by members of the public.

Sec. 2.4.4. Determination of Completeness

This section provides standards for the Building Commissioner to determine when an application is complete and the formal development review process therefore starts.

Sec. 2.4.5. Staff Review and Action

This subsection establishes the standard review procedures for staff (the Building Commissioner) to review and take action on an application. It largely formalizes the County's existing review procedures, which involve review by the Building Commissioner and other appropriate County staff.

Sec. 2.4.6. Scheduling of Public Hearing and Notification

This subsection includes a consolidated set of rules to establish how public hearings are scheduled and requirements for notices of development applications and public hearings. It also includes a mechanism for the applicant to request and receive a deferral of consideration of an application. In addition, this section will incorporate the requirements for notification to operators of a natural gas transmission pipeline in TCA § 13-3-414.

Sec. 2.4.7. Decision-Making Body Hearing, Review, and Decision

This subsection includes procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (typically either the Planning Commission or the County Commission) and the body's review and decision on the application (both quasi-judicial and other). It

also describes generally the types of conditions that may be attached to certain forms of approvals granted under the article, written to reflect Tennessee statutes, federal law, and case law, where the procedure expressly allows applications to be "approved with conditions." It also establishes "lapse of approval" provisions.

Depending upon the specific type of approval, rules governing extensions are also included, where appropriate. These specify that an applicant may request an extension (for a period up to a limit stated in the Zoning Ordinance) by submitting a request prior to the expiration period, and that the extension is granted upon a showing of good cause by the applicant. Extensions may be granted by the person or body that granted the initial approval of the application.

Sec. 2.4.8. Public Hearing Procedures

This subsection sets out public hearing procedures that the advisory and decision-making bodies should follow at public hearings, both quasi-judicial and standard.

Sec. 2.4.9. Notification to Applicant of Decision

This subsection explains the various ways in which an applicant receives notification of a decision made by a decision-making body or person.

Sec. 2.4.10. Post-Decision Actions

This subsection describes actions that occur after a decision has been rendered, including appeals.

SECTION 2.5. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

This section includes the review procedures for each individual type of development application. For each application type it identifies which standard procedures apply, the review standards that are required to be applied, and any special rules or exceptions. Each procedure is accompanied by a review process flowchart.

Discretionary Approvals

Sec. 2.5.1. Zoning Map Amendment

This subsection establishes the review procedure for an amendment to the Official Zoning Map. A neighborhood meeting may be required. The process includes a pre-application conference, a recommendation by the Planning Commission, and a public hearing and decision by the County Commission.

Sec. 2.5.2. Zoning Ordinance Amendment

This subsection establishes the review procedure for amending the text of the Zoning Resolution. If proposed by a party other than the Planning Commission, County Commission, or County staff, a pre-application conference is required. It is a new procedure that separates zoning text amendments from zone district map amendments in the current code. The process typically includes a recommendation by the Planning Commission, and a public hearing and decision by the County Commission.

Sec. 2.5.3. Planned Development

This subsection establishes the streamlined review procedures for a planned development as discussed in Section 1.6.3(a), Modernize Planned Development Procedure, of the Diagnosis, The process includes a pre-application conference, an optional concept plan meeting with the County Commission, a neighborhood meeting, a recommendation by the Planning Commission, and a public hearing and decision by the County Commission.

Sec. 2.5.4. Special Exception Permit

This subsection includes the procedures for approval of a special exception use, building on the procedure in Sec. 8.081, Procedure for Authorizing Special Exception Uses, *et seq.* in the Zoning Ordinance. The process includes a pre-application conference, a neighborhood meeting, and a public hearing and decision by the Board of Zoning Appeals.

Site Development

Sec. 2.5.5. Site Plan

This subsection includes the new site plan approval procedures, as discussed in Section 1.6.3(b), Establish a Separate Procedure for Site Plan Review.

Sec. 2.5.6. Zoning Compliance Certificate

This subsection builds on the Zoning Certificate procedure in Sec. 8.012 of the Zoning Resolution. This process typically includes application review and a decision by the Building Commissioner.

Permits

Sec. 2.5.7. Sign Permit

This subsection includes the procedures for review and approval of permits to erect signs, building on the reference to a sign permit in Sec. 4.090.I of the Zoning Resolution. This process typically includes application review and a decision by the Building Commissioner.

Sec. 2.5.8. Home Occupation Permit

This subsection includes the procedures for review and approval of home occupations that require a permit, replacing the provisions in Sec. 4.040 of the Zoning Resolution and including the revisions discussed in Section 1.6.3(c), Simplify and Modernize the Home Occupation Procedures, of the Diagnosis.

Sec. 2.5.9. Temporary Use Permit

This subsection generally carries forward the current procedure in Sec. 4.030 of the Zoning Resolution. In some cases temporary use permits are reviewed and approved by the Building Commissioner, while others are reviewed by the Building Commissioner and sent to the Board of Zoning Appeals for its review and decision following a public hearing.

Sec. 2.5.10. Utility System Permit

This subsection establishes a new procedure based on the procedure in Sec. 4.130, Development Standards for Utility Systems, in the Zoning Resolution. This subsection clarifies the current procedure by requiring the Planning Commission to provide its review and recommendation and the County Commission to make a decision on the application. The current procedure requires approval from both bodies.

Sec. 2.5.11. House Moving Permit

This carries forward and updates the house moving review and decision procedures in Sec. 4.190, Standards for House Moving, in the Zoning Resolution, which implements the requirements of TCA § 13-3-5, Movement of Single Family Residences. In accordance with TCA § 13-3-502, the procedure involves review by staff and decision by the Planning Commission.

Sec. 2.5.12. Building Permit

This subsection carries forward the current Building Permit procedure in Sec. 8.030 of the Zoning Resolution. This procedure will also incorporate the required prerequisites for issuance of a building permit in Sec. 1-111(h), Access to Lots by Public Way or Private Easement, of the Subdivision Regulations which restates the requirements of TCA § 13-3-411, Prerequisites for issuing building permits or erecting buildings – Proposed permanent easements.

Sec. 2.5.13. Certificate of Occupancy

This subsection carries forward the current Certificate of Occupancy procedure in Sec. 8.050 of the Zoning Resolution. This process typically includes application review, inspection, and a decision by the Building Commissioner.

Relief and Interpretation

Sec. 2.5.14. Zoning Variance

This subsection carries forward the procedure for variances in Sec. 8.070 of the Zoning Resolution. The Board of Zoning Appeals holds a public hearing and makes a decision on the application.

Sec. 2.5.15. Floodplain Variance

This is a cross-reference to the floodplain variance procedure in Section 5.10, Floodplain District Standards, of the updated Zoning Ordinance. The procedure will be included with the substance of the floodplain management regulations in Section 5.10.

Sec. 2.5.16. Appeal

This subsection carries forward the procedures for appeals of an administrative decision, in Sec. 8.070.C.1 of the Zoning Resolution. The Board of Zoning Appeals holds a public hearing and makes a decision on the application.

Sec. 2.5.17. Floodplain Appeal

This is a cross-reference to the floodplain appeal procedure in Section 5.10, Floodplain District Standards, of the updated Zoning Ordinance. The procedure will be included with the substance of the floodplain management regulations in Section 5.10.

Sec. 2.5.18. Interpretation

This is a new procedure that allows for formal interpretations of the Zoning Ordinance as discussed in Section 1.6.2(d), Add a Procedure for Formal Interpretations of the Zoning Ordinance, of the Diagnosis.

ARTICLE 3: ZONE DISTRICTS

This section establishes and describes the zone districts which govern the types of development and uses allowed in different parts of the County. It replaces the description of zoning districts contained in Article V of the Zoning resolution.

SECTION 3.1. GENERAL PROVISIONS

Sec. 3.1.1. Compliance with Zone District Standards

This subsection establishes the general rule that land may not be developed in the County except in accordance with the regulations that apply within the zone district(s) that apply to the land, as well as other regulations within the Zoning Ordinance.

Sec. 3.1.2. Establishment of Zone Districts

This subsection describes base zone districts, planned development districts, and overlay districts, and explains how they relate to one another. The subsection describes overlay zone districts as superimposed over portions

of an underlying base zone district, and which applies additional or alternative development regulations to those applied by the underlying base zone district.

The subsection then establishes the various zone districts, typically with a summary table that identifies the zone district by name and official abbreviation. The table has a hierarchical format, organizing zone districts by base districts (agricultural and residential, business), planned development districts, and overlay district. Within each group, zone districts are generally listed from the least to the most intensive. Table II-6: Proposed Zone District Structure from the Diagnosis shows both the proposed line-up of zone districts and the FLUM designations which each zone district implements.

Table II-6: Proposed Zone District Structure	
Current Zone District	Proposed Zone District
Base Districts: Agricultural and Residential	
A-1: Agricultural Forestry	AF: Agriculture and Forestry
A-2: Rural Residential	RL: Residential Low Intensity [CONSOLIDATED]
A-2A: Rural Residential	
R-1: Suburban Residential	RM: Residential Moderate Intensity [CONSOLIDATED]
R-2: Urban Fringe Residential	
Base Districts: Business	
C-1: Rural Center	CRC: Commercial Rural Center
	CN: Commercial Neighborhood [NEW]
C-2: General Commercial	CC: Commercial Center
C-3: Special Commercial	DELETE (not used)

Table II-6: Proposed Zone District Structure	
Current Zone District	Proposed Zone District
M-1: Light Industrial	OIL: Office and Industrial Light
M-2: Heavy Industrial	IM: Industrial Medium
M-3: Special Industrial	IH: Industrial Heavy
Planned Development Districts	
R-PUD: Residential PUD	DELETE
CG-PUD: Commercial General PUD	
CC-PUD: Commercial Convenience PUD	
I-PUD: Industrial PUD	
	PD: Planned Development [NEW]
	TN-PD: Traditional Neighborhood Planned Development [NEW]
Overlay District	
Floodway District	FL-O: Floodplain Overlay

SECTION 3.2. AGRICULTURAL AND RESIDENTIAL DISTRICTS

Sec. 3.2.1. General Purpose of Agricultural and Residential Districts

This subsection sets out the general purpose of the Agricultural and Residential districts.

Sec. 3.2.2. Agriculture and Forestry (AF) District

See discussion in Section 2.1.2(a), Agricultural Zone District, of the Diagnosis.

Sec. 3.2.3. Residential Low Intensity (RL) District

See discussion in Section 2.1.2(b), Residential Zone Districts, of the Diagnosis.

Sec. 3.2.4. Residential Moderate Intensity (RM) District

See discussion in Section 2.1.2(b), Residential Zone Districts, of the Diagnosis.

SECTION 3.3. BUSINESS DISTRICTS

Sec. 3.3.1. General Purpose of Business Districts

This subsection sets out the general purpose of the Business districts.

Sec. 3.3.2. Commercial Rural Center (CRC) District

See discussion in Section 2.1.2(c), Business (Commercial and Industrial) , of the Diagnosis.

Sec. 3.3.3. Commercial Neighborhood (CN) District

See discussion in Section 2.1.2(c), Business (Commercial and Industrial) , of the Diagnosis.

Sec. 3.3.4. Commercial Center (CC) District

See discussion in Section 2.1.2(c), Business (Commercial and Industrial) Districts, of the Diagnosis.

Sec. 3.3.5. Office and Industrial Light (OIL) District

See discussion in Section 2.1.2(c), Business (Commercial and Industrial) Districts, of the Diagnosis.

Sec. 3.3.6. Industrial Medium (IM) District

See discussion in Section 2.1.2(c), Business (Commercial and Industrial) Districts, of the Diagnosis.

Sec. 3.3.7. Industrial Heavy (IH) District

See discussion in Section 2.1.2(c), Business (Commercial and Industrial) Districts, of the Diagnosis.

SECTION 3.4. PLANNED DEVELOPMENT DISTRICTS

Sec. 3.4.1. General Purpose of Planned Development Districts

This subsection sets out the general purpose of the Planned Development districts.

Sec. 3.4.2. General Provisions for All Planned Development Districts

This subsection sets out the general provisions that apply to both Planned Development Districts, such as the PD Master Plan and the PD Agreement. See discussion in Section 2.1.2(d), Planned Development Districts, of the Diagnosis.

Sec. 3.4.3. Planned Development (PD) District

See discussion in Section 2.1.2(d), Planned Development Districts, of the Diagnosis.

Sec. 3.4.4. Planned Development: Traditional Neighborhood Development (PD-TND) District

See discussion in Section 2.1.2(d), Planned Development Districts, of the Diagnosis.

SECTION 3.5. OVERLAY DISTRICT

Sec. 3.5.1. General Purpose of Overlay District

This subsection sets out the general purpose of the Overlay district.

Sec. 3.5.2. Floodplain (FP) District

This establishes and carries forward the Floodplain District established in Sec. 5.071 of the Zoning Resolution. The substantive and procedural regulations that apply to land in the floodplain district will be carried forward in Section 5.10, Floodplain District Standards, of the updated Zoning Ordinance.

ARTICLE 4: USE REGULATIONS

This article consolidates all use regulations, including accessory uses and structures and temporary uses and structures. Article 4 is organized into four sections. It begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures.

SECTION 4.1. GENERAL PROVISIONS

This section provides a general overview of the contents of the Article.

SECTION 4.2. PRINCIPAL USES

Sec. 4.2.1. General

This subsection sets out the purpose of the principal use table and outlines its organization.

Sec. 4.2.2. Principal Use Table

This includes the heart of the article, a principal use table that replaces the list of permitted, special exception, and prohibited uses in each zone district. The subsection begins with introductory material explaining how to use the table(s). Each table will reflect revisions to the lineup of zone districts as discussed in Section 2.1.2, Proposed Zone District Structure, of the Diagnosis, and the new classification system for principal uses (see Sec 4.2.3 below). The current line-up of principal uses—and their designation as permitted, allowed as a special use, or prohibited—will serve as a starting point for modernizing the uses in each zone district. The principal use table(s) will also include new uses that do not appear in the current code and will modernize the existing lineup of allowable principal uses. In addition, a final column of the principal use table(s) will contain references to applicable use-specific

standards (see Sec. 4.2.4 below) for those uses that are subject to specific regulations in addition to general development standards.

Sec. 4.2.3. Classification of Principal Uses

In an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table(s) and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses (see discussion in Section 2.3, Classify Uses in a More Logical and Flexible Way, Using a Three-Tiered Classification System, of the Diagnosis). This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

Use classifications, the broadest category, organize land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” and “Commercial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics, such as “Household Living” and “Group Living” (under Residential Uses). Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, the

type of customers or residents, how goods or services are sold or delivered, and site conditions. Example uses under the Household Living category include “single-family detached dwelling” and “multifamily dwelling.” All uses identified in the principal use table will be defined in Article 8: Definitions and Rules for Construction, Interpretation, and Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into the zone districts.

Sec. 4.2.4. Standards Specific to Principal Uses

This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zone districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and improving the use-specific standards in the Zoning Resolution, including new and refined use-specific standards that may allow special exception uses in the current Zoning Resolution to be permitted by right in the updated Zoning Ordinance.

SECTION 4.3. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. For example, a stand-alone automated teller machine is considered as an accessory use to a commercial use, and a swimming pool is typically considered an accessory structure to

a single-family dwelling. This section builds on the accessory uses and structures in the Zoning Resolution and adds a table of accessory uses and structures and additional detail about their use and application.

Sec. 4.3.1. General

This subsection sets out the purpose of the section and outlines its organization.

Sec. 4.3.2. Accessory Use/Structure Table

This subsection includes an accessory use table that lists common accessory uses and structures (such as home occupations, swimming pools, satellite dish antennas, outdoor storage), shows the zone districts in which each is allowed, and references any use-specific standards applicable to the accessory use or structure. The table carries forward and consolidate accessory uses and structures recognized in the current Zoning Resolution, refining the list to include modern accessory uses and structures (such as solar panels) as discussed in Section 2.4.2, Clarify Accessory Uses and Structures, of the Diagnosis.

Sec. 4.3.3. Standards for All Accessory Uses and Structures

This subsection includes a set of general standards that generally apply to all accessory uses and structures.

Sec. 4.3.4. Specific Standards for Accessory Uses and Structures

This subsection sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zone districts). As with the standards specific to principal uses, special attention will be paid to

standards for new accessory uses and structures, new standards for carried-forward accessory uses and structures, and improving the standards specific to accessory uses and structures that currently are included in the Zoning Resolution.

SECTION 4.4. TEMPORARY USES AND STRUCTURES

Temporary uses or structures are those uses or structures that are intended to be located in a zone district only for a limited duration. This section carries forward the temporary uses and structures in the Zoning Resolution but will add a table of temporary uses and structures to make them easier to understand and use.

Sec. 4.4.1. General

This subsection sets out the purposes of the section and outlines its organization.

Sec. 4.4.2. Temporary Use/Structure Table

This subsection includes a temporary use table that lists allowed temporary uses and structures and references any use-specific standards applicable to the temporary use or structure.

Sec. 4.4.3. Standards Specific to Temporary Uses and Structures

This subsection sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses, structures, or events in particular zone districts).

SECTION 4.5. INTERPRETATION OF UNLISTED USES

This section provides a procedure and standards to guide how to interpret uses not defined and used in the Zoning Ordinance. The Building Commissioner is authorized to make this interpretation.

ARTICLE 5: DEVELOPMENT STANDARDS

Article 5 contains the development standards in the updated Zoning Ordinance related to the physical layout of new development.

SECTION 5.1. ACCESS AND CONNECTIVITY

See discussion in Section 4.1, Modernize the Access and Off-Street Parking and Loading Standards, of the Diagnosis.

SECTION 5.2. OFF-STREET PARKING AND LOADING

See discussion in Section 4.1, Modernize the Access and Off-Street Parking and Loading Standards, of the Diagnosis.

SECTION 5.3. LANDSCAPING

See discussion in Section 4.2, Refine Landscaping and Perimeter Buffer Standards, of the Diagnosis.

SECTION 5.4. EXTERIOR LIGHTING

See discussion in Section 4.3, Include New Exterior Lighting Standards, of the Diagnosis.

SECTION 5.5. OPEN SPACE SET-ASIDES

See discussion in Section 4.4, Include Basic Open Space Requirements in Development, of the Diagnosis.

SECTION 5.6. STEEP SLOPE STANDARDS

See discussion in Section 4.5, Add Steep Slope Standards to Protect Sensitive Environmental Lands, of the Diagnosis.

SECTION 5.7. FENCES AND WALLS

See discussion in Section 4.6, Add Fence and Wall Standards, of the Diagnosis.

SECTION 5.8. NEIGHBORHOOD COMPATIBILITY STANDARDS

See discussion in Section 4.7, Add Provisions to Protect Existing Single-Family Neighborhoods, of the Diagnosis.

SECTION 5.9. SIGNS

This subsection carries forward and refines the standards for signs, billboards, and other advertising structures in Sec. 4.090 of the Zoning Resolution, except the regulations in Sec. 4.090F that apply to nonconforming signs will be relocated to Section 6.5, Non-conforming Signs, of the updated Zoning Ordinance, and the regulations in Sec. 4.090I that apply to a sign permit will be relocated to Sec. 2.5.7, Sign Permit, of the updated Zoning Ordinance.

**SECTION 5.10. FLOODPLAIN
DISTRICT STANDARDS**

This carries forward the regulations that apply in the Floodplain District in Sec. 5.071 of the Zoning Resolution, including the floodplain variance and floodplain appeals procedures, with any updates required due to changes in state law or state floodplain management

guidance and modifications to conform with the format of the updated Zoning Ordinance.

**SECTION 5.11. ENVIRONMENTAL
STANDARDS**

This carries forward the standards in Sec. 4.300, Environmental Standards, of the Zoning Resolution.

ARTICLE 6: NONCONFORMITIES

This article consolidates all rules pertaining to nonconformities, largely retaining the existing nonconformity provisions in Article VII, Exceptions and Modifications, in the Zoning Resolution. This article incorporates these existing provisions, includes best practice provisions that are found in modern codes and will better support project goals, and makes updates to comply with TCA § 13-7-208 regarding nonconformities of industrial, commercial, and multifamily structures and uses.

SECTION 6.1. GENERAL APPLICABILITY

Sec. 6.1.1. Purpose and Scope

This subsection establishes that the article addresses legally established uses, structures, lots, and signs that do not comply with requirements in the updated Zoning Ordinance.

Sec. 6.1.2. Authority to Continue

This new subsection recognizes all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article, carrying forward the introductory paragraph of Sec. 7.020, Nonconforming Uses.

Sec. 6.1.3. Determination of Nonconformity Status

This new subsection includes a standard provision stating the landowner, not the County, has the burden of proving the existence of a lawful nonconformity.

Sec. 6.1.4. Minor Repairs and Maintenance

This new subsection states that routine maintenance of nonconforming structures, nonconforming uses, nonconforming lots, and nonconforming signs is permitted and that

landowners will be allowed to maintain these nonconformities in the same condition they were at the time the nonconformity was established.

Sec. 6.1.5. Changes in Tenancy or Ownership

This new subsection establishes that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

SECTION 6.2. NONCONFORMING USES

This section sets forth specific rules governing nonconforming uses. The section will address enlargement, discontinuation, and change in use, and generally carry forward the current rules in Sec. 7.020 of the Zoning Resolution with some refinement and clarification, and updates to comply with the requirements of TCA § 13-7-208 (which establishes standards that apply to certain nonconforming commercial, industrial, and multifamily uses).

SECTION 6.3. NONCONFORMING STRUCTURES

This section establishes specific rules governing nonconforming structures. It will build on Sec. 7.020 of the Zoning Resolution with some refinements and clarification. It will address enlargement, abandonment, relocation, and reconstruction after damage,

and will be updated to comply with the requirements of TCA § 13-7-208. It will also include the provision in Sec. 7.070 that allows residential structures that were built before the initial adoption of the Zoning Resolution and that do not meet the setback requirements of the zone district regulations to continue, provided the existing building setbacks are not further reduced.

SECTION 6.4. NONCONFORMING LOTS OF RECORD

This provision addresses established lots of record that were platted or legally created prior to the effective date of the updated Zoning Resolution, but that do not meet the dimensional requirements of the zone district where they are located. It incorporates the existing regulations in Secs 7.020 and 7.040 which allow the lots to be exempted from the setback standards if the lot(s) of record have deed restrictions that specify minimum setback requirements.

SECTION 6.5. NONCONFORMING SIGNS

This section will refine and carry forward the nonconforming signs provisions in Sec. 4.090.F of the Zoning Resolution, with updates to comply with the requirements of TCA § 13-7-208.

SECTION 6.6. NON-CONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE

This section is new and addresses nonconformities that result from the government’s acquisition of property or the voluntary donation of land for public purpose. In such cases, we recommend that the Building Commissioner be given authority to deem that a plan for development is conforming if it demonstrates compliance with applicable development standards to the maximum extent practicable.

ARTICLE 7: ENFORCEMENT

Article 7 establishes procedures and standards to ensure compliance with the provisions of the Zoning Ordinance and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of the Ordinance.

SECTION 7.1. PURPOSE

This new section sets forth the purpose of the enforcement section.

SECTION 7.2. COMPLIANCE REQUIRED

This section clarifies that compliance with all provisions of the Zoning Ordinance is required.

SECTION 7.3. VIOLATIONS

This section consolidates the existing enforcement provisions throughout the Zoning Ordinance. It explains that it shall constitute a violation to fail to comply with any provision of the Zoning Ordinance, or the terms or conditions of any development approval or authorization granted in accordance with the Zoning Ordinance. The section also more specifically identifies both general violations as well as specific violations.

SECTION 7.4. RESPONSIBLE PERSONS

This section indicates who is responsible for a violation when it occurs. The section will be

drafted to assign responsibility as broad as legally possible, and states that any person who violates the Zoning Ordinance is subject to the identified remedies and penalties.

SECTION 7.5. ENFORCEMENT, REMEDIES, AND PENALTIES

This section will include general provisions regarding enforcement of any Zoning Ordinance violations, including who is responsible for enforcement, as well as available remedies and penalties. It will build on Sec. 8.100, Penalties, and Sec. 8.110, Remedies, of the Zoning Resolution and include the full extent of the County's authority to act to remedy violations, including authority for the County to issue stop orders, revoke development authorizations, conduct repairs or correct other code violations that pose a serious threat to public health, safety, or welfare, and seek orders of abatement and other forms of relief.

ARTICLE 8: DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

Article 8 builds on the existing provisions and definitions in the Zoning Resolution. Furthermore, it will include new, modernized, refined, and modified definitions, as appropriate. It will also enhance the definitions and the use of definitions by:

- Including rules of construction;
- Consolidating all rules of measurement;
- Adding definitions of all uses identified in the use table(s) in Article 4: Use Regulations; and
- Removing standards from the definitions and placing them in the appropriate place in the new code

SECTION 8.1. RULES OF CONSTRUCTION

This section addresses general issues relating to the construction of language, including the computation of time, mandatory vs. discretionary terms (e.g., shall vs may), tenses, and so forth.

SECTION 8.2. GENERAL RULES FOR INTERPRETATION

This section builds on and consolidates the existing rules for interpreting the Zoning Resolution (e.g., Sec 8.101, Administration of the Resolution, and Sec. 8.130, Interpretation).

SECTION 8.3. RULES OF MEASUREMENT

This section consolidates and establishes the rules for all types of measurement used in the updated Zoning Ordinance (such as how to measure bulk and dimensional requirements like height, width, setbacks, lot area, how

encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards). It provides a central location where the user can go if there is a need to apply a rule of measurement. Graphics are used in this section to assist in the explanation of the different rules of measurement, with the proviso that in cases of conflict between a graphic and the text of the Zoning Ordinance, the text controls.

SECTION 8.4. DEFINITIONS

This section consolidates all definitions of terms used throughout the updated Zoning Ordinance. As discussed in Section 1.4, Make the Language Clearer and More Precise, of the Diagnosis, we will evaluate all existing definitions, and then refine and modernize the definitions, and add new definitions, as appropriate, so the updated Zoning Ordinance has a clear, modern, and workable set of definitions. We will use the definitions found in the existing Zoning Resolution as a

III. Annotated Outline of New Zoning Ordinance

Article 8: Definitions and Rules for Construction, Interpretation, and Measurement

starting point for the definitions section, but will add definitions related to the zone districts, the uses, and the development standards, as necessary. We will also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. Finally, we will verify that key definitions conform to state and federal law, and constitutional requirements.

standards, as necessary. We will also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. Finally, we will verify that key definitions conform to state and federal law, and constitutional requirements.

IV. Annotated Outline of New Subdivision Regulations

This part of the Assessment provides an overview of the proposed structure and general substance of the new Subdivision Regulations that would address the issues identified in Part II that related to the Subdivision Regulations. As part of the review and discussion of the Assessment, the County will provide more detailed direction about the nature and scope of the new regulations and specific provisions. When this process is completed, the actual drafting of the new regulations will begin.

The following pages are a general outline of the new Subdivision Regulations. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued conversations with the County about key code issues.

The sidebar outlines the proposed new structure, which includes six articles and one appendix. The proposed new Subdivision Regulations are intended to replace the existing Subdivision Regulations.

Article 1.	General Provisions
Article 2.	Administration
Article 3.	Design Standards
Article 4.	Required Improvements
Article 5.	Enforcement
Article 6.	Definitions and Rules of Interpretation
Appendix	Roadway and Drainage Technical Standards

ARTICLE 1 GENERAL PROVISIONS

Like Article 1 of the Zoning Ordinance, Article 1 of the Subdivision Ordinance plays an important part in making the updated regulations user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the county regulates subdivisions, and the general purposes of the Subdivision Ordinance.

SECTION 1.1. TITLE

This section will set forth the official name by which the regulations may be cited (e.g., “the Maury County Subdivision Regulations”) as well as any acceptable shortened references (e.g., “the Regulations”).

SECTION 1.2. AUTHORITY

This section contains references to the County’s authority to adopt the Subdivision Regulations in accordance with Tennessee law. It also includes a provision stating that if the regulations cite a provision of Tennessee law or federal law that is amended or superseded, the regulations will be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. GENERAL PURPOSE AND INTENT

This general purpose and intent section informs decision-makers and the courts in future years about the purpose and intent of Planning Commission when it adopted the Subdivision Regulations. It includes statements of intent, as appropriate, to reflect the goals, objectives, and policies in the Comprehensive Plan.

SECTION 1.4. APPLICABILITY

This section makes clear who is subject to the requirements of the Subdivision Regulations. It consolidates and relocates provisions related to applicability to this new section. It states that unless stated otherwise or exempted, the standards and requirements of the Subdivision Regulations apply to all subdivision of land within the County’s boundaries and outside the municipalities to the full extent permitted by state law. It also includes a section on general exemptions.

SECTION 1.5. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DECREES

This section provides that in case of conflict between the Subdivision Regulations and other legislative enactments of the federal government, the state, or County, the stricter provision applies, to the extent allowed by law.

SECTION 1.6. TRANSITIONAL PROVISIONS

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More

IV. Annotated Outline of New Subdivision Regulations

Article 1. General Provisions

specifically, subsections in this section state that:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations), and are subject to the penalties and enforcement provisions in Article 5: Enforcement.
- How to treat applications for subdivision that are already submitted and in the midst of the approval pipeline at the time the regulations become effective. During the meeting on the Assessment, and during the code drafting process, we will explore with the County different options for handling this type of applications.
- Existing subdivisions will be recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their approvals, and the rules in existence

at the time of their approval. Substantial amendments to the approvals will subject the development to the new Subdivision Regulations.

- Applications submitted after the effective date of the new Subdivision Regulations are subject to its procedures and standards.

SECTION 1.7. SEVERABILITY

This standard provision states that if any part of the Subdivision Regulations is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is ruled invalid, that decision does not affect its application to other circumstances.

SECTION 1.8. EFFECTIVE DATE

This section establishes the effective date of the new Subdivision Regulations.

ARTICLE 2 ADMINISTRATION

As discussed in Section 1.1 of the Diagnosis, this article consolidates all subdivision procedures and creates a set of standard procedures that apply to all subdivision and related applications. It also makes changes to the subdivision procedures to streamline and simplify the review process. The organization of Article 2 is similar to the organization of Article 2 of the updated Zoning Ordinance.

SECTION 2.1. PURPOSE AND ORGANIZATION

This introductory section outlines the organization of Article 2 and serves as a road map for readers using the Subdivision Regulations.

SECTION 2.2. SUMMARY TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES

This section provides an overview of the proposed new review procedures, and which board or person is responsible for review, advice, or making the decision. The proposed set of review procedures are included in Table II-4: Suggested Subdivision Review Procedures, from the Diagnosis, which is included below.

Table II-4: Suggested Subdivision Review Procedures		
D = Decision R = Recommendation A= Appeal * = Public Hearing + = Pre-application conference required ^ = Neighborhood meeting may be required		
Review Procedure	Building Commissioner	Planning Commission
Discretionary Approvals		
Subdivision Regulations Amendment	R	D*
Subdivision		
Major Subdivision ^{^+}		
Concept Plan [1]	R	D
Preliminary Plat	R	D
Construction Plans	D	
Final Plat	R	D
Minor Subdivision	R	D
Lot Split	D	
Additional Procedures		
Lot Line Modification	D	
Interpretation	D	A
NOTES:		
[1] Concept Plan only required for applications that propose 50 or more residential units or more than 10,000 square feet of nonresidential development.		

SECTION 2.3. ADVISORY AND DECISION-MAKING BOARDS AND PERSONS

This section identifies the advisory and decision-making bodies and persons responsible for the review and administration of development under the Subdivision Regulations, including the Building Commissioner, the Board of Zoning Appeals, and the Regional Planning Commission ("Planning Commission"),

SECTION 2.4. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

This section establishes general review procedures that apply to multiple development review procedures, as discussed in Section 1.6.2(b), Establish a Set of Standard Procedures, of the Diagnosis. This section follows the general organization of Section 2.4 of the Zoning Ordinance Annotated Outline, and please refer to Section 2.4 of the Zoning Ordinance Annotated Outline for the types of standard application requirements and procedures that will be included in this section.

SECTION 2.5. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

This section includes the review procedures for each individual type of development application. For each application type it identifies which standard procedures apply, the review standards that are required to be applied, and any special rules or exceptions. Each procedure is accompanied by a review process flowchart.

Sec. 2.5.1 Subdivision Regulations Amendment

This subsection establishes the review procedure for amending the text of the Zoning Resolution. A proposed amendment is reviewed and decided upon by the Planning Commission.

Sec. 2.5.2 Major Subdivision

This subsection includes the procedure for a major subdivision, in accordance with the discussion in Section 1.6.3(f), Streamline the Procedure for Major Subdivision, of the Diagnosis. A pre-application conference is required for all major subdivisions, and a neighborhood meeting may be required.

Sec. 2.5.2(a) Concept Plan

A Concept Plan is required to be submitted for all applications for major subdivision that propose 50 or more residential units or more than 10,000 square feet of nonresidential development. It includes review by the Building Commissioner and decision by the Planning Commission.

Sec. 2.5.2(b) Preliminary Plat

This carries forward the provision for a preliminary plat established in Sec 2-103 of the Subdivision Regulations. It includes review by the Building Commissioner and decision by the Planning Commission.

Sec. 2.5.2(c) Construction Plans

This carries forward and makes clear that review and approval of the final construction plans are performed by Building Commissioner.

IV. Annotated Outline of New Subdivision Regulations

Article 2. Administration

Sec. 2.5.2(d) Final Plat

This carries forward the provision for a final plat established in Sec. 2-104 of the Subdivision Regulations. It includes review by the Building Commissioner (who will also review and, in coordination with other County staff, approve any required construction plan) and decision by the Planning Commission.

Sec. 2.5.3 Minor Subdivision

This carries forward the procedure for a minor subdivision established in Sec. 2-101.2(2) of the Subdivision Regulations. As with the current procedure, the Minor Subdivision involves three to five lots fronting on an existing public way, with no extension of public facilities or the creation of public improvements. It includes a pre-application conference, submission of a final plat, review by County staff, and decision by the Planning Commission.

Sec. 2.5.4 Lot Split

This carries forward and renames the procedure for an Administratively (Staff) Approved Subdivision in Sec. 2-101.2 of the Subdivision Regulations, which allows for administrative approval of a division of a single tract into two lots.

Sec. 2.5.5 Lot Line Modification

This carries forward and updates the procedure to modify lot lines in Sec. 2-107.3 of the Subdivision Regulations, as discussed in Section 1.6.3(g), Establish Clear Procedures and Standards for Approval of Modifications to Lot Lines, of the Diagnosis.

Sec. 2.5.6 Interpretation

This is a new procedure that allows for formal interpretations of the Subdivision Regulations as discussed in Section 1.6.2(d), Add a Procedure for Formal Interpretations of the Zoning Ordinance and Subdivision Regulations, of the Diagnosis.

ARTICLE 3 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

This section consolidates the standards that apply to the design of a subdivision and the improvements that a subdivider is required to provide, such as the configuration and arrangement of lots and blocks, street standards, topography, drainage, utilities, and similar features. It carries forward provisions from Article IV, Requirements for Improvements, Reservations and Design, and Article V, Flood Prone Areas, of the Subdivision Regulations.

SECTION 3.1. GENERAL STANDARDS

This introductory section carries forward the general standards in Sec. 4-101 of the Subdivision Regulations, as well as the standards in Sec. 3-106, Issuance of Building Permits and Certificate of Occupancy, and requires that all land subdivision comply with applicable standards in the updated Zoning Ordinance. This section will also incorporate the provisions of Article VII, Special Provisions Governing Ownership (Condominium) Subdivisions, of the Subdivision Regulations.

SECTION 3.2. LOT STANDARDS

This section builds on and consolidates standards relating to lots, including Sec. 4-102, Lot Requirements. The additional standards that apply to non-residential subdivisions in Sec. 4-112 will be integrated into this section and other appropriate sections in this article.

SECTION 3.3. STREET STANDARDS

This sections builds on and consolidates standards relating to lots in the Subdivision Regulations, including Sec. 4-103, Roads, and Sec. 4-108, Pedestrian Ways.

SECTION 3.4. DRAINAGE STANDARDS

This sections builds on and consolidates standards relating to drainage and stormwater, in the Subdivision Regulations, including Sec. 4-105, Drainage and Storm Sewers. It will also require that stormwater facilities be installed in a common area that is owned, managed, and maintained by an entity such as a homeowners' association.

SECTION 3.5. WATER STANDARDS

This sections builds on and consolidates standards relating to water access in the Subdivision Regulations, including Sec. 4-106, Water Facilities.

SECTION 3.6. UTILITY EASEMENTS

This carries forward the standards relating to utility easements in Sec. 4-109 of the Subdivision Regulations.

SECTION 3.7. PUBLIC USES

This carries forward the standards relating to proposed public uses in Sec. 4-110 of the Subdivision Regulations.

**SECTION 3.8. NATURAL
FEATURES**

This carries forward the standards relating to preservation of natural features in Sec. 4-111 of the Subdivision Regulations.

**SECTION 3.9. SPECIAL FLOOD
HAZARD AREAS**

This builds on the standards in Article V, Flood Prone Areas, of the Subdivision Regulations.

ARTICLE 4 SURETY REQUIREMENTS

This section builds on the standards in Article III, Assurance for Completion and Maintenance of Improvements, in the Subdivision Regulations.

SECTION 4.1. GUARANTEE IN LIEU OF IMPROVEMENTS

This section builds on the standards in Sec. 3-101, Guarantee in Lieu of Improvements; Sec. 3-104, Deferral or Waiver of Required Improvement; Sec. 3-105, Security Documents; and Sec. 3-107, Disposition of Liquidated Securities, in the Subdivision Regulations. At the kickoff meeting, staff noted that the current requirements for a surety or other performance guarantee often fail to consistently ensure that the improvements identified on the final plat are completed. To address these issues, this section includes enhancements to the existing

provisions regarding the amount of guarantee, type of guarantee, and procedure for partial reduction of the guarantee due to partial completion of improvements.

SECTION 4.2. INSPECTION OF IMPROVEMENTS

This section builds on Sec. 3-102, Inspection of Improvements, in the Subdivision Regulations.

SECTION 4.3. MAINTENANCE OF IMPROVEMENTS

This section builds on Sec. 3-103, Maintenance of Improvements, in the Subdivision Regulations.

ARTICLE 5 ENFORCEMENT

Article 5 will include provisions for enforcement of the Subdivision Ordinance and build upon Sec. 1-111, Enforcement, Violation and Penalties, of the Subdivision Regulations.

SECTION 5.1. GENERAL PROVISIONS

This section includes the general standards for enforcement of the Subdivision Regulations, including the role of the enforcing officer and a requirement that all land subdivision comply with the provisions of the Subdivision Regulations. It builds upon

Secs. 1-111.1 and 1-111.3 of the Subdivision Regulations.

SECTION 5.2. PENALTIES

This section establishes the penalties for violation of the Subdivision Regulations. It builds upon Sec. 1-111.2 of the Subdivision Regulations.

ARTICLE 6 DEFINITIONS AND RULES FOR CONSTRUCTION, AND MEASUREMENT

Article 6 includes all the relevant definitions in the Subdivision Ordinance, with new, modernized, refined, and modified definitions included, as appropriate. As with Article 10 of the Zoning Ordinance, this section will include (or incorporate from the Zoning Ordinance by reference) provisions relating to rules of construction and measurement.

SECTION 6.1. RULES OF CONSTRUCTION

This section incorporates the similar section in Article 8 of the updated Zoning Ordinance, and also includes the provisions in Sec. 6-101, Usage, of the current Subdivision Regulations.

SECTION 6.2. GENERAL RULES FOR INTERPRETATION

This section incorporates the similar section in Article 8 of the updated Zoning Ordinance.

SECTION 6.3. RULES OF MEASUREMENT

This section incorporates the similar section in Article 8 of the updated Zoning Ordinance.

SECTION 6.4. DEFINITIONS

This section carries forward the definitions in Sec. 6-102, Words and Terms Defined, of the Subdivision Regulations, with refinements and modernizations as discussed in Section 1.4, Make the Language Clearer and More Precise, of the Diagnosis, and in the discussion of Section 8.4, Definitions, of the updated Zoning Ordinance.

V. Appendix

A full-size example of a zone district layout from another community is included on the following pages.

3.2.3. RSF-1: Residential Single Family 1 District

(a) Purpose and Concept

The purpose of the RSF-1: Residential Single Family 1 District is to provide lands that accommodate low-density, single-family detached dwellings on lots with a minimum lot area of 12,500 square feet. The district also accommodates certain group living arrangements as conditional uses, accessory uses such as home occupations and home-based child care, and other compatible uses. District regulations discourage development that negatively impacts the quiet residential nature of the district.



(b) Use Standards

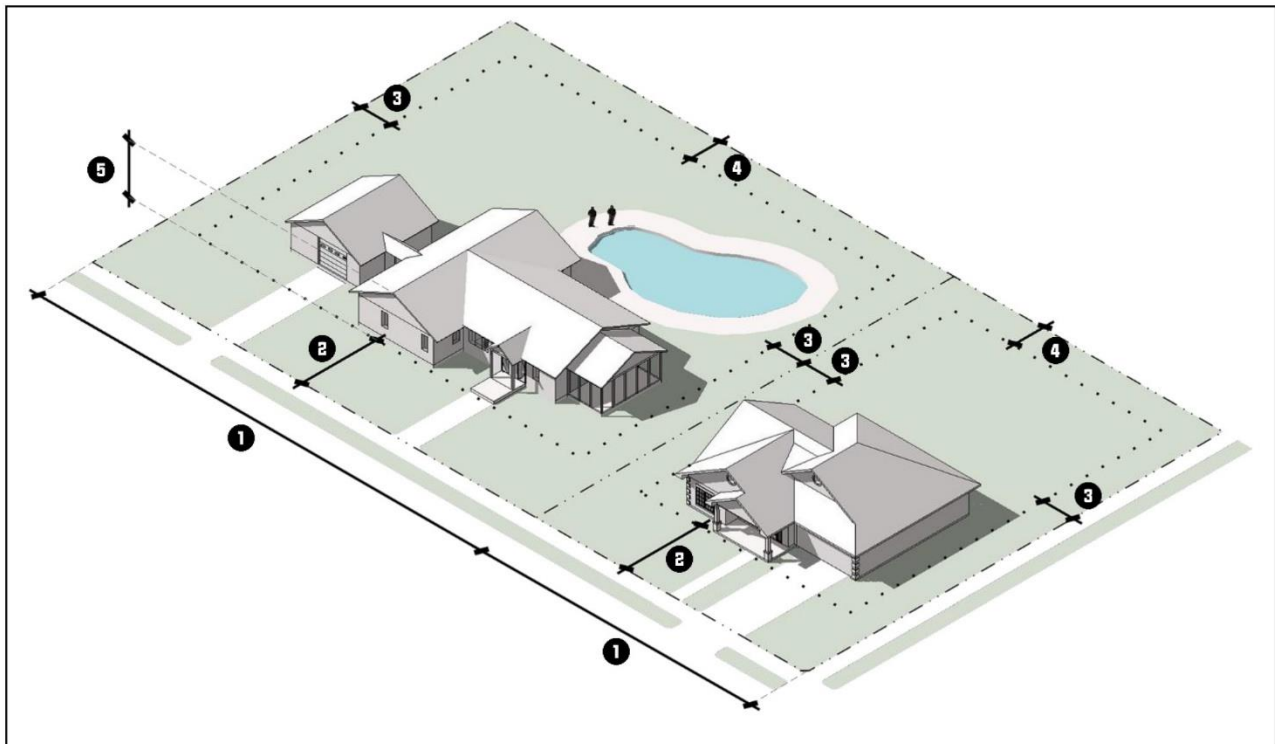
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	All Uses
Lot area, min. (sf)	12,500
❶ Lot width, min. (ft) [1]	90
❷ Front yard setback, min. (ft)	25
❸ Side yard setback, min. (ft)	10
❹ Rear yard setback, min. (ft)	10
❺ Building height, max. (ft)	35
Living area, min. (sf)	1,800
Impervious coverage, max. (percent)	70

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] Minimum lot width is measured along the road frontage as well as along property fronting a lake, canal, or creek, if applicable.



(d) Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual