



AGENDA ITEM#: 5

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: August 12, 2010

SUBJECT: 8-A-10-OA
Consideration of amendments to the City of Knoxville Zoning Ordinance renaming the district R-1EN (Established Neighborhood) to EN-1 (Established Neighborhood) and adding new EN-2 (Established Neighborhood) district regulations

Request:

Consider making a recommendation to City Council regarding the establishment of the EN (Established Neighborhood) zone districts, renaming the R-1EN (Established Neighborhood) district to EN-1, providing minor amendments, and creating new EN-2 district regulations.

Background:

The R-1EN zone district was created in 2007 to protect established neighborhoods. As a result of working with Westmoreland Heights, R-1EN has been modified to EN, with the name of the zone district for previously zoned neighborhoods changed to EN-1 and a slightly modified set of zoning regulations established for Westmoreland Heights as EN-2. Minor amendments to the current R-1EN regulations are proposed.

The EN district creates dimensional regulations that reflect the existing development and subdivision pattern and enacts minimal design standards that respect the prevalent development character of the neighborhood. The district has been used in areas that were subdivided and developed outside the City of Knoxville and subsequently annexed into the city with R-1 zoning. The requirements of the R-1 zone district do not correspond to the actual development pattern of these areas. To date, R-1EN has been applied to the following areas, which are now proposed to be called EN-1:

- Holston Hills/Chilhowee Hills/Holston Heights area in east Knoxville
 - 1,285 acres with 1,250 lots or parcels
 - Highland Drive/Maple Drive area in Fountain City
 - 124 acres with 173 lots or parcels
 - Woodcrest Drive/Seminole Road area in Fountain City
 - 114 acres with 192 lots or parcels
 - Castle Heights/Sherwood Forest/Ridgecrest/BelCaro area in Fountain City
 - 154 acres with 245 lots or parcels
 - Curtis Lane in Fountain City
 - 54 acres with 54 lots or parcels
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MPC staff has been working with the Westmoreland Heights area over the last two years to apply the new EN-2 zone district to this established neighborhood in west Knoxville. It is located to the north of Westland Drive and contains property on Sherwood and Stone Mill Drives and Orchard and Hemlock Roads. The area contains 194 acres and 195 parcels, an average density of 1 house per acre. Currently platted lots and legal parcels of record will have legal nonconforming status, as will lots established on the City's ward map.

The proposed *EN (Established Neighborhood) Residential Zone District* creates a zone district for established neighborhoods that were developed with significantly larger lots than their current R-1 zoning. Its intent is twofold:

- to preserve the existing pattern of development by establishing dimensional requirements that more closely match the existing development, and
- to protect the existing character of development by establishing minimum design requirements for new housing within the neighborhood.

Minor amendments to the old R-1EN requirements are proposed. They include:

- Adding applicability tables at subsection C and subsection F;
- Changing the uses permitted (subsection D), and dimensional and density requirements (subsection E) to a tabular format;
- Amending the wording regarding minimum front yard requirements to include the term "same side of the street" instead of "same street"; and
- Adding two new provisions (numbers 6 and 7) to the requirements for infill parcel development.

The EN zone district establishes minimum design requirements for any primary structure built or moved into the district. These requirements will assure compatibility with the existing homes in the district. The EN-2 regulations developed for Westmoreland Heights waive many of the design requirements and have several other differences from EN-1 with regard to uses permitted and dimensional requirements.

Many meetings were held with a group of Westmoreland Heights property owners over the past two years to determine the desired regulations. Jeff Baermann of the neighborhood association board reports a vote within the area was conducted by the board and 91% of those responding (78 of 86) supported the rezoning.

Analysis:

The proposed amendment modifies and expands an existing district that is used to protect the established development pattern of historic neighborhoods. The amendment is consistent with the intent of the zoning ordinance, will not adversely affect any other part of the city and is consistent with the General Plan policy to protect historic neighborhoods.

Staff Recommendation:

Staff recommends that the Planning Commission recommend approval of the establishment of the EN (Established Neighborhood) zone districts, renaming the R-1EN (Established Neighborhood) district to EN-1, providing minor amendments, and creating new EN-2 district regulations.

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2.1.4 EN-1 and EN-2 ESTABLISHED NEIGHBORHOOD DISTRICTS

A. GENERAL DESCRIPTION

These districts are intended to protect and preserve older, low-density neighborhoods established with a prevalent development pattern of large lots on a highly connected street pattern and character of development dominated by large lawns and complex, intricately designed residences. The districts establish dimensional regulations that compliment the prevalent development pattern and residential design requirements that reflect the character of the neighborhoods. The districts are intended to provide for neighborhood stability while allowing continued development that is in harmony with the existing development pattern. The district is not intended for use on previously undeveloped land that is currently zoned as Agricultural (A-1). It should be used in the context of the prevalent existing development pattern.

B. DEFINITIONS APPLICABLE TO THIS SECTION

1. *Accessory Dwelling Unit* – A separate and complete dwelling unit that is contained on the same lot as a house.
2. *Façade, front* – The exterior walls of a structure that face a public right-of-way, or joint permanent easement, upon which the property is addressed.
3. *Irregular Lot* – A lot or tract that one or more of the following apply:
 - a. The lot or tract has 6 or more sides; or
 - b. The natural slope within the required front yard is 25% or greater from the front property line to the setback line; or
 - c. The proposed first floor finished elevation is greater than 20 feet above or below the average adjacent street elevation; or
 - d. The proposed building site is not visible from the street.
4. *Pervious Surface* – A surface that presents an opportunity for precipitation to infiltrate into the ground.

C. APPLICABILITY

These regulations shall apply to Established Neighborhood Districts as shown on the zoning map according to the following table:

EN-1	EN-2	
<ul style="list-style-type: none"> • Chillhowee Hills • Holston Hills/Holston Heights • Highland/Maple Drives • Woodcrest/Seminole • Ridgecrest/Sherwood Forest/Castle Heights/Belcaro • Curtis Lane 	<ul style="list-style-type: none"> • Westmoreland Heights 	

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D. USES PERMITTED

Property and buildings shall be used in accordance with the following table:

Uses	EN-1	EN-2	
Houses (1)	P	P	
Duplexes (5)	UR	UR	
Attached Houses	IP	IP	
Multi-Dwelling Structures	IP	IP	
Accessory Dwelling Units (6)	UR	UR	
Bed and Breakfast Inn (7)	UR	X	
Home Occupations (11)	UR	UR	
Utilities (2)	P	P	
Accessory uses, buildings and structures (3)	P	P	
Signs (4)	P	P	
Churches or similar places of worship, with accessory structures, but not including missions or revival tents	UR	UR	
Elementary or high schools, public or private	UR	UR	
Parks, playgrounds and playfields, and neighborhood and municipal buildings and uses (8)	UR	UR	
Libraries, museums, and historical monuments or structures	UR	UR	
Plant nurseries (9)	UR	UR	
Country clubs, 9 or 18 holes of golf (10)	UR	UR	
Community swimming pools (12)	UR	UR	
Community or civic club house (13)	UR	UR	
Private day nurseries or kindergartens (14)	UR	UR	
Cemeteries	UR	UR	
Commercial telecommunications towers (15)	UR	UR	

- P shows a permitted use
- UR shows a use on review in accordance with the provisions of Article 7, Section 5.
- X shows a prohibited use
- IP shows a use permitted on a qualified infill property subject to development plan approval

NOTES TO TABLE:

1. Houses shall not include house trailers and mobile homes.
2. Utilities may include, but not be limited to, electric sub-stations and other electric system facilities, water and wastewater facilities, storm water facilities, and transportation related easements, alleys and right-of-ways.
3. Accessory uses, buildings and structures are permitted, subject to the provisions of Article V, Section 4.
4. Signs are permitted, subject to the provisions of Article V, Section 10.
5. Duplexes are uses permitted on review, provided the duplex is located on a lot with two street frontages and each primary entrance faces a different street.
6. Accessory dwelling units are uses permitted on review, subject to the provisions of subsection L of this section.
7. Bed and breakfast inns are uses permitted on review where specified, subject to the provisions of subsection K of this section.

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8. Parks, playgrounds and playfields, and neighborhood and municipal buildings and uses shall be in keeping with the character and requirements of the district.
9. Plant nurseries are uses permitted on review so long as no building or structure is maintained in connection therewith.
10. Country clubs with eighteen-hole golf course shall have grounds of not less than one hundred forty acres, or country club with nine-hole golf course shall have grounds of not less than sixty acres.
11. Home occupations are uses permitted on review, subject to the provisions of Article V, Section 12.
12. Community swimming pools are uses permitted on review, subject to the provisions of Article V, Section 16.
13. Club houses for civic non-profit organizations such as a garden club, women's club or a local community club are uses permitted on review, subject to the off-street parking provisions of Article V, Section 7, for private clubs.
14. Private day nurseries are uses permitted on review, subject to the provisions of Article V, Section 3.
15. Commercial telecommunication towers are uses permitted on review, subject to the provisions of Article V, Section 20.

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E. DIMENSIONAL AND DENSITY REGULATIONS

All buildings shall comply with the following dimensional and density regulations:

Dimensional and Density Regulations	EN-1	EN-2	
Minimum Lot Area – newly platted subdivision			
Primary Use other than Duplex	22,000 sf	22,000 sf	
Duplex	33,000 sf	33,000 sf	
To qualify for an Accessory Dwelling Unit	33,000 sf	33,000 sf	
Minimum Lot Area – replat of existing subdivision			
Primary Use other than Duplex	Average of lots within 500 feet in the same subdivision	Average of lots within 500 feet in the same subdivision	
Duplex	33,000 sf	33,000 sf	
To qualify for an Accessory Dwelling Unit	33,000 sf	33,000 sf	
Minimum Lot Width			
Primary use other than Duplex	100 ft	100 ft	
Duplex – must have two street frontages	130 ft	130 ft	
Abutting a street	50 ft	50 ft	
Minimum Front Yard			
House or Duplex	Average ($\pm 10'$) of yards within 500 feet on the same side of street, but not less than 40 ft	Average ($\pm 10'$) of yards within 500 feet on the same side of street, but not less than 40 ft	
Nonresidential primary building	50 feet	50 feet	
Maximum encroachment of non-enclosed porch	8 ft	8 ft	
Accessory structures	Equal to primary structure	Equal to primary structure	
Minimum Side Yard - Interior			
House or Duplex	10% of lot width	10% of lot width	
Nonresidential primary building	20% of lot width	20% of lot width	
Accessory building	5% of lot width, but not less than 5 ft.	5% of lot width, but not less than 5 ft.	
Minimum Side Yard – Adjacent to street			
House or duplex	15% of lot width	15% of lot width	
Non residential primary building	20% of lot width	20% of lot width	
Accessory building	Equal to primary building	Equal to primary building	
Adjacent to front yard of abutting property	Equal to required front yard of abutting property ($\pm 10'$)	Equal to required front yard of abutting property ($\pm 10'$)	
Minimum Rear Yard			
Primary building or structure	25 ft.	25 ft.	
Accessory building or structure	5 Ft.	5 Ft.	
Maximum Height			
Primary buildings	35 Ft.	35 Ft.	
Accessory buildings or structures	15 Ft.	15 Ft.	
Exception for accessory buildings: The maximum height may be increased 1 ft. for each foot of side and/or rear yard greater than the minimum, up to a maximum of 25 ft.	Applicable	Applicable	

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Dimensional and Density Regulations	EN-1	EN-2	
Pervious Surface of Yards			
Minimum percent of yard	75%	75%	
Allowed covering	Lawn, ground cover, pervious landscaping or left in natural condition	Lawn, ground cover, pervious landscaping or left in natural condition	
Maximum Lot Coverage			
All buildings added together	25%	25%	
Accessory building	The building coverage of an accessory building or structure shall not exceed the that of the primary building and shall be less than thirty (30) percent of the rear yard area	The building coverage of an accessory building or structure shall not exceed that of the primary building and shall be less than thirty (30) percent of the rear yard area	
Minimum Dimensions of Infill Parcel			
Frontage on an existing street	250 Ft.	250 Ft.	
Area	2 Acres	3 Acres	
Permitted Density of Infill Parcel, in lieu of lot area and dimensional requirements.			
Base density (dwelling units per acre, dua)	2 dua	2 dua	
Additional density that may be awarded for owner occupancy as shown through fee simple lots or recording of condominium documents	1 dua	1 dua	
Additional density that may be awarded for location with access to a major collector or arterial road as shown on the Major Road Plan.	1 dua	1 dua	

Exception for Irregular Lots:

Where a building site on an irregular lot is situated such that any of the front, side or rear property lines are not readily determinable or cannot be literally applied, required setbacks shall be as determined by the Zoning Administrator in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

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F. DESIGN REQUIREMENTS FOR NEW PRIMARY STRUCTURES

The intent of this section is to require new primary structures to reflect the character of the existing development within the district. New primary structures shall meet the established design requirements in accordance with the following table:

Design Requirement	EN-1	EN-2	
Foundations	X	NA	
Orientation of Structure to Street	X	X	
Door Openings on Attached Garages	X	X	
Building Mass and Shape	X	NA	
Elevations Facing a Street	X	NA	
Exceptions for Irregular Lots	X	X	

X means the requirements are applicable
 NA means the requirements are not applicable

1. Foundations
 - a. All primary structures shall be attached to a permanent foundation, such as a slab-on-grade, piles, piers, concrete footing or other form designed to give permanent and unmovable stability to a structure.
 - b. The foundation system shall be surrounded by a perimeter wall of solid masonry, concrete or other approved material.

2. Orientation of Structure to Street
 It is important that new structures reflect the prevalent orientation of structures toward the street that is prevalent in the district. Front façade of the primary structure shall be parallel to the street or tangent to the curve of the street. The primary entrance to a structure shall face the street and provide a hard-surfaced pedestrian connection of driveway and/or sidewalk from the street to the entry; or the primary entrance to a structure shall open upon a covered porch or courtyard that faces the street and that is at least sixty (60) square feet with a minimum depth of six (6) feet and provides a hard surface pedestrian connection of driveway and/or sidewalk from the street to the porch or courtyard.

3. Door Openings on Attached Garages
 - a. Front facing garage door opening(s) may comprise no more than forty (40) percent of the front elevation. Detached garages may not be located in front of a primary structure and are not a part of this calculation.
 - b. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four (4) feet.

4. Building Mass and Shape
 To increase architectural variation within neighborhoods and increase architectural interest, yet allow for flexibility in design, primary structures shall meet the requirements of two (2) of the three (3) following characteristics:
 - a. Roofs shall be either:
 - (1) Flat – with roof pitch less than 1/12 and a single plane;
 - (2) Steep – with roof pitch of 6/12 or more; or

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- (3) Articulated – with multiple pitches, planes, ridge line directions or heights, or displaying hips and valleys.
 - b. More than one finished floor level; or
 - c. The shape of habitable and attached garage space must have no less than eight (8) sides. For the purpose of these regulations a side is an exterior wall segment, from change of direction to change of direction, no less than four (4) feet in length.
5. Elevations Facing a Street

To increase architectural variation along streetscapes and increase architectural interest, yet allow for flexibility in design the following requirements apply to elevations that face a street, except for a rear elevation if property abuts a street on the rear of the lot:

 - a. Street-facing elevations must contain window and door systems no less than twenty-five (25) percent of the wall surface area;
 - b. The front façade elevation must contain wall articulation so that no more than twenty-four (24) feet of wall is continuous without one of the following:
 - (1) A recess or projection of habitable space of more than sixteen (16) inches;
 - (2) An entry door system recessed more than sixteen (16) inches; or
 - (3) A covered porch with roof integrated into the primary structure;
 - c. In addition, the front facade elevation must contain three (3) of the following design elements:
 - (1) Dormers;
 - (2) Gabled or hipped roof for a portion of the façade that is a projection from the balance of the elevation;
 - (3) Recessed or projecting entry of at least 16 inches in depth and 8 feet in width;
 - (4) Covered porch that is at least 6 feet in depth and no less than 25% of the street-facing elevation in width;
 - (5) Architectural columns supporting a porch roof;
 - (6) Bay window of at least 12 inches in depth that creates a bay or alcove in a room within;
 - (7) Window and door trim of a least 4 inches in width;
 - (8) Front facing balcony that projects from the façade and is enclosed by a railing or parapet;
 - (9) All masonry wall surfaces; or multiple surface coverings, with masonry surface no less than 25% of the total façade surface;
 - (10) Habitable space above the garage equal to no less than 50% of the garage space below.
6. Exceptions for Irregular Lots

On irregular lots where it is determined by MPC staff that a proposed building site is not visible from the street, the requirements of this section may be waived.

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G. OFF STREET PARKING

Off street parking shall be provided in accordance with Article 5, Section 7 of these regulations; except:

1. Required off-street parking spaces must be located behind the front building line.
2. Paved vehicle parking and access facilities in the front yard and street side yard shall be limited to not more than the greater of the following:
 - a. 25% of the front or street side yard area; or
 - b. The hard surface area leading directly to a carport or enclosed garage; or
 - c. 400 square feet.

H. ADMINISTRATION

1. Prior to the construction or placement of any new primary structure within the district, and the issuance of any permits therefor, a site plan and street facing elevation for any primary building must be submitted to the MPC Zoning Administrator for approval and appropriate certification of the plans. These plans are to be used by the administrator to insure that any proposed development is in conformance with the intent, regulations and requirements of this section.
2. The site plan shall be drawn to scale and must include the following:
 - a. Lot boundaries, dimensions and calculation of area;
 - b. Topography, if the applicant wishes to demonstrate status as an irregular lot;
 - c. Street boundaries and names;
 - d. Building locations, dimensions and calculations of area, including details of wall articulation of the street facing elevations if applicable;
 - e. Roof plan showing roof pitches and location of dormers, hips, valleys, and ridge lines if applicable; and roof area for purposes of calculation lot coverage.
 - f. Driveway and sidewalk locations, dimensions, materials and calculation of area;
 - g. Any other hard surfaced areas, including dimensions, materials and area calculations.
3. If required to demonstrate compliance with specific neighborhood district regulations, drawings of street facing elevations shall be drawn to scale and must include the following:
 - a. Location and dimensions of window and door openings;
 - b. Dimension and details on window and door trim;
 - c. Covered porch and courtyard dimensions and area calculations;
 - d. Identification of exterior materials and area calculations of each type;
 - e. Identification of habitable space above a garage, if proposed, and calculations of area.
4. The applicant may appeal any decisions of staff regarding the certification of these plans to the City Board of Zoning Appeals pursuant to the procedures for application for variances to the zoning regulations.

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I. ESTABLISHED NEIGHBORHOOD INFILL PARCEL DEVELOPMENT STANDARDS

These standards would be applied for qualifying parcels during the Use-on-Review process if development does not choose to use the dimensional requirements shown in "E" above.

1. Use and Density/Intensity. Use, Residential Types and Density/Intensity factors shall be approved by MPC and documented on the Development Plan.
2. Minimum Lot Dimensions and Setbacks. Minimum lot dimensions and setbacks shall be approved by MPC and documented on the Development Plan.
3. Residential Design Requirements. Residential design requirements consistent with the intent of this section shall be approved by MPC and documented on the Development Plan.
4. Required Open Space.
 - a. No less than 25% of the development shall be required to be maintained as permanent open space such as a park, playground, natural area or other approved open space.
 - b. Required open space may not be a part of any private yard and shall be maintained for common access.
5. Landscaping Requirements.
 - a. Within any new street right of way or joint permanent easement, street trees (species and minimum size approved by MPC) shall be provided at a rate of 1 tree per 50 lineal feet of street or easement frontage.
 - b. On residential lots, canopy trees (species and minimum size approved by MPC) shall be provided at a rate of 1 tree per 2,500 square feet of lot area.
 - c. Within required open space, canopy and ornamental trees (species and minimum size approved by MPC) shall be provided at a rate of 1 tree per 1,000 square feet of lot area. Existing trees with dbh greater than 6 inches may be preserved and counted toward this requirement.
6. Building Orientation.
 - a. Houses located on lots adjacent to existing streets shall be oriented toward the existing street in accordance with subsection F.2, rather than toward any newly created street or easement.
 - b. Multi-dwelling structures, duplexes or attached houses located on lots adjacent to existing streets shall provide a façade with a single entrance oriented toward the existing street in accordance with subsection F.2. Additional entrances may be located elsewhere on the structure.
 - c. Residential structures located on lots which rely on a newly created street or easement for access to an existing street shall orient the structure toward said street or easement in accordance with subsection F.2.
7. New Street or Easement Location.
 - a. New streets or access easements within an infill parcel that are located so that no residence is between the street or easement and adjoining property shall provide Type A screening and landscaping per MPC guidelines in order to buffer the street or easement from the adjoining property.

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**J. ESTABLISHED NEIGHBORHOOD ACCESSORY DWELLING UNIT
STANDARDS**

These standards shall apply to applications for use-on-review of proposed accessory dwelling units within an EN Zone District.

1. Ownership. The property owner must occupy either the primary dwelling or the ADU as their permanent residence.
2. Applicability of Building Codes. The design and size of the Accessory Dwelling Unit (ADU) shall conform to all applicable building codes. When there are practical difficulties involved in carrying out the provisions of the Building Codes, the Building Official may grant modifications for individual cases.
3. Water, Sewer and other Utilities. Building officials shall certify that utilities are adequate for the ADU.
4. Number of ADU per lot. Only one ADU may be created per lot in an EN district, except that lots with an existing duplex may not add any additional ADU.
5. Location. The ADU may be within, attached to, or detached from the primary dwelling structure and may be a part of a detached accessory structure. An ADU may be developed within an existing structure or as new development.
6. Lot Coverage and Yards. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into required yards.
7. Size of ADU. In no case shall an ADU exceed 40 percent of the primary dwelling habitable floor area, nor more than 1,000 square feet or less than 300 square feet, nor more than 2 bedrooms, unless warranted by the circumstances of the particular building.
8. Appearance. The ADU shall be designed so that the appearance of the primary structure remains that of a house. The entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the structure which encompasses the entrance to the principal dwelling.
9. Parking. One parking space per bedroom, in addition to those required for the primary dwelling, shall be created for the ADU. This space shall be located behind the front of the primary structure and shall not obstruct access to any garage openings of the primary dwelling, whether required or not.

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K. ESTABLISHED NEIGHBORHOOD BED AND BREAKFAST INN STANDARDS

In specified EN districts, a Bed and Breakfast Inn is an allowed use-on-review provided the following standards are met:

1. Ownership. A bed and breakfast inn may only be operated by an owner who also resides in the building.
2. Location. A bed and breakfast inn must be operated in the principal building on the site and not in accessory structures.
3. Number of guest rooms. The number of guest rooms allowed is based on the following square footage requirements:

<u>Gross Sq. Ft. of Principal Building</u>	<u>Guest Rooms Permitted</u>
Less than 1,200 square feet	One (1) room
1,201 to 1,800 square feet	Two (2) rooms
1,801 to 2,400 square feet	Three (3) rooms
2,301 to 3,000 square feet	Four (4) rooms
3,001 to 3,600 square feet	Five (5) rooms
Over 3,600 square feet	Six (6) rooms
5. Operation.
 - a. The maximum length of stay for a transient paying guest is limited to thirty (30) days in any twelve (12) month period, and the owner shall maintain a current guest register.
 - b. Only incidental retail sale of goods or merchandise will be allowed on the premises.
 - c. No receptions, meetings or other functions shall be allowed on the premises.
 - d. The serving of meals shall be limited to breakfast for registered guests only.
 - e. At least one (1) bathroom for use exclusively by guests is required on each floor of the building.
6. Parking. All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences. No required off-street parking shall be allowed in the front yard.
7. Spacing. Bed and breakfast inns with more than one guest room must be 1,000 feet apart from each other as measured along the centerline of right-of-way from edge of lot to edge of lot.
8. Appearance.
 - a. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area.
 - b. One (1) wall sign of no more than two (2) square feet identifying the bed and breakfast inn shall be permitted. This sign shall not be directly or internally lighted.