



MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: September 12, 2013

SUBJECT: Amendments to the City of Knoxville Zoning Ordinance at Article IV, Section 4 (Form Districts) to amend Section 4.0 (General Provisions) and adding Section 4.2 (Cumberland Avenue District) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan.
9-B-13-OA

REQUEST

MPC has been requested by the City of Knoxville Administration to consider making a recommendation on amendments to the City of Knoxville zoning ordinance at Article IV, Section 4 (Form Districts) to amend Section 4.0 (General Provisions) and adding Section 4.2 (Cumberland Avenue District) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan.

BACKGROUND

In February, City Council adopted Section 4.0 (General Provisions) of Article IV, Section 4 (Form Districts) to provide common administrative procedures and general rules of applicability for future form districts. The completion of the section for the Cumberland Avenue District has resulted in the need for some minor amendment to these general provisions. See Exhibit A.

The amendment adding a new section 4.2 stems from work related to the draft code for the Cumberland Avenue Form District started in 2008. This form district is intended to implement many of the recommendations of Cumberland Avenue Corridor Plan.

There are several major differences between this form-based district and the more conventional base zone districts:

- The district is divided into five sub-districts, each with different characteristics to reflect its neighboring properties or topography.
- A key component of the form district is its regulating plan which establishes minimal required yards or required build-to zones. A percentage of any new building must be constructed with its façade at the required building line or within the required building

zone. The balance of the required building line or zone is required to be completed with a street wall to help create a quality public space in the street right-of-way.

- The form district allows a mix of uses within the district, both horizontally on adjacent properties or vertically on the same property.
- The form district requires certain building elements and features to help create an interesting and active street wall, thus contributing to the enhancement of the streets, the public realm.
- Parking is allowed only at the side or to the rear of a structure on the same lot. In addition, there are a maximum number of parking spaces that may be reserved for uses located on the same lot.
- Streetscape standards are established for property that is redeveloped.
- The form district allows a limited menu of sign options when compared to the conventional zoning ordinance
- A minimum height is established to help create the type and quality of public space in the street right-of-way envisioned in the plan.
- The maximum heights vary according to the sub-district reflecting the neighboring properties and topography.

ANALYSIS

This district shifts from a use-oriented scheme to a form based regulation scheme. It allows the uses to be mixed together within the district and within each building and generally allows a much more intensive development pattern than the current zoning in place in this area.

The new regulations are a key component to implementing the recommendations of the Cumberland Avenue Corridor Plan and, when coupled with the investment the city is making to change the character of Cumberland Avenue itself, should make a difference in creating a dynamic active destination that attracts investment and becomes pedestrian oriented, as envisioned in the plan.

STAFF RECOMMENDATION

Staff recommends that the planning commission recommend approval of the proposed amendments to the City of Knoxville Zoning Ordinance by amending Article IV, section 4.0 (General Provisions) as shown in Exhibit A and adding section 4.2 (Cumberland Avenue District) as shown in Exhibit B.

EXHIBITS

- Exhibit A - Amended Section 4.0 (General Provisions)
- Exhibit B - Proposed Section 4.2 (Cumberland Avenue District)

EXHIBIT A

4.0. GENERAL PROVISIONS

4.0.1. Introductory Provisions

A. Purpose and Intent

The Form Districts are intended to foster a series of mixed use, pedestrian-friendly districts for specific areas of the City upon adoption of a small area plan.

B. Districts Established

The following Form Districts have been established as designated on the City of Knoxville Official Zoning Map.

1. South Waterfront District (SW-).
2. Cumberland Avenue District (CU-).

C. How to Use this Code

1. Step One

Determine what Form District your property is located in by going to www.kgjis.org.

2. Step Two

Once you have determined what Form District you are in you need to find out what subdistrict applies to your property. To do this you will have to look at the specific Form District Regulating Plan.

- a. For the South Waterfront District go to Sec. 4.1.3.
- b. For the Cumberland Avenue District go to Sec. 4.2.2.

3. Step Three

Verify what type of approval process you must go through.

- a. For an application related to a single-family house or two-family duplex go to Sec. 4.0.2.E.
- b. For an application related to a multi-dwelling, mixed use or nonresidential structure go to Sec.4.0.2.F.

4. Step Four

To establish the lot and building standards for your building or site go to the district pages for the subdistrict your property is located in (as determined in Step Two):

- a. For the South Waterfront District go to Sec. 4.1.4.
- b. For the Cumberland Avenue District go to Sec. 4.2.3.

5. Step Five

If you are in the Cumberland Avenue District go to Sec. 4.0.3 for general rules that apply to all subdistricts. The Section includes rules for such things as: how to measure building height; what things are allowed to encroach into building setbacks; and how to measure ground floor transparency.

6. Step Six

Determine what uses are allowed in your subdistrict.

- a. For the South Waterfront District go to Sec. 4.1.5.
- b. For the Cumberland Avenue District go to Sec. 4.2.5.

7. Step Seven

All Form Districts are subject to a series of site development standards, which cover requirements for such things as parking, landscaping, signs, lighting, outdoor storage and the streetscape.

- a. For the South Waterfront District go to Sec. 4.1.4 thru Sec. 4.1.6.
- b. For the Cumberland Avenue District go to Sec. 4.2.6 thru Sec. 4.2.11.

8. Step Eight

Finally, certain Form Districts have specific requirements that must also be addressed.

- a. For the South Waterfront District go to Sec. 4.1.7 thru Sec. 4.1.9 for requirements that relate to the river, stream buffers and marinas.
- b. The Cumberland Avenue District does not have any additional specific requirements.

4.0.2. Common Approval Procedures

A. Summary of Review Authority

The following table provides a summary of the review authority established for all Form Districts. The rules for each procedure are provided below.

	Administrator	ARC	MPC	Appeal Body
Level 1: Zoning Clearance Review	■			[BZA]
Level 2: Development Plan Review	■	□		[BZA]
Level 3: Alternative Compliance Review	□	□	■	[CC]
Written Interpretations	■			[BZA]

■ = Decision
 □ = Recommendation
 [] = Public Hearing

CC = City Council
 BZA = Board of Zoning Appeals
 MPC = Metropolitan Planning Commission
 ARC = Administrative Review Committee

B. Administrator

1. Authority

The Administrator is the Chief Building Official for the City of Knoxville. The Administrator is responsible for the day-to-day administration and enforcement of each Form District.

2. Delegation of Authority

The Administrator may designate any City of Knoxville or Metropolitan Planning Commission staff member to represent the Administrator in any function assigned by this Section. The Administrator remains responsible for any final action.

C. Administrative Review Committee

1. Authority

The City Council has delegated review of Development Plans and applications to the Administrative Review Committee. The Administrator will serve as chairman of the Administrative Review Committee and is responsible for all final actions.

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2. Composition

In addition to the Administrator, the Administrative Review Committee must consist of a representative from the following entities:

- a. Civil Engineering;
- b. Fire Department;
- c. Knoxville Utility Board;
- d. Metropolitan Planning Commission;
- e. Plans Review and Inspection;
- f. Parks and Recreation;
- g. Public Services;
- h. Stormwater Engineering;
- i. Traffic Engineering; and
- j. Other City Staff as deemed necessary by the Administrator.

D. Procedures of General Applicability

1. Pre-Application Conference

- a. Prior to completion of project design and formal submittal of required application, the applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards and regulations.
- b. A request by a potential applicant must be accompanied by preliminary project plans and designs and the required filing fee.
- c. The Administrator must inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted. Any discussions held are not binding for either the applicant or the City.

2. Application Requirements

a. Forms

Applications must be submitted to the Administrator on forms and in such numbers as required by the Administrator.

b. Fees

Filing fees have been established to defray the cost of processing an application and holding a pre-application conference, such fees as adopted by the City Council. Before review of an application, all associated fees must be paid in full.

c. Completeness Review

- i. All applications must be sufficient for processing before the Administrator is required to review the application. Within 10 working days of the receipt of the application, the Administrator must notify the applicant in writing whether or not the application is complete or whether additional information is required.
- ii. An application is sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of the Form District regulations.
- iii. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of these regulations. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Administrator as to whether more or less information should be submitted.
- iv. Upon receipt of a complete application, the Administrator must review the application and may confer with the applicant to ensure an understanding of the applicable requirements of the Form District regulations; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

E. Level I: Zoning Clearance Review

1. Purpose

Zoning Clearance Review is intended to ensure that all houses and duplexes comply with the requirements of the applicable Form District.

2. Applicability

- a. Zoning Clearance Review is required for the construction of, or an addition of greater than 50% of existing square footage to a house or duplex on an individual lot, including associated accessory structures.
- b. Where an administrative deviation is requested, the application must be reviewed pursuant to Sec. 4.0.2.F.
- c. Where a variance is requested, the application must be reviewed pursuant to Article 7. Section 2, "City of Knoxville Board of Zoning Appeals."

3. Authority

The Administrator is authorized to approve applications for Zoning Clearance Review within a Form District. No permit may be issued from any department, including but not limited to City of Knoxville Permits and Inspections or Engineering Department, or structure or building erected, and no existing building or structure may be altered, remodeled, enlarged or extended until the Administrator has approved the application for Zoning Clearance.

4. Pre-Application Conference

An applicant requesting Zoning Clearance Review must schedule a pre-application conference pursuant with Sec. 4.0.2.D.1.

5. Application Requirements

An application for Zoning Clearance Review must be submitted pursuant with Sec. 4.0.2.D.2.

6. Administrator Action

- a. Upon submission of a completed application, the Administrator must review the application for consistency with the requirements of the applicable Form District.
- b. Within 10 working days after the application has been determined complete, the Administrator must approve or deny the application for Zoning Clearance Review.

7. Approval Criteria

In approving an application for Zoning Clearance Review, the Administrator must consider the following:

- a. Compliance with all applicable Form District standards; and
- b. Compliance with all applicable Zoning Ordinance requirements.

8. Modifications to Approved Applications

The Administrator has the authority to grant modifications to approved applications for Zoning Clearance Review pursuant to the provisions of this Section.

9. Effect of Zoning Clearance Approval

After the approval of Zoning Clearance Review, the applicant may apply for any other permits and approvals including, but not limited to, those permits and approvals required by the Zoning Ordinance, the Subdivision regulations, the Building Code or the Stormwater and Street Ordinance.

10. Appeals

Any person, firm or corporation aggrieved by any decision of the Administrator may appeal the decision pursuant to Article 7. Section 2, "City of Knoxville Board of Zoning Appeals."

not limited to City of Knoxville Permits and Inspections or Engineering Department, or structure or building erected, and no existing building or structure may be altered, remodeled, enlarged or extended until the Administrator has approved the Development Plan.

4. Pre-Application Conference

An applicant requesting Development Plan Review must schedule a pre-application conference pursuant with Sec. 4.0.2.D.1.

5. Application Requirements

An application for Development Plan Review must be submitted pursuant with Sec. 4.0.2.D.2.

6. Administrator Action

- a. Upon submission of a completed application, the Administrator must schedule the application for review by the Administrative Review Committee. The Administrative Review Committee must review the application for consistency with the requirements of the applicable Form District.
- b. Upon completion of the review, the Administrator may meet with the applicant to discuss any changes in development design.
- c. Within 20 working days after the application has been determined complete, the Administrator must determine whether the application conforms to all requirements of the applicable Form District.

F. Level II: Development Plan Review

1. Purpose

Development Plan Review is intended to ensure that all multi-dwelling, mixed use and nonresidential structures comply with the requirements of the applicable Form District.

2. Applicability

Except for houses and duplexes on individual lots, including associated accessory structures, all new construction or expansion of an existing structure or building, is subject to the Development Plan Review process as set forth below.

3. Authority

The Administrator, with review by the Administrative Review Committee, is authorized to approve applications for Development Plan Review. No permit may be issued from any department, including but

7. Approval Criteria

In approving an application for Development Plan Review, the Administrator must consider the following:

- a. Recommendations from the Administrative Review Committee;
- b. Compliance with all applicable Form District standards;
- c. Compliance with all applicable Zoning Ordinance requirements;
- d. Compliance with all applicable Subdivision Regulations;
- e. Compliance with the Major Road Plan; and
- f. Compliance with the One Year Plan.

8. Administrative Deviations

a. Authority

During the Development Plan Review process, the Administrator is authorized to approve limited administrative deviations to certain provisions of the Form District regulations, where, due to special conditions, strict enforcement would be physically impractical. This optional process may occur only where the applicant requests an administrative deviation to a standard as specified below.

b. Permitted Deviations

The Administrator must review the request in light of the intent and purpose of the applicable Form District. The Administrator is authorized to approve an administrative deviation for the following standards:

- i. Minimum and Maximum Street Setback – increase or decrease of up to 10% of the permitted setback.
- ii. Build-to zone (minimum percentage of build-to) – reduction of up to 5%.
- iii. Side Setback – reduction of up to 50% of the required minimum side setback.

c. Unlisted Standards

Any request for relief from a required standard, other than those listed above, must be reviewed pursuant to Article 7. Section 2, "City of Knoxville Board of Zoning Appeals."

9. Modifications to Approved Development Plans

The Administrator, with review by the Administrative Review Committee, has the authority to grant modifications to approved application for Development Plan Review pursuant to the provisions of this Section.

10. Effect of Development Plan Approval

After the approval of Development Plan, the applicant may apply for any other permits and approvals including, but not limited to, those permits and approvals required by the Zoning Ordinance, the Subdivision regulations, the Building Code or the Stormwater and Street Ordinance.

11. Appeals

Any person, firm or corporation aggrieved by any decision of the Administrator may appeal the decision pursuant to Article 7. Section 2, "City of Knoxville Board of Zoning Appeals."

G. Level III: Alternative Compliance Review

1. Purpose

Alternative Compliance Review is intended to allow innovative, high quality developments that would not otherwise be allowed under a strict interpretation of the Form District regulations but nevertheless comply with the intent of the applicable Form District and Plan. The Alternative Compliance Review mechanism is also intended to provide a process for requests by applicants for reconstruction or expansion of nonconforming structures in which nonconforming uses operate.

2. Authority

No permit may be issued from any department, including but not limited to City of Knoxville Permits and Inspections or Engineering Department, nor structure or building erected, and no existing building or structure may be altered, remodeled, enlarged or extended until the Metropolitan Planning Commission has approved the application for Alternative Compliance after review and recommendations by the Administrator and the Administrative Review Committee.

3. Applicability

Any development that does not meet the requirements of Sec. 4.0.2.E or Sec. 4.0.2.F, or Article 7, Section 2 "Variances" may submit an application for Alternative Compliance Review.

4. Pre-Application Conference

An applicant requesting Alternative Compliance Review must schedule a pre-application conference pursuant with Sec. 4.0.2.D.1.

5. Application Requirements

An application for Alternative Compliance Review must be submitted pursuant with Sec. 4.0.2.D.2.

6. Administrator Action

- a. Upon submission of a completed application, the Administrator must schedule the application for review by the Administrative Review Committee. The Administrative Review Committee must review the application for consistency with the requirements of the applicable Form District.
- b. Upon completion of the review, the Administrator may meet with the applicant to discuss any changes in development design.
- c. The Administrator must prepare a report that reviews the application in light of comments provided by the Administrative Review Committee, and in light of the applicable Form District and Plan. The report recommendations, and any related application materials must be forwarded to the Metropolitan Planning Commission.

7. Metropolitan Planning Commission Action

- a. The Metropolitan Planning Commission must hold a public hearing subsequent to notification consistent with its Administrative Rules and Procedures.
- b. The Metropolitan Planning Commission must approve or deny the application, or send the application back to the Administrative Review Committee for additional consideration.
- c. In the exercise of its approval, the Metropolitan Planning Commission may impose such conditions regarding the location, character or other features of the proposed buildings as it may deem advisable in the furtherance of the general purposes of the applicable Form District Plan.

8. Approval Criteria

- a. In reviewing an application for Alternative Compliance Review in cases other than applications concerning reconstruction or expansion of nonconforming structures in which nonconforming uses operate, the Metropolitan Planning Commission must consider the following:
 - i. Consistency with the applicable adopted Plan;
 - ii. That the development will not have a substantial or undue adverse effect upon the neighborhood, the character of the area, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;

- iii. That the development will be constructed and operated to be compatible with the district;
 - iv. That the proposed development can be adequately served by public facilities;
 - v. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature;
 - vi. Compliance with the intent of the applicable Form District and Plan;
 - vii. Compliance with all applicable Zoning Ordinance requirements;
 - viii. Compliance with all applicable Subdivision regulations;
 - ix. Compliance with the Major Road Plan;
 - x. Compliance with the One Year Plan; and
 - xi. Compliance with the Stormwater and Street Ordinance.
- b. In reviewing an application for Alternative Compliance Review, in cases concerning nonconforming structures in which nonconforming uses operate, the Metropolitan Planning Commission must consider the following:
 - i. That the application concerns such nonconforming structures that are proposed to be reconstructed due to a voluntary or involuntary destruction, or that are proposed to be expanded;
 - ii. That the application only concerns the reconstruction or expansion of such structures that the Administrator has determined are not compliant with the dimensional, locational, or building design requirements of the applicable Form District; and
 - iii. That the application demonstrates that the design of the proposed structures is compatible with the existing structures on the property and, to the maximum extent feasible, with the intent of the dimensional, locational, or building design requirements of the applicable Form District.

9. Modifications to Approved Applications

a. Minor Modifications

The Administrator, with the review of the Administrative Review Committee, has the authority to grant minor modifications to an approved application. The applicant must file a written application for such amendment with the Administrator. Minor modifications include, but are not limited to the following:

- i. A less than 5% change in floor area, number of units, parking area, or parking spaces;
- ii. A 10% decrease in open space; and
- iii. The minor relocation of any structure, dedicated street, easement, or landscape screen in any direction from the location shown on the approved application unless deemed by the Administrator to significantly alter the approved application.

b. Major Modifications

If the proposed amendment is not considered a minor modification, the approved application must be amended pursuant with the procedures and standards that governed its original approval.

10. Appeals

Any person, firm or corporation aggrieved by any decision of the Metropolitan Planning Commission may petition the decision to the City Council. Such petition must be in writing and state:

- a. The name of the owner of the subject property.
- b. A description of the subject property, including the City Block and Parcel or lot number.
- c. A statement of the petitioner's interest in the matter, including a description of affected property owned by petitioner where petitioner is not the owner of the subject property.
- d. A statement of the reason for appeal, including a map of the zoning of all property located within 300 feet of the subject property.
- e. The petition must be filed with the Metropolitan Planning Commission not more than 15 working days from the date of the Metropolitan Planning Commission decision to be considered and must be scheduled for public hearing before City Council.

- f. All petitions must be submitted on forms available at the Metropolitan Planning Commission.
- g. Metropolitan Planning Commission must mail a copy of such petition by certified mail return receipt requested to any opposing, adverse party who registered as such at the time the matter was heard by Metropolitan Planning Commission.
- h. The City Council must consider de novo in a public hearing and may affirm, modify, impose restrictions or overrule the action of the Metropolitan Planning Commission.

H. Written Interpretations

1. Applicability

When uncertainty exists, the Administrator, is authorized to make all interpretations concerning the provisions of a Form District.

2. Application Requirements

An application for a written interpretation must be submitted pursuant with Sec. 4.0.2.D.2.

3. Administrator Action

- a. The Administrator must review and evaluate the request in light of the applicable Form District and Plan, the Zoning Map, the Regulating Plan and any other relevant information;
- b. Following completion of the review and evaluation, the Administrator must render an opinion.
- c. The interpretation must be provided to the applicant in writing.

4. Official Record

The Administrator must maintain an official record of all interpretations. The record of interpretations must be available for public inspection during normal business hours.

5. Appeals

Any person, firm or corporation aggrieved by any decision of the Administrator may appeal the decision pursuant to Article 7. Section 2, "City of Knoxville Board of Zoning Appeals."

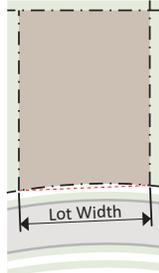
4.0.3. General Rules of Applicability

A. Applicability

The following general rules of applicability apply to all Form Districts, except the South Waterfront District.

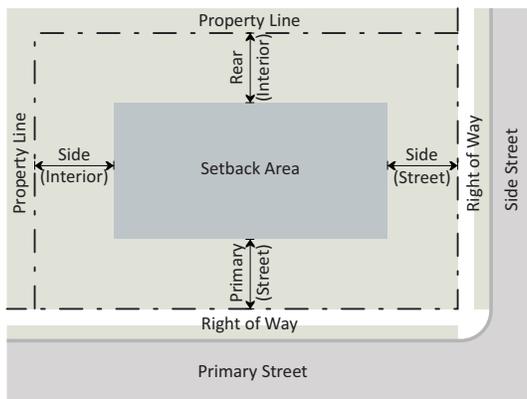
B. Lot Width

Lot width is the distance between the 2 side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.



C. Building Setbacks

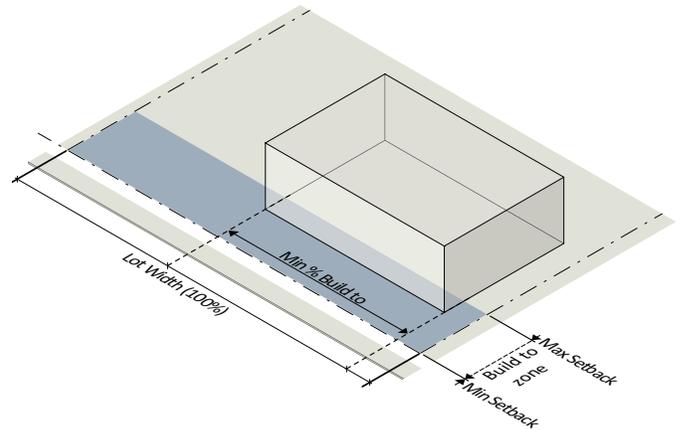
1. There are 4 types of building setbacks – primary street, side street, side interior and rear.



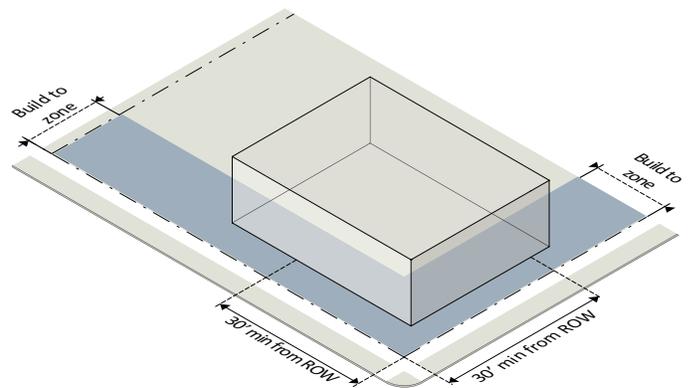
2. Primary and side street setbacks are measured from the edge of the right-of-way.
3. Primary and side streets are designated in each specific Form District.
4. Side interior setbacks are measured from the side property line.
5. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.
6. When the side interior or rear setback is 0 or 5 feet, the building or structure must be placed on the side or rear property line or be placed a minimum of 5 feet from the side or rear property line.
7. For developments on coner lots, the building must be located as to provide for adequate sight distance as approved by the City of Knoxville, Department of Engineering.

D. Build-to Zone (BTZ)

1. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.

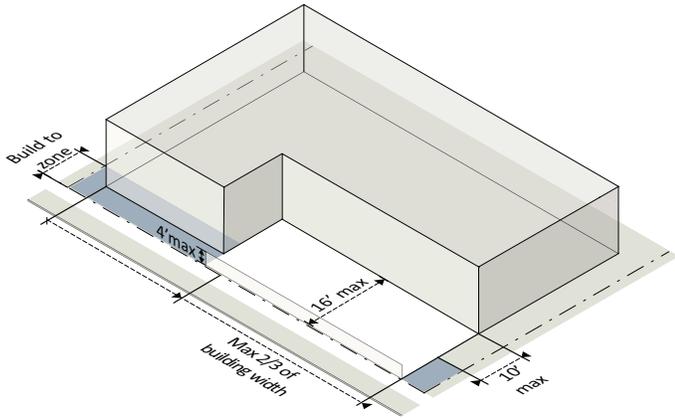


3. On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the 2 right-of-way lines.



4. Outdoor seating and dining areas may qualify as building facade for the purpose of meeting the build-to requirement provided that the following standards are met:
 - a. The front building facade is located no more than 10 feet behind the maximum street setback;

- b. The outdoor seating and dining area is no more than 2/3 the width of the building;
- c. The outdoor seating and dining area is no more than 16 feet deep; and
- d. The seating area is separated from the sidewalk by a wall or fence no higher than 4 feet above the sidewalk.



E. Setback Encroachments

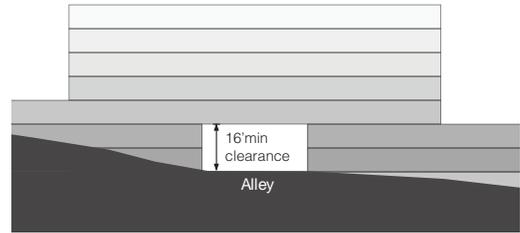
All buildings and structures must be located at or behind required setbacks, except as listed below. Unless specifically stated no building or structure can extend into a required easement or public right-of-way.

1. Building Features

- a. Porches, stoops, balconies, galleries and awnings/canopies can extend into a required setback under Sec. 4.2.4.
- b. Chimneys or flues may extend up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- c. Building eaves, roof overhangs and light shelves may extend up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- d. Bay windows, entrances and similar features that are less than 10 feet wide may extend up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
- e. Unenclosed fire escapes or stairways may extend up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
- f. Unenclosed patios, decks or terraces may extend up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that

such extension is at least 5 feet from the vertical plane of any lot line.

- g. Outdoor seating and dining areas may extend into a primary or side street setback.
- h. Cornices, belt courses, sills, buttresses, or other similar architectural features may project up to 1½ feet.
- i. Handicap ramps may encroach to the extent necessary to perform their proper function.
- j. Building features below and covered by the ground may encroach into any required setback.
- k. Habitable space or structured parking may encroach over an existing or proposed alley with approval of an encroachment agreement by the City, provided that the alley remains public and a minimum clear height of 16 feet is maintained for vehicles.



2. Mechanical Equipment and Utility Lines

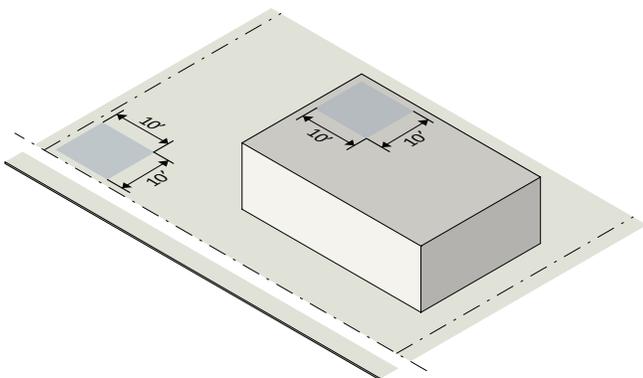
- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- b. Solar panels, wind turbines and rainwater collection or harvesting systems less than 10 feet in height may encroach into a required rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
- c. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear or side setback
- d. Mechanical equipment and utility lines below and covered by the ground may encroach into any required setback.

F. Parking Setbacks

1. There are 4 types of parking setbacks – primary street, side street, side interior and rear.
2. On-site surface and structured parking must be located behind the parking setback line. This requirement is not intended to restrict on-street parking.
3. Primary and side street parking setbacks are measured from the edge of the right-of-way.
4. Side interior setbacks are measured from the side property line.
5. Rear setbacks are measured from the rear property line or the edge of the right-of-way if there is an alley.
6. When the side interior or rear parking setback is 0 or 5 feet, parking spaces must be placed on the side or rear property line or be placed a minimum of 5 feet from the side or rear property line.

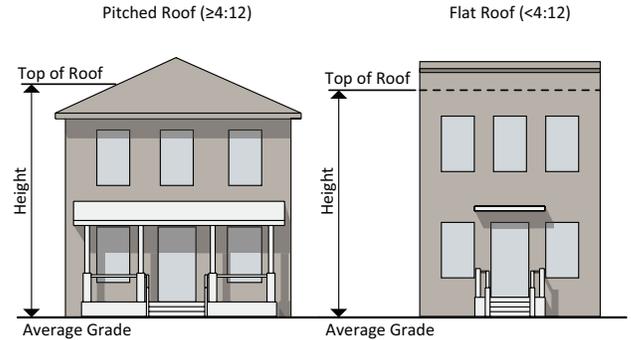
G. Outdoor Amenity Space

1. Outdoor amenity space must be provided on the lot and must be available for use by the occupants of the development.
2. Outdoor amenity space may be met in a contiguous open area or in multiple open areas on the lot; however, to receive credit the area must be at least 10 feet in width and length.
3. Outdoor amenity space may be located at or above grade.
4. Outdoor amenity space provided at grade cannot be built, parked or driven upon, except for emergency access and permitted temporary events.
5. Outdoor amenity space provided above grade may be roofed but cannot be enclosed.

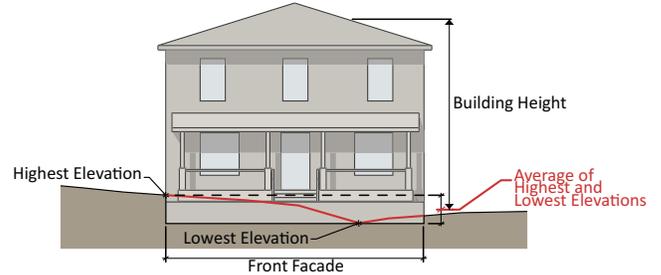


H. Building Height

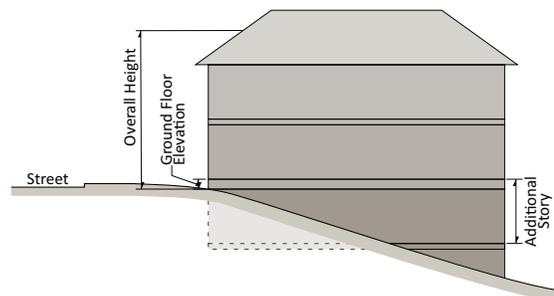
1. Building height is measured in both the number of stories and in feet. Building height is the vertical distance from average grade to the average height of the highest roof. For roofs with less than a 4 in 12 pitch, height is measured to the highest point of the roof.



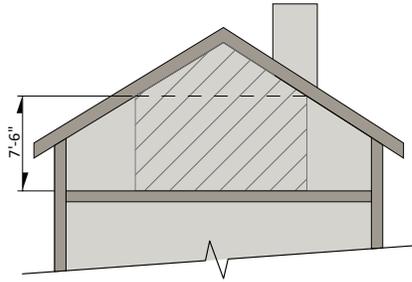
2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



3. Where a lot slopes downward from the front property line, 1 story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



- 4. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



- 5. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

I. Height Encroachments

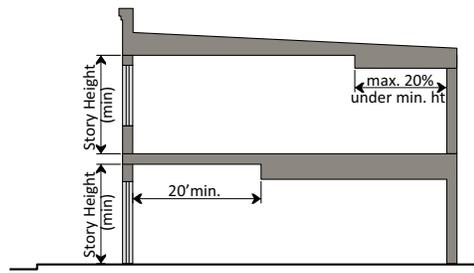
Any height encroachment not specifically listed is expressly prohibited except where the Administrator determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks/towers or other similar structures which, by design or function, must exceed the established height limits.
2. The following accessory structures may exceed the established height limits, provided they do not exceed the maximum building height by more than 6 feet:
 - a. Chimney, flue or vent stack;
 - b. Deck, patio, shade structure;
 - c. Flagpole;
 - d. Garden, landscaping, green roof;
 - e. Parapet wall; and
 - f. Solar panels, wind turbines and rainwater collection or harvesting systems.
3. The following accessory structures may exceed the established height limits, provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the street-side edge of the roof:
 - a. Amateur communications tower;

- b. Cooling tower;
 - c. Elevator penthouse or bulkhead;
 - d. Greenhouse;
 - e. Mechanical equipment;
 - f. Skylights; and
 - g. Elevator or stairway access to roof.
4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

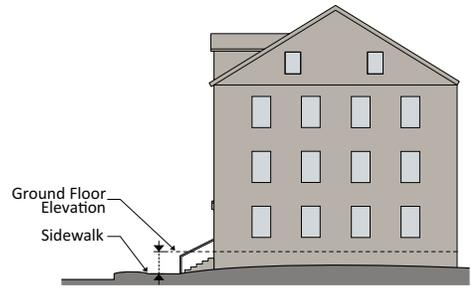
J. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.
2. Minimum ground story height applies to the first 20 feet of the building measured inward from the street facing facade.
3. At least 80% of each upper story must meet the minimum upper story height provisions.



K. Ground Floor Elevation

1. Ground floor elevation is measured from the highest point of the abutting sidewalk to the highest point of the finished ground floor.
2. Minimum ground floor elevation applies to the first 20 feet of the lot measured from the right-of-way line.



3. On slopes greater than 6%, the ground floor elevation may not be located more than 3 feet above grade or 1 foot below grade on street-facing facades.

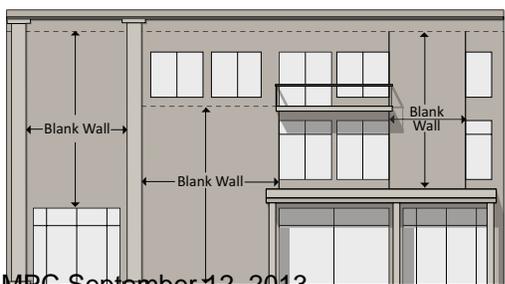
L. Transparency

1. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade.
2. The transparency requirement on ground story facades is measured between 2 and 10 feet above the adjacent sidewalk.
3. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.
5. Transparency applies to primary and side street-facing facades only.



M. Blank Wall Area

1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).

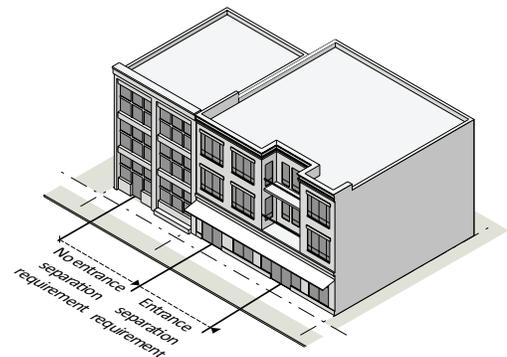


MPC September 12, 2013

2. Blank wall area applies in both a vertical and horizontal direction.
3. Blank wall area applies only to ground and upper story street-facing facades.

N. Building Entrances

1. An entrance providing both ingress and egress, operable to residents at all times or to customers during normal business hours, is required to meet the street facing entrance requirements. Additional entrances are allowed.
2. The entrance separation requirements must be met for each development, but are not applicable to adjacent (existing) development.



3. An angled (clipped corner) entrance may be provided at any corner of a building along the street to meet the street entrance requirements, provided the applicable entrance spacing requirements can still be met.

O. Building Materials

1. Applicability

The requirements of this Section apply to all street-facing facades of a building.

2. Primary Materials

Primary material changes must occur only at inside corners. The following materials are required for not less than 75% of the building wall surface area on each facade:

- a. Brick and tile masonry;
- b. Stone (or synthetic equivalent);
- c. Wood – clapboard or shingles;
- d. Glass curtain wall;
- e. Cementitious siding; and
- f. Stucco (cementitious finish).

3. Accent Materials

The following materials may make up 25% of the building wall surface area on each facade:

- a. Pre-cast masonry (for trim and cornice elements only);
- b. External Insulation Finishing System - EIFS (for trim and cornice elements only);
- c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
- d. Metal (for beams, lintels, trim elements and ornamentation only);
- e. Split-faced block (for piers, foundation walls and chimneys only);
- f. Wood – clapboard or shingles;
- g. Cementitious siding; and
- h. Glass block.

4. Alternate Materials

Alternate building materials may be approved by the Administrator. New materials must be considered equivalent or better than the materials listed above, and regionally-available materials are preferred.

An aerial photograph of a city district, likely Knoxville, Tennessee. The image shows a dense urban area with a grid of streets, buildings, and a large stadium. A river flows through the center of the district, and a bridge crosses it. The word "EXHIBIT B" is overlaid in large, black, serif capital letters across the top of the image.

EXHIBIT B

Section 4.2: Cumberland Avenue District (CU-) City of Knoxville, Tennessee

DRAFT August 30, 2013

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4.2. CUMBERLAND AVENUE DISTRICT (CU-)

4.2.1. General Provisions

A. Applicability

The Cumberland Avenue District applies to all property as designated in Sec. 4.2.2.

B. Intent

1. The Cumberland Avenue District is intended to implement the Cumberland Avenue Corridor Plan.
2. Specifically, the Cumberland Avenue District provides the means to guide implementation of the citizen-endorsed vision for property within the Cumberland Avenue District.
3. The Cumberland Avenue District fosters predictable results and a high-quality public realm by prescribing the physical form of buildings and other elements and addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

C. Cumberland Avenue Districts

In order to implement the Cumberland Avenue Corridor Plan, the following districts have been established.

1. Lake Avenue (CU-1)

- a. CU-1 serves as a transition between Cumberland Avenue and the University of Tennessee and is intended to accommodate a variety of commercial, office and residential uses. This district is the tallest due to the naturally low elevation of the area in comparison to other portions of this district.
- b. Buildings in CU-1 can be a maximum height of 10 stories / 120 feet. Each building facade must be articulated vertically or horizontally.

2. Cumberland Avenue (CU-2)

- a. CU-2 is the key retail street within the area and is primarily intended to accommodate ground floor retail with upper story residential or office uses.
- b. Buildings in CU-2 can be a maximum height of 8 stories / 90 feet. Each building must provide a setback above the second or third story.

3. White Avenue/Hospital (CU-3)

- a. CU-3 serves as a transition between Cumberland Avenue and the medical campus and is primarily intended to accommodate a mix of medical- or employment-related uses with a variety of residential housing options.
- b. Buildings in CU-3 can be a maximum height of 8 stories / 90 feet. Due to the scale and character of existing adjacent medical buildings, no articulation is required.

4. White Avenue/Neighborhood (CU-4)

- a. CU-4 serves as a transition between Cumberland Avenue and the White Avenue neighborhood to the north and is primarily intended to accommodate a variety of commercial, office and residential uses.
- b. Buildings in CU-4 can be a maximum height of 4 stories / 50 feet.

5. Seventeenth Street (CU-5)

- a. CU-5 is a retail street within the area and is primarily intended to accommodate ground floor retail with upper story residential or office uses.
- b. Buildings in CU-5 can be a maximum height of 8 stories / 90 feet. Each building facade must be articulated vertically or horizontally.

D. Approval Procedures

Sec. 4.0.2 applies to the review of all development in the Cumberland Avenue District.

E. Rules of Measurement

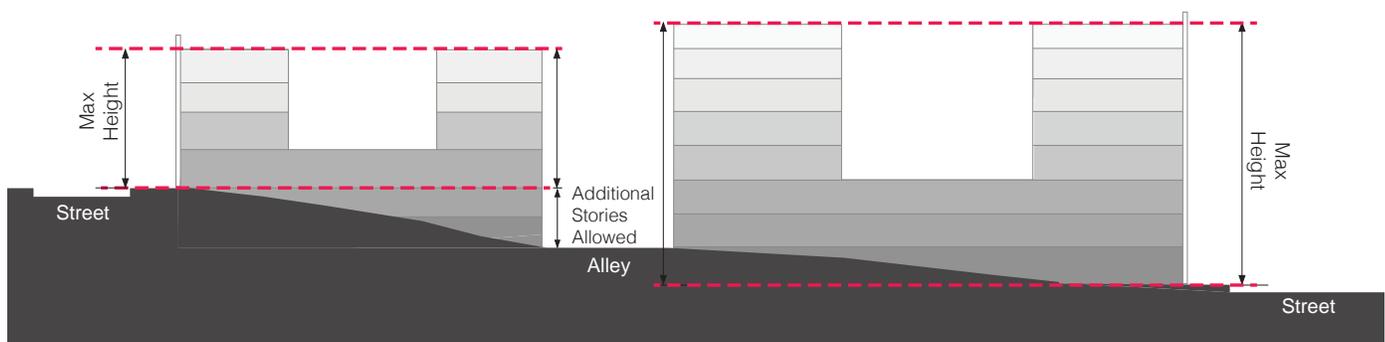
Sec. 4.0.3 applies to all CU- districts, except as supplemented below.

1. Primary and Side Street Designation

- a. Where only one street abuts a lot that street is considered a primary street.
- b. Where more than one street abuts a lot, the following streets are consider primary streets, all remaining streets are side streets:
 - i. Lake Avenue;
 - ii. Cumberland Avenue;
 - iii. White Avenue;
 - iv. Seventeenth Street; and
 - v. Clinch Avenue.
- c. A corner lot can have more than one primary street.

2. Measurement of Height

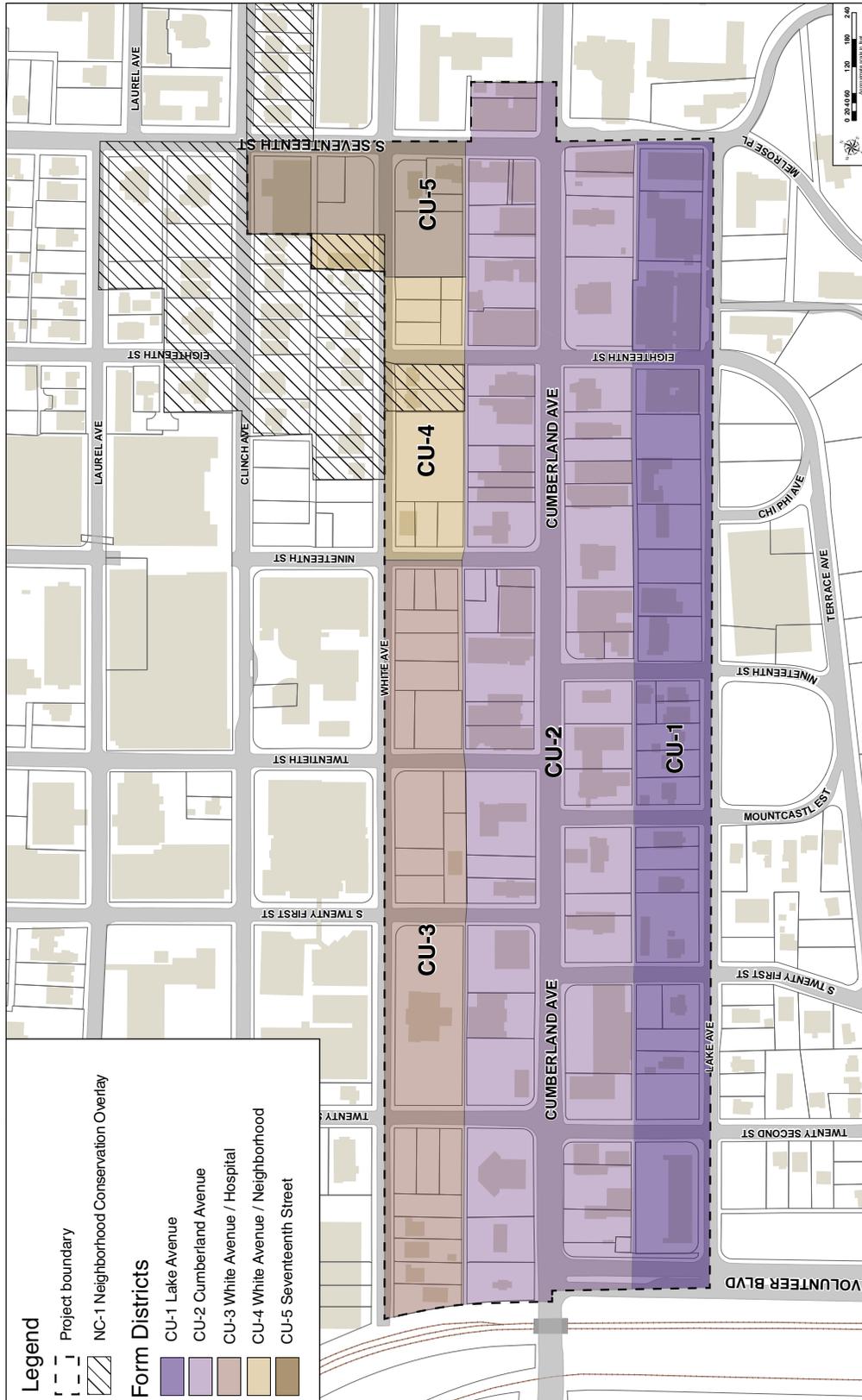
- a. Height in a CU- district is measured from the following streets using the designated street to determine average grade (see Sec. 4.0.2.H).
 - i. Lake Avenue;
 - ii. Cumberland Avenue; and
 - iii. White Avenue
- b. Overall building height cannot exceed a height plane measured from the closest street designated above and extending to the mid-block.
- c. In a CU- district, more than one additional story is allowed on a downward sloping lot, provided that the measurement above is met.



Measurement of Height

4.2.2. Cumberland Avenue Regulating Plan

The following map is established and made a part of the City of Knoxville Official Zoning Map.

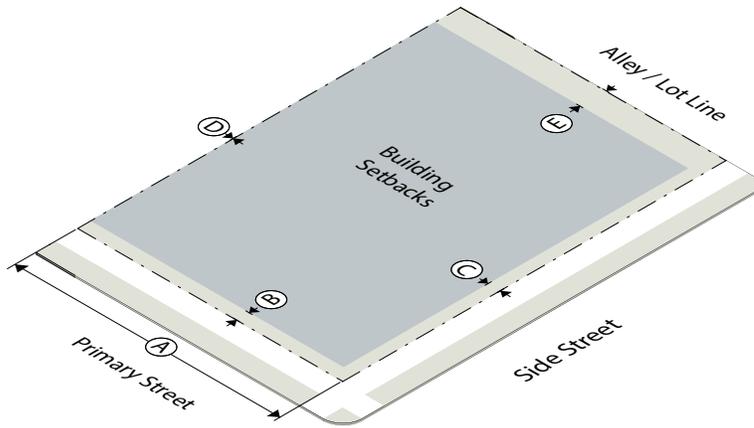


4.2.3. Lot Configuration

A. Lake Avenue (CU-1)

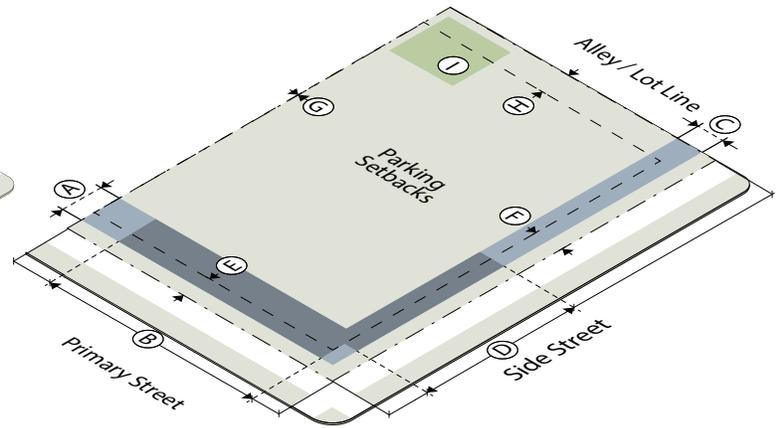
The following lot configuration standards apply within the Lake Avenue (CU-1) district.

1. Lot



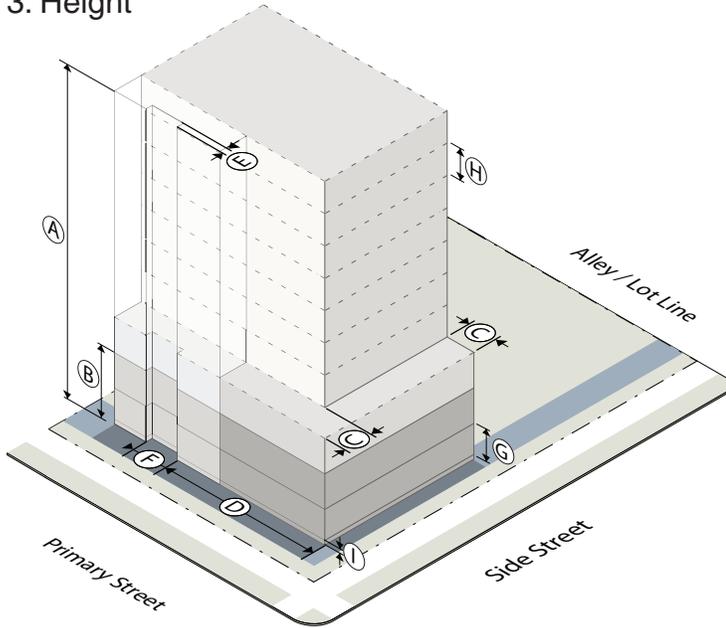
Lot Standards	
Ⓐ Lot width (min)	16'
Building Setbacks	
Ⓑ Primary street (min)	5'
Ⓒ Side street (min)	5'
Ⓓ Side interior (min)	0' or 5'
Ⓔ Rear (min)	10'
Ⓕ Rear, alley (min)	5'

2. Placement

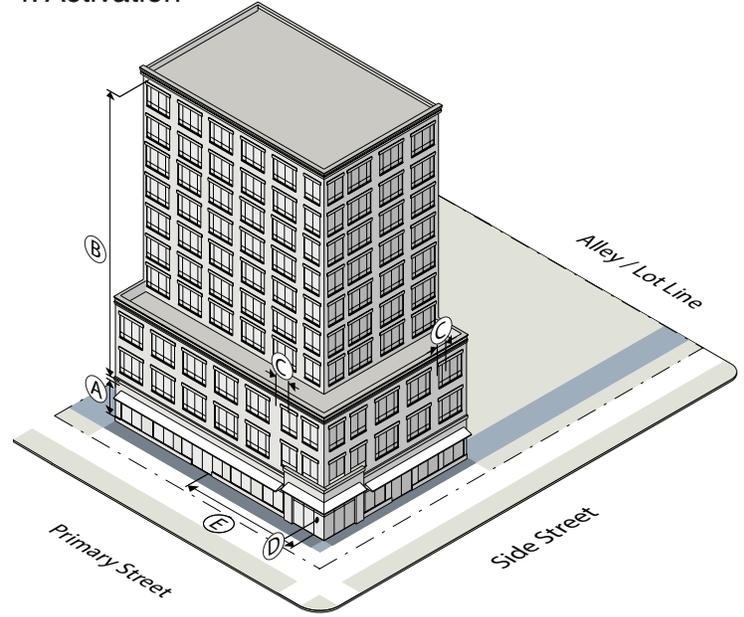


Build-to Zone (BTZ)	
Ⓐ Primary street (min/max)	5' / 15'
Ⓑ Building in primary street BTZ (min % of lot width)	70%
Ⓒ Side street (min/max)	5' / 10'
Ⓓ Building in side street BTZ (min % of lot width)	35%
Parking Setbacks	
Ⓔ Primary street (min)	10'
Ⓕ Side street (min)	10'
Ⓖ Side interior (min)	0' or 5'
Ⓗ Rear (min)	10'
Ⓙ Rear, alley (min)	0' or 5'
Outdoor Amenity Space	
Ⓚ % of outdoor amenity space (min)	15%

3. Height



4. Activation



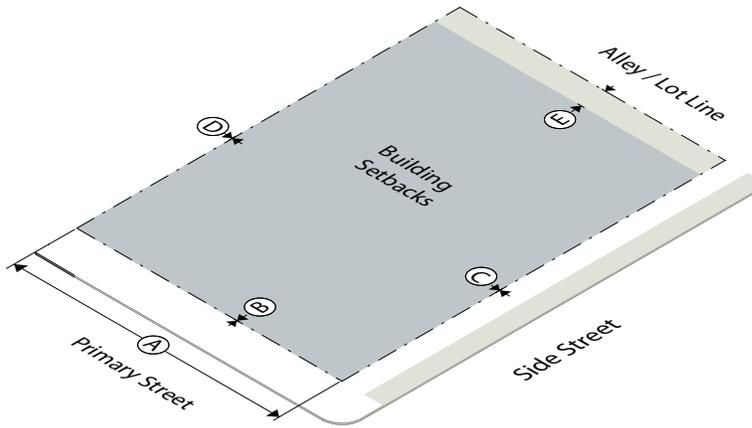
Building Height	
(A) Building height (max)	120' / 10 stories
(B) Building height (min)	24' / 2 stories
Building Mass	
(C) Stepback above 2nd or 3rd story (min)	10'
OR	
(D) Facade length without offset (max)	50'
(E) Wall offset depth (min)	4'
(F) Wall offset length (min)	8'
Story Height	
(G) Ground story height, floor to ceiling	
Residential (min)	9'
Nonresidential (min)	10'
(H) Upper story height, floor to ceiling (min)	9'
Ground Floor Elevation	
(I) Residential (min)	2'
(I) Nonresidential (min)	0'

Transparency	
(A) Ground story (min)	40%
(B) Upper story (min)	20%
(C) Blank wall area (max)	30'
Building Entrances	
(D) Primary street facing entrance	Required
(E) Entrance spacing (max)	100'
Allowed Building Elements	
Porch	yes
Stoop	yes
Balcony	yes
Gallery	yes
Awning/canopy	yes
Forecourt	yes

B. Cumberland Avenue (CU-2)

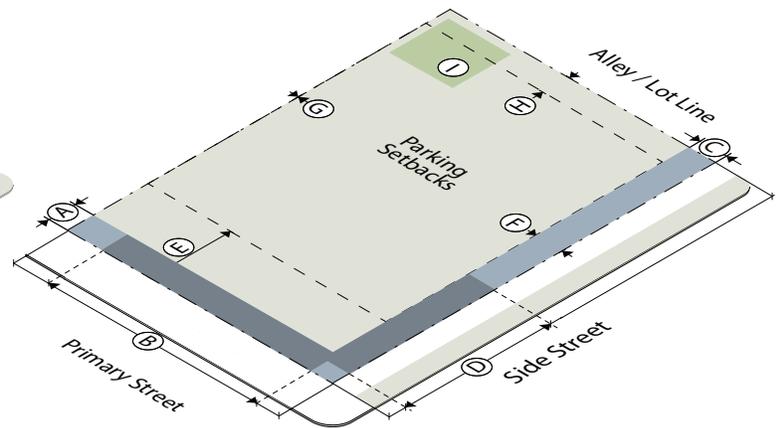
The following lot configuration standards apply within the Cumberland Avenue (CU-2) district.

1. Lot



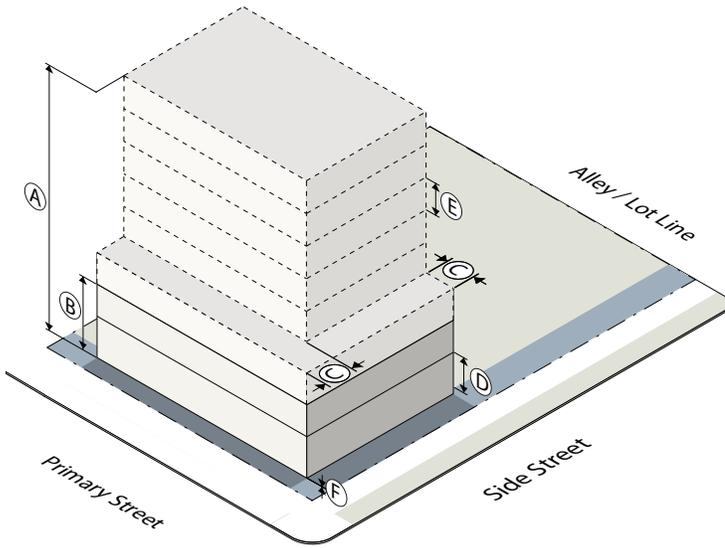
Lot Standards	
Ⓐ Lot width (min)	25'
Building Setbacks	
Ⓑ Primary street (min)	0'
Ⓒ Side street (min)	0'
Ⓓ Side interior (min)	0' or 5'
Ⓔ Rear (min)	10'
Ⓕ Rear, alley (min)	5'

2. Placement



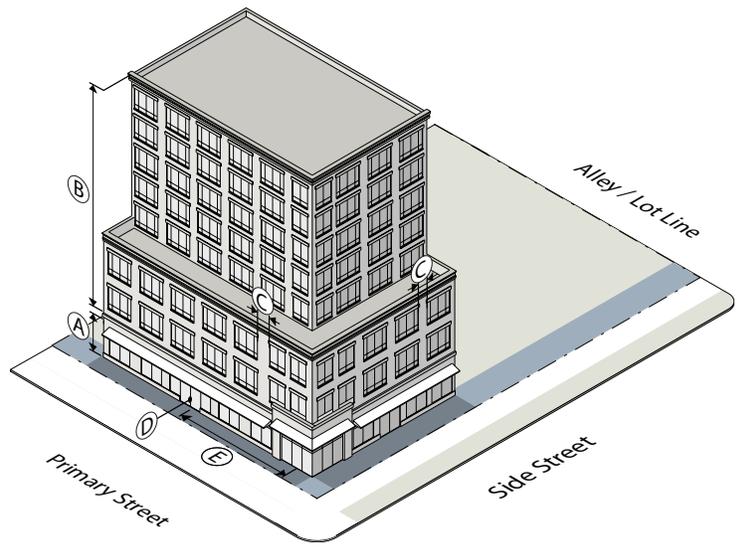
Build-to Zone (BTZ)	
Ⓐ Primary street (min/max)	0' / 10'
Ⓑ Building in primary street BTZ (min % of lot width)	80%
Ⓒ Side street (min/max)	0' / 10'
Ⓓ Building in side street BTZ (min % of lot depth)	40%
Parking Setbacks	
Ⓔ Primary street (min)	30'
Ⓕ Side street (min)	10'
Ⓖ Side interior (min)	0' or 5'
Ⓗ Rear (min)	10'
Ⓖ Rear, alley (min)	0' or 5'
Outdoor Amenity Space	
Ⓘ % of outdoor amenity space (min)	10%

3. Height



Building Height	
Ⓐ Building height (max)	90' / 8 stories
Ⓑ Building height (min)	24' / 2 stories
Building Mass	
Ⓒ Stepback above 2nd or 3rd story (min)	10'
Story Height	
Ⓓ Ground story height, floor to ceiling (min)	12'
Ⓔ Upper story height, floor to ceiling (min)	9'
Ground Floor Elevation	
Ⓕ Residential (min)	N/A
Ⓖ Nonresidential (min)	0'

4. Activation

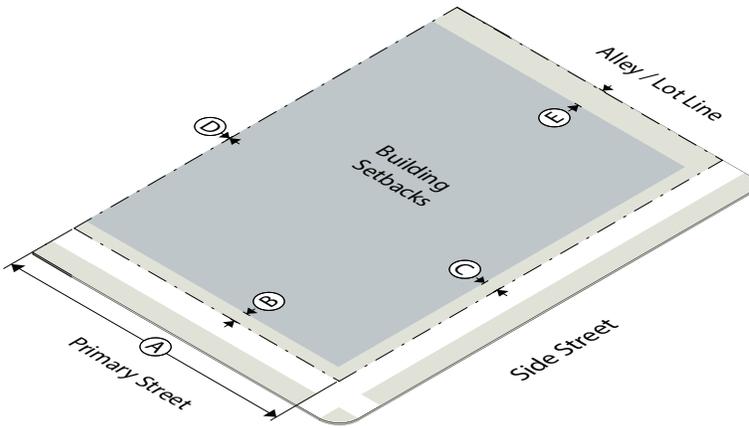


Transparency	
Ⓐ Ground story (min)	75%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area (max)	20'
A minimum of 60% of the ground floor windows must allow views into the ground story for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).	
Building Entrances	
Ⓓ Primary street facing entrance	Required
Ⓔ Entrance spacing (max)	50'
Allowed Building Elements	
Porch	no
Stoop	no
Balcony	yes
Gallery	yes
Awning/canopy	yes
Forecourt	yes

C. White Avenue / Hospital (CU-3)

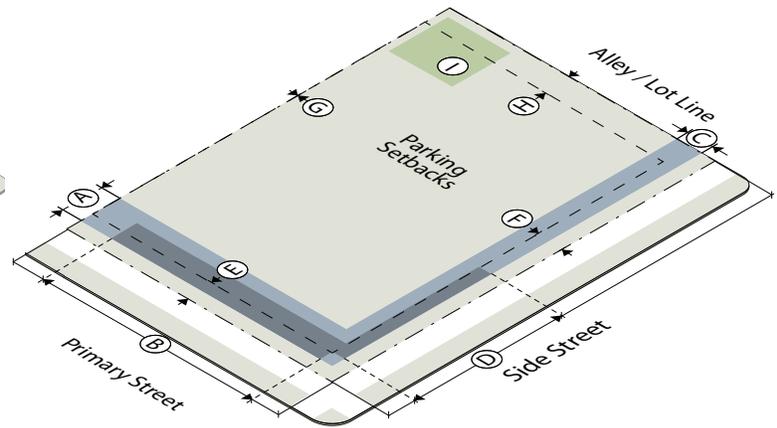
The following lot configuration standards apply within the White Avenue / Hospital (CU-3) district.

1. Lot



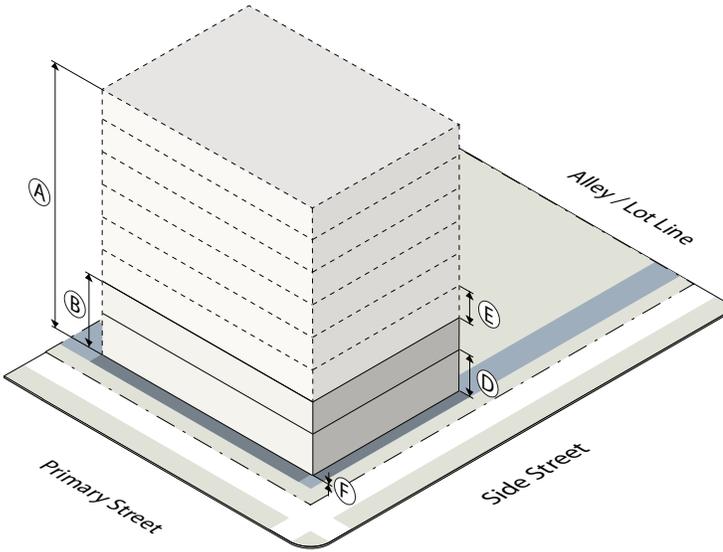
Lot Standards	
Ⓐ Lot width (min)	16'
Building Setbacks	
Ⓑ Primary street (min)	5'
Ⓒ Side street (min)	5'
Ⓓ Side interior (min)	0' or 5'
Ⓔ Rear (min)	10'
Ⓕ Rear, alley (min)	5'

2. Placement



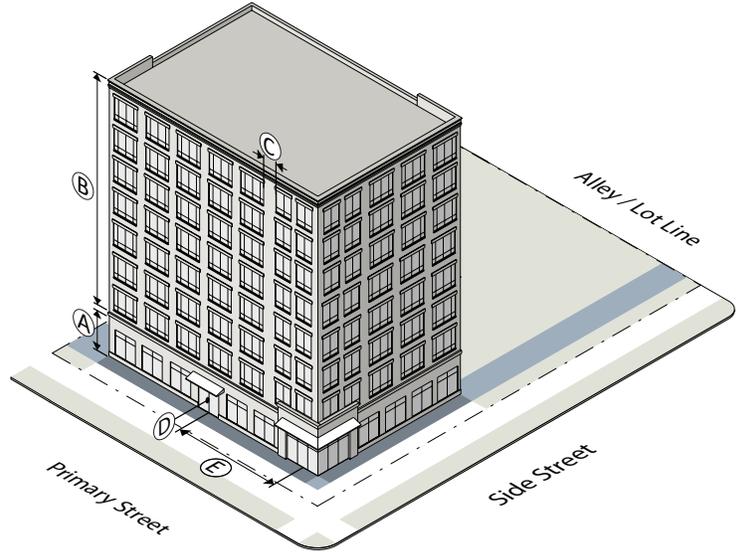
Build-to Zone (BTZ)	
Ⓐ Primary street (min/max)	5' / 15'
Ⓑ Building in primary street BTZ (min % of lot width)	70%
Ⓒ Side street (min/max)	5' / 10'
Ⓓ Building in side street BTZ (min % of lot width)	35%
Parking Setbacks	
Ⓔ Primary street (min)	10'
Ⓕ Side street (min)	10'
Ⓖ Side interior (min)	0' or 5'
Ⓗ Rear (min)	10'
Ⓖ Rear, alley (min)	0' or 5'
Outdoor Amenity Space	
Ⓘ % of outdoor amenity space (min)	15%

3. Height



Building Height	
(A) Building height (max)	90' / 8 stories
(B) Building height (min)	24' / 2 stories
Story Height	
(C) Ground story height, floor to ceiling (min)	
Residential (min)	9'
Nonresidential (min)	10'
(D) Upper story height, floor to ceiling (min)	9'
Ground Floor Elevation	
(E) Residential (min)	2'
(E) Nonresidential (min)	0'

4. Activation

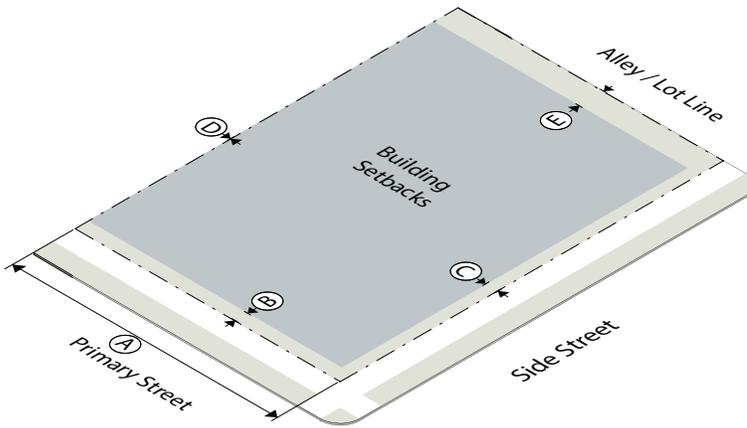


Transparency	
(A) Ground story (min)	40%
(B) Upper story (min)	20%
(C) Blank wall area (max)	30'
Building Entrances	
(D) Primary street facing entrance	Required
(E) Entrance spacing (max)	100'
Allowed Building Elements	
Porch	yes
Stoop	yes
Balcony	yes
Gallery	yes
Awning/canopy	yes
Forecourt	yes

D. White Avenue / Neighborhood (CU-4)

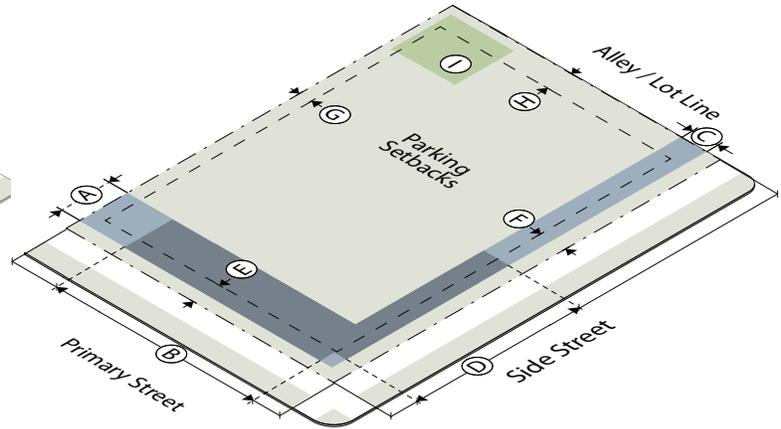
The following lot configuration standards apply within the White Avenue / Neighborhood (CU-4) district.

1. Lot



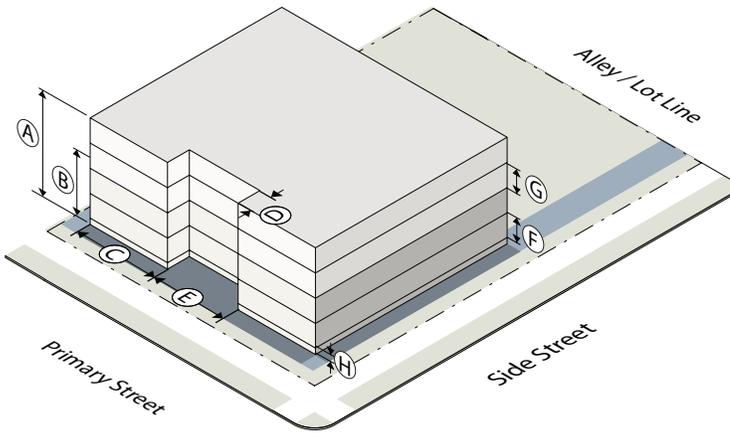
Lot Standards	
(A) Lot width (min)	16'
Building Setbacks	
(B) Primary street (min)	5'
(C) Side street (min)	5'
(D) Side interior (min)	5'
(E) Rear (min)	10'
(E) Rear, alley (min)	5'

2. Placement



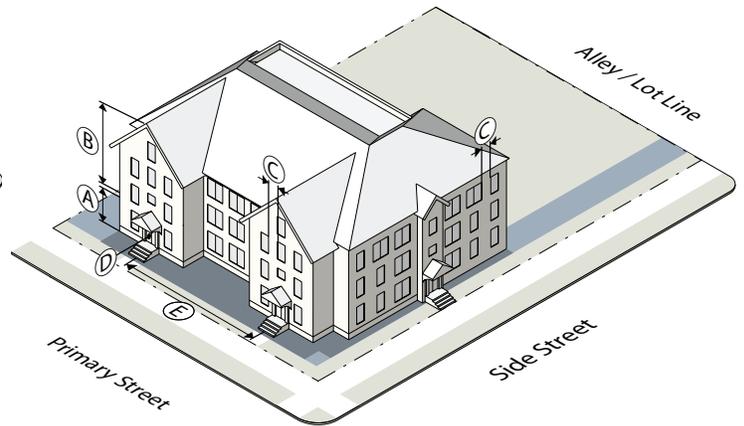
Build-to Zone (BTZ)	
(A) Primary street (min/max)	5' / 20'
(B) Building in primary street BTZ (min % of lot width)	60%
(C) Side street (min/max)	5' / 10'
(D) Building in side street BTZ (min % of lot width)	30%
Parking Setbacks	
(E) Primary street (min)	10'
(F) Side street (min)	10'
(G) Side interior (min)	5'
(H) Rear (min)	10'
(H) Rear, alley (min)	5'
Outdoor Amenity Space	
(I) % of outdoor amenity space (min)	20%

3. Height



Building Height	
Ⓐ Building height (max)	50' / 4 stories
Ⓑ Building height (min)	24' / 2 stories
Building Mass	
Ⓒ Facade length without offset (max)	50'
Ⓓ Wall offset depth (min)	10'
Ⓔ Wall offset length (min)	20'
Story Height	
Ⓕ Ground story height, floor to ceiling	9'
Ⓖ Upper story height, floor to ceiling (min)	9'
Ground Floor Elevation	
Ⓗ Residential (min)	2'
Ⓗ Nonresidential (min)	0'

4. Activation

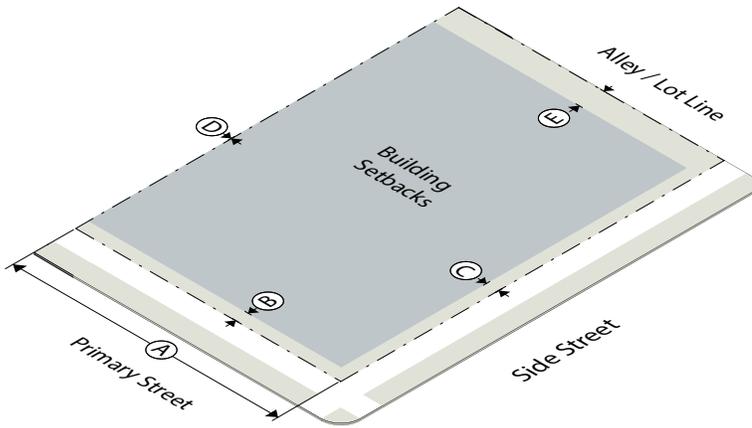


Transparency	
Ⓐ Ground story (min)	20%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area (max)	20'
Building Entrances	
Ⓓ Primary street facing entrance	Required
Ⓔ Entrance spacing (max)	100'
Allowed Building Elements	
Porch	yes
Stoop	yes
Balcony	yes
Gallery	yes
Awning/canopy	yes
Forecourt	yes

E. Seventeenth Street (CU-5)

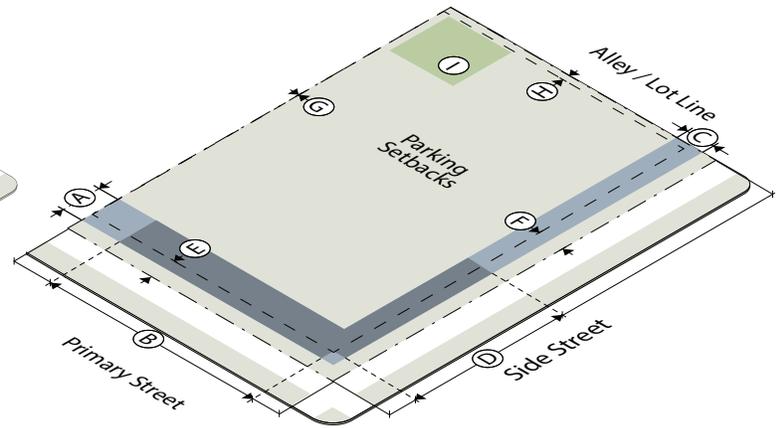
The following lot configuration standards apply within the Seventeenth Street (CU-5) district.

1. Lot



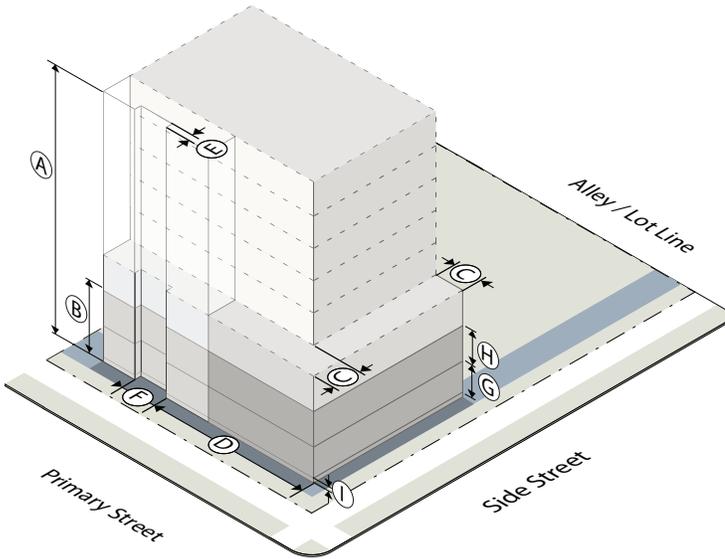
Lot Standards	
(A) Lot width (min)	16'
Building Setbacks	
(B) Primary street (min)	5'
(C) Side street (min)	5'
(D) Side interior (min)	0' or 5'
(E) Rear (min)	10'
(E) Rear, alley (min)	5'

2. Placement



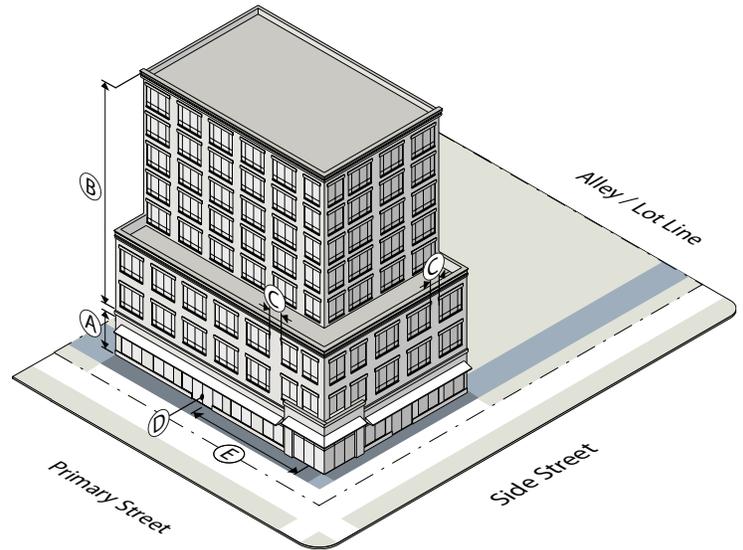
Build-to Zone (BTZ)	
(A) Primary street (min/max)	5' / 15'
(B) Building in primary street BTZ (min % of lot width)	70%
(C) Side street (min/max)	5' / 10'
(D) Building in side street BTZ (min % of lot width)	35%
Parking Setbacks	
(E) Primary street (min)	10'
(F) Side street (min)	10'
(G) Side interior (min)	0' or 5'
(H) Rear (min)	10'
(H) Rear, alley (min)	0' or 5'
Outdoor Amenity Space	
(I) % of outdoor amenity space (min)	15%

3. Height



Building Height	
Ⓐ Building height (max)	90' / 8 stories
Ⓑ Building height (min)	24' / 2 stories
Building Mass	
Ⓒ Stepback above 2nd or 3rd story (min)	10'
OR	
Ⓓ Facade length without offset (max)	50'
Ⓔ Wall offset depth (min)	4'
Ⓕ Wall offset length (min)	8'
Story Height	
Ⓖ Ground story height, floor to ceiling (min)	12'
Ⓗ Upper story height, floor to ceiling (min)	9'
Ground Floor Elevation	
Ⓘ Residential (min)	2'
Ⓚ Nonresidential (min)	0'

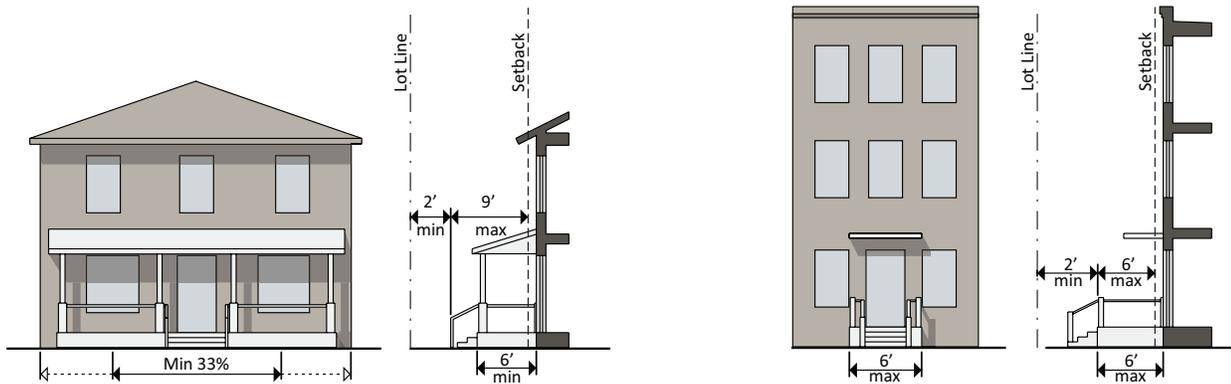
4. Activation



Transparency	
Ⓐ Ground story (min)	75%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area (max)	20'
A minimum of 60% of the ground floor windows must allow views into the ground story for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).	
Building Entrances	
Ⓓ Primary street facing entrance	Required
Ⓔ Entrance spacing (max)	50'
Allowed Building Elements	
Porch	yes
Stoop	yes
Balcony	yes
Gallery	yes
Awning/canopy	yes
Forecourt	yes

4.2.4. Building Elements

Building elements are allowed by district as forth in Sec. 4.2.3. The following standards apply to allowed building elements.



A. Porch

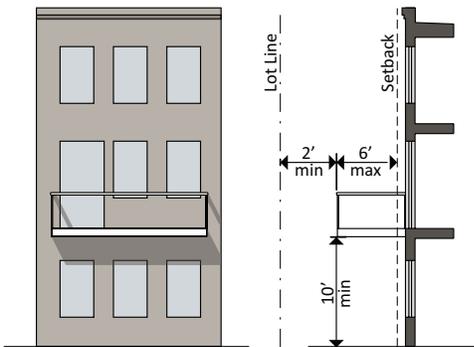
A raised structure attached to a building, forming a covered entrance to a doorway.

1. A front porch must be at least 6 feet deep (not including the steps).
2. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.
3. A front porch must be roofed but cannot be fully enclosed.
4. A front porch may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. A front porch may not encroach into the public right-of-way.

B. Stoop

A small raised platform that serves as an entrance to a building.

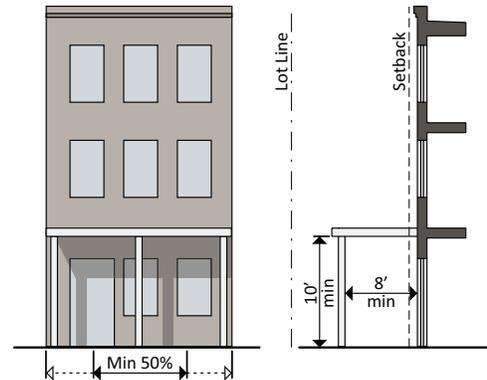
1. A stoop may be no more than 6 feet deep (not including the steps) and 6 feet wide.
2. A stoop may be covered but cannot be fully enclosed.
3. A stoop may extend up to 6 feet into a required setback, provided that the landing is at least 2 feet from the vertical plane of any lot line.
4. A stoop may not encroach into the public right-of-way.



C. Balcony

A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window.

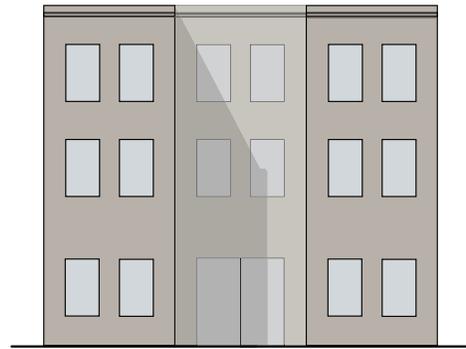
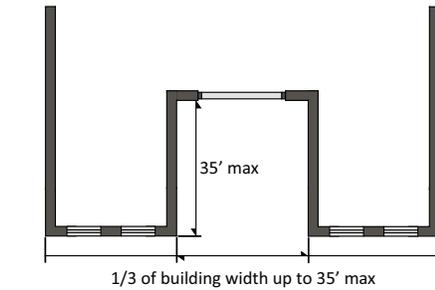
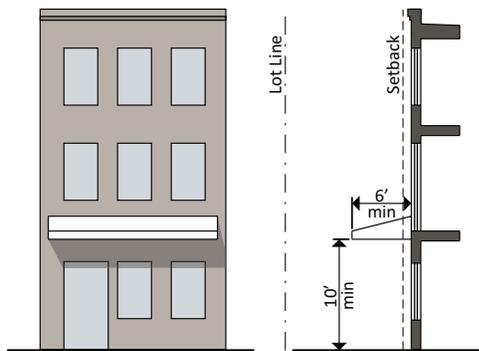
1. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line
2. A balcony must have a clear height above the sidewalk of at least 10 feet.
3. A balcony may be covered but cannot be fully enclosed.
4. A balcony may not encroach into the public right-of-way without a "Use Agreement" for the use of public right-of-way.
5. No balcony encroachments are allowed on Cumberland Avenue.



D. Gallery

A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

1. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
2. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.
3. A gallery may extend into a required setback.
4. A gallery may not encroach into the public right-of-way without a license for the use of public right-of-way.



E. Awning/Canopy

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

1. An awning/canopy must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
2. An awning/canopy may extend into a required setback.
3. An awning/canopy may not encroach into the public right-of-way without a license for the use of public right-of-way.

F. Forecourt

An open area at grade, or within an average 30 inches of grade, that serves as an open space or plaza.

1. A forecourt must be no more than 1/3 of the length of the building face, and in no case longer than 35 feet in width.
2. A forecourt may be no more than 35 feet in depth.
3. A maximum of one forecourt is permitted per site.
4. A forecourt is considered as part of the building for the purpose of measuring the build-to zone.

4.2.5. Use

A. Permitted Uses

1. This Section establishes the uses allowed in each district. A lot or building must be occupied with only the uses allowed on the permitted use table in Sec. 4.2.5.D.
2. Any one or more land uses allowed in a district may be established on any lot within that district, subject to the permitted use table, and in compliance with all applicable requirements of this Code.

B. Classification of Uses

1. In order to regulate use, categories of uses have been established in Sec. 4.2.5.E providing a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
2. The Administrator is authorized to categorize all uses. When determining what use category a proposed use fits in, the Administrator will consider the following criteria:
 - a. The actual or projected characteristics of the proposed use.
 - b. The relative amount of site area or floor area and equipment devoted to the proposed use.
 - c. Relative amounts of sales.
 - d. The customer type.
 - e. The relative number of employees.
 - f. Hours of operation.
 - g. Building and site arrangement.
 - h. Types of vehicles used and their parking requirements.
 - i. The number of vehicle trips generated.
 - j. How the proposed use is advertised.
 - k. The likely impact on surrounding properties.
 - l. Whether the activity is likely to be found independent of the other activities on the site.
 - m. Whether the use is in harmony with the general purpose and intent of these zoning regulations.

C. Accessory Uses

1. Accessory uses and structures are permitted in conjunction with an allowed principal use. Accessory uses and structures must be accessory and clearly and customarily incidental and subordinate to a permitted principal use or structure.
2. No accessory use or structure may be established prior to the establishment of a permitted principal use or structure.
3. All accessory structures must meet the setback and height requirements of Sec. 4.2.3, except for the minimum height provisions.
4. The Administrator is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Administrator must determine that the use or structure:
 - i. Is subordinate to the principal use in terms of area, extent and purpose;
 - ii. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served;
 - iii. Is located on the same lot as the principal use or structure, or on a contiguous lot in the same ownership;
 - iv. Does not involve operations not in keeping with the character of the principal use or structure served; and
 - v. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or structure.

D. Allowed Use Table

The allowed use table identifies uses permitted in each sub-district by story.

	Lake Ave (CU-1)	Cumberland Ave (CU-2)		White Ave/ Hospital (CU-3)	White Ave/ N'hood (CU-4)	Seventeenth St (CU-5)	Definitions/Std.s.
	All Stories	Ground Story	Upper Story	All Stories	All Stories	All Stories	
Residential Uses							
Household Living	■	--	■	■	■	■	Sec. 4.2.5.E.1.a
Live-Work	■	--	■	■	■	■	Sec. 4.2.5.E.1.b
Group Living	■	--	■	■	■	■	Sec. 4.2.5.E.1.c
Social Services	--	--	--	--	--	--	Sec. 4.2.5.E.1.d
Public Uses							
Civic	■	■	■	■	■	■	Sec. 4.2.5.E.2.a
Parks & Open Space	■	■	■	■	■	■	Sec. 4.2.5.E.2.a
Minor Utilities	■	■	■	■	■	■	Sec. 4.2.5.E.2.c
Major Utilities	--	--	--	--	--	--	Sec. 4.2.5.E.2.d
Commercial Uses							
Commercial Parking	■	■	■	■	■	■	Sec. 4.2.5.E.3.a
Day Care	■	■	■	■	■	■	Sec. 4.2.5.E.3.b
Indoor Recreation	■	■	■	■	■	■	Sec. 4.2.5.E.3.c
Medical	■	■	■	■	■	■	Sec. 4.2.5.E.3.d
Office	■	■	■	■	■	■	Sec. 4.2.5.E.3.e
Outdoor recreation	--	--	--	--	--	--	Sec. 4.2.5.E.3.f
Overnight Lodging	■	--	■	■	■	■	Sec. 4.2.5.E.3.g
Personal Service	■	■	■	■	■	■	Sec. 4.2.5.E.3.h
Restaurant/Bar	■	■	■	■	■	■	Sec. 4.2.5.E.3.i
Retail Sales	■	■	■	■	■	■	Sec. 4.2.5.E.3.j
Vehicle Sales/Rental	--	--	--	--	--	--	Sec. 4.2.5.E.3.k
Industrial Uses							
Heavy Industrial	--	--	--	--	--	--	Sec. 4.2.5.E.4.a
Light Industrial	--	--	--	--	--	--	Sec. 4.2.5.E.4.b
Research & Development	■	■	■	■	■	■	Sec. 4.2.5.E.4.c
Self-Service Storage	--	--	--	--	--	--	Sec. 4.2.5.E.4.d
Vehicle Service	--	--	--	--	--	--	Sec. 4.2.5.E.4.e
Warehouse & Distribution	--	--	--	--	--	--	Sec. 4.2.5.E.4.f

KEY: ■ = Use allowed -- = Use not allowed

E. Use Categories

1. Residential Uses

a. Household Living

- i. Residential occupancy of a dwelling unit by a household on a monthly or longer basis.
- ii. In CU-2, lobby areas, recreation areas and workout facilities associated with an upper story residential use are allowed on the ground story.

b. Live-Work

The intent of live-work is to permit businesses, professions, occupations or trade within a residential dwelling unit that requires employees, customers, clients or patrons to visit the unit. Live-work units are permitted provided the following standards are met:

- i. Live-work is only permitted in units with street level access.
- ii. A minimum of one person must occupy the live-work unit as their primary place of residence.
- iii. The live-work unit may employ no more than 2 persons not living on the premises at any one time.
- iv. No business storage or warehousing of material, supplies or equipment is permitted outside of the live-work unit.
- v. The nonresidential use of the unit is limited to office, personal service and retail sales.
- vi. No equipment or process may be used in connection with the live-work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
- vii. Business signage is limited to one unlit wall or projecting sign no larger than 3 square feet in area, attached to the structure housing the live-work unit.
- viii. No more than 5 customers are permitted on the premises at any one time.

c. Group Living

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

d. Social Service

A facility that provides treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

2. Public Uses

a. Civic

- i. Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice.
- ii. Civic uses can include museums, libraries, places of worship, police, fire, or EMS station and public schools (K-12).
- iii. Buildings that contain civic uses are not subject to the build-to, story height, transparency and building entrance requirements of Sec. 4.2.3.

b. Parks & Open Space

Uses focusing on public gathering areas for passive or active outdoor recreation, and having few structures.

c. Minor Utilities

Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities can include on-site stormwater retention or detention facilities, neighborhood-serving cable, telephone, gas or electric facilities and water/wastewater pump or lift station.

d. Major Utilities

Public or private infrastructure serving the general community and possibly having on-site personnel.

3. Commercial Uses

a. Commercial Parking

A facility that provides parking not accessory to a principal use, for which a fee may or may not be charged.

b. Day Care

A facility providing care, protection, and supervision of to 6 more unrelated children or adults on a regular basis.

c. Indoor Recreation

A facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation can include an athletic, tennis, swim or health club; a dance, martial arts, or music studio; or a movie or other type of theater.

d. Medical

A facility providing medical or surgical care to patients. Some uses may offer overnight care. Medical can include hospital, urgent care, or emergency medical office; medical, dental office or chiropractor; and medical clinic.

e. Office

A facility focusing on business, professional or financial activities conducted in an office setting.

f. Outdoor Recreation

A commercial facility providing daily or regularly scheduled recreation-oriented activities primarily in an outdoor setting. Outdoor recreation can include a drive-in theater, outdoor amusements, golf driving range, mini-amusement park, miniature golf facility or private ballfields.

g. Overnight Lodging - Hotels and Motels

- i. A facility providing overnight accommodations arranged for short term stays of less than 30 days for rent or lease.
- ii. In CU-2, lobby areas, recreation areas, workout facilities, meeting rooms and eating and cooking areas associated with the overnight lodging facility are allowed on the ground story.

h. Personal Service

Establishment primarily engaged in providing services involving the care of a person or their apparel.

i. Restaurant/Bar

A facility that prepares and sells food or drink for on- or off-premise consumption.

j. Retail Sales

A facility involved in the sale, lease, or rental of new or used products, not including car or vehicle sales or rental. Includes bicycle sales, repair or rental.

k. Vehicle Sales/Rental

A facility involved in the sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Does not include bicycle sales, repair or rental.

4. Industrial Uses

a. Heavy Industrial

A facility involved in dangerous, noxious or offensive activity or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception or radiation.

b. Light Industrial

A facility involved in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, or products.

c. Research and Development

A facility involved primarily on the research and development of new products.

d. Self-Service Storage

A facility providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

e. Vehicle Service

A facility involved in the repair and service of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Does not include bicycle sales, repair or rental.

f. Warehouse & Distribution

A facility involved in the storage or movement of goods for themselves or other firms.

4.2.6. Parking

A. Applicability

1. General

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until parking has been demonstrated in accordance with the requirements of this Code.

B. Required Vehicle Parking

- The following vehicle parking spaces are required for each use.
- For the purposes of calculating required parking spaces, uses are grouped into categories (see Sec. 4.2.5.E).

	Required (min)	Reserved (max)
Residential Uses		
Household living		
0 to 1 bedroom	1 per unit	2 per unit
2 bedrooms	1.5 per unit	2 per unit
3 bedrooms	2 per unit	2 per unit
4+ bedrooms	2.5 per unit	2 per unit
Guest parking (multi-dwelling development only)	0.125 per unit	0.25 per unit
Public Uses		
All uses	none	3 per 1,000 SF GFA
Commercial Uses		
All uses	none	3 per 1,000 SF GFA
Industrial Uses		
All uses	none	3 per 1,000 SF GFA

- Reserved parking spaces mean those spaces designated for a specific unit or use.

C. Required Bicycle Parking

- The following bike parking spaces are required for each use.

- For the purposes of calculating required bike parking spaces, uses are grouped into categories (see Sec. 4.2.5.E).

	Required Spaces (min)	Short-term/ Long-term split
Residential Uses		
Multi-dwelling, group living	.5 per unit up to 2 bedrooms, .25 per additional bedroom	20% / 80%
All other residential uses	none required	--
Public Uses		
All uses	1 per 5,000 SF of gross floor area, 4 min	90% / 10%
Commercial Uses		
All uses	1 per 2,500 SF of gross floor area, 4 min	80% / 20%
Industrial Uses		
Research & Development	1 per 7,500 SF of gross floor area, 4 min	20% / 80%

D. Bicycle Parking Facilities

1. General Requirements

- Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone, or wood chips.
- Bicycle parking spaces must be a minimum of 2 feet by 6 feet. There must be an access aisle a minimum of 5 feet in width.
- Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.
- Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a 5 foot access aisle for wall mount parking.
- All racks must accommodate cable locks and "U" locks including removing the front wheel and locking it to the rear fork and frame.

2. Short-Term Bicycle Parking

- a. Required short-term bicycle parking spaces must be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one 100 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.
- b. No fee can be charged for resident bicycle parking where free automobile parking is provided on-site.

3. Long-Term Bicycle Parking

- a. Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and must be accessible to intended users.
- b. Required long-term bicycle parking for residential uses can not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units.
- c. With permission of the Administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within 300 feet of the site.
- d. No fee can be charged for resident bicycle parking where free automobile parking is provided on-site.

E. Drive-Through Vehicle Stacking

1. Adequate space must be made available on-site for the stacking, storage and queuing of vehicles.
2. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
3. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through area, must be located to the side or rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.
4. A restaurant with a drive-through must provide at least 4 queuing spaces, measured from the first pick up window.

5. A bank or pharmacy with a drive-through must provide at least 3 queuing spaces per drive-through lane, measured from the teller box or window.
6. All other uses determined by the Engineering Department.

F. Stall Size and Drive Aisle Dimensions

When provided parking spaces and drive aisles must meet the requirements of Article 5, Section 7 "Minimum Off-Street Parking, Access and Driveway Requirements."

G. Design of Parking Structures

1. Parking structures must meet all the requirements for a principal structure as specified in Sec. 4.2.3. In no case can structured parking exceed the height of any other building on the site.
2. Required parking setbacks apply only to the first floor of the parking structure. Parking setbacks do not apply to underground parking.
3. The ground story of a structured parking garage facing Cumberland Avenue, Lake Avenue or Seventeenth Street must have active uses (such as, but not limited to, residential, commercial, office or civic space, where permitted) located between the parking structure and the street (not including an alley).
4. Where upper stories of structured parking are allowed at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
5. Architectural and vegetative screens must be used to articulate the facade, hide parked vehicles and shield lighting. In addition, any ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.
6. Parking structure entries must not exceed 16 feet clear height and 25 feet clear width.

4.2.7. Landscaping and Screening

A. Surface Parking Lots

1. Applicability

- This Section applies to all new on-site surface parking lots with more than 10 spaces. For purposes of this Section, multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
- An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking lot.
- When an existing parking lot is increased in size, landscaping is required for the new parking area only.
- When an existing parking lot is increased in size by more than 50% cumulatively, landscaping is required for both the existing parking lot and the new parking area.

2. Perimeter Screening

All surface parking lots with frontage on any portion of a street right-of-way (not including an alley) must be screened with the following:

- A minimum 10-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot.

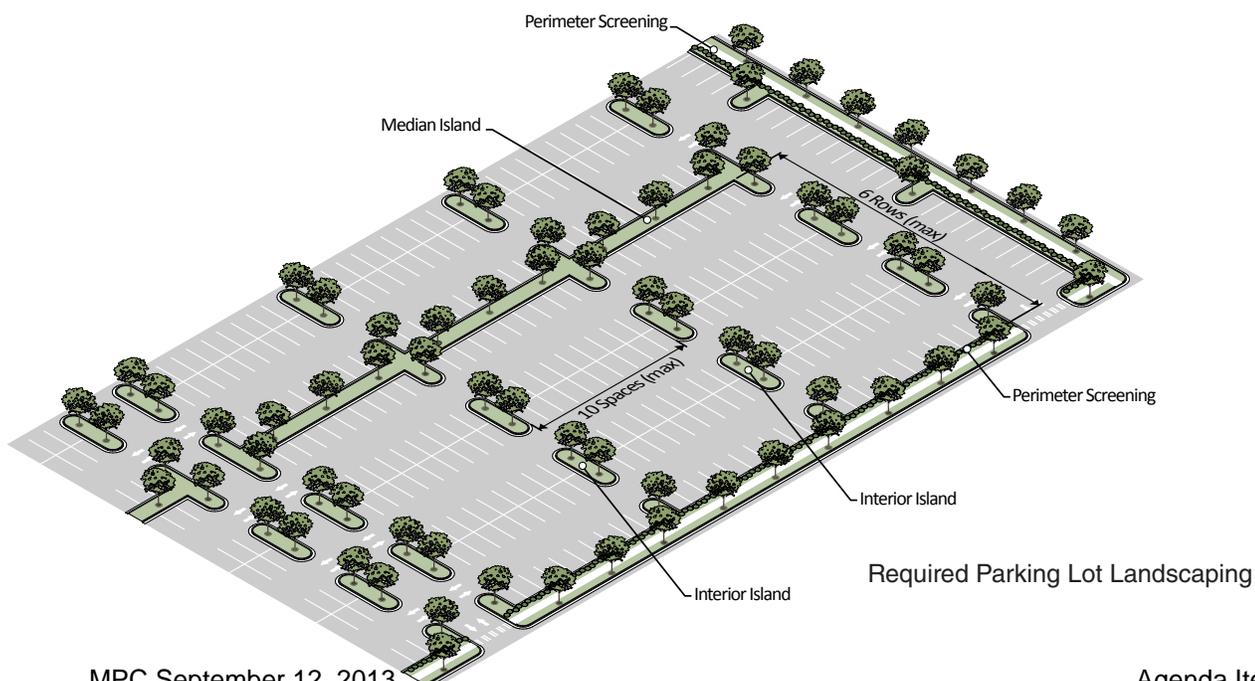
- Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.
- A 36-inch wall in a minimum 5-foot planting strip may be substituted for the continuous row of shrubs.
- Breaks for pedestrian and vehicle access are allowed.
- No landscaping is permitted that materially impedes vision for vehicular sight distance.

3. Interior Islands

- A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area.
- Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- An interior island must be a minimum of 9 feet in width and 320 square feet in area.
- Interior islands may be installed below the level of the parking lot surface to allow for runoff capture.

4. Median Islands

- A landscape median island must be provided between every 6 single parking rows.
- A landscape median island must be a minimum of 5 feet wide.



- c. A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of 6 feet wide, and the remaining planting area must be no less than 5 feet wide.
- d. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- e. Median islands may be installed below the level of the parking lot surface to allow for runoff capture.

5. Tree Coverage

- a. Each interior island must include at least 1 shade tree.
- b. In no case can there be less than 1 shade tree for every 3,000 square feet of parking area including drive lanes.

B. Screening

1. Applicability

This Section applies to all new service areas and the installation of new mechanical equipment.

2. Service Areas

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent property or public street right-of-way (not including an alley).
- b. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.
- c. Service areas that are not integrated into a building must be screened from 3 sides by a wall at least 6 feet in height and on the fourth side by a solid gate at least 6 feet in height.
- d. The gate and wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

3. Mechanical Equipment

a. Roof-Mounted Equipment

- i. Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent street right-of-way (not including an alley), measured at ground level from 150 feet away.

- ii. New buildings must provide a parapet wall or other architectural element that screens roof-mounted equipment.

b. Wall-Mounted Equipment

- i. Wall-mounted equipment cannot be located on any surface that directly faces a public right-of-way (not including an alley).
- ii. Wall-mounted equipment located on any surface that is visible from a public right-of-way (not including an alley) must be fully screened by landscaping or an opaque screen.

c. Ground-Mounted Equipment

Ground-mounted mechanical equipment that is visible from a public right-of-way (not including an alley) must be screened from view by landscaping or a wall. The screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

C. Fence and Walls

1. Applicability

This Section applies to all new fences and walls.

2. Standards

- a. Fences and walls may be placed up to the property line, and any posts or supporting rails must face inward toward the property being fenced.
- b. A wall or fence located in a primary or side street yard, not used for a required screen, cannot be more than 6 feet height. The opacity of the wall or fence above 4 feet in height must exceed 50%.
- c. A wall or fence located in a side or rear yard cannot be more 8 feet in height.
- d. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Administrator.

- e. Fences must be constructed of high quality materials including one or a combination of the following: wood, composite fencing; wrought iron, steel, aluminium, PVC vinyl; or other material approved by the Administrator.
 - f. No wall or fence may be located within any required drainage or utility easement.
 - g. Barbed wire or concertina wire is not allowed.
 - h. Chain-link fences are not allowed in any primary or side street yard.
 - i. No wall or fence is **permitted** which materially impedes vision for vehicular sight distance.
- c. Multi-stem understory trees planted to meet the landscaping requirements must be at least 5 feet tall at time of planting.

E. Maintenance

All required landscaping must maintained in good health and condition. Any dead, unhealthy, deteriorating, broken or missing landscaping must be replaced with landscaping that conforms to this Code within 30 days (or within 180 days where weather concerns would jeopardize the health of plant materials).

D. Plant Installation

1. General Provisions

- a. Plant materials must be hardy to zone 7a in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
- b. Plant materials must be able to survive on natural rainfall once established with no loss of health.
- c. Tree height is measured from the top of the root ball to the tip of the main stem.

2. Shade Trees

- a. All shade trees planted to meet the landscaping requirements must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater unless subject to an overhead power line in which case the mature height may be less.
- b. All shade trees planted to meet the landscaping requirements must have a minimum caliper of 2 inches and be at least 8 feet tall at time of planting.

3. Understory Trees

- a. Understory trees planted to meet the landscaping requirements must be a locally-adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.
- b. Single-stem understory trees planted to meet the landscaping requirements must have a minimum caliper of 1 inches and be at least 5 feet tall at time of planting.

4.2.8. Signs

A. Applicability

1. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Section.
2. All signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.
3. Nothing in this Section is intended to prohibit the ordinary maintenance repair of a nonconforming sign or replacement of a broken part of a nonconforming sign.

B. General Sign Provisions

1. Prohibited Signs

The following signs are prohibited.

- a. Signs which move, or give the appearance of moving with the exception of those signs not requiring a permit (see Sec. 4.2.8.B.2). This includes banners, pennants, streamers, string pennants, flags and all other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means.
- b. Signs which contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead, or confuse traffic. This does not include signs which are accessory to parking lots, driveways or roads.
- c. Signs which have moving parts and signs which have red, green yellow, amber or blue lights.
- d. Signs which have flashing lights, blinking lights or signs containing any running lights creating an illusion of movement.
- e. Signs placed on a parked vehicle or trailer where the apparent purpose is to advertise a product or direct people to a business or business located on the same or nearby property.
- f. Roof signs.
- g. Electronic Message Centers as defined in Article 5, Section 10, "Signs, Billboards, and other advertising structures".

2. Signs Allowed Without a Permit

The signs listed below do not require a permit if they meet the following provisions.

- a. Street address numbers provided they do not exceed 1 square foot in area.
- b. Building nameplates provided they do not exceed 6 square feet in area.
- c. Paper notices placed on bulletin boards or on kiosks maintained by any governmental organization.
- d. Signs erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.
- e. Flags bearing the officially adopted design of a nation, state, county, city or the University of Tennessee. Flags cannot exceed 30 square feet in size, except that United States of America garrison size flags are allowed.
- f. Signs that include business hours of operation, not to exceed 1 square foot in size.
- g. Window signs that cover no more than 10% of the total surface of each window.

3. Signs in the Right-of-Way

- a. Monument signs and bracket signs cannot encroach into the public right-of way.
- b. Wall signs, awning signs, canopy signs, projecting signs, crown signs, shingle signs and sidewalk signs may encroach over the public sidewalk but cannot encroach on or over any streets or alleys. All signs must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.

4. Common Sign Plan

A common sign plan must be filed with the Administrator for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan. The applicant must indicate the standards of consistency of all signs on the subject property with regard to:

- a. Colors;
- b. Letter/graphics style;
- c. Location of each sign;
- d. Materials used in sign construction; and
- e. Maximum dimensions and proportion.

C. Signs Requiring a Permit

1. Sign Types

The following signs are allowed in all CU- districts following the issuance of a sign permit under Article V, Section 10 " Signs, Billboards, and Other Advertising Structures." Standards for each sign type are listed in the following pages.



Wall Sign
(Sec. 4.2.8.D)



Awning Sign
(Sec. 4.2.8.E)



Canopy Sign
(Sec. 4.2.8.F)



Projecting Sign
(Sec. 4.2.8.G)



Crown Sign
(Sec. 4.2.8.H)



Shingle Sign
(Sec. 4.2.8.I)



Monument Sign
(Sec. 4.2.8.J)



Bracket Sign
(Sec. 4.2.8.K)



Sidewalk Sign
(Sec. 4.2.8.L)

2. Allocation of Sign Area

The maximum sign area for each sign type is determined is established below.

Sign Type	Sign Area
Wall Sign	1 square foot per foot of street-facing building facade
Awning Sign	
Canopy Sign	
Projecting Sign	
Crown Sign	250 SF
Shingle Sign	9 SF
Monument Sign	30 SF
Bracket Sign	9 SF
Sidewalk Sign	6 SF

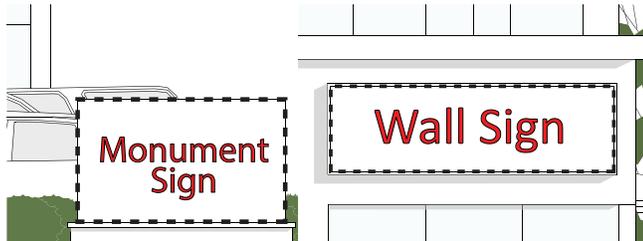
3. Computation of Sign Area

The area of all signs is computed as follows:

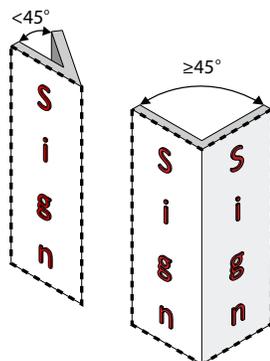
- a. For wall signs, awning signs, canopy signs and crown signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses all the letters or logo.



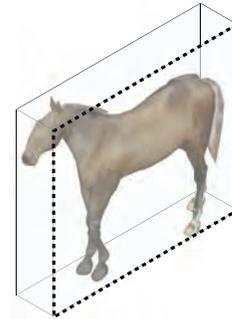
- b. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. Sign area includes the face of the structure that the message is affixed to, not including any supports or bracing.



- c. The area of a sign with faces placed less than 45 degrees apart is calculated based on the area of the largest face of the sign. The area of a sign with faces placed 45 or more degrees apart is calculated based on the area of all sign faces.

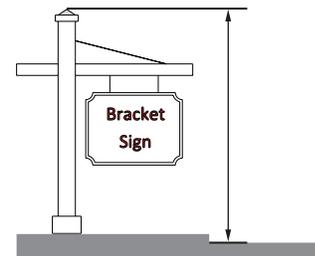
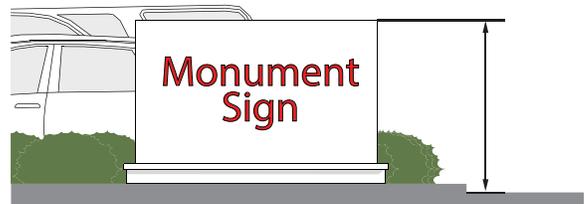


- d. The area of a three-dimensional sign is calculated as the total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



4. Measurement of Sign Height

The total height of a ground or bracket sign is measured from the highest point of the sign or supporting structure to the top of the abutting sidewalk.



D. Wall Sign



Description

A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 1 foot from the building or structure.

General Provisions

1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
4. A wall sign cannot cover windows or architectural details.
5. A wall sign can be externally or internally illuminated under Sec. 4.2.8.M.

Standards

(A) Overall area allocation (max)	Sec. 4.2.8.C.2
Sign area (max per sign)	60 SF
(B) Height (max)	5'
(C) Projection - measured from building facade (max)	1'
(D) Raceway (max % of letter height)	50%

E. Awning Sign



Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

General Provisions

1. An awning sign cannot extend outside the awning.
2. Only awnings over first and second story doors and windows may contain signs.
3. A maximum of 1 sign is allowed per awning face.
4. An awning sign may only be externally illuminated under Sec. 4.2.8.M.

Standards

Ⓐ Overall area allocation (max)	Sec. 4.2.8.C.2
Ⓑ Width (max % of awning width/depth)	75%
Ⓒ Height of text and graphics on valance (max)	2'
Ⓓ Area of sloping plane covered by sign (max)	25%

F. Canopy Sign



Description

A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

General Provisions

1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. A maximum of 1 sign is allowed per canopy.
3. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
4. A canopy sign can be externally or internally illuminated under Sec. 4.2.8.M.

Standards

(A) Overall area allocation (max)	Sec. 4.2.8.C.2
(B) Width (max % of canopy width)	75%
(C) Height of text and graphics (max)	2'
(D) Depth (max)	1'
(E) Raceway (max % of letter height)	50%
(F) Clear height above sidewalk (min)	10'

G. Projecting Sign



Description

A sign that is wholly or partly dependent upon a building for support, which projects at an angle away from the building, extending more than 1 foot.

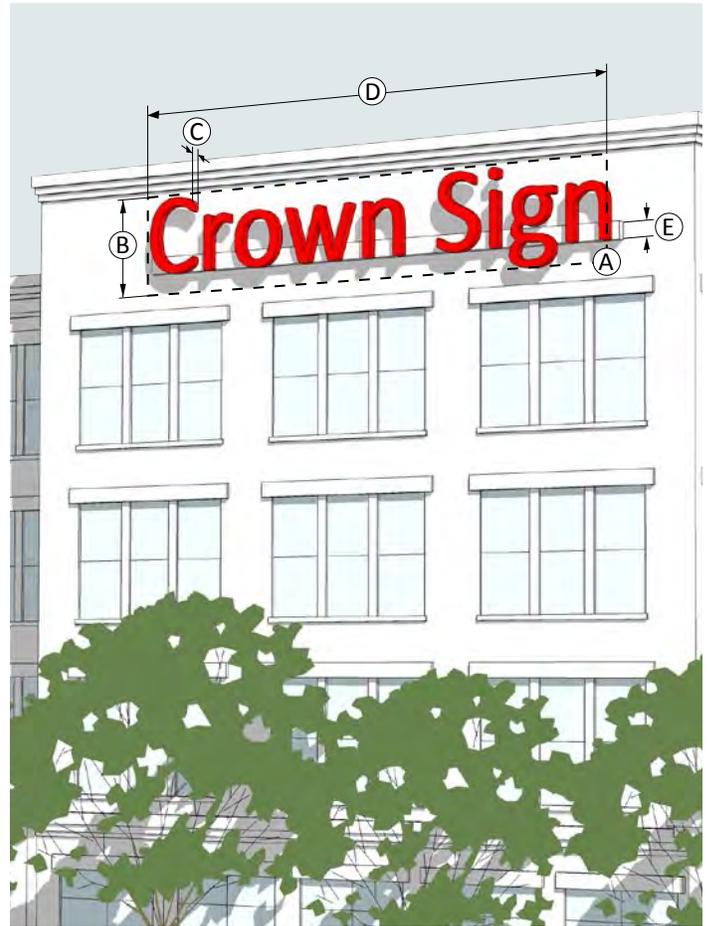
General Provisions

1. A projecting sign must be at least 25 feet from any other projecting sign.
2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of 2 streets. Allocation of sign area from both streets may be used, however, in no case can the sign exceed the maximum height and width standards.
3. The top of a projecting sign can be no higher than the top of the building. However, on 1 story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
4. For buildings 4 stories and higher, a projecting sign cannot be located above the window sills of the fourth story.
5. A projecting sign can be externally or internally illuminated under Sec. 4.2.8.M.

Standards

Standard	Requirement
Ⓐ	Overall area allocation (max) Sec. 4.2.8.C.2
Ⓑ	Height (max)
	1 story building 4'
	2 story building 8'
	3 or more story building 12'
Ⓒ	Spacing from building facade (min/max) 1' / 2'
Ⓓ	Width (max) 4'
Ⓔ	Depth (max) 1'
Ⓕ	Clear height above sidewalk (min) 10'

H. Crown Sign



Description

A wall sign extending not more than 3 feet from the building facade located on the upper horizontal band of a building at least 55 feet in height.

General Provisions

1. A crown sign is only allowed on buildings greater than 55 feet in height.
2. A crown sign cannot be placed below the start of highest floor and cannot extend above the roof line.
3. A crown sign cannot cover windows or architectural details.
4. No more than 2 crown signs per building and no more than 1 crown sign per building facade are allowed.
5. A crown sign can only be internally illuminated in accordance with Sec. 4.2.8.M.

Standards

Ⓐ	Sign area (max per sign)	250 SF
Ⓑ	Height (max)	8'
Ⓒ	Projection - measured from building facade (max)	3'
Ⓓ	Width (max % of facade width)	75%
Ⓔ	Raceway (max % of letter height)	25%

I. Shingle Sign



Description

A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

General Provisions

1. A shingle sign must be located within 5 feet of an accessible building entrance.
2. The hanging bracket must be an integral part of the sign design.
3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
4. A shingle sign can be externally illuminated in accordance with Sec. 4.2.8.M.

Standards

Ⓐ Sign area (max per sign)	9 SF
Ⓑ Height (max)	3'
Ⓒ Spacing from building facade (min/max)	6"/12"
Ⓓ Width (max)	3'
Ⓔ Depth (max)	6"
Ⓕ Clear height above sidewalk (min)	10'

J. Monument Sign



Description

A sign, no higher than 5 feet, attached along its entire width to a continuous pedestal. A monument sign is horizontally oriented or is square.

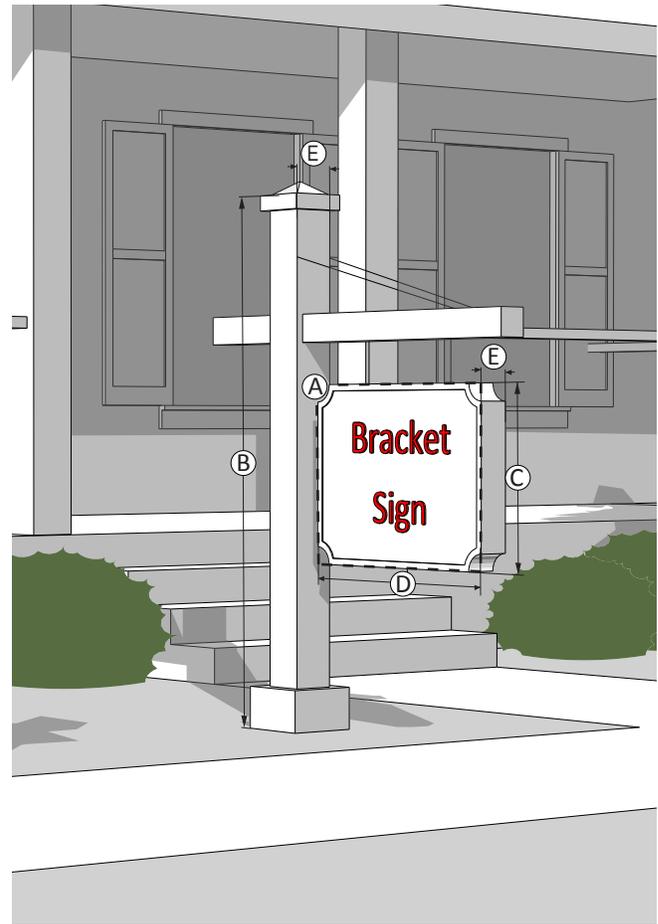
General Provisions

1. 1 monument is allowed per street frontage, except that 1 additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than 1 monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.
2. A monument sign must be set back at least 5 feet from the front property line and 10 feet from a side property line.
3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.
4. A monument sign can be externally or internally illuminated in accordance with Sec. 4.2.8.M.

Standards

(A) Sign area (max per sign)	30 SF
(B) Height (max)	5'
(C) Depth (max)	18"

K. Bracket Sign



Description

A sign attached to the ground by 1 or more support structures that is not higher than 5 feet and hangs from a bracket or support.

General Provisions

1. Only 1 bracket sign is allowed per building.
2. A bracket sign must be located at least 25 feet from any other bracket sign.
3. The hanging bracket must be an integral part of the sign design.
4. A bracket sign can only be externally illuminated in accordance with Sec. 4.2.8.M.

Standards

(A) Sign area (max per sign)	9 SF
(B) Structure height (max)	5'
(C) Sign height (max)	3'
(D) Sign width (max)	3'
(E) Structure/sign depth (max)	6"

L. Sidewalk Sign



Description

A moveable sign not secured or attached to the ground or surface upon which it is located.

General Provisions

1. Each ground floor tenant can have 1 sidewalk sign that must be located adjacent to the primary facade with the principal customer entrance, but cannot be placed more than 8 feet from that facade.
2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.
3. Sidewalk signs must be removed and placed indoors at the close of business each day.
4. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.
5. A sidewalk sign cannot be illuminated.

Standards

(A) Sign area (max per sign)	6 SF
(B) Height (max)	3'
(C) Width (max)	2'

M. Sign illumination

Illumination of signs must be in accordance with the following requirements:

1. General Requirements

Illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar area are prohibited, except for temporary signs erected in connection with the observance of holidays.

2. External Illumination

- Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or onto adjacent properties.
- Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.

3. Internal Illumination

- Channel letters may be internally lit or back-lit.
- For internally illuminated signs on a background, the background must be opaque or a darker color than the message of the sign.
- Exposed neon may be used for lettering or as an accent.

4. Prohibited Light Sources

The following light sources are not allowed:

- Blinking, flashing and chasing; and
- Bare bulb illumination.

5. Raceways and Transformers

- If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- Visible transformers are not allowed.



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit signs with darker background

N. Design, Construction & Maintenance

All signs must be designed, constructed and maintained in accordance with the following standards:

1. Except for permitted flags, temporary signs, and window signs conforming in all respects with the requirements of this Section, all signs must be constructed of durable, all-weather materials and must be permanently attached by direct attachment to a rigid wall, frame, or structure.
2. All signs must be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Section, at all times.
3. All signs must be kept and maintained in a safe, neat and orderly condition and appearance, and must be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by weather, age or any other conditions, and to keep the same in a safe, neat and orderly condition and appearance.
4. Signs must not obstruct visibility from a driveway to an abutting street or vice versa.

O. Nonconforming Signs

1. Building Signs

A sign attached to a building must be brought into compliance with the provisions of this Code if a sign permit is required to rebuild a sign.

2. Ground Signs

- a. A sign attached to the ground may change the face or panel of the sign that does not meet the area or height standards within this Code. However, in no instance must there be an increase in the degree of nonconformity. All new panels must conform to all illumination standards.
- b. A sign must be brought into compliance with the provisions of this Code if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.

3. All signs

If the alteration or repair is caused by involuntary damage or casualty, the sign may be altered or repaired to its previous extent.

4.2.9. Site Lighting

A. Applicability

1. General

- a. No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until lighting has been provided in accordance with the requirements of this Code.
- b. The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location must be made in compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
- c. This Section does not apply to lighting installed in the public right-of-way.

2. Additions

- a. When a building or site is renovated, any new or replaced outdoor light or lighting fixture must conform to the requirements of this Code.
- b. When the gross floor area or improved site area is increased, the additional floor or site area must conform to the lighting requirements of this Code.
- c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the lighting requirements of this Code.

3. Change in Use

A change in use does not trigger application of this Section.

B. Light Level Measuring

1. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.
2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

C. Prohibited Sources

The following light fixtures and sources cannot be used:

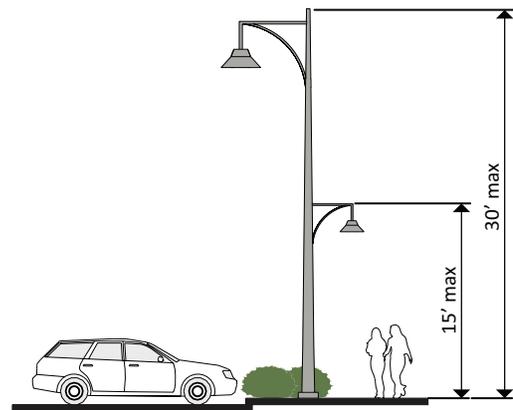
1. Cobra-head-type fixtures having dished or drop lenses or refractors, which contain sources that are not incandescent;
2. Temporary searchlights and other high-intensity narrow-beam fixtures; and
3. Light sources that lack color correction or do not allow for uniform site lighting.

D. Design and Installation Requirements

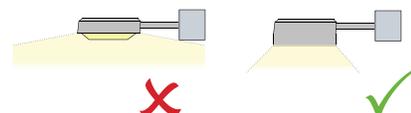
1. The maximum light level of any light fixture cannot exceed 2.0 footcandles measured at the right-of-way line of a street.
2. Lighting must not be oriented onto adjacent properties, streets or sidewalks.
3. Service connections for all freestanding lighting fixtures must be installed underground.

E. Parking and Pedestrian Areas

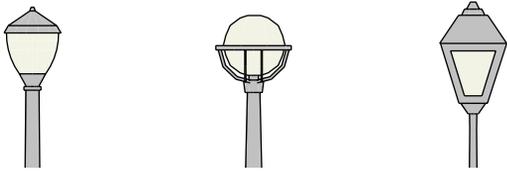
1. Light fixtures within parking and vehicular display areas may be no higher than 30 feet.
2. Light fixtures within pedestrian areas may be no higher than 15 feet.



3. Light fixtures located within 50 feet of the property line of a residential district may be no higher than 15 feet.
4. All light fixtures must be full cutoff, except as listed in paragraph 6. below.

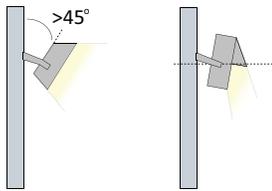


- Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9500 initial lamp lumens. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

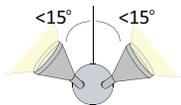


F. Flood Lights and Flood Lamps

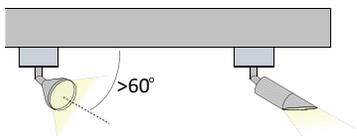
- Flood light fixtures must either be aimed down at least 45 degrees from vertical, or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



- Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.



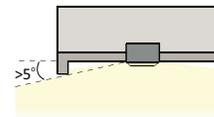
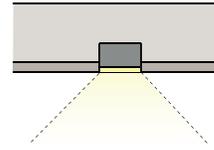
- All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal, or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.



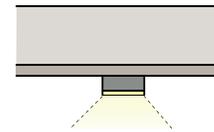
G. Vehicular Canopies

Lighting under vehicular canopies must be less than 24 maintained footcandles, and be designed to prevent glare off-site. Acceptable lighting designs include the following:

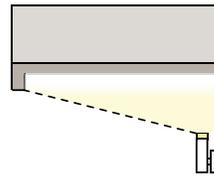
- Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy;
- Light fixture incorporating shields, or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane;



- Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution; or

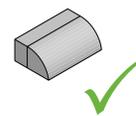
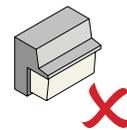


- Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.



H. Building Lighting

- Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the street right-of-way.
- All wall pack fixtures must be full cutoff fixtures.



- Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

4.2.10. Outdoor Display and Storage

A. Applicability

The requirements of this Section apply to any site where merchandise, material or equipment is stored outside of a completely enclosed building.

B. Outdoor Display

1. Defined

- a. Outdoor display is the outdoor display of products actively available for sale that are placed inside a fully-enclosed building at the end of each business day. Outdoor display is not allowed in the public right-of-way.
- b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, propane gas storage racks, ice storage bins, soft drink or similar vending machines (see outdoor storage).

2. Standards

Outdoor display is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:

- a. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
- b. Outdoor display is permitted adjacent to the primary facade with the principal customer entrance, but cannot extend more than 8 feet from the facade and occupy no more than 30% of the horizontal width of the facade.
- c. Outdoor display cannot impair the ability of pedestrians to use the sidewalk or parking areas and must comply with ADA clearance and accessibility.

3. Exceptions for Incidental, Temporary Outdoor Display and Sales

There may be incidental, temporary outdoor display and sale of merchandise normally sold by a business at the following times:

- a. Special sales events endorsed by the Cumberland Avenue Merchants Association.

- b. University of Tennessee home football game weekends.
- c. For 5 consecutive days beginning 2 days prior to the University of Tennessee fall and spring semester registration.

C. Outdoor Storage

1. Defined

- a. Outdoor storage is the overnight storage of products or materials outside of a building.
- b. Outdoor storage includes merchandise or material in boxes, in crates, on pallets or in shipping containers, propane gas storage racks, ice storage bins, soft drink or similar vending machines.
- c. Outdoor storage includes the overnight outdoor storage of vehicles awaiting repair, RV's and boats, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material, vehicles, or equipment.
- d. Outdoor storage also includes salvage yards, vehicle storage yards; and overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

2. Standards

Outdoor storage is not permitted except with permission of the Metropolitan Planning Commission. The Metropolitan Planning Commission will determine where outdoor storage may be allowed on the site, and its extent (vertically and horizontally) must be shown on the site plan.

4.2.11. Streetscape

A. Applicability

1. General

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until the streetscape has been provided in accordance with the requirements of this Section.

2. Additions

- a. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.
- b. When a building or site increased in gross floor area or improved site area by more than 50%, the streetscape provisions of this Code must be met.

B. Required Elements

All required streetscapes must be constructed with sidewalks and street trees as illustrated in Sec. 4.2.11.F, unless an alternative is approved by the Engineering Department.

C. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Section must be shade trees, planted every 30 feet on center, on average.
2. Where overhead utilities exist, one understory tree must be planted every 20 feet on center, on average, for every required shade tree.
3. All required street trees must meet the requirements of Sec. 4.2.7.D. and Sec. 4.2.7.E.

D. Fee-in-Lieu

If determined by the Administrator that construction of improvements would result in the improvement of less than ½ of a linear block face; an equivalent payment in lieu of construction may be required.

E. Certificate of Occupancy

1. Sidewalks, streets, street trees and street lights must be installed prior to the issuance of a certificate of occupancy.

2. A certificate of occupancy may be issued when the Administrator determines that due to the unavailability of plant material or weather concerns that immediate completion of the street trees would jeopardize the health of plant materials for a period of up to one year following the date of application for a certificate of occupancy.

F. Required Streetscape

The following streetscape applies to all streets, except Cumberland Avenue.



Streetscape	
Sidewalk (min)	5'
Planting zone (min)	5'
Details	
Planting zone type	Tree lawn/ Tree grate
Tree Spacing	30' o.c. avg

4.2.12. Defined Terms

A. General Provisions

1. General Meaning of Words and Terms

- a. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.
- b. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the courts of this state may be employed to resolve vagueness and ambiguity in language.

2. Graphics, Illustrations and Photographs

The graphics, illustrations and photographs used to visually explain certain provisions of this Code are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text of this Code, the text controls.

B. Defined Terms

The following terms are defined for the purpose of this Code. Terms not defined may be defined in Article II "Definitions" of the Zoning Regulations. In such case, the definition contained in Article II "Definitions" should be used. If there is a conflict between a definition in Article II "Definitions" and this Code, the definition in this Code must be used.

ACTIVE USE means a use other than parking.

ADDITION (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is "new construction."

ATTIC means habitable or uninhabitable space within a building situated within the structure of a pitched roof and above the uppermost regular story.

BUILDING FACADE means the face of a building that delineates the edge of conditioned floor space.

GROSS FLOOR AREA means the sum in square feet of the horizontal area of all floors of the building measured from the exterior walls or from the centerline when 2 buildings or units abut. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses is included in the calculation of gross floor area. However, the following is not included: any space devoted exclusively to on-site parking; or outdoor loading, display, storage, utility service areas; and uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-6".

GROUND FLOOR means the floor of a building that is at or nearest to the level of the ground around the building. Does not include the floor of a basement.

IMPROVED SITE AREA means the sum of the horizontal area of the outside portion of the site and includes any space devoted to on-site parking; outdoor loading, display, storage, utility service, decorative areas and landscaped areas that are part of the original site plan approval.

RACEWAY means an enclosed channel of metal or nonmetallic materials designed expressly for holding wires or cables associated with illuminating a sign.

SHADE TREE means a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater.

UNDERSTORY TREE means a locally adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.

UPPER STORY means any story above the ground story or floor.



C7 Rezoning Request

1 message

Debbie Billings <DEBBIE@graphiccreations.com>
To: bettyjo.mahan@knoxmpc.org

Thu, Sep 5, 2013 at 1:46 PM

MPC
Betty Jo Mahan

Cumberland Avenue Form Based Rezoning, currently C-7 Pedestrian Commercial

To : MPC and City Council,

As a business that is celebrating it's 26th year within the C-7 District, as well as a citizen who has worked on improving the district with the Merchants Association for as long, and as property owners with 2 properties on Cumberland and our business on Lake Avenue; I cheer the opportunity to support the Cumberland Avenue Form Based Zoning Code and general rezoning request that will be presented to MPC and the Council in the upcoming meetings.

The creation of this code has been a long, public process with lots of opportunity for changes and community input and it will give great direction to building a wonderful front porch to downtown and the University of Tennessee.

Please note our recommendation for approval of the Cumberland Avenue Form Based Zoning Code and general rezoning as a business owner, property owner and board member of the Cumberland Avenue Merchants Association.

Sincerely,

Debbie Billings, Co-Founder, President
Graphic Creations, Inc.

1809 Lake Avenue
Knoxville, TN 37916
[865-522-6221](tel:865-522-6221)

TN Certified Woman Owned Business !