

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, February 3, 2015**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on February 3, 2015. Mayor Palazzolo welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Mayor Palazzolo welcomed Rick Bennett the newest Planning Commission member. Mayor Palazzolo then called the meeting to order at 6:04 p.m., asking the secretary for the roll.

Commissioners Present: Susan Burrow, Rick Bennett, Hale Barclay, George Hernandez, Alderman Forrest Owens, David Clark, and Dike Bacon

Commissioners Absent: Mike Harless

Staff Present: David Harris, Wade Morgan, Tim Gwaltney, Cameron Ross, Sheila Pounder, and Pam Rush

1. **ELECTION OF OFFICERS**

Mayor Palazzolo declared the floor open for nominations for Chairman.

Ms. Burrow nominated Mr. Harless for Chairman. Mr. Barclay seconded the motion.

Mayor Palazzolo asked if there were any other nominations. There were none. He said he would entertain a motion that the nominations cease and that Mr. Harless be elected.

Mayor Palazzolo asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Bacon – yes; Harless – absent; Owens – yes; Clark – yes; Bennett – yes; Palazzolo- yes. **Mr. Harless was elected Chairman of the Planning Commission.**

Mayor Palazzolo stated he would entertain nominations for Vice Chairman.

Ms. Burrow nominated Mr. Bacon as Vice Chairman. Mr. Barclay seconded the motion.

Mayor Palazzolo asked if there were other nominations. There were none. He asked the nominations cease and that Mr. Bacon be elected by acclamation.

Mayor Palazzolo asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Bacon – abstain; Harless –absent; Owens – yes; Clark – yes; Bennett –yes; Palazzolo- yes. **The Commission members voted unanimously to elect Mr. Bacon as Vice Chairman.**

Mayor Palazzolo then asked for nominations for Secretary.

Mr. Bacon nominated Ms. Burrow for Secretary. Mr. Hernandez seconded the motion.

Mayor Palazzolo asked if there were other nominations. There were none.

Mayor Palazzolo moved that the nominations cease and that Ms. Burrow be elected by acclamation.

Mayor Palazzolo asked for a roll call.

Roll Call: Barclay – yes; Burrow – abstain; Hernandez – yes; Bacon – yes; Harless – absent; Owens – yes; Clark – yes; Bennett – yes; Palazzolo- yes. **The Commission members voted unanimously to elect Ms. Burrow as Secretary.**

2. Approval of Minutes for December 17, 2014

Vice Chairman Bacon stated for those people who just arrived, tonight’s agenda is on the front table. The first order of business is the approval of the minutes for December 17, 2014. If there are no additions, corrections or deletions to the minutes of the December 17, 2014, meeting of the Planning Commission, he would entertain a motion for approval.

Alderman Owens moved to approve the Planning Commission minutes of December 17, 2014, as submitted, seconded by Ms. Burrow.

Vice Chairman Bacon asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – abstain; Bacon – yes; Harless – absent; Owens – yes; Clark – abstain; Bennett – abstain; Palazzolo- abstain. **The motion was passed**

3. Approval of Minutes for January 6, 2015

Vice Chairman Bacon stated for those people who just arrived, tonight’s agenda is on the front table. The first order of business is the approval of the minutes for January 6, 2015. If there are no additions, corrections or deletions to the minutes of the January 6, 2015, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Hernandez moved to approve the Planning Commission minutes of January 6, 2015, as submitted, seconded by Mr. Barclay.

Vice Chairman Bacon asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Bacon – abstain; Harless – absent; Owens – yes; Clark – yes; Bennett – abstain; Palazzolo- yes. **The motion was passed**

4. Medicus Office, Lot 2, Forest Hill Professional Plaza Subdivision, Phase 2, Request Preliminary and Final Site Plan Approval (Case #: 15-504)

INTRODUCTION:

Applicant Name:	Blair Parker, RLA w/Blair Parker Design – Representative
Location:	9236 Poplar Pike, Northeast corner of Poplar Pike and Professional Plaza Drive
Zoning District:	“O-51” Office Zoning District

BACKGROUND: On August 27, 2001, the Board of Mayor and Aldermen approved the third and final reading for the rezoning of the subject Lot 2 from “R-H” Retirement Housing to “O-51” Office. On October 2, 2001, the Planning Commission approved a request for Preliminary Approval of an Office P.U.D. The applicant never went further with this request. On August 7, 2007, the Planning Commission approved a request for Preliminary Plat Approval of a 2-lot subdivision of the property; Forest Hill Professional Plaza Subdivision.

BZA ACTION: The BZA, on December 9, 2014, approved a variance on this site to allow a building encroachment into the front yard setbacks on this Lot. Setbacks of 40 feet from the south property line and 10 feet from Professional Plaza Drive were approved by the Board.

DISCUSSION: The plan proposes an 11,200 sq. ft., single story building, to function as a medical facility with multiple offices.

PLAN REVISIONS: The site plan has been revised to respond to TAC's comments. The parking spaces abutting the Greenway have been enlarged to 20 ft. in depth to meet Germantown standards. The building was reduced in size slightly, which also reduced the number of required parking spaces by 2.

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Show adjacent topography (200') on Grading & Drainage Plan.
2. Use standard Germantown notes & details.
3. Building must be sprinkle protected.
4. Show irrigation meter & backflow preventer.
5. Check utility as-built drawing prior to designing water and sewer services.
6. Use City Standard "Poured-In-Place" detail for Type "E" drainage headwall.
7. Use City Standard Construction Details whenever applicable.
8. Show on Plan:
 - a) Tap for the sprinkler system
 - b) Proposed location for PIV & FDC
9. Provide additional information concerning Note #2 on Utility Plan.
10. Provide a note on the site plan and landscape plan concerning the approval of the existing detention and landscape area along Professional Plaza Drive.

B. GENERAL COMMENTS

1. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
3. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Design Review Commission.
4. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
5. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community

Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.

6. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.

7. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
8. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

STAFF RECOMMENDATION: Approval, subject to the comments listed above.

Blair Parker with Blair Parker Design, LLC, 5159 Wheelis Drive, Suite 107, Memphis, TN 38117 stated with him tonight is Curtis Doss, Architect and Brandon Doss, Landscape Architect. Mr. Parker noted he could answer any questions you may have concerning this project.

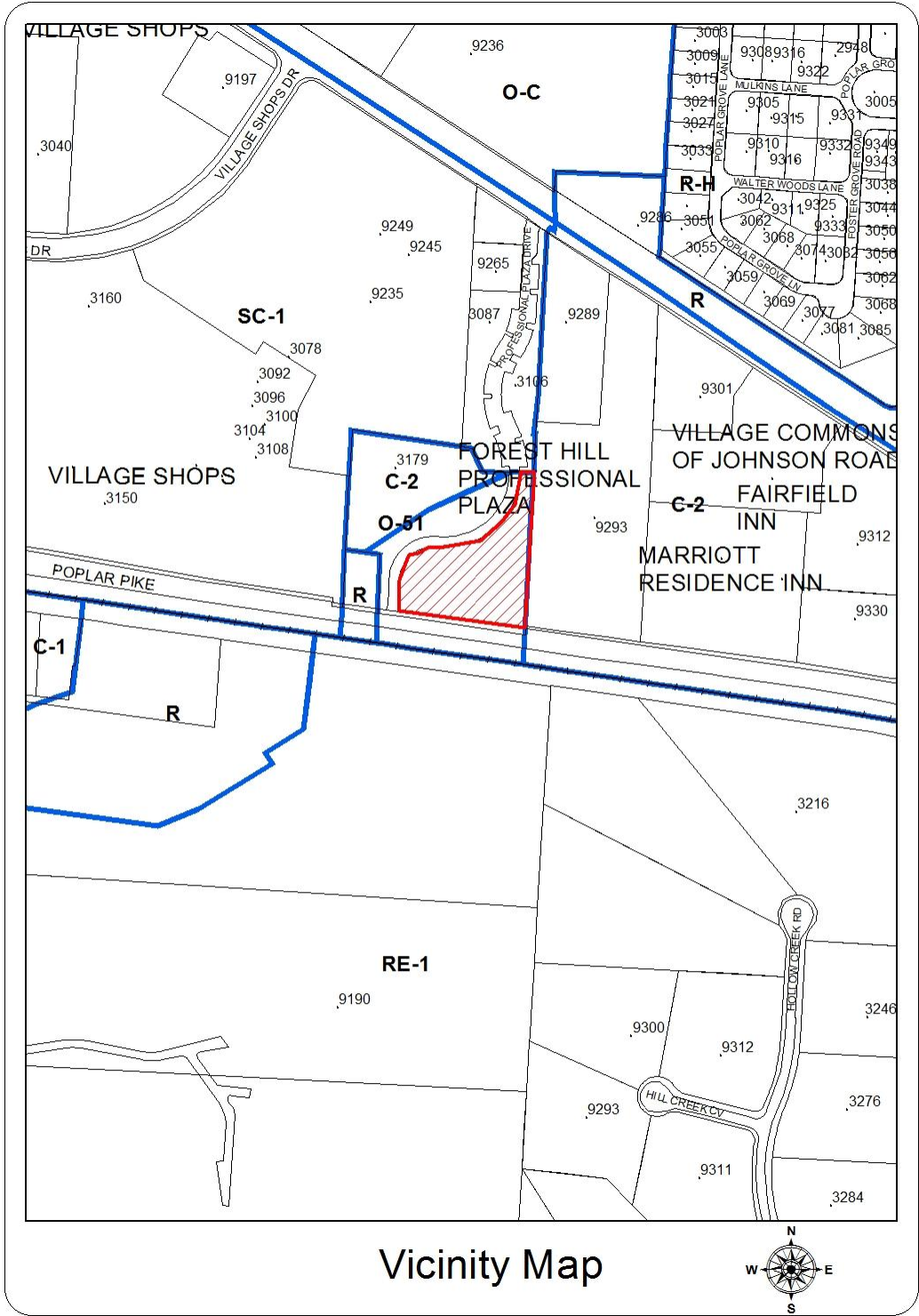
SUBDIVISION AND SITE PLAN SUBCOMMITTEE: The subcommittee met on January 21, 2015, and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for the Medicus office building on Lot 2, of the Forest Hill Professional Plaza Subdivision, Phase 2.

Mr. Hernandez moved to approve the preliminary and final site plan for the Medicus office building on Lot 2, of the Forest Hill Professional Plaza Subdivision, Phase 2, subject to the comments listed in the staff report, as submitted, seconded by Ms. Burrow.

Vice Chairman Bacon asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Bacon – yes; Harless –absent; Owens – yes; Clark – yes; Bennett – yes; Palazzolo- abstain. **The motion was passed**



Vicinity Map



5. Smart Code Amendments

INTRODUCTION: The Planning staff has reviewed the 2013 version of the City’s Smart Code for incorrect procedures, incorrect references to other sections, omissions from the 2007 Smart Code and similar errors.

BACKGROUND: The Smart Code was originally approved by the Board of Mayor and Aldermen on August 13, 2007, as the zoning regulations for the Central Business District (Smart Growth Area). The Code was replaced completely on November 11, 2013, with the approval of the Smart Code that was prepared in conjunction with the Western Gateway Small Area Plan.

DISCUSSION: The first page of the attached document is a summary table of the proposed amendments. Following that is the complete Smart Code; with text that is to be deleted ~~struckthrough~~ and new language shown in red, and will completely replace the 2013 version.

STAFF RECOMMENDATION: Approval.

Sarah Wilkinson Freeman, 7684 Apahon Lane, noted it is not so much of speaking against; it is just reminding over the sketch plan review is extremely light, shall we say, as is currently to meet the deadline. In the 2007 code there was a place where you could refer back to the checklist to meet the 30-day deadline. I have given this language to the Assistant City Attorney and others reminding them to put this in the language. Because otherwise, as it is written, it simply does not say to provide a sketch plan prior to (2 days) before it is due to be reviewed. Therefore, that caused a huge problem in March 2014, because you simply did not have the proper materials. She strongly reminds that they simply include in the language the sketch plan deadline, specifically the materials to be submitted by the 30-day deadline.

ZONING AND ANNEXATION SUBCOMMITTEE: The subcommittee met on January 21, 2015, and withheld a recommendation.

PROPOSED MOTION: To recommend approval of the February 2015 version of the Smart Code (attached as ATTACHMENT 1).

Mayor Palazzolo moved to recommend approval of the February 2015 version of the Smart Code, subject to the comments listed in the staff report, as submitted, seconded by Mr. Barclay.

Vice Chairman Bacon asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Bacon – yes; Harless –absent; Owens – yes; Clark – yes; Bennett – yes; Palazzolo- yes. **The motion was passed**

PROPOSED SMART CODE AMENDMENTS – JAN. 2015

NUMBER	PAGE NO. WITHIN THE SMART CODE	SECTION NO.	DESCRIPTION
1	2	ACRONYMS	Change SCC Smart Code Commission to Smart Code Review Committee
2	5	23-742.D. & 23-743	Corrects name of SCRC and gives DRC authority to grant warrants for signs and lighting.
3	4	23-744.A2.	Corrects SCRC name and corrects revised plan approval process to PC.
4	6	23-745	Corrects inaccurate references on the list of warrants.
5	6-7	23-745.B. – E.	Includes references to DRC for sign and lighting warrant approval.

6	9	23-756	Corrects an inaccurate reference; restores sections from 2007 Code describing buffers and height limits.
7	10	23-758	Clarifies the calculation of required Civic Space.
8	12	23-763.Bb	Corrects a reference to another section of the Code.
9	17	23-771	Corrects typo: 2 section 23-770's.
10	22	23-780	Corrects a reference to another section of the Code.
11	23	23-785	Corrects name of SCRC.
12	27	23-792.B	Corrects reference to another section and restores a screening requirement from the 2007 Code.
13	28	23-792.D	Incorporates an amendment from 2012 on permeable parking (ord. 2012-15) and restores a parking requirement from the 2007 Code.
14	30	23-795	Restores a dumpster location requirement from the 2007 Code.
15	34	23-805	Adds the standard 6 ft. height limit on ground signs.
16	38	23-813	Corrects name of the Western Gateway Plan.
17	40	23-819	Corrects typo and an incorrect reference to a section.
18	43	23-819	Corrects a reference to another section of the Code.
19	50	23-826	Remove reference to "Main Street" from CS-90-58, so that it may apply to any street.
20	51	23-826	Ads the street template with conventional angled parking.
21	54	23-831	Correct the title to "Western Gateway"

6. Recommendation of a Resolution Regarding Approvals made by the Planning Commission Related to the Smart Code

INTRODUCTION: The November 2013 version of the Smart Code section 23-744(A) (2) provides for the approval of a site plan or subdivision plat by the Planning Commission, as follows:

- a. Once plans are submitted to the PC, the Technical Advisory Committee (TAC) will review the plans. TAC is made up of representatives from all City departments. Warrants shall be reviewed by TAC and issued by the PC.
- b. Site and architectural design elements of Smart Code projects shall be reviewed by the Smart Code Subcommittee (SCC). The SCC shall be comprised of: 2 members from the Design Review Commission (DRC), 2 members from the Economic Development Commission (EDC), and 6 Planning Commission (PC) members as selected by the PC Chairman. Only the 6 PC members shall have voting privileges,
- c. The applicant shall be given an opportunity to resubmit plans to reflect comments from TAC and the SCC. The SCC shall convene and vote on site plan or subdivision plat approval.

The November 2013 version of the Smart Code inadvertently inserted the letters "SCC" instead of "PC" in the last sentence of 23-744(A) (2) (c).

A resolution is recommended by the City Attorney to ratify the plans and other items previously approved by the full Planning Commission as also being approvals of its Smart Code Subcommittee as provided by the November 2013 version of the Smart Code, section 23-744(A) (2) (c).

DISCUSSION: Once approved by the Planning Commission, the attached resolution will be presented to the Board of Mayor and Aldermen for its approval. It will consider the acts and approvals by the Planning Commission as being ratified, confirmed, adopted, and approved by the Board in all respects, effective as of the

date of the application/plan approval by the Planning Commission, as being acts and approvals of both the Planning Commission and its Smart Code Subcommittee.

STAFF RECOMMENDATION: Approval.

Sarah Wilkinson Freeman, 7684 Apahon Lane, stated at the last meeting of the Board of Mayor and Aldermen, I requested the City investigate the grievous errors made by the Assistant City Attorney David Harris, and Chief Planner Wade Morgan when they directed the Planning Commission, and Board of Mayor and Aldermen, to skip critical procedures in the Smart Growth development locations in 2013 and 2014. Both Mr. Harris and Mr. Morgan had admitted that they failed to follow the November 2013 Smart Code. Their excuses are murky and contradictory. The 2013 Smart Code has (inaudible) through multiple meetings of the Planning Commission and the Board of Mayor and Aldermen and presumably the City Administrator, Patrick Lawton and the City Attorney have examined the document. Nonetheless, Mr. Morgan has repeatedly blamed outside consultants' for the errors in the Smart Code. In fact, Mr. Harris and Mr. Morgan sometime chose to use the 2007 and other times chose to use the 2013 Smart Code. They mislead the public, Planning Commission and the Board of Mayor and Aldermen; instead, you are being directed by the attorney to pass the resolution stating that illegal actions of board's approval will be declared legal.

PROPOSED MOTION: To recommend to the Board of Mayor and Aldermen the approval of the attached resolution.

Mr. Barclay moved to recommend to the Board of Mayor and Aldermen the approval of the attached resolution, subject to the comments listed in the staff report, as submitted, seconded by Mayor Palazzolo.

Vice Chairman Bacon asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Bacon – yes; Harless –absent; Owens – yes; Clark – yes; Bennett– yes; Palazzolo- yes. **The motion was passed**

RESOLUTION NO. _____

A RESOLUTION TO RATIFY, CONFIRM, ADOPT, AND APPROVE CERTAIN ACTS AND APPROVALS OF THE PLANNING COMMISSION UNDER THE NOVEMBER 2013 VERSION OF THE SMART CODE.

WHEREAS, Pursuant to the November 2013 version of the Smart Code, certain acts and approvals were undertaken by the Planning Commission, six of whose members sit as the only voting members on its Smart Code Subcommittee; and

WHEREAS, The Mayor and Board of Aldermen for the City of Germantown, by resolution adopted by a majority vote, finds that it is in the best interest of the economic and land use development of the City of Germantown that those acts and approvals of the Planning Commission under the November 2013 version of the Smart Code should be ratified, confirmed, adopted, approved, and deemed for all purposes to also be the acts and approvals of the Smart Code Subcommittee.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE THAT:

Section 1. The acts and approvals of Smart Code applications/plans made by the Planning Commission under the November 2013 version of § 23-744(A)(2)(c) shall be and are hereby deemed for all purposes to be the acts and approvals of the Smart Code Subcommittee, whose voting members consist solely of six Planning Commission members. All such acts and approvals by the Planning

Commission are hereby ratified, confirmed, adopted, and approved by the Board in all respects, effective as of the date of the application/plan approval by the Planning Commission, as acts and approvals of both the Planning Commission and its Smart Code Subcommittee.

Section 2. BE IT FURTHER RESOLVED that this Resolution shall become effective immediately after its passage, in accordance with the Charter of the City of Germantown, the public welfare requiring it.

Adopted: _____, 2015.

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk/Recorder

-
1. Vice Chairman Bacon asked if there was any old business to come before the Commission. There was none.
 2. Vice Chairman Bacon asked if there was any new business to come before the Commission. Vice Chairman Bacon, Rick Bennett, and Alderman Owens thanked David Klevan, in his absence, for all the years he served on the Planning Commission with his leadership.
 3. Vice Chairman Bacon asked if there were any liaison reports. There were none.
 4. **ADJOURNMENT:** The meeting adjourned at 6:30 p.m.

ATTACHMENT 1:

GERMANTOWN SMART CODE

CHAPTER 23 – ARTICLE VII

FEBRUARY 2015

ACRONYMS

BMA: Board of Mayor and Aldermen

DECD: Department of Economic and Community Development

DRC: Design Review Commission

PC: Planning Commission

SCRC: Smart Code ~~Review Committee Commission~~

TAC: Technical Advisory Commission

USGBC: U.S. Green Building Council

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DIVISION 1: ADMINISTRATION

SEC. 23-741. INTENT

This Code (i.e., this Code) has been adopted to promote the health, safety and general welfare of the City of Germantown, Tennessee (“City”) and its citizens, including without limitation: protection of the environment; conservation of land, energy and natural resources; reduction in vehicular traffic congestion; more efficient use of public funds; economic development; a more balanced and sustainable tax revenue stream; health benefits of a pedestrian environment; historic preservation; education and recreation; reduction in sprawl development; and improvement of the built environment and human habitat.

The purpose of this Code is to implement the various small area plans and to fulfill the Guiding Principles of the Germantown Vision 2020 Strategic Plan.

SEC. 23-742. AUTHORITY

- A. Provisions of this Code are activated by “shall” when required; “should” when recommended; and “may” when optional.
- B. The provisions of this Code, when in conflict, shall take precedence over the existing City of Germantown Zoning Ordinances (Chapter 23), the Germantown Subdivision Regulations (Chapter 17), and the City of Germantown Sign Ordinances (Chapter 14) (the “Existing Local Codes”).
- C. Terms used throughout this Code shall be accorded their commonly accepted meanings unless defined in the Definitions (Division 10). In the event of conflicts between these definitions and those of the Existing Local Codes, those of this Code shall take precedence. Capitalized terms in this Code may refer to Division 10 Definitions.
- D. Within the Smart Code zoning districts, the Smart Code Review Subcommittee of the Planning Commission (PC), and not the Design Review Commission (DRC), shall exercise the powers and authority vested in the DRC pursuant to the provisions of Section 2-166 et seq. of the City Code of Ordinances relative to all development , **except that the DRC shall have the power to grant warrants for Division 8 (Signs) and Section 23-796 (Lighting).**

SEC. 23-743. APPLICABILITY AND PRE-EXISTING CONDITIONS

- A. Lots and buildings located within the Smart Code zoning districts and other areas of Germantown approved by the BMA shall be subject to the requirements of this Article.
- B. All pre-existing structures shall adhere to either the regulations of the zoning district in which they were located as of July 9, 2007 or this Code. Please see Figure 1, Zoning District Map, July 9, 2007. Pre-existing structures shall also adhere to the following provisions:
 - 1. All applicable provisions of Tennessee law and City ordinances relating to nonconforming uses, including, but not limited to, Tenn. Code Ann. § 13-7-208 and Section 23-666 of the City Zoning Ordinances, as may be amended and interpreted, shall continue to be applicable with respect to this Code.
 - 2. Property owners whose property is subject to the provisions of ~~1-3-2-A~~ **Sec. 23-743.A.** above shall be allowed (i) with respect to any application filed with the Planning Commission, to elect to comply with the provisions of this Code or to comply with all provisions of the Ordinances of the City applicable to the zoning designation in effect for the subject property immediately prior to the adoption of this Code, (ii) to occupy or cause to be occupied any space in an existing building, a renovated building, or a building reconstructed on the property following a demolition with the same uses approved for the property immediately prior to the adoption of this Code, and (iii) subject to the specific provisions of Sec. 23-743 (b) 2 below, in the event of a casualty requiring the demolition of, or repairs to, an existing structure, to rebuild the structure as it existed prior to the casualty in the same location on the subject property, using substantially similar materials, space configurations, site layout, and parking,

- regardless of the land use code in place at the time of the demolition caused by such casualty.
3. The benefits of development, redevelopment or usage of property pursuant to the SmartCode zoning districts are expressly conditioned upon full compliance with all provisions of the SmartCode.
 4. Nothing contained herein shall modify the provisions of any Tennessee laws or City ordinances, as same may be amended and interpreted from time to time, requiring conformance with applicable building codes now or hereafter in place.

SEC. 23-744. PROCESS

A. Approval Process

1. **Sketch Plan Review:** Prior to submitting a site plan or subdivision plat to the PC, an applicant must submit a sketch plan to the Department of Economic and Community Development (DECD) for sketch plan review.
2. **Planning Commission: Site Plan/Subdivision Plat Approval**
 - a. Once plans are submitted to the PC, the Technical Advisory Committee (TAC) will review the plans. TAC is made up of representatives from all City departments. Warrants shall be reviewed by TAC and issued by the PC.
 - b. Site and architectural design elements of Smart Code projects shall be reviewed by the Smart Code **Review Subcommittee (SCRC)**. The SCRC shall be comprised of: 2 members from the Design Review Commission (DRC), 2 members from the Economic Development Commission (EDC), and 6 Planning Commission (PC) members as selected by the PC Chairman. Only the 6 PC members shall have voting privileges, **however the DRC and EDC representatives may submit comments and recommendations in writing to the PC.**
 - c. The applicant shall be given an opportunity to resubmit plans to **respond to reflect** comments from TAC and the SCRC.
 - d. **Thereafter, the PC SCC** shall convene and vote on site plan or subdivision plat approval..
3. **BMA Resolution:** Where there are no warrants required according to the provisions of Sec.23-745, the Mayor shall have the authority to grant an approval of behalf of the BMA. If warrants are required, the application shall follow the procedures in Sec. 23-745.

B. Building and site plans submitted under this Section shall show the following, in compliance with the standards described in this Section:

1. For sketch plan review:
 - a. Building Siting
 - b. Building Configuration
 - c. Building Function
 - d. Parking Standards
 - e. All requirements of the City of Germantown Checklist for Sketch Plan Review Checklist including, but not limited to: vicinity map and information; general information; land use; existing conditions; grading and drainage; tree plan; utility plan; vehicular circulation
 - f. Other requirements as determined by DECD staff.
2. Site plan/subdivision plat approval (in addition to the above):
 - a. Architectural standards
 - b. Landscape standards

- c. Sign standards
- d. Lighting standards
- e. Public Art
- f. All requirements of the City of Germantown Checklist for Final Plat/Site Plan Review Checklist including, but not limited to: vicinity map and information; general information; land use; existing conditions; grading and drainage; tree plan; utility plan; vehicular circulation; traffic analysis.

SEC.23-745. WARRANTS

A. The provisions of this Code are intended to govern and regulate all matters involving the use and development of land within the Smart Code zoning districts. However, in those instances where reasons are shown that would justify a deviation from the strict requirements of the provisions of this Code as to property to which this Code applies by operation of law or by election of the property owner, the PC shall have authority to permit such deviations. Any such deviation, for the purposes hereof, shall be referred to as a "Warrant". A Warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its intent (Sec.23-741) and is consistent with the adopted small area plan applicable to that location. In addition to the criteria noted above, the following specific instances may be considered for Warrants:

1. Designation of Civic Building or Civic Space (23-758.A.1).
2. **Parking for Civic Functions (23-758.A.2) 23-792.**
3. **Design of Civic Buildings (23-758.B) 23-785.**
4. **Uses permitted by Warrant (23-763.A).**
5. **Increased building height in the T6 District (23-771.A).**
6. **Number and orientation of buildings in the T3 District (23-778.A.1).**
7. **Building façade exterior materials that are not explicitly permitted per 23-786.C (for residential buildings) or 23-787.D (for mixed-use and commercial buildings).**
8. **The utilization of publicly available parking to fulfill requirements for non-residential use (23-792.A.2).**
9. **The application of the parking Sharing Factor (23-792.A.3).**
10. **Surface parking spaces provided in excess of 120% of the minimum required (23-792.D.6).**
11. **Use of an evergreen hedge or fence instead of a Streetscreen (23-794.B).**
12. **The construction of loading docks and service areas on primary Frontages 23-794.B 795.B).**
13. **Lighting levels beyond those permitted in (23-796.B).**
14. **Any deviation from the sign standards (Division 8).**
15. **Specific requirements for truck and transit bus routes and truck loading (23-812.A).**

B. In determining justifiable reasons for granting a Warrant, the PC (or the DRC when appropriate) shall take into account, among other relevant factors that may be applicable, the relationship of the property to other properties, whether the deviation would be in accord with the intent of this Code, principles of good land use planning as same may evolve over time, the topography of the property, and peculiar and exceptional practical difficulties or undue hardship upon the owner of the property. In determining whether to grant a Warrant, financial hardship shall not alone be considered sufficient to justify a deviation. In all events, the PC (or the DRC when appropriate) shall take into consideration whether the proposed deviation may be granted without




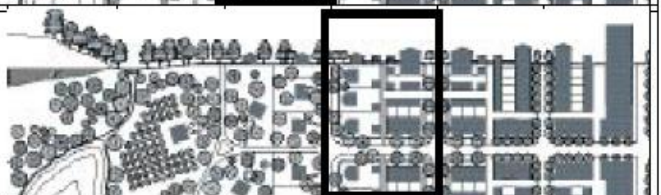
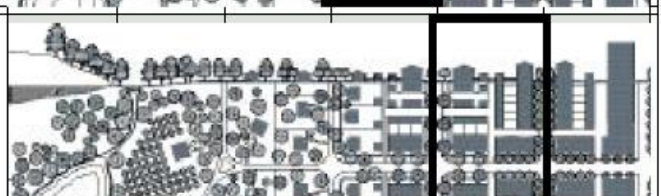

substantial detriment to the public good and without substantially impairing the intent and purpose of the provisions of this Code.

- C. If a Warrant is granted by the PC, (or the DRC when appropriate), the matter respecting the Warrant shall be referred to the BMA, which shall have authority to approve or disapprove same. If the PC (or the DRC when appropriate), refuses to grant a Warrant, the applicant may appeal same to the courts of the State of Tennessee in accordance with applicable law.
- D. This Division (**23-745**) shall supersede all provisions of any other City ordinance that may be relevant to deviations (or matters of a similar nature) that might be classified as or termed “variances” if the subject property were not located in a Smart Code zoning district.
- E. Warrants for Division 8 (Signs) and section 23-796 (Lighting) shall be reviewed by the DRC.

DIVISION 2: ADOPTED SMALL AREA PLAN ELEMENTS

SEC.23-755. SMART CODE ZONING DISTRICT DESCRIPTIONS.

This table provides description of the general character of each Smart Code zoning district, based on the Transect concept. The Transect is a system of ordering human habitats in a range from the most natural to the most urban. The Smart Code is based upon 6 Transect Zones which describe the physical character of place at any scale, according to the density and intensity of land use and urbanism.

<p>T1 The Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	
<p>T2 The Rural Zone consists of lands in open or cultivated state or sparsely settled. These include woodland, agricultural lands, grasslands and irrigable deserts.</p>	
<p>T3 The Sub-Urban Zone, consists of low density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.</p>	
<p>T4 The General Urban Zone consists of a mixed-use but primarily residential urban fabric. It has a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.</p>	
<p>T5 The Urban Center Zone consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages.</p>	
<p>T6 The Urban Core Zone consists of the highest density, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings set close to the frontages.</p>	

Source: DPZ

Source: DPZ.

SEC.23-756 ZONING AND CIVIC INFRASTRUCTURE MAP ELEMENTS

A. The Regulating Plan for the Smart Code zoning districts, which is adopted as an integral and related piece of this Code, designates the following special requirements:

1. **Public Parking:** Recommended locations for publicly-accessible and potentially publicly-funded/subsidized parking garages or lots.
2. **New Thoroughfares:** Recommended locations for new thoroughfares based on the conceptual plan in the adopted small area plans. These alignments are conceptual only, but show the recommended spacing and location of new streets based on existing conditions and proposed build out.
3. **Limited Retail:** On the indicated locations, the building area available for retail use is limited to: the first story of buildings at corner locations on major streets, not more than one per block; and other provisions of the “Limited Retail” designation in **Section 23-763.C. Table 9.**
4. **Pedestrian/Bicycle Connections:** Designated locations require a minimum 10-foot-wide pedestrian access and 20 foot right-of-way right be reserved between buildings.
5. **Areas for Civic Space and/or Parks:** The Regulating Plan indicates where public open space currently exists and should be enhanced or expanded; or, where new public open spaces are generally recommended per the adopted small area plans. With the exception of the existing Municipal Park, the locations of Civic Space/Parks on the Regulating Plan are conceptual in nature and suggestive of the general scale and location of public open space, but do not preclude other locations for such space. However, where a Civic Space/ Park is designated on a particular block, such space shall be included in development plans in that block.
6. **Landscape Preservation:** The Regulating Plan designates areas where a buffer of existing trees shall be preserved to maintain the green transition into the Smart Code zoning districts.
7. **Required Buffer:** The Regulating Plan designates areas where new developments in T-4 and T-5 zones abut properties used for single family residential development in low density residential districts (RE-10, R-E, R-E-1, R, R-1, R-2, R-3,) and where a 25 foot planting screen shall be provided to provide a transition between the smart growth zoning districts and the existing residential properties.
8. **Three story height maximum:** Areas indicating the location where new buildings in smart growth zoning districts may not exceed three stories within 150 feet of the property line of abutting, low density, residentially zoned property (RE-10, R-E, R-E-1, R, R-1, R-2, R-3,) that contain existing single family uses.

SEC. 23-757 RESTRICTED FRONTAGES

A. Required Shopfronts: The Regulating plan designates locations that require a Shopfront Frontage at sidewalk level along the entire length of the Frontage.

1. The Shopfront shall be no less than 60% glazed in clear glass along the linear frontage and provided with an awning, or gallery frontage overlapping the sidewalk as generally illustrated in 4.6 (Table of Private Frontages).
2. The first floor shall be confined to Retail use through the depth of the First Layer.

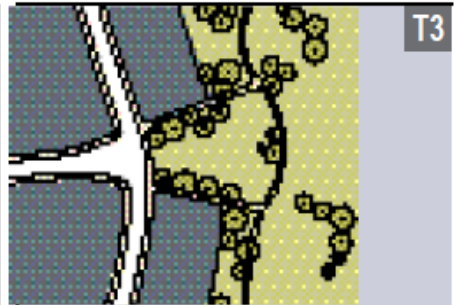
SEC.23-758 CIVIC SPACE

A. Civic Space

1. Civic Space is an outdoor area dedicated for public use, such as a park, a green, a square, a plaza, or a play ground. Civic Space may be approved by Warrant in any Smart Code zoning district.
2. The minimum amount of Civic Space to be dedicated on each lot within the Smart Code zoning districts shall be as follows:
 - a. For residential development, Civic Space shall be required as provided for in Section 17-60 of the Subdivision Chapter of the Germantown Code based on the formula: number of units multiplied by the parkland ratio (0.0033) yields the number of acres of Civic Space.
 - b. Payment-in-Lieu of Dedication for Civic Space is allowed as provided for in Section 17-60(c) unless Civic Space is shown on the Regulating Plan.
3. Proposed locations for Civic Spaces may be the size and location of the Civic Space is conceptual in nature and suggestive of the general scale and location of public open space, but do not preclude other locations for such space.

B. Table of Civic Space Types: Civic Spaces shall be generally designed according to the following table:

A. **Park:** A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 10 acres. Larger parks may be approved by Warrant in all zones.



T3

B. **Green:** An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 0.5 acres and the maximum shall be 15 acres.

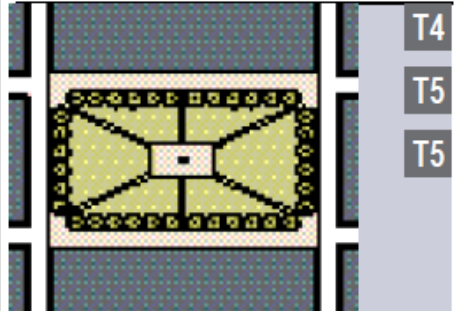


T3

T4

T5

C. **Square:** An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 0.25 acre and the maximum shall be 5 acres.

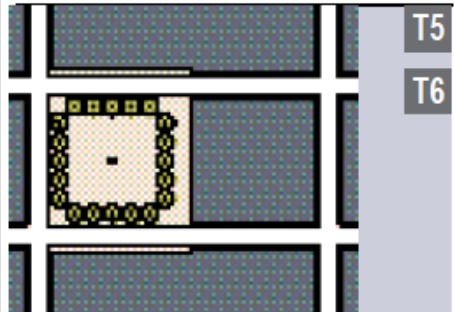


T4

T5

T5

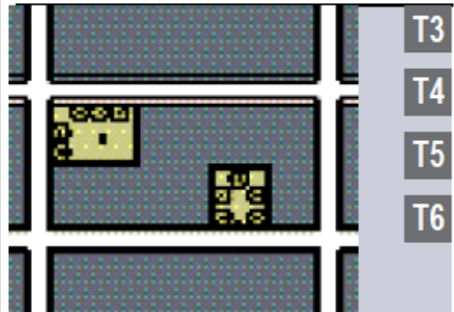
D. **Plaza:** An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important streets. The minimum size shall be 2000 square feet and the maximum shall be 0.5 acres.



T5

T6

E. **Playground:** An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



T3

T4

T5

T6

DIVISION 3: USE STANDARDS

SEC.23-763. PERMITTED USES

A. Uses shall be permitted by right, by warrant, or prohibited according to the following table:

USE TYPE	T3	T4	T5	T6
1. Residential				
Apartment Building	—	■	■	■
Row House	—	■	■	■
Duplex House	—	■	■	—
Sidyard House	■	■	■	—
Cottage	■	■	—	—
House	■	■	—	—
Accessory Dwelling Unit	■	■	■	—
Live-Work Unit	■	■	■	■
2. Lodging				
Hotel (no room limit)	—	—	■	■
Inn (up to 12 rooms)	—	■	■	■
Inn (up to 5 rooms)	—	■	■	■
3. Office				
Office Building	—	■	■	■
Live-Work Unit	■	■	■	■
4. Retail				
Open-Market Building	—	■	■	■
Retail Building	—	■	■	■
Display Gallery	—	■	■	■
Restaurant	—	■	■	■
Kiosk	—	■	■	■
Push Cart	—	—	□	□
Liquor Selling Establishment	—	—	□	□
5. Civic				
Bus Shelter	■	■	■	■
Convention Center	—	—	□	□
Conference Center	—	—	□	■
Exhibition Center	—	—	□	—
Library	—	■	■	■
Live Theater	—	—	■	■
Movie Theater	—	—	■	■
Museum	—	—	□	■
Outdoor Auditorium	—	■	■	■
Parking Structure	—	—	■	■
Surface Parking Lot	—	□	□	□
Passenger Terminal	—	—	□	□
Playground	■	■	■	■
Places of Worship	■	■	■	■
Post Office	—	■	■	■
■ Permitted by right □ Permitted by Warrant — Prohibited				

USE TYPE	T3	T4	T5	T6
6. OTHER: VEHICLE-RELATED				
Gasoline Sales	—	—	□	□
Automobile Service	—	□	□	□
Drive-Through Facility	—	—	□	□
7. OTHER: CIVIL SUPPORT				
Fire Station	■	■	■	■
Police Station	—	■	■	■
Cemetery	□	□	—	—
Funeral Home	—	■	■	■
Hospital	—	—	□	□
Medical Clinic	—	□	■	■
8. OTHER: EDUCATION				
College	—	—	□	□
High School	—	□	□	□
Elementary School	□	■	■	■
Other- Daycare Center	■	■	■	■
Family Daycare Home	■	■	—	—
9. OTHER: INDUSTRIAL				
Laboratory Facility	—	—	□	□
Water Supply Facility	—	□	—	—
Sewer and Waste Facility	—	□	—	—
Electric Substation	□	□	□	□
Wireless Transmission	□	□	□	□
■ Permitted by right □ Permitted by Warrant — Prohibited				

A. Building Function

1. Functions that do not conform to the requirements of of ~~3.1.1~~ **Sec. 23-763.A.** shall require approval by Warrant.
2. Accessory uses of Limited Lodging or Limited Office shall be permitted within an Outbuilding. (T4 only)

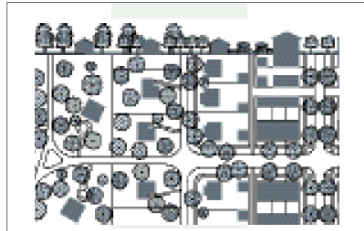
C. ADDITIONAL USE STANDARDS

USE TYPE	T3	T4	T5 & T6
1. Residential	<p>Restricted Residential:</p> <p>A. Dwellings on each lot restricted to one in a Principal Building and one in an ancillary building, with 2.0 parking places for the principal dwelling and 1.0 places for the ancillary.</p> <p>B. Both dwellings shall be under single ownership.</p> <p>C. The habitable area of the ancillary dwelling shall not exceed 500 square feet.</p>	<p>Limited Residential:</p> <p>A. The number of dwellings on each lot is limited by the requirement of 1.5 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (see Sec.23-792.A.3).</p>	<p>Open Residential:</p> <p>A. The number of dwellings on each lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (see Sec.23-792.A.3).</p>
2. Lodging	<p>Prohibited</p>	<p>Limited Lodging:</p> <p>A. The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to twelve, in addition to the parking requirement for the dwelling.</p> <p>B. Food service may be provided in the a.m. The area allocated for food service shall be provided with parking according to retail use.</p> <p>C. The maximum length of stay shall not exceed 10 days.</p>	<p>Open Lodging:</p> <p>A. The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom.</p> <p>B. Food service may be provided at all times. The area allocated for food service shall be calculated and provided with parking according to retail use.</p>
3. Office	<p>Restricted Office:</p> <p>A. The building area available for office use on each lot is restricted to the first story of the principal or the ancillary building and by the parking requirement for office space in addition to the parking requirement for each dwelling.</p>	<p>Limited Office:</p> <p>A. The building area available for office use on each lot is limited to the first two stories of the Principal Building and/or the ancillary building.</p>	<p>Open Office:</p> <p>A. The building area available for office use on each lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net office space.</p>
4. Retail	<p>Prohibited</p>	<p>Limited Retail:</p> <p>A. The building area available for retail use is limited to the first story of buildings at corner locations with at least one major street (as defined in Sec. 17-56(c) (1) of the Germantown Code), not more than 5000 sf. per block along the major street; or, where Shopfronts are recommended or required on the Regulating Plan.</p> <p>B. The specific use shall be further limited to Neighborhood Store(s), or restaurant(s) seating no more than 100.</p>	<p>Open Retail:</p> <p>A. The building area available for retail use is limited by the requirement of 3.0 assigned parking places per 1000 square feet of net retail space.</p>
5. Civic	See Sec.23-792.(Parking Requirements)		
6. Other	See Sec.23-792.(Parking Requirements)		

DIVISION 4: DISTRICT PROVISIONS

SEC.23-768. SUB-URBAN ZONE (T3)

This subsection establishes standards for the T3 Smart Code zoning district as shown in the adopted zoning map.



1. BUILDING HEIGHT

A. Principal Building	3 stories max.
B. Outbuilding	2 stories max.

2. LOT OCCUPATION

A. Lot Width	60 ft. min.
B. Lot Coverage	60% max.
C. Frontage Buildout	n/a

3. BUILDING DISPOSITION

A. Edgeyard	permitted
B. Sideyard	prohibited
C. Rearyard	prohibited
D. Courtyard	prohibited

4. BUILDING SITING

Principal Building

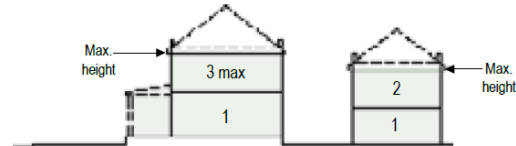
A. Front Setback	24 ft. min.
B. Side Setback from right-of-way	6 ft. min.
C. Side Setback from adjacent lot	6 ft. min.
D. Rear Setback	12 ft. min.

Outbuilding

E. Front Setback	20 ft. min. + 4.A.
F. Side Setback from right-of-way	6 ft. min.
G. Side Setback from adjacent lot	3 ft. or 6 ft.
H. Rear Setback	3 ft. or 23 ft.

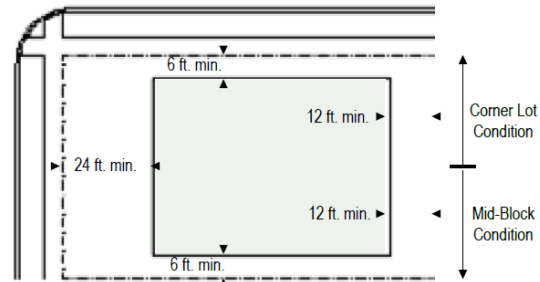
BUILDING HEIGHT

A. Building height shall be measured as indicated in Subsection Sec.23-780..



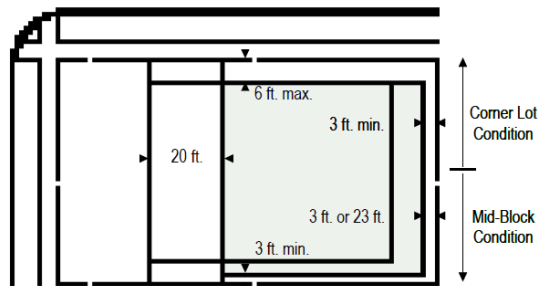
BUILDING SITING

A. The facades and elevations of Principal Buildings shall be distanced from the lot lines as shown.



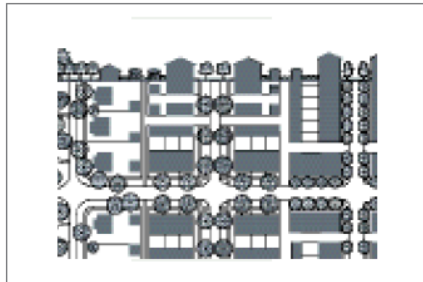
OUTBUILDING SITING

A. The elevation of the Outbuildings shall be distanced from the lot lines as shown.



SEC.23-769. GENERAL URBAN ZONE (T4 & T4 RESTRICTED)

This subsection establishes standards for the T4 and T4-Restricted (T4-R) Smart Code zoning districts as shown in the adopted zoning map. Additionally, development in the T4-R district shall be subject to the provisions in Subsection Sec.23-779..



1. BUILDING HEIGHT

A. Principal Building	3 stories max. 2 stories min.
B. Outbuilding	2 stories max.

2. LOT OCCUPATION

A. Lot Width	18 ft min. 96 ft max.
B. Lot Coverage	70% max.
C. Frontage Buildout	N/A

3. BUILDING DISPOSITION

A. Edgeward	permitted
B. Sideyard	permitted
C. Rearyard	permitted
D. Courtyard	prohibited

4. BUILDING SITING

Principal Building

A. Front Setback ¹	6 ft min. 18 ft max.
B. Side Setback from right-of-way	6 ft min.
C. Side Setback from adjacent lot	0 ft or 6 ft
D. Rear Setback	3 ft min. or 20 ft from alley centerline

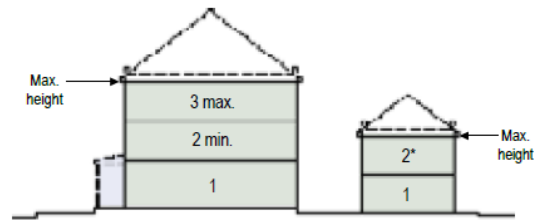
Outbuilding

E. Front Setback	20 ft min. + 4.A.
F. Side Setback from right-of-way	6 ft min.
G. Side Setback from adjacent lot	0 ft or 3 ft
H. Rear Setback	3 ft min. or 20 ft from alley centerline

¹ 10 ft. min. or 40 ft. max from Poplar Ave. or Germantown Rd. frontages unless a frontage drive/road is constructed, in which case the setbacks as delineated above shall apply in relation to the frontage drive/road.

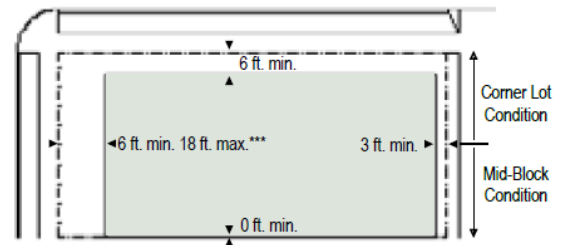
BUILDING HEIGHT

A. Building height shall be measured as indicated in Subsection Sec.23-780..



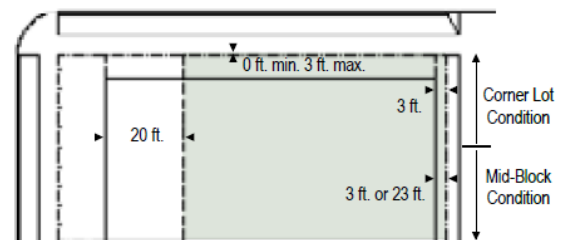
BUILDING SITING

A. The facades and elevations of Principal Buildings shall be distanced from the lot lines as shown.
 B. Buildings shall have facades along principal frontage lines and elevations along lot lines.



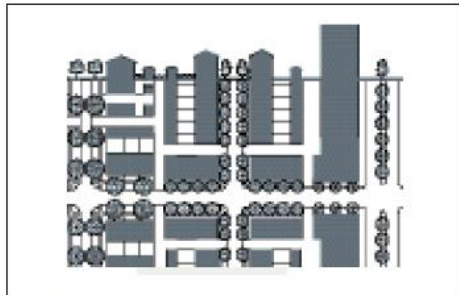
OUTBUILDING SITING

A. The elevations of the Outbuildings shall be distanced from the lot lines as shown.

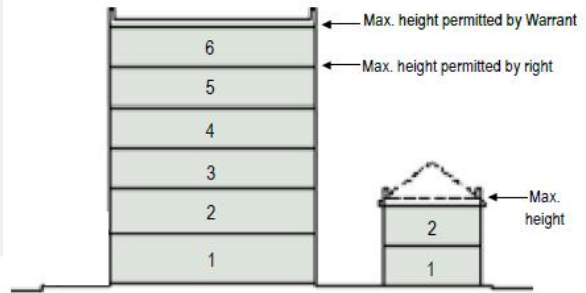


SEC.23- 770 URBAN CENTER ZONE (T5 & T5-RESTRICTED)

This subsection establishes standards for the T5 and T5-Restricted (T5-R) Smart Code zoning districts as shown in the adopted zoning map. Additionally, development in the T5-R district shall be subject to the provisions in Subsection Sec.23-779.



BUILDING HEIGHT
 A. Building height shall be measured as indicated in Subsection Sec.23-780.



1. BUILDING HEIGHT

A. Principal Building	5 stories max. by right 6 stories max. by Warrant 20 ft min.
B. Outbuilding	2 stories max.

2. LOT OCCUPATION

A. Lot Width	18 ft min. 180 ft max.
B. Lot Coverage	100% max.
C. Frontage Buildout	70% min.

3. BUILDING DISPOSITION

A. Edgeyard	prohibited
B. Sideyard	permitted
C. Rearyard	permitted
D. Courtyard	permitted

4. BUILDING SITING

Principal Building

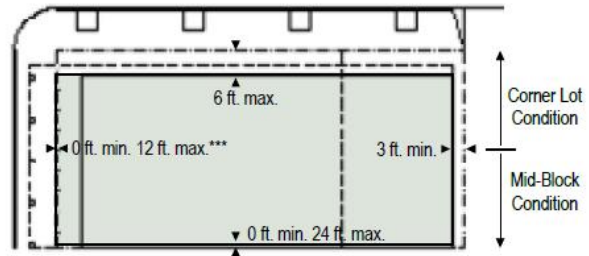
A. Front Setback ¹	0 ft min. 12 ft max.
B. Side Setback from right-of-way	0 ft min
C. Side Setback from adjacent lot	0 ft min
D. Rear Setback	3 ft min. or 20 ft from alley centerline

Outbuilding

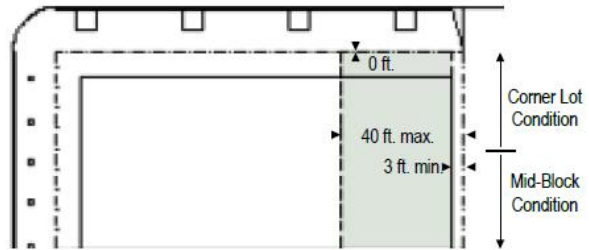
E. Front Setback	40 ft. max. from rear property line
F. Side Setback from right-of-way	0 ft min.
G. Side Setback from adjacent lot	0 ft min.
H. Rear Setback	3 ft min. or 20 ft from alley centerline

¹ 10 ft. min. or 40 ft. max from Poplar Ave. or Germantown Rd. frontages unless a frontage drive/road is constructed, in which case the setbacks as delineated above shall apply in relation to the frontage drive/road.

BUILDING SITING
 1. The facades and elevations of Principal Buildings shall be distanced from the lot lines as shown.
 2. Buildings shall have facades along principal frontage lines and elevations along lot lines.

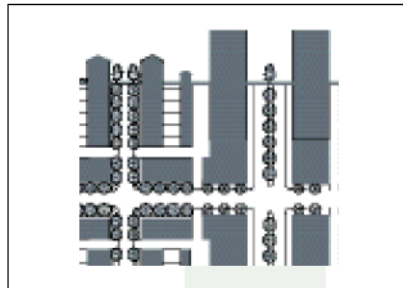


OUTBUILDING SITING
 1. The elevations of the Outbuildings shall be distanced from the lot lines as shown.



SEC.23-770 771 URBAN CORE ZONE (T6)

This subsection establishes standards for the T6 Smart Code zoning district as shown in the adopted zoning map.



1. BUILDING HEIGHT

A. Principal Building	8 stories max. or 10 max. by Warrant) 2 stories min.
B. Outbuilding	2 stories max.

2. LOT OCCUPATION

A. Lot Width	18 ft min. 700 ft max.
B. Lot Coverage	100% max.
C. Frontage Buildout	80% min.

3. BUILDING DISPOSITION

A. Edgeyard	prohibited
B. Sideyard	prohibited
C. Rearyard	permitted
D. Courtyard	permitted

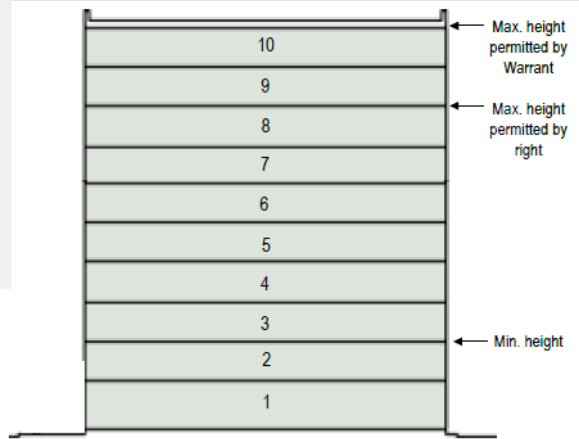
4. BUILDING SITING

Principal Building	
A. Front Setback ¹	0 ft min. 12 ft max.
B. Side Setback from right-of-way	0 ft min.
C. Side Setback from adjacent lot	0 ft min.
D. Rear Setback	0 ft min.
Outbuilding	
E. Front Setback	n/a
F. Side Setback from right-of-way	n/a
G. Side Setback from adjacent lot	n/a
H. Rear Setback	n/a

¹ 10 ft. min. or 40 ft. max from Poplar Ave. or Germantown Rd. frontages unless a frontage drive/road is constructed, in which case the setbacks as delineated above shall apply in relation to the frontage drive/road.

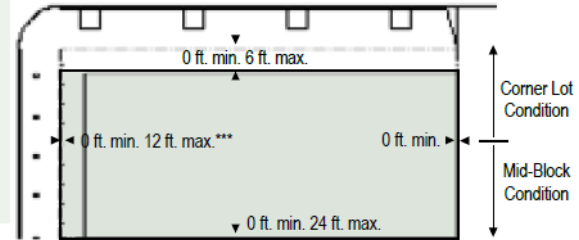
BUILDING HEIGHT

A. Building height shall be measured as indicated in Subsection Sec.23-780.



BUILDING SITING

1. The facades and elevations of Principal Buildings shall be distanced from the lot lines as shown.
 2. Buildings shall have facades along principal frontage lines and elevations along lot lines.



SEC.23-772. TABLE OF BUILDING DISPOSITION

Building Type. This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each Smart Code zoning district.

<p>A. Edgeyard: A building that occupies the center of its lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p> <p>Specific Types: Single family House, Cottage, Villa, Urban Villa.</p>		<p>T3 T4</p>
<p>B. Sideyard: A building that occupies one side of the lot with the Setback to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding. A shallow frontage Setback defines a more urban condition. If the adjacent building is similar with a blank party wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze.</p> <p>Specific Types: Charleston Single House, zero-lot-line house.</p>		<p>T4 T5</p>
<p>C. Rearyard: A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p> <p>Specific Types : Townhouse, Rowhouse, Live-Work unit, perimeter block.</p>		<p>T4 T5 T6</p>
<p>D. Courtyard: A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools.</p> <p>Specific Types: Patio House.</p>		<p>T5 T6</p>

SEC.23-773. TABLE OF PRIVATE FRONTAGES

Private Frontages. The Private Frontage is the area between the building and the lot lines.

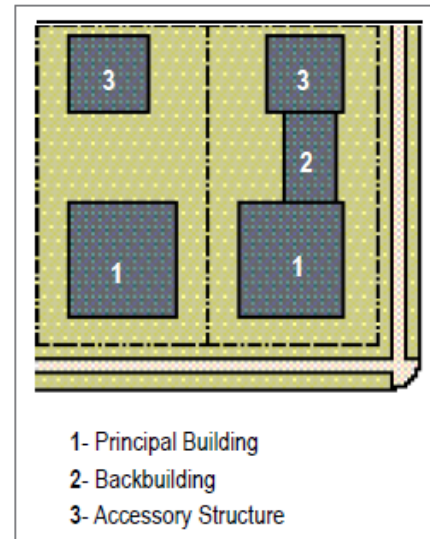
	SECTION		PLAN		
	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE	
A. Common Yard: a frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.					T3
B. Porch & Fence: a frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.					T3 T4
C. Terrace or Light Court: a frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes.					T4 T5
D. Forecourt: a frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.					T4 T5 T6
E. Stoop: a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.					T4 T5 T6
F. Shopfront and Awning: a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.					T4 T5 T6
G. Gallery: a frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and may overlap the sidewalk to the right-of-way line.					T4 T5 T6

DIVISION 5: GENERAL PROVISIONS

SEC.23-778. GENERAL LOT STANDARDS

A. Building Siting and Orientation

1. T3 District Only: One Principal Building at the Frontage, and one Accessory Structure to the rear of the Principal Building (unless otherwise permitted by Warrant), may be built on each lot as shown at right.
2. All Districts: Principal Buildings shall have their principal pedestrian entrances on a Frontage Line.
3. Building setbacks along Poplar Avenue and Germantown Road shall be at least 10 feet and no more than 40 feet from the public right-of-way, unless a frontage drive/road is constructed, in which case, the setbacks established in Sec.23-768 – Sec.23-771 shall apply in relation to the frontage drive/road.
4. Facades shall be built parallel to a rectilinear Principal Frontage Line or parallel to the tangent of a curved Principal Frontage Line.
5. Liner Buildings shall include retail, office uses, or some other active use along the primary frontage.

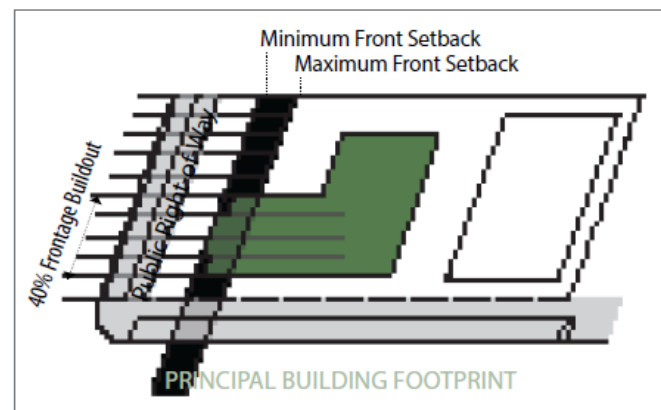


Building Siting

B. Frontage Buildout: Facades shall extend

along a minimum percentage of the Frontage width at the Setback, as the Frontage Buildout in Sec.23-768 – Sec.23-771 specifies. The width of a driveway provided at the Frontage shall be exempt from this requirement. In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built contiguous with the Facade in accordance with Sec.23-794.B

1. T5: 70% minimum. In the absence of a building along the remainder of the Frontage Line, a Streetscreen shall be built on the same plane with the Facade.
2. T6: 80% minimum. In the absence of building along the remainder of the Frontage Line, a Streetscreen shall be built on the same plane with the Facade.



Example of Frontage Buildout Calculation

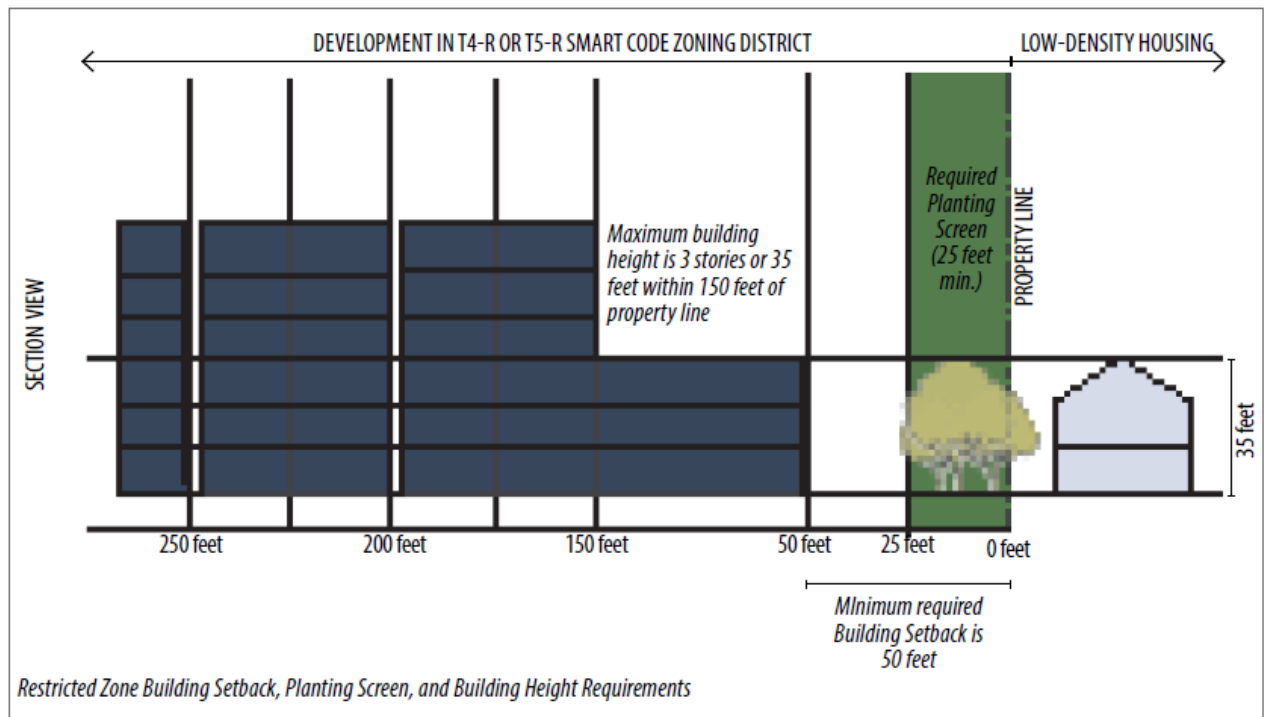
C. Encroachments: The following encroachments are allowed in the T4, T5, & T6 zones only:

PERMITTED ENCROACHMENTS (T4, T5, & T6 ONLY)	
Awnings	Maximum of 6 feet over public sidewalk.
Stoops	100% of setback
Open Porches and Awnings	50% of depth of setback

Balconies and bay windows	25% of depth of setback
<i>1Awnings must be a minimum of 8 feet above the sidewalk.</i>	

SEC.23-779. RESTRICTED ZONE STANDARDS

- A. **Applicability:** The provisions of this subsection shall apply to any properties designated as T4-Restricted or T5-Restricted (T4-R or T5-R). These are transitional zones which abut low density single family housing that is zoned as R-E-10, R-E, R-E-1, R, R-1, R-2, and R-3, hereafter “Low Density Housing.”
- B. **Setback and Screening:** A 50-foot building setback is required along all property lines that are adjacent to the Low Density Housing. This 50-foot setback shall include a planting screen of at least 25 feet in depth at the adjacent edge(s) of the property. The planting screen shall utilize existing landscaping where possible, and new plantings shall be predominately evergreen that are at least 8 feet in height when planted.
- C. **Permitted Uses:** Within 150 feet of the property line of such adjacent Low Density Housing, new buildings shall be limited to residential uses and/or parking facilities. Parking facilities shall follow the additional standards below:
1. **Parking Structure:** Where an above-ground parking structure is located at the perimeter of a building, it shall be screened or treated in such a way that cars and lighting are not visible from the street or from abutting residentially zoned properties.
 2. **Dumpsters:** Garbage dumpsters shall not be placed within the first layer of a lot nor shall they be within 150 feet of Low Density Housing.
- D. **Height:** New buildings in the T4-R and T5-R Districts may not exceed 3 stories within 150 feet of Low Density Housing. This height setback includes the required 50-foot building setback and 25-foot planting screen as described in Sec.23-779.B above.



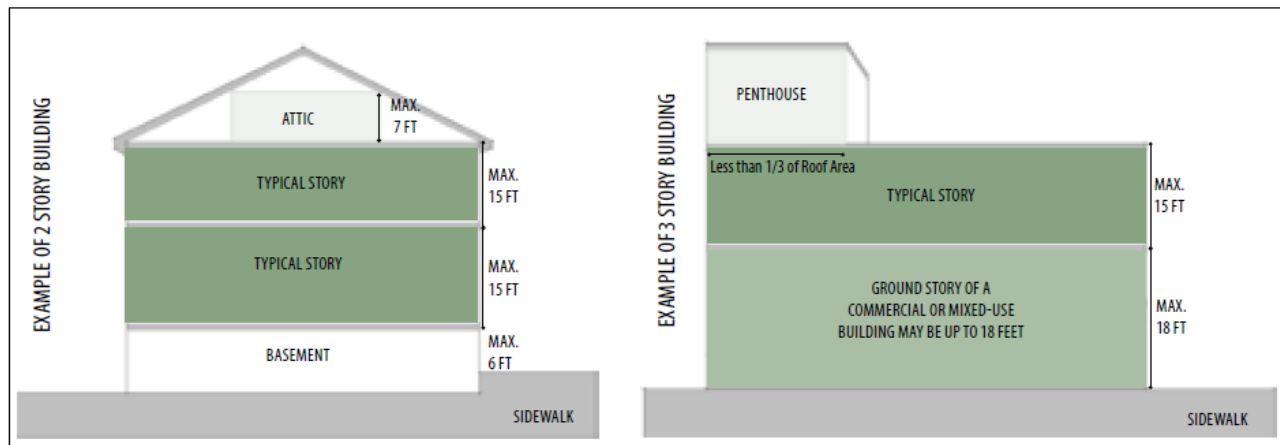
SEC.23-780 HEIGHT

A. **Building Heights shall conform to the graphic below and as shown in Subsections 4.1-4.4 Sec. 23-768 through 73-771 (District Provisions).**

1. The vertical extent of a building is measured by number of stories, not including a raised basement or an inhabited attic. Each story shall be no more than 15 feet clear, with the exception of the ground floor of a commercial or mixed-use building, which may be up to 18 feet in height. While the height of each story may vary, the actual height of buildings may not exceed the maximum allowable individual story height multiplied by the maximum number of stories allowed by-right (Sec.23-768 – Sec.23-771).

2. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures.

3. Heights are measured from the average grade of the Frontage Line to the eave of a pitched roof or to the surface of a flat roof.



DIVISION 6: BUILDING DESIGN STANDARDS

SEC.23-785. CIVIC/LANDMARK BUILDINGS

- A. **Applicability:** The Civic/Landmark building type includes prominent public buildings such as libraries and city halls; semi-public buildings such as museums and colleges; and private buildings such as hospitals and churches.
- B. **Administration and Review Standards:** Because of the unique characteristics of the Civic/Landmark building type, it shall be subject to design review by the ~~Smart Code Commission~~ **SCRC** as part of the approval process. As part of this review process, the applicant may request modifications from the applicable district standards. All such modifications shall conform to the design guidelines that follow. Civic/Landmark Buildings:
1. Shall be incorporated based on the recommendations of the adopted small area plans.
 2. Shall be sited to terminate a street vista whenever possible and must incorporate appropriate prominent features, designs, and entrances to celebrate a visual termination.
 3. Shall incorporate detailing and materials that are authentic to the intended style.
 4. May include a pedestrian plaza, courtyard, or similar landscaped area in lieu of a required building frontage and minimum setback.
 5. Shall respect the character of the fronting streets through the provision of a pedestrian-friendly orientation, including clear entrances from the street and permeable street walls with adequate fenestration of a proportion, quantity and arrangement appropriate to and reflective of the building's architectural style.

SEC.23-786 RESIDENTIAL DESIGN STANDARDS

- A. **Applicability:** The standards of this section shall apply to those structures in the T3, T4, T5, and T6 districts which have primarily residential Frontages (including Live-Work buildings).
- B. **Roof and Eaves**
1. Pitched roofs, if provided, shall be symmetrically sloped no less than 8:12, except that porches and attached sheds may be no less than 2:12.
 2. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the PC.
 3. Materials: Residential roofs must be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.
- B. Frontage Design**
1. Building Entrances: All buildings with more than 4 Sidewalk-level residential units along a single street shall have individual entrances to such units directly accessible from the required Sidewalk or adjoining Open Space.
 2. Raised Entries: To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches. Secondary subgrade or lightwell entrances are permitted. Exterior entry steps shall have enclosed risers.
 3. Porches and Stoops: Usable porches and stoops shall form a predominate motif of the building design and be located on the front and/or side of the building to respond to the climatic conditions and the vernacular of the region. Usable front porches are covered and are at least 8 feet deep and 12 feet in width. Stoops and entry-level porches shall not be enclosed with screen wire or glass.

- a. T3: Balconies and porches shall be made of brick, stone, or painted wood.
- b. T4: Balconies and porches shall be made of brick, stone, painted wood, or metal.
- c. T5, T6: Balconies, galleries, and arcades shall be made of brick, stone, painted wood, metal, or concrete.

4. Fences: Fences shall be made of masonry, ornamental metal or durable wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited in the Smart Code zoning districts.

D. Façade Treatment and Building Walls

1. Proportion: All openings, including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.
2. Minimize Blank Walls: At least 30% of the total wall area of each façade shall be composed of transparent windows (excluding glass block) or doorways (egress only doorway excluded).
 - a. "Transparent" shall mean clear glass such that there are direct views to the building's interior extending a minimum of 6 feet behind the window during daylight hours. Reflective, highly tinted glass, faux windows or casement display windows are prohibited in meeting this requirement.
3. Materials: Building facade materials, with the exception of corner treatments and columns, shall be combined only horizontally, with the heavier below the lighter.
 - a. T3 & T4: The exterior finish material on all Facades shall be limited to brick, stone, wood siding, cementitious (fiber cement) siding and/or hard coat stucco. Other materials may be permitted by Warrant.
 - b. T5 & T6: The exterior finish material on all Facades shall be limited to brick, stone, and/or hard coat stucco. Other materials may be permitted by Warrant.
4. Chimney: Chimneys shall extend to the ground.
5. Crawlspace: The crawlspace of buildings, if provided, must be enclosed.

E. Windows and Doors

1. Entry facade window trim shall not be flush with the exterior wall and shall have a minimum relief of 0.25 inch from the exterior wall.
2. Doors and windows that operate as sliders are prohibited along Frontages.

SEC.23-787. MIXED-USE AND COMMERCIAL BUILDINGS DESIGN STANDARDS

A. **Applicability:** The standards of this section shall apply to those structures in the T4, T5, and T6 districts which have primarily commercial Frontages (excluding Live-Work buildings).

B. Roof and Eaves

1. Pitched roofs, if provided, shall be symmetrically sloped no less than 8:12, except that porches and attached sheds may be no less than 2:12.
2. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the PC.

C. Frontage Design

1. Pedestrian Entrance from Frontage Required: All buildings and ground level tenants shall provide a functioning entrance, operable during normal business hours for ingress and egress, facing the Frontage Line. Buildings located on street corners may have a corner entrance.
2. Maximum Entrance Setback: Primary pedestrian entrances on the Principal Frontage shall be recessed a maximum of 7 feet from the exterior facade, and shall remain unlocked during normal business hours.
3. Canopies and Awnings: Awnings and canopies shall be of fabric, canvas, fixed metal, or similar material. They shall project a minimum of 4 feet from the façade, with a maximum projection over a sidewalk to within 2 feet of a public street curb. The awning or canopy shall have a minimum clearance height of 8 feet above the sidewalk.
4. Balconies and Porches:
 - a. T4: Balconies and porches shall be made of brick, stone, painted wood, or metal.
 - b. T5, T6: Balconies, galleries, and arcades shall be made of brick, stone, painted wood, metal, or concrete.
5. Fences: Fences shall be made of masonry, ornamental metal or durable wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited in the Smart Code zoning districts.

D. Façade Treatment and Building Walls

1. Minimize Blank Walls: In order to minimize blank walls, architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details must be used to articulate all façades. No façade length shall exceed 20 feet without such elements.
2. Required Transparency Zone: In T4, T5, & T6 districts, no less than 60% of the Principal Frontage of the sidewalk-level story shall be made up of clear glass, including windows and doors.
 - a. "Transparent" shall mean clear glass such that there are direct views to the building's interior extending a minimum of 6 feet behind the window during daylight hours. Reflective, highly tinted glass, faux windows or casement display windows are prohibited in meeting this requirement.
3. Materials: Building facade materials, with the exception of corner treatments and columns, shall be combined only horizontally, with the heavier below the lighter.
 - a. T4: The exterior finish material on all Facades shall be limited to brick, stone, wood siding, cementitious (fiber cement) siding and/or hard coat stucco. Other materials may be permitted by Warrant.

b. T5 & T6: The exterior finish material on all Facades shall be limited to brick, stone, and/or hard coat stucco. Other materials may be permitted by Warrant.

E. Windows and Doors

1. Doors and windows that operate as sliders are prohibited along Frontages.
2. Entry facade window trim shall not be flush with the exterior wall and shall have a minimum relief of 0.25 inch from the exterior wall.
3. Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, must be decorative.

DIVISION 7: SITE STANDARDS

SEC.23-792. PARKING REQUIREMENTS

A. Parking Calculation: The Required Parking Table below summarizes the parking requirements for each site or, conversely, the amount of building allowed on each site given the parking available. For mixed-use areas, the Sharing Factor Table below may be used to reduce the parking minimums, which will be the actual parking on-site. Parking requirements are inclusive of handicapped parking spaces. On-Street Parking:

1. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking requirement of the building on the lot.
2. Public Parking: The required parking for non-residential uses may be provided by publicly available parking within 1000 feet of the site that it serves, subject to approval by Warrant.

A. REQUIRED PARKING TABLE			
USE	T3	T4	T5 T6
Residential	2.0 / dwelling	1.5 / dwelling	1.0 / dwelling
Lodging	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom
Office	3.0 / 1000 sq. ft.*	3.0 / 1000 sq. ft.*	2.0 / 1000 sq. ft.*
Retail	n/a	4.0 / 1000 sq. ft.*	3.0 / 1000 sq. ft.*
Civic	To be determined by Warrant		
Other	To be determined by Warrant		

**The maximum number of permitted parking spaces for office and retail functions shall be 5 spaces per 1000 square feet.*

B. SHARING FACTOR TABLE		
Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL		RETAIL

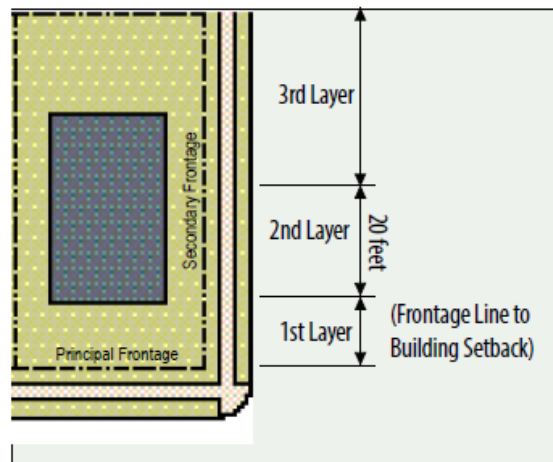
3. Sharing Factor: The Sharing Factor may be used to calculate the required parking for mixed use development (defined as two dissimilar functions occurring within any two adjacent blocks or a proximity determined by Warrant). The actual parking required is calculated by adding the total number of spaces required by each separate function and multiplying the total by the appropriate factor from the Sharing Factor Table. When 3 uses share parking, the highest factor shall be used to calculate the required number of spaces.
4. Example: The residential function requires 10 spaces while the office portion requires 12 spaces. Independently they would require 22 spaces, but when multiplied by the sharing factor of 0.71, they would require only 16 spaces. A second way to calculate: If there is a total of 22 spaces available for residential and office, dividing this by the factor 0.71 gives the equivalent of 30 spaces. Buildings may be designed to a functional density corresponding to 30 parking spaces.

B. General Parking Standards

1. T5 & T6 only: A pedestrian entrance to all parking lots and parking structures shall be provided directly from a Frontage Line. For underground parking structures, the only pedestrian entrance may be directly from a Principal Building.
2. T5 & T6 only: The vehicular entrance of a parking lot or garage on a lot Frontage shall be no wider than 30 feet.

3. Parking lots shall be masked from the Frontage by a Liner Building or Streetscreen (Sec.23- 794.B) as specified in Section Sec.23-786.4 23-778.A.5

4. Where an above-ground parking structure is located at the perimeter of a building, it shall be screened or treated in such a way that cars are not visible from the street or from abutting residentially zoned properties (RE-10, R-E, RE-1, R, R-2, R-3) with residential uses.



C. Parking Area Location

1. T3: Open parking areas shall be located at the Second and Third Lot Layers, except that driveway aprons and drop-offs may be located at the First Layer. Garages shall be located at the Third Lot Layer.
2. T4: All parking areas except for driveways shall be located at the Third Layer. Garages shall be at the Third Lot Layer.
3. T5, & T6: All parking areas shall be located at the Third Lot Layer.
4. T4, T5 & T6: For buildings on non-Pedestrian-Oriented Streets, parking areas may be allowed on the Frontage by Warrant along Germantown Road, Poplar Avenue, and other non-pedestrian oriented streets.
5. T4, T5 & T6: Uncovered (surface) parking is prohibited within the minimum building setbacks.

C. Surface Parking

1. Surface parking shall be organized into small groups or courts of no more than 25 spaces. Courts shall be divided by parking islands.
2. Parking islands shall be large enough for trees, low shrubs and ground cover. Parking islands shall be a minimum of 180 square feet in area. At least one shade tree and perimeter plantings shall be planted for each 200 square feet of parking area island. Planted islands should include trees of at least 2.5 inches caliper and perimeter plantings at least 18 inches high.
3. Shopping cart corrals shall be screened with landscaped parking islands.
4. Pedestrian circulation shall be provided for within parking areas:
 - a. Pedestrian paths and crossings shall be provided from parking spaces to main entrances and to the street.
 - b. Parking spaces shall be designed so they least interfere with pedestrian access and connections to adjoining developments.
 - c. Landscaped medians shall be designed that contain pedestrian walkways. These medians shall be at least 15 feet wide to accommodate shade trees, evergreen plantings and pedestrian paths.
5. Maintenance and management of all landscaped areas shall be the responsibility of the property owners.
6. Surface parking spaces provided in excess of 120% of the minimum required shall be by warrant ~~constructed with engineered, permeable paving material.~~
7. Parking located within the 50-foot buildingsetback, as described in Section 23-787 shall be parallel to the property line of abutting, low density, residentially-zoned property (RE-10, R-E, RE-1, R, R-1, R-2 and R-3) that contain single family uses.

E. Residential Parking:

1. Garages shall be placed behind the building setback, facing the side or rear of detached homes.
2. For residential buildings on lots less than 50 feet wide and for all Sideyard, Rearyard, and Courtyard residential buildings, garages or off-street parking shall be accessed from an alley or via a shared driveway only.

D. Bicycle parking: Bicycle parking for all non-residential uses and for residential uses of more than 4 units per building is required. Bicycle parking shall be provided at a rate of 1 bicycle parking space for every 20 motor vehicle spaces provided up to a maximum of 20 bicycle spaces.

1. Required Racks: "Inverted U" type racks or other racks that support the bicycle at two points on the bicycle frame are required. A single inverted U rack shall count as 2 bicycle spaces.
2. Rack Siting and Dimensions:
 - a. Racks shall be secured to the ground on a hard surface such as concrete, asphalt or unit pavers.
 - b. Each bicycle parking space shall provide 6 feet by 2 feet in area per bicycle plus the area needed for access.
 - c. Bicycle parking shall be located no closer than 5 feet from any wall or 3 feet from face of curb to provide adequate space for access and maneuvering.
 - d. At least 4 feet between parallel racks shall be provided for access.
 - e. Bicycle racks installed on sidewalks shall provide for a clear, unobstructed width of at least 5 feet for pedestrians and shall be installed parallel to the curb.
 - f. Racks should be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by persons within the building and/or persons entering the building.
 - g. If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main entrance indicating the location of the parking.
 - h. Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.

SEC.23-793. DRIVEWAYS AND CROSS-ACCESS CONNECTIONS

A. Driveways

1. Mid-block Lot Driveways: A mid-block lot without access to a side street or alley is permitted one driveway with a maximum width of 24 feet.
2. Corner Lot Driveways: Corner lots may take access from side street or secondary frontage only. Preference for access shall be given to the minor street as determined by the Administrator. Driveways shall be located as far from the adjacent public street intersection as practical to achieve maximum available corner clearance, with consideration of property limits, adjacent curb cuts, topography, and existing drainage facilities.
3. Driveway Widths: Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage.

- B. **Cross Access Connections:** Cross-access easements and connections to adjoining properties shall be required to connect driveways and parking lots. The following guidelines shall apply:
1. At least 1 connection is provided at all lot lines that are coincident for at least 60 feet with another lot that has primary frontage on the same street.
 2. The connection is at least 20 feet in width.
 3. If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
 4. The connection has a slope of no greater than 15%.
 5. The connection is placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 4 inches or more.
 6. In the event these conditions cannot be met without undue hardship, or if such connections would create undesirable traffic flow, the Administrator may waive the connection requirement.
 7. Where a parking lot connection is required an easement for ingress and egress to adjacent lots shall be recorded by the property owner in the form of an easement plat.

SEC.23-794. SITE LANDSCAPING

- A. **Landscape Species**
1. T3: The landscape installed shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance.
 2. T4, T5, T6: The species of landscape installed shall consist primarily of durable species tolerant of soil compaction.
- B. **Streetscreens:** Streetscreens should be between 3.5 and 8 feet in height and constructed of a material matching the adjacent building Facade. The Streetscreen may be replaced by an evergreen hedge or a fence by Warrant. A landscaped Streetscreen shall be at least 5 feet deep. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access. In addition, all Streetscreens over 4 feet in height shall be 30% permeable or articulated to avoid blank walls.

SEC.23-795. UTILITIES, TRASH CONTAINMENT & LOADING AREAS

- A. **Garbage Dumpsters:** Garbage dumpsters shall be screened by a fencing that is composed of similar materials to the principal structure. Garbage dumpster fencing shall be opaque, at least 6 feet in height, and of sufficient height to completely screen the dumpster. **Garbage dumpsters shall not be placed within the first layer of a lot nor shall they be within 150 feet of the property line of abutting, low density residentially zoned property (RE-10, R-E, RE-1, R, R-2, R-3) that contain existing single family uses.**
- B. **Loading Docks:** Loading docks and service areas shall be permitted on primary Frontages only by Warrant. Screening of such is required.

SEC.23-796 LIGHTING

- A. **General Provisions**
1. All exterior illuminating devices, except those exempt from this standard or noted otherwise, shall cast light primarily downward (IESNA Cutoff and Semi-cutoff) and shall have lamp source shielded from direct view. Glare shields and cutoff devices shall be used to minimize throw onto adjacent properties.

2. Pole and building mounted light fixtures shall not exceed 25 feet, and shall not be higher than the majority of the building structure.
3. Pole-mounted parking lot light fixtures shall be placed so as to avoid conflicts with trees planted in landscape islands and medians.
4. Parking garage openings shall contain some form of screening to shield surrounding buildings and public spaces from parking garage lighting.
5. All street lights within the Smart Code zoning districts shall be the standard MLGW decorative fluted cast iron top streetlight.

B. Lighting Levels

1. Lighting levels should meet the minimum Illuminating Engineering Society of North America (IESNA) standards for Security Lighting of Public Spaces. Lighting levels shall not exceed 100% of recommended values. Greater lighting levels shall require a Warrant from the DRC.
2. T3: Average lighting levels measured at the building Frontage shall not exceed 0.4 foot-candles.
3. T4: Average lighting levels measured at the building Frontage shall not exceed 2.0 foot-candles.
4. T5: Average lighting levels measured at the building Frontage shall not exceed 2.0 foot-candles.
5. T6: Average lighting levels measured at the building Frontage shall not exceed 2.5 foot-candles.
6. Average lighting levels along boundaries between zones may blend the required light levels.
7. Sidewalks and canopies may have higher lighting levels, where recommended by IESNA standards, but in no case shall they exceed 20 foot-candles.

C. Site Lighting Plan Requirements: A site lighting plan that is prepared by a licensed lighting design professional shall be submitted for all buildings 5,000 square feet or larger. The site lighting plan shall include at least the following:

1. A site plan drawn to scale showing building(s), landscaping, parking areas, property lines, and proposed exterior lighting fixtures;
2. Mounting heights for all proposed lighting fixtures shall be indicated;
3. Specifications of the illuminating devices, lamps supports and other devices, including designation as IESNA "cut-off" fixtures. This description may include but is not limited to manufacturer's cutsheets;
4. Site lighting plan shall include point-by-point lighting calculations of the entire site extending a minimum of 10 feet beyond the property line. Calculation point spacing shall not exceed a grid of more than 25 feet by 25 feet. Points falling within buildings shall be removed from calculations. Site shall be divided into multiple calculation zones. One zone shall be provided for the general parking area and driveways. A separate zone shall be provided for open space and perimeter area levels. Additional zones shall be provided for canopies, sidewalks, drive up windows and other areas where higher than standard lighting levels are desired. Each lighting zone shall include minimum, maximum and average footcandle lighting levels; and,
5. Any existing and proposed lighting of adjacent properties, as well as lighting of public right-of-ways (street lighting), in calculations.

SEC.23-797. PUBLIC ART (“PERCENT FOR ART”)

A. Applicability

1. In the T5 and T6 zones, all private development is required to commit 0.5% of its threshold value to public art, not to exceed \$200,000. Facade improvements and interior renovations are exempt from this requirement.
2. Threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. For alterations to existing development, the threshold value is the sum of all construction cost as defined above plus the value of existing improvements to the property, as listed in the County Assessor’s records.

B. Requirements: Public art must meet the following requirements.

1. Works of art must be placed on the outside of the building or at a location clearly visible and freely accessible to the public. Public art shall be installed either on the development site or on public property, including but not limited to parks, medians, and civic spaces.
2. The public art may not also be used to satisfy other requirements of City, State, or Federal law.
3. The contract between the City and the developer shall ensure the installation, preservation, maintenance, and replacement, if necessary, of any qualifying public art installed as part of the development.

SEC.23-798 STORM WATER MANAGEMENT

- A. Storm water shall be managed as established in Section 21-342 of the Germantown Code of Ordinances.**
- B. Notwithstanding the requirements of Section 21-342, the following types of development shall be exempt:**
 - 1. Site work on existing sites of one-acre or less where impervious area is increased by less than 2%, and any earthwork that does not increase runoff and/or eliminate detention/ retention facilities and/or storm water storage or alter storm water flow rates or discharge location(s).

DIVISION 8: SIGNS

SEC.23-803 APPLICABILITY & APPROVAL PROCESS

- A. **All signs shall be subject to approval by DECD.**
- B. **Warrant:** Any deviation from this shall be deemed a Warrant and shall be reviewed by the DRC.

SEC.23-804 GENERAL PROVISIONS

- A. **Address Numbers:** One address number no more than 6 inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox. Address numbers shall not be script.
- B. **. Illumination:** Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zone:
 - 1. The light from any illuminated sign shall be shaded or shielded from surrounding areas;
 - 2. No sign shall have blinking, flashing, or fluttering lights or other illuminating device, which has a changing light intensity, brightness or color. Beacon lights are not permitted;
 - 3. No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices;
 - 4. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares;
 - 5. Exposed bulbs shall not be used on the exterior surface of any sign;
 - 6. Exposed neon shall not be allowed;
 - 7. Interior lighted translucent letters are allowed for Wall Signs for the purpose of building identification only, provided that any Wall Sign containing translucent letters is architecturally recessed into the building facade as approved by the DRC. Translucent background shall not be used;
 - 8. Signs located on a lot abutting a Residential Zoning District or a sign within 100 feet of any residentially zoned area shall be so designed, located, shielded, and directed so as to prevent the casting of direct light upon adjacent residential properties.
- C. **Exemptions:** The following types of signs are exempted from all the provisions of this chapter:
 - 1. Signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs and traffic signs;
 - 2. Historical markers as recognized by local, state or federal authorities;
 - 3. Nonflashing interior signs ten feet or more from a show window;
 - 4. Any signage required by federal law pertaining to wireless transmission facilities; and
 - 5. Murals, when allowed as public art.

SEC.23-805 PERMITTED SIGNS

- A. **Permitted Sign Types:** Signs are permitted in the T4, T5, and T6 districts according to the provisions in this section. Signs not explicitly listed below or in Chapter 14 of the Code of Ordinances are prohibited.
- B. **Wall Signs**
 - 1. **General:** A Wall Sign mounted parallel to a building wall is permitted, provided that the wall contains the major entrance for public entry of the occupant and faces a public street. The

following signs may also be allowed with the approval of the DECD, provided that such additional signs do not result in a total area of signage in excess of the size permitted in subsection B below:

- a. A Wall Sign on another wall of an occupant's premises in lieu of or in combination with a sign on a wall containing an entrance;
 - b. More than one Wall Sign when there is more than one major entrance; provided, however, that such additional sign is on a wall facing a public street or customer parking lots and containing a major entrance, and provided that any such sign facing parking lots is not apparent from residential areas; and,
 - c. Signs or logos on doors, windows or awnings.
2. Size: Wall Signs shall have a maximum total sign area per exterior façade with entrance of 50 square feet, or one-half square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area, never to exceed 100 square feet.
 3. Location: Wall Signs shall be face mounted on the building wall unless approved otherwise by the DRC. Wall-mounted signs may project no more than 6 inches from the face of the building and over a sidewalk in a City maintained right-of-way. Signs shall not project above the roofline unless incorporated in the roof design and only if approved by the DRC.
 4. Content: Wall Signs shall contain the name of the business and may include primary products and services.

C. Ground-Mounted Signs

1. General: Ground-mounted signs shall be for project, building or tenant identification only in lieu of or in combination with Wall Signs. Ground-mounted signs shall be permitted by-right along Poplar Avenue and Germantown Road where building setbacks exceed 10 feet. Ground-mounted signs elsewhere shall be permitted by Warrant by the DRC. **Ground-mounted signs shall not exceed six feet in height above the surrounding grade.**
2. Size: Ground-mounted signs shall meet the following requirements:
 - a. Single-faced, ground-mounted signs shall not exceed the lesser of 50 square feet or one-half square foot for each lineal foot of the premises or leased space of the occupant that faces the public street that the sign faces.
 - b. Double-faced, ground-mounted signs shall not exceed a sign area total of both faces of the lesser of 100 square feet or one square foot for each lineal foot of the premises or leased space of the occupant that faces the public road from which the double-faced sign is visible.
 - c. Where additional signs are permitted by the DRC, or where a ground-mounted sign is used in lieu of or in combination with one or more Wall Signs, the total area of all such signs shall not exceed the allowable sign area for one Wall Sign.
3. Location: Ground-mounted signs, the sign shall be placed a minimum of six feet and a maximum of twenty-four feet behind the right of way.
4. Content: Ground-mounted signs shall contain the name of business and may include the address, hours, instructions, and primary products and services.

D. Directory Signs

1. General: One wall-mounted Directory Sign shall be allowed for each upper floor business. Ground-mounted directories shall be allowed, provided that:

- a. In any project where one or more tenants does not have an exterior entrance or does qualify for an exterior sign, the building shall qualify for a directory. In addition, any retail project with two or more tenants shall qualify for a directory.
 - b. The purpose of the directory shall be for customer convenience, direction and safety.
 - c. The number of directories shall be limited to one for each main entrance to the building or project.
2. Size: Wall-mounted directly signs shall be no larger than 6 square feet. Ground-mounted directories shall not exceed the following sizes:
- a. Twelve and one-half square feet per face and total directory area shall not exceed 25 square feet when located within 75 feet of any public right-of-way.
 - b. Twenty-five square feet per face and total directory area shall not exceed 50 square feet when located 75 feet or more from public right-of-way.
3. Location:
- a. Wall-mounted Directory Signs shall be located adjacent to the appropriate pedestrian entrance along the sidewalk. A wall-mounted Directory Sign may project no more than 2 inches from the building wall and over a sidewalk in a City maintained right-of-way.
 - b. Ground-mounted Directories shall be located either behind the main building line or a minimum of 75 feet from any public right-of-way. Directories shall not be apparent from a public street. The height of a directory shall be a maximum of six feet, as measured from the surrounding grade.
4. Content:
- a. Wall-mounted Directory Signs shall contain the name of the business and may include primary products and services.
 - b. Ground-mounted directories shall be limited to the following:
 - i. Building identification and address. The building address shall be plainly visible and legible from the street or roadway as required by the Standard Fire Prevention Code as adopted by the City.
 - ii. Tenant name and location.
 - iii. Building location map as approved by the DRC.
 - iv. Building identification letters shall not exceed three inches, and tenant identification letters shall not exceed 2 1/2 inches.

E. Hanging Signs

1. General: Hanging Signs, provided that each tenant in the building have a Hanging Sign. Live-work units shall be allowed one Hanging Sign. All Hanging Signs shall be anchored.
2. Material: Hanging Signs shall be fabricated from metal (no bare metal) or wood. Only lettering may be molded, vacuum formed fiberglass or plastic.
3. Size: A Hanging Sign may project no more than 4 feet from the building wall. It may project up to 3 feet over a sidewalk in a City maintained right-of-way. The overall area of a Hanging Sign can be no more than 6 square feet. The sign face area does not include the area of the bracket. If the Hanging Sign is located in a breezeway and is perpendicular to the sidewalk the sign will not count towards total sign space limit. If one store has a Hanging Sign, all stores (in the same development) shall have a Hanging Sign.
4. Location: Hanging Signs shall be suspended from a bracket attached to a building wall and requires 8 feet of clearance from the ground when projecting over a private or public

walkway; otherwise, the sign can have a vertical clearance of 6 feet from the ground. It may project up to 3 feet over a sidewalk.

5. Content: The content of signs shall be composed of letters, numbers, and/or logos of the business.

F. Sandwich Board Signs

1. Size: Sandwich Board Signs shall have a maximum total sign area of 10 square feet and shall not count towards the total sign space limit.
2. Location: Sandwich Board Signs may be located on a public or private sidewalk provided that they not interfere with the flow of pedestrian or motor vehicle traffic.

G. Bicycle Parking Signs

1. General: Bicycle parking signs are permitted to identify the location of bicycle parking if such parking is not visible from the main street.
2. Size: Bicycle parking signs shall have a maximum total sign area of 0.25 square feet per face.
3. Location: Bicycle parking signs are permitted within the right-of-way and shall adhere to the rules set for regulatory signs.

H. Traffic Directional Signs

1. Size: Traffic directional signs shall not exceed a maximum total area of 128 square inches (0.89 square feet) per face -- eight inches by 16 inches -- with a maximum of two faces per sign, not to exceed a total of 256 square inches (1.78 square feet). Such signs shall not exceed 20 inches above the existing grade.
2. Location: Traffic directional signs shall be located a minimum of one foot from the right-of-way (existing and/or proposed, whichever is greater) of any street.
3. Content: Traffic directional signs shall indicate, "enter" or "exit" only. Letters should not exceed 3 1/2 inches in height.

I. Changeable Copy Signs

1. General: Changeable copy signs are permitted for secondary schools and churches. See section 14-33(b) of the Code of Ordinances.
2. Content: For changeable copy signs for secondary schools and churches, see section 14-33(e) of the Code of Ordinances.

J. Gas Pump Signs: Pump use directions, federal and state pumps, octane ratings and no smoking signs as required by federal, state and local authorities shall be allowed for businesses engaged in the sale of petroleum and petroleum products in combination with any substantial retail sales (i.e., convenience stores or drive-in groceries).

DIVISION 9: THOROUGHFARES

SEC.23-810. APPLICABILITY

- A. The following standards shall apply to and be implemented by all new residential and commercial subdivision development, multi-family development, and mixed-use development.

SEC.23-811. IMPLEMENTATION

- A. Where the existing right of way is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street). All noted sidewalk zone improvements including expanded sidewalks and street trees, lighting and street furniture are required with all development with the following exception:
1. Infill development that is less than four residential units or less than a block face in the T3 and T4 districts are not required to make sidewalk zone improvements.

SEC.23-812. THOROUGHFARE ELEMENTS

- A. The Thoroughfare Element Dimension Table below assigns dimensions to various elements of the street sections for each of the Thoroughfare Assemblies designated in Sec.23-813. Specific requirements for truck and transit bus routes and truck loading shall be decided by Warrant.

THOROUGHFARE ELEMENT DIMENSION TABLE					
Design Speed	Travel Lane Width	T3	T4	T5	T6
20-25 mph	9 feet	■	■	□	□
25-35 mph	10 feet	■	■	■	■
25-35 mph	11 feet			■	■
Above 35 mph	12 feet			■	■
Design Speed	Recommended Parking Width	T3	T4	T5	T6
20-25 mph	(Angle) 16-18 feet			■	■
20-25 mph	(Parallel) 7-8 feet		■		
25-35 mph	(Parallel) 8 feet	■	■	■	■
Above 35 mph	(Parallel) 9 feet			■	■
Design Speed	Recommended Curb Radius	T3	T4	T5	T6
Below 20 mph	5-10 feet	■	■	■	■
20-25 mph	10-15 feet	■	■	■	■
25-35 mph	15-20 feet	■	■	■	■
Above 35 mph	20-30 feet			□	□

■ BY RIGHT

□ BY WARRANT

- B. **Street Trees:** One street tree shall be planted for every 30 feet of Frontage Line.

1. T3 & T4: A minimum of one tree to match the species of street trees on the Public Frontage shall be planted within the First Layer for each 30 feet of Frontage Line.
2. T5 & T6: Trees shall not be required in the First Layer where building setbacks are 12 feet or less

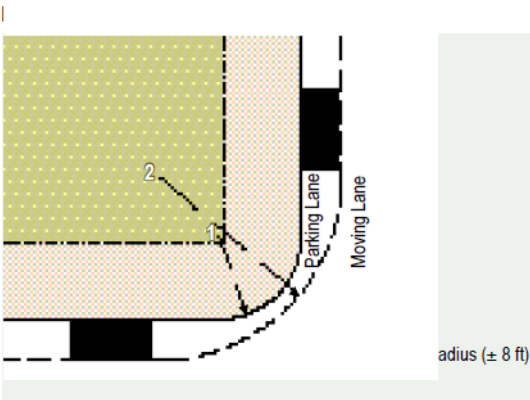
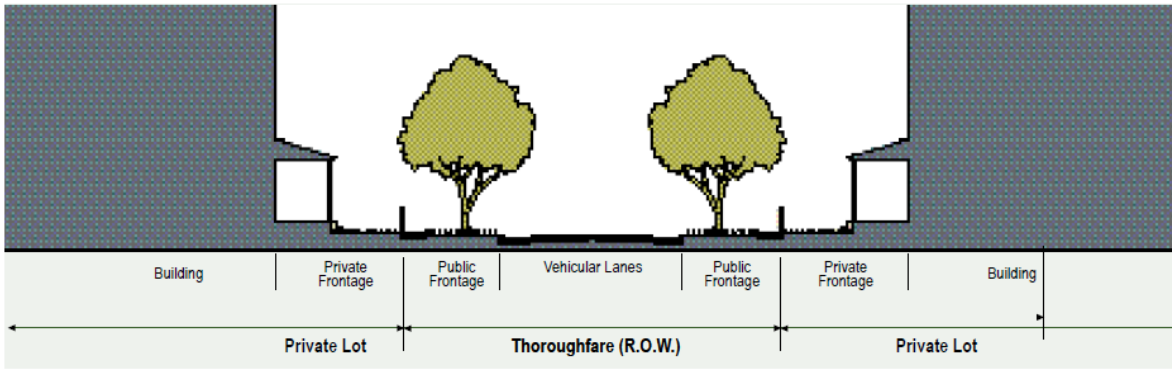
SEC.23-813 THOROUGHFARE ASSEMBLIES

A. Thoroughfare assemblies are designated for each adopted small area plan as established in the corresponding Appendices to this Code:

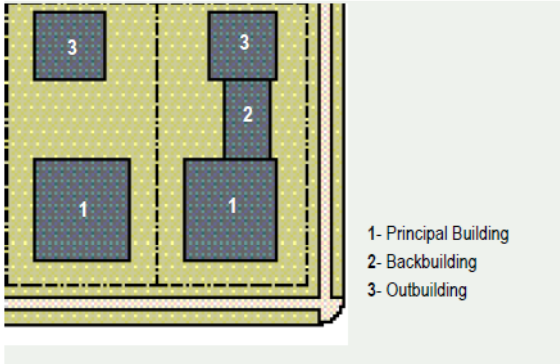
1. Central Business District: See Appedix A.3
2. ~~Western Gateway~~ West Poplar Gateway: See Appendix B.3

SECTION 23-818. DEFINITIONS ILLUSTRATED

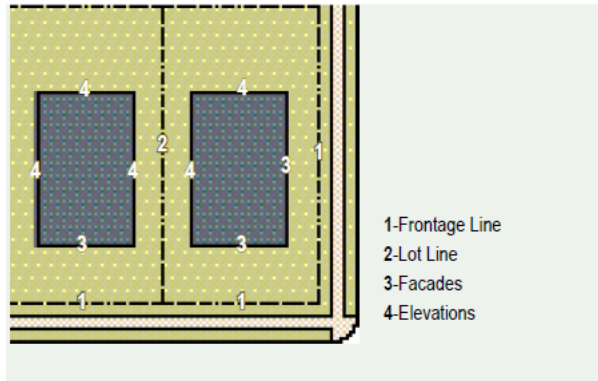
a. THOROUGHFARE & FRONTAGES



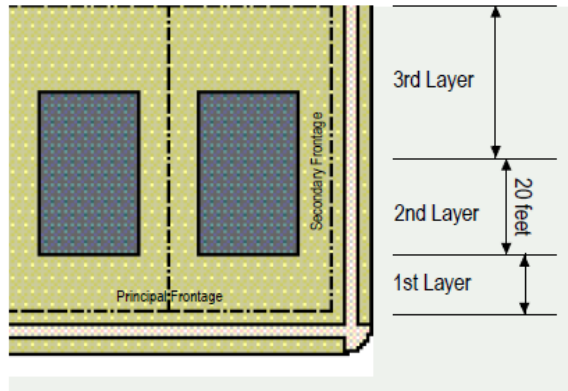
c. Building Siting



e. FRONTAGE & LOT LINES



d. LOT LAYERS



SEC.23-819. DEFINITIONS OF TERMS & USES

This Section provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Section, then the DECD shall determine the correct definition of the term.

Abut: Having common property boundaries or lot lines which are not separated by a street.

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Pedestrian Path.

Accessory Dwelling Unit: an apartment not greater than 600 square feet sharing ownership with a Principal Building. An Accessory Dwelling Unit may or may not be within an outbuilding. Accessory Dwelling Units do not count toward maximum density calculations in the Smart Code zoning districts.

Adopted Small Area Plan: a plan adopted by the Board of Mayor and ~~Aldermen~~ Alderman in conformance with ~~Section 2~~ **Division 2** of this Code.

Apartment Building: rearward residential building type accommodating multiple for sale or rental dwellings above and beside each other, sharing a common entry, accessed directly and facing the street.

Avenue (AV): a thoroughfare of high vehicular capacity and low speed. Avenues are short distance connectors between urban centers. Avenues may be equipped with a landscaped median. Avenues become collectors upon exiting urban areas.

Backbuilding: a single-story structure connecting a Principal Building to an outbuilding (see Table 14).

Bicycle Lane (BL): a dedicated bicycle lane running within a moderate-speed vehicular thoroughfare, demarcated by striping.

Bicycle Route (BR): a thoroughfare/ street suitable for the shared use of bicycles and automobiles moving at low speeds.

Block: the aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.

Block Face: the aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing architectural harmony.

Boulevard (BV): a thoroughfare designed for high vehicular capacity and moderate speed. Boulevards are long-distance thoroughfares traversing urbanized areas. Boulevards are usually equipped with slip roads buffering sidewalks and buildings. Boulevards become arterials upon exiting urban areas.

Building Configuration: the form of a building, based on its massing, private frontage, and height.

Building Siting: the placement of a building on its lot.

Building Function: the uses accommodated by a building and its lot. Functions are categorized as Restricted, Limited, or Open, according to the intensity of the use.

Building Height: the vertical extent of a building measured in stories, not including a raised basement or a habitable attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Building Height shall be measured from the average grade of the frontage line to the eave of a pitched roof or the surface of a flat roof.

Building Type: a structure category determined by function, disposition on the lot, and configuration, including frontage and height.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic/Landmark Building: a building designed specifically for a civic function.

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationship between their intended use, their size, their landscaping and their enfronting buildings.

Commercial: the term collectively defining workplace, office and retail functions.

Cottage: an edgeward building type. A single-family dwelling, on a regular lot, often shared with an Outbuilding in the rearyard.

Courtyard Building: a building that occupies the boundaries of its lot while internally defining one or more private patios.

Curb: the edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.

Density: the number of dwelling units within a standard measure of land area, usually given as units per acre.

Directory Sign: A sign mounted or applied directly to the building wall adjacent to the the pedestrian entrance along a sidewalk. A Directory Sign may project no more than 2 inches from the building wall and over a sidewalk in a City-maintained right-of-way.

Design Speed: is the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired design speed.

Duplex House: an edgeward building type. A multifamily building on a regular lot, share with ancillary building sin the rearyard. The main entrance to each dwelling is accessed directly from and faces the street. Multi-family applies to a building with two or more housing units that share one or more common walls.

Edgeward Building: a building that occupies the center of its lot with setbacks on all sides.

Elevation: an exterior wall of a building not along a Frontage Line. See: Facade

Enfront: to place an element along a frontage line, as in “porches enfront the street.”

Entrance, Principal: the main point of access of pedestrians into a building.

Facade: the exterior wall of a building that is set along a Frontage Line (see Elevation; Frontage Line).

Existing Local Codes: Previously adopted local codes and ordinances including the following chapters of the City’s Code of Ordinances: City of Germantown Zoning Ordinances (Chapter 23), the Germantown Subdivision Regulations (Chapter 17), and the City of Germantown Sign Ordinances (Chapter 14).

Frontage Line: those lot lines that coincide with a public frontage. Facades along Frontage Lines define the public realm and are therefore more regulated than the elevations that coincide with other Lot Lines.

Hanging Sign: A sign attached to and located below any permanent eave, roof, canopy, or bracket. It is most appropriately used along pedestrian-oriented streets or shopping centers to identify attached or closely spaced shops, restaurants, and services businesses. Hanging Signs are designed to be veiwed closely by pedestrians. They must be fabricated from metal (no bare metal) or wood.

Home Occupation: non-retail commercial enterprises permitted in Zones T3-6. The work quarters should be invisible from the frontage, located either within the house or in an outbuilding. Permitted activities are defined by the Restricted Office category.

House (Syn.: Single Family Lot): an edgeward building type. A single-family dwelling on a large lot, often shared with an ancillary building in the rearyard.

Infill: a project within existing urban fabric.

Layer: a range of depth of a lot within which certain elements are permitted.

Liner Building: a building specifically designed to mask a parking lot or a parking garage from a frontage.

Live-Work: a fee-simple dwelling unit that contains a Commercial component anywhere in the unit. (Syn.: Flexhouse.)

Lodging: premises available for daily and weekly renting of bedrooms.

Lot Line: the boundary that legally and geometrically demarcates a lot (see Frontage Line). Codes reference lot lines as the baseline for measuring setbacks.

Lot Width: the length of the principal Frontage Line of a lot.

Low Density Housing: low density single family housing that is zoned as R-E-10, R-E, R-E-1, R, R-1, R-2, or R-3.

Manufacturing: premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery and including their retail sale.

Mixed Use: multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. Mixed use is one of the principles of Traditional Neighborhood Development from which many of its benefits are derived, including compactness, pedestrian activity, and parking space reduction.

Multiuse Trail (MT): a path for cyclists and pedestrians running independently of a high-speed vehicular thoroughfare or parallel to a watercourse

Neighborhood Store: A building function (or use) allowing premises up to 3,500 square feet to be available for the commercial sale of convenience goods and merchandise and prepared foods, but excluding manufacturing. Convenience services such as Laundry and Laundry Pick Up Station, as defined in the Zoning Ordinance are also allowed.

Office: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Outbuilding: A detached building or use subordinate to a Principal Building on the same lot and serving a purpose naturally and normally incidental to the Principal Building.

Parking Structure: a building containing two or more stories of parking. Parking Structures shall have Liner Buildings at the first story or higher.

Passage (PS): a pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to frontages. Passages may be roofed over.

Path (PT): a pedestrian way traversing a park, with landscape matching the contiguous open space. Paths should connect directly with the urban sidewalk network.

Planter: the element of the public streetscape which accommodates street trees. Planters may be continuous or individual.

Principal Building: the main building on a lot, usually located toward the frontage.

Private Frontage: the privately held layer between the frontage line and the Principal Building facade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries.

Public Frontage: the area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the type of curb, walk, planter, street tree and streetlight.

Rear Alley (RA): a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with raised curbs at the edges.

Rear Lane (RL): a vehicular driveway located to the rear of lots providing access to parking and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. Its streetscape consists of gravel or landscaped edges, no raised curb and is drained by percolation.

Rearyard Building: a building that occupies the full frontage line, leaving the rear of the lot as the sole yard. This is a more urban type, as the continuous facade spatially defines the public thoroughfare. For its residential function, this type yields a rowhouse. For its commercial function, the rear yard can accommodate substantial parking.

Road (RD): a local, rural and suburban thoroughfare of low vehicular speed and capacity. Its public frontage consists of swales drained by percolation and a walking path or bicycle trail along one or both sides. The landscaping consists of multiple species composed in naturalistic clusters. This type is allocated to the more rural Smart Code zoning districts (T1-T3).

Rowhouse: a single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line (Syn: Townhouse; see Rearyard Building).

Sandwich Board Sign: A portable sign which is ordinarily in the shape of an “A” or some variation thereof.

Setback: the area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level) which are permitted to encroach into the Setback.

Shared Parking: an accounting for parking spaces that are available to more than one function. The requirement is reduced by a factor, shown as a calculation. The Shared Parking ratio varies according to multiple functions in close proximity which are unlikely to require the spaces at the same time.

Sideyard Building: a building that occupies one side of the lot with a setback to the other side.

Story: a habitable level within a building measured from finished floor to finished ceiling. Attics, parking garages, raised basements are not considered stories for the purposes of determining building height.

Street (ST): a local urban thoroughfare of low speed and capacity. Its public frontage consists of raised curbs drained by inlets and sidewalks separated from the vehicular lanes by a planter and parking on both sides. The landscaping consists of regularly placed street trees. This type is permitted within the more urban Smart Code zoning districts (T4-T6).

Streetscape: the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Streetscreen: sometimes called Streetwall. A freestanding wall built along the frontage line, or coplanar with the facade, often for the purpose of masking a parking lot from the thoroughfare. Streetscreens [should] be between 3.5 and 8 feet in height and constructed of a material matching the adjacent building facade. The streetscreen may be a hedge or fence by Warrant. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over [4 feet] high should be 30% permeable or articulated to avoid blank walls.

Technical Advisory Committee (TAC): The TAC is comprised of a representative from each of the various City Departments that have jurisdiction over the permitting of a project, as well as a representative of the DRC.

Thoroughfare: a vehicular way incorporating moving lanes and parking lanes within a right-of-way.

Townhouse: Syn. Rowhouse. (See Rearyard Building.)

Transect: See Section ~~24~~ 23-755.

Type: a category determined by function, disposition, and configuration, including size or extent. There are community types, street types, civic space types, etc. (See also: Building Type.)

Wall Sign: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs. Various Wall Signs are defined as follows:

1. A Wall Sign is mounted or applied directly to the building wall, generally on the fascia. A Wall Sign may project no more than 6 inches from the building wall and over a sidewalk in a City maintained right-of-way.
2. A canopy or awning sign is a Wall Sign applied directly to a canopy or awning. The permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. All canopy or awning area that is internally lit shall be counted as sign face area. External wall packs and floodlights shall not be used to light canopies or awnings.

Warrant: An official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its intent (Src.23-741.) and is consistent with the Urban Design Guidelines and/or development concepts in the adopted small area plan.

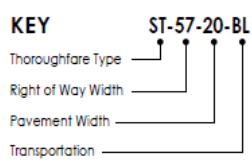
**DIVISION 11: CENTRAL BUSINESS DISTRICT
SEC. 23-824. ZONING MAP**

**DIVISION 11: CENTRAL BUSINESS DISTRICT
SEC. 23-825. CIVIC INFRASTRUCTURE PLAN**

DIVISION 11:

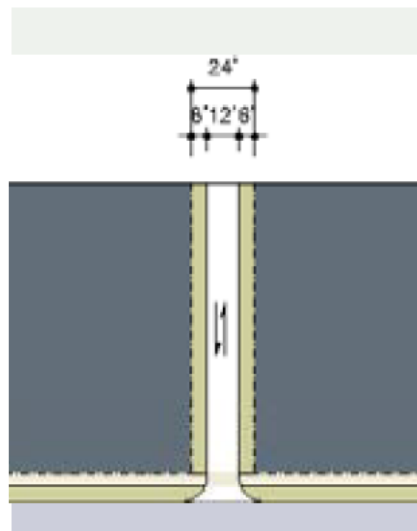
SEC.23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL BUSINESS DISTRICT

The following Thoroughfare Assemblies shall be implemented in accordance with Sec.23-810. of this Code. The key gives the thoroughfare type followed by the right-of-way width, followed by the pavement width (face-of-curb to face-of-curb), and in some instances followed by specialized transportation capability. Where no specific street name is assigned, the assembly may be used in new development. Otherwise, assemblies are specific to existing or proposed streets.



THOROUGHFARE TYPES

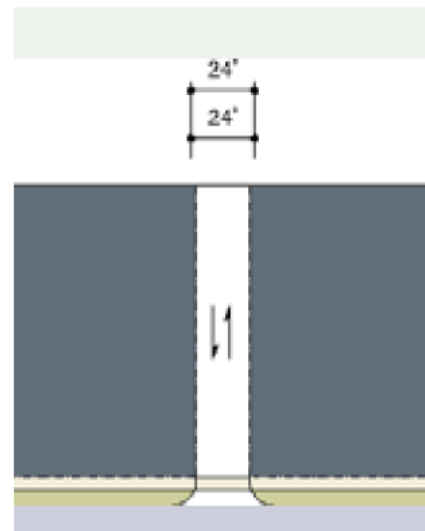
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Multifuse Trail:	MT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



RL-24-12

Thoroughfare Type	Rear Lane (residential use)
Smart Growth Zoning District	T3, T4
Right-of-Way Width	24 feet
Pavement Width	12 feet
Movement	Yield Movement
Design Speed	10 MPH
Pedestrian Crossing Time	3.5 seconds
Traffic Lanes	2 lanes
Parking Lanes	None
Curb Radius	25 feet
Walkway Type	None
Planter Type	None
Curb Type	inverted crown/flat curb
Landscape Type	None
Other Transportation Provision	None

Rear Lane (RL): a vehicular driveway located to the rear of lots providing access to parking and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. Its streetscape consists of gravel or landscaped edges, no raised curb and is drained by percolation.

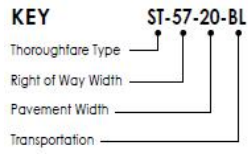


RA-24-24

Thoroughfare Type	Rear Alley (commercial use)
Smart Growth Zoning District	T6, T5, T4
Right-of-Way Width	24 feet
Pavement Width	24 feet
Movement	Slow Movement
Design Speed	10 MPH
Pedestrian Crossing Time	6.5 seconds
Traffic Lanes	2 lanes
Parking Lanes	None
Curb Radius	25 feet
Walkway Type	None
Planter Type	None
Curb Type	inverted crown/raised curb
Landscape Type	None
Other Transportation Provision	None

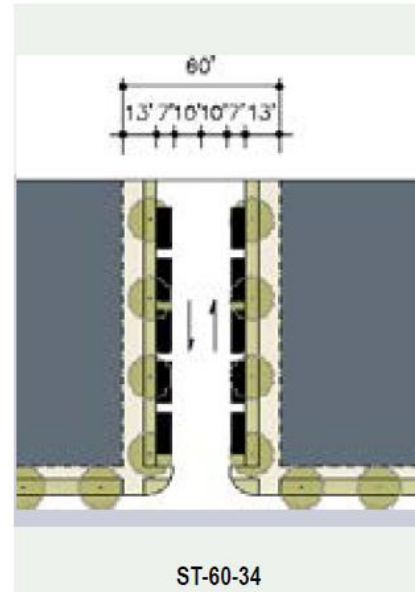
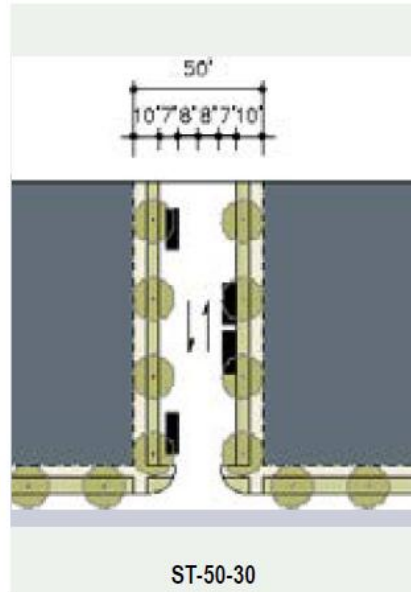
Rear Alley (RA): a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with raised curbs at the edges.

Division 11: CENTRAL BUSINESS DISTRICT Sec .23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL BUSINESS DISTRICT



THOROUGHFARE TYPES

- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Street: ST
- Road: RD
- Rear Alley: RA
- Rear Lane: RL
- Multifuse Trail: MT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Transit Route: TR

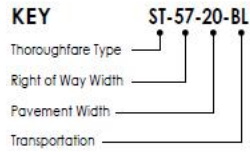


Thoroughfare Type	
Smart Growth Zoning District	
Right-of-Way Width	
Pavement Width	
Movement	
Design Speed	
Pedestrian Crossing Time	
Traffic Lanes	
Parking Lanes	
Curb Radius	
Walkway Type	
Planter Type	
Curb Type	
Landscape Type	
Other Transportation Provision	

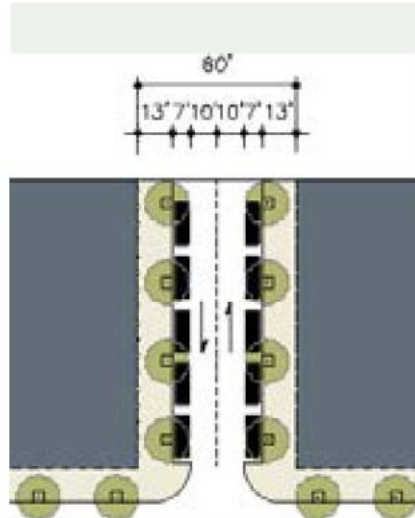
Street	Street
T4, T3	T4, T3
50 feet	50 feet
30 feet	30 feet
Yield Movement	Yield Movement
20 MPH	20 MPH
4.5 seconds	4.5 seconds
2 lanes	2 lanes
Both Sides @ 7 feet unmarked	Both Sides @ 7 feet unmarked
15 feet	15 feet
5 foot Sidewalk	5 foot Sidewalk
5 foot Continuous planter	5 foot Continuous planter
Curb	Curb
Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
BR	BR

Street	Street
T5, T4, T3	T5, T4, T3
60 feet	60 feet
34 feet	34 feet
Slow Movement	Slow Movement
25 MPH	25 MPH
5.5 seconds	5.5 seconds
2 lanes	2 lanes
Both Sides @ 7 feet marked	Both Sides @ 7 feet marked
15 feet	15 feet
6 foot Sidewalk	6 foot Sidewalk
7 foot Continuous planter	7 foot Continuous planter
Curb or Swale	Curb or Swale
Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
BR	BR

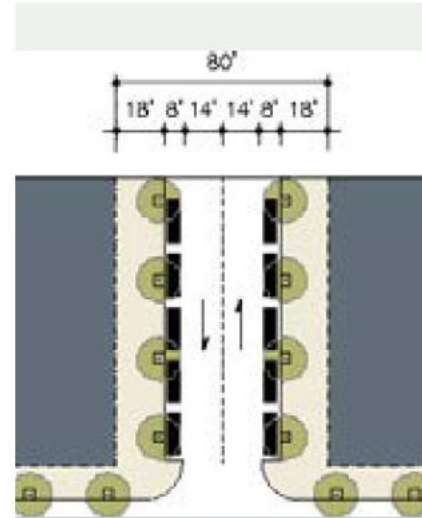
Division 11: CENTRAL BUSINESS DISTRICT Sec .23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL BUSINESS DISTRICT



- THOROUGHFARE TYPES**
- Boulevard: BV
 - Avenue: AV
 - Commercial Street: CS
 - Street: ST
 - Road: RD
 - Rear Alley: RA
 - Rear Lane: RL
 - Multifuse Trail: MT
 - Bicycle Lane: BL
 - Bicycle Route: BR
 - Path: PT
 - Transit Route: TR



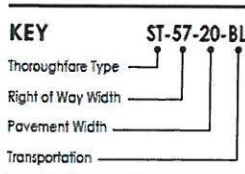
CS-60-34	
Thoroughfare Type	Commercial Street
Smart Growth Zoning District	T6, T5
Right-of-Way Width	60 feet
Pavement Width	34 feet
Movement	Slow Movement
Design Speed	20 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 7-8 feet marked
Curb Radius	15 feet
Walkway Type	13 foot Sidewalk
Planter Type	4x4" Tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR



CS-80-44	
Thoroughfare Type	Commercial Street
Smart Growth Zoning District	T6, T5
Right-of-Way Width	80 feet
Pavement Width	44 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	12 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 8 feet marked
Curb Radius	15 feet
Walkway Type	18 foot Sidewalk
Planter Type	4x4" Tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR

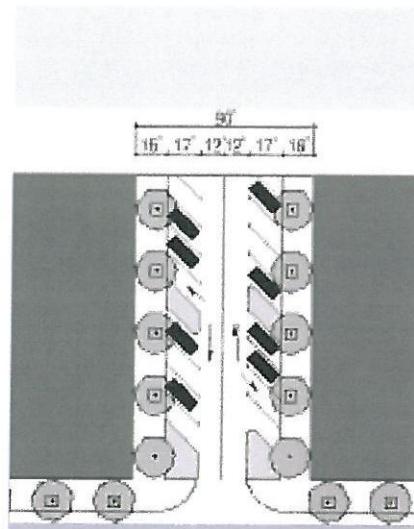
Thoroughfare Type	Commercial Street
Smart Growth Zoning District	T6, T5
Right-of-Way Width	60 feet
Pavement Width	34 feet
Movement	Slow Movement
Design Speed	20 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 7-8 feet marked
Curb Radius	15 feet
Walkway Type	13 foot Sidewalk
Planter Type	4x4" Tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR

Division 11: CENTRAL BUSINESS DISTRICT Sec .23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL BUSINESS DISTRICT



THOROUGHFARE TYPES

Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Multifuse Trail:	MT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR

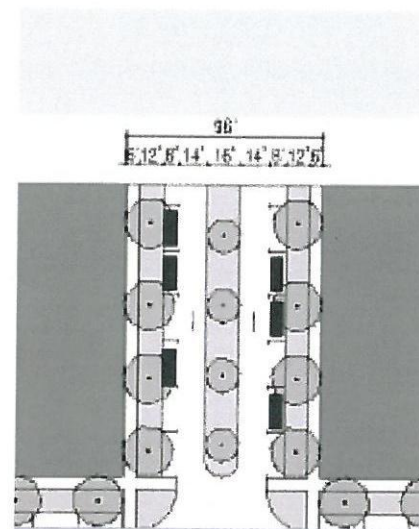


CS-90-58

~~(Main St)~~

Commercial Street

Thoroughfare Type	Commercial Street
Smart Growth Zoning District	T5, T6
Right-of-Way Width	86 feet
Pavement Width	54 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	7 seconds
Traffic Lanes	2 lanes
Parking Lanes	Angle; Both Sides @ 17 feet marked
Curb Radius	15 feet
Walkway Type	16 foot Sidewalks
Planter Type	4x4 Tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg
Other Transportation Provision	BR



AV-96-44

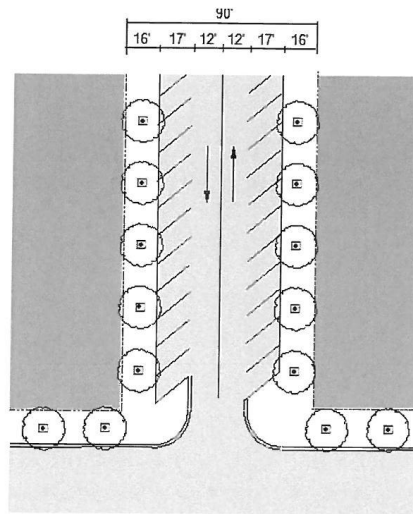
(Neshoba Rd)

Avenue

Thoroughfare Type	Avenue
Smart Growth Zoning District	T5, T4, T3
Right-of-Way Width	96 feet
Pavement Width	44 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	13 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 8 feet marked
Curb Radius	10 feet
Walkway Type	6 foot Sidewalk
Planter Type	12 foot Continuous planter
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR (Shared lane)

**Division 11: CENTRAL BUSINESS DISTRICT
 Sec .23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL
 BUSINESS DISTRICT**

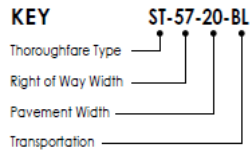
**CS-90-58
 ALTERNATIVE DESIGN**



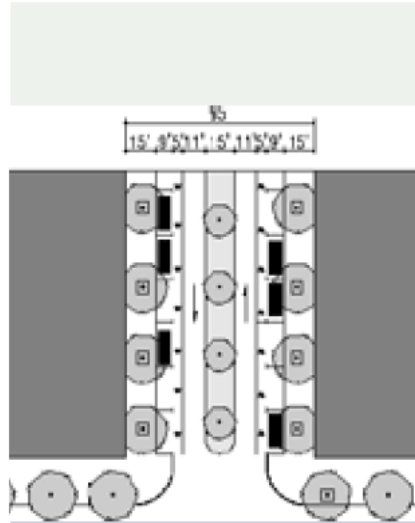
CS-90-58

Thoroughfare Type	Commercial Street
Smart Growth Zoning District	T5, T6
Right-of-Way Width	86 feet
Pavement Width	54 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	7 seconds
Traffic Lanes	2 lanes
Parking Lanes	Angle; Both Sides @ 17 feet marked
Curb Radius	15 feet
Walkway Type	16 foot Sidewalks
Planter Type	4x4 Tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR

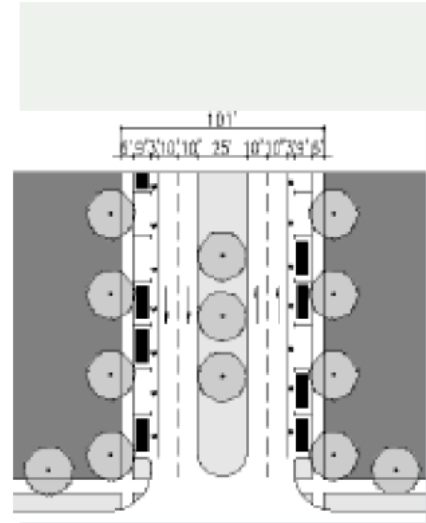
Division 11: CENTRAL BUSINESS DISTRICT Sec .23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL BUSINESS DISTRICT



- THOROUGHFARE TYPES**
- Boulevard: BV
 - Avenue: AV
 - Commercial Street: CS
 - Street: ST
 - Road: RD
 - Rear Alley: RA
 - Rear Lane: RL
 - Multilane Trail: MT
 - Bicycle Lane: BL
 - Bicycle Route: BR
 - Path: PT
 - Transit Route: TR



**AV-95-75-BL
 (West St)**



**AV-101-64
 (Farmington Blvd)**

Thoroughfare Type	Avenue
Smart Growth Zoning District	T6, T5, T4
Right-of-Way Width	76 feet
Pavement Width	64 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	19 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both sides @ 8 feet marked
Curb Radius	15 feet
Walkway Type	6 foot Sidewalk
Planter Type	n/a (trees behind sidewalk)
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BL

Thoroughfare Type	Avenue
Smart Growth Zoning District	T6, T5, T4
Right-of-Way Width	101 feet
Pavement Width	44 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	18 seconds
Traffic Lanes	4 lanes
Parking Lanes	Both sides @ 9 feet marked
Curb Radius	15 feet
Walkway Type	6 foot Sidewalk
Planter Type	n/a (trees behind sidewalk)
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR, TR

Thoroughfare Type	Avenue
Smart Growth Zoning District	T6, T5, T4
Right-of-Way Width	101 feet
Pavement Width	44 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	18 seconds
Traffic Lanes	4 lanes
Parking Lanes	Both sides @ 9 feet marked
Curb Radius	15 feet
Walkway Type	6 foot Sidewalk
Planter Type	n/a (trees behind sidewalk)
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Other Transportation Provision	BR, TR

DIVISION 11: CENTRAL BUSINESS DISTRICT
Sec .23-826. THOROUGHFARE ASSEMBLIES FOR THE CENTRAL
BUSINESS DISTRICT

DIVISION 12: WESTERN GATEWAY
SEC.23-831. ZONING MAP

SEC.23-832. CIVIC INFRASTRUCTURE PLAN

SEC.23-833. THOROUGHFARE ASSEMBLIES