

## CHAPTER 5

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

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**11-501. Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the board of zoning appeals for a variance from the terms of the zoning code. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the board of zoning appeals, as is possible. (Ordinance No. 382, Section 11-501)

**11-502. Adjoining Substandard Lots of Record.** Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (Ordinance No. 382, Section 11-502)

**11-503. Planned Unit Developments. (Added by Ordinance No. 98)**

**Purpose.** The purpose of the Planned Unit Development (PUD) is to provide the opportunities for the creation of desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to encourage the application of innovative designs and technologies to community development, which will result in superior living environments or development arrangements, based on identifiable themes and ideas. It is further intended to achieve efficiencies in the use of land and infrastructure systems, while providing clustered areas for building locations, usable attractive open spaces, safe vehicular circulation, and the general well-being of the inhabitants.

**Location.** A PUD may be located within any residential, commercial, or industrial district.

**Permitted Uses.** A planned unit development may include any use which is specifically permitted, or permitted upon BZA approval, in the particular zoning district in which it is to be located.

**Relationship to Subdivision Regulations.** The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Major Thoroughfare Plan of LaFollette, Tennessee, together with provisions for street improvements shall generally comply with standards set forth in the subdivision regulations. However, the uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations.

**Changes and Modifications.** Major changes in the planned unit development after it has been adopted shall be considered the same as a new petition. Minor changes in the planned unit development plan may be approved by the planning commission.

**Minimum Site.** The minimum development site for a planned unit development shall be one (1) acre.

**Density.** A residential planned unit development may have a density fifteen (15) percent greater than that of the district in which the planned unit development is located.

**Site Improvements.**

**Streets.** All streets within a planned unit development shall be constructed to conform with the general intent of the LaFollette Regional Subdivision Regulations and city ordinances. In addition, all streets constructed within a PUD shall include curbing to aid stormwater drainage.

**Sidewalks.** Where needed for heavy pedestrian travel within a planned unit development, concrete sidewalks may be required.

**Utilities.** Utilities proposed for the site shall include public water, sewer, and electrical services. Diameters of water and sewer lines serving the site of the development shall be suitable for the proposed uses and densities of development. However, no public water line shall be less than six (6) inches in diameter; nor shall a public sanitary sewer line be less than eight (8) inches in diameter.

**Drainage.** The submission of a stormwater drainage plan shall be required for every planned unit development, including the locations and sizes of any necessary drainage structures.

**Landscaping.** Notations on landscaping of the site shall be made on the PUD plan, stating or showing the types of vegetation proposed. Where feasible, existing trees and other vegetation should be preserved on the site.

**Signage.** Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be attached to a building and shall not project above the building. All proposed signage shall be reviewed and approved by the LaFollette Regional Planning Commission during the plan approval stage.

**Building Construction.** No freestanding building constructed on the site of a PUD shall be closer than twenty-five (25) feet from any property line bordering the development. In addition, no freestanding building shall be closer than twenty (20) feet from any other building on the site of the PUD.

**Open Space.** The designation of open space shall be accessible to the residents of the PUD where appropriate, and shall have a reasonable relationship to other aspects of the total site. Open space shall be established in the appropriate legal manner and maintained by one of the following methods:

By the developer or management authority of the PUD.

By the homeowners association established by deed restrictions.

By the public if dedication of such open space is approved by the planning commission.

**Staging of Development.** The applicant may elect to develop the site in successive stages in a manner indicated in the PUD, however, each such stage shall be substantially completed within itself. Where public facilities are not suitable to serve the whole development initially, the planning commission may require that the development be done in stages.

**Site Plan Approval Process.** The LaFollette Regional Planning commission must review and approve a preliminary site plan and a final site plan for a planned unit development.

**Preliminary Site Plan.** The preliminary site plan shall include the following information:

A concept or general site plan showing topographic contours at five (5) foot intervals, tentative street plans, public improvements, and building arrangements. (The preliminary plan shall be reviewed by the planning commission prior to the submittal of a subdivision plat, if applicable to a site.)

Preliminary sketches and specifications showing general architectural design and type of construction.

**Final Site Plan.** The final site plan shall consist of the following information:

After approval of the preliminary plan, a final development plan shall be submitted for review by the planning commission. This plan shall display the intended use or uses of land, dimensions and locations of proposed streets, parks, and other open spaces, with such other pertinent information as may be necessary for planning commission review.

Application for an apartment development containing multiple buildings, shall include a general architectural layout and design showing the number and size of apartments, the location and extent of public facilities, and a description of the type of construction.

Infrastructure plans must be submitted for every planned unit development, including locations and diameters of proposed water lines, sanitary sewers and stormwater sewers. Locations of fire hydrants and electrical lines must be indicated as well.

The proposed development plat shall be prepared by and have the seal of an architect of engineer duly registered to practice in the State of Tennessee.

**Administrative Procedures.** The planning commission shall review the conformity of a proposed development with the principles of good site design. In making its decision, the commission may consider principles of land use planning, various design related disciplines, and any existing comprehensive or small area plans relating to the site. The final plan must conform with the original application to the satisfaction of the planning commission.

The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.

No building permit or zoning compliance permit shall be issued until a final plat of the proposed development is approved by the planning commission and recorded. No occupancy permit shall be issued until the building inspector has determined that the project, as constructed, meets all the requirements of the proposed plan.

**Abandonment of the PUD Concept.** An applicant shall submit a final site plan within one year of approval of the preliminary site plan. Otherwise, approval of the preliminary site plan shall lapse.

Authorization shall expire upon the abandonment of a project or upon the expiration of one year from final site plan approval. The area authorized for the PUD shall revert to the regulations of the zoning district which governed prior to the approval under this section.

**11-504. Rear and Side Yards Abutting Railroad Siding.** In industrial districts when lot boundaries about a railroad siding, the board of zoning appeals may grant a variance for the width and depth of side and rear yard requirements. (Ordinance No. 382, Section 11-504)

**11-505. Front Yards.** Where there are two (2) or more existing buildings on the same side of a street in the same block and within one hundred (100) feet of a lot, the required front yard for said lot may be reduced to the average distance from the street lot line to said buildings. (Ordinance No. 382, Section 11-505)

**11-506. Height Limits.** The height limitations of this zoning code shall not apply to churches, schools, hospitals and other public and semi-public buildings, provided that the minimum widths of side yards for the district are increased one (1) foot for each foot in height by which the structure exceeds the height limit. Also excluded from the height limits are water towers, transmission towers, chimneys, radio towers and other structures, which in the opinion of the board of zoning appeals will not adversely affect the neighborhood. (Ordinance No. 382 Section 11-506)