



Municipal-Regional Planning Commission

Meeting Agenda

Atoka Town Hall
334 Atoka-Munford Avenue

Special Called Meeting
Monday, August 7, 2023
6:00 p.m.

I. Call to Order & Establishment of a Quorum

II. Approval of the Minutes

III. Reports

IV. Old Business

V. New Business

1. Recommendation to the Board of Mayor and Aldermen to adopt the Atoka On-Track Zoning Ordinance.

VI. Miscellaneous Items from the Planning Commission

VII. Citizen Concerns

VIII. Adjourn

TOWN OF ATOKA, TENNESSEE

Staff Report



TO: Planning Commissioners

FROM: Jim Atkinson, AICP
Interim Town Planner

REPORT DATE: August 3, 2023

SUBJECT: Recommendation to the Board of Mayor and Aldermen to adopt the Atoka On-Track Zoning Ordinance.

SUMMARY

The Planning Commission reviewed the draft Zoning Ordinance at its previous meeting and deferred action. Commissioners requested more time to review the document and provide comments prior to the next meeting. Staff has received additional comments, and Mr. Barber has incorporated those comments into a revised draft document that is attached to this report.

The Planning Commission may choose to make a recommendation to the Board of Mayor and Aldermen on this draft, or with additional amendments based on discussion at the meeting.

TOWN OF ATOKA ZONING CODE



PLANNING COMMISSION
REVIEW DRAFT
August, 2023

Review Draft

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ARTICLE

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IN THIS ARTICLE:

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ARTICLE 1. AUTHORITY AND APPLICABILITY

1.1 Authority.

An ordinance, pursuant to the authority granted by Tennessee Code Annotated Sections 13-7-201 through 13-7-210 and 13-7-301 through 13-7-306, authorizing the Town of Atoka, Tennessee, to establish districts or zones within its corporate limits and the Atoka Planning Region; to regulate, within such districts the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population, and the uses of land, buildings, and structures, to provide methods of administration of this ordinance, and to prescribe penalties for the violation thereof.

1.2 Title.

This ordinance shall be known as the "Zoning Ordinance of Atoka, Tennessee and Planning Region." The map herein referred to, which is identified by the title "Zoning Map of Atoka, Tennessee," and the signature of the Mayor attested by the Town Recorder, and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

1.3 Purpose.

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the street, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability of particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

1.4 Conflict with other Ordinances.

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Atoka, Tennessee, the most restrictive shall apply in all cases.

1.5 Validity.

If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

1.6 Effective Date.

This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

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ARTICLE

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IN THIS ARTICLE:

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ARTICLE 2. GENERAL PROVISIONS

2.1 Conformity Required.

- 2.1.1** No building or land shall hereafter be used, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.
- 2.1.2** However, this shall not be construed as authorizing the requirement of building permits or any regulation of any building, other than setback requirements from the right-of-way of a street or alley, on lands devoted to agricultural uses. Nor shall it be construed as limiting or affecting in any way or controlling the agricultural uses of land.

2.2 Nonconforming Uses and Lots of Record.

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance subject to the provisions of the TCA. It is also the intent of this ordinance to administer the elimination of nonconforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this ordinance, or any amendment thereto shall be allowed to remain subject to the following provisions:

- 2.2.1 Change to Conforming Use.** An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same classification provided, however, that establishment of another non-conforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- 2.2.2** No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
- 2.2.2.1** Nonconforming commercial, business, or industrial uses shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business, and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.
- 2.2.2.2** Area Restricted. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
- 2.2.2.3** When a nonconforming use of any building or land has ceased for a period of six months, it shall not be reestablished or changed to any other nonconforming use.
- 2.2.2.4** Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it occurs

within twelve months of such damage, unless such damage is to the extent of more than seventy-five percent of the fair sales value immediately prior to the damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

2.2.2.5 Alterations to Conform. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

2.2.2.6 All additions or improvements to an existing nonconforming mobile home park shall be in conformance with these regulations.

2.2.3 Nonconforming Lots of Record. Where the owner of a lot of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance in accordance with the applicable provision of Article 8. Permission to use such lots may be granted, however, providing that the yards and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

2.2.3.1 Minimum Size. In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than 60 feet and whose total lot area is less than 3,500 square feet.

2.2.3.2 Adjoining Substandard Lots of Record. Where two or more substandard 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 may be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

2.2.4 Minimum Lot Width and Depth. No dwelling shall be erected on a lot which does not abut at least one public street (or private street if permitted) for at least 35 feet and contain a minimum width of 80 feet at the building setback line or the district requirements, whichever is more restrictive.

2.2.5 Reduction in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

2.2.6 Rear Yard Abuts a Public Street. When a rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within 25 feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

2.3 Approved Lot Required.

Every building hereafter erected or structurally altered shall be located on an approved lot and in no case shall there be more than one main building on one lot except as may be otherwise provided.

2.4 Number of Buildings per Lot.

Single family residential uses shall be limited to one principal building per lot.

2.5 Universal Requirements and Exceptions.

For the purpose of this ordinance there shall be certain universal requirements and exceptions which shall apply to all zoning districts as follows:

2.5.1 Exceptions to Setbacks. The setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within 100 feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred feet. In residential districts, however, the setback shall in no case be less than 20 feet from the centerline of the streets.

2.5.2 Exceptions on Height Limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and aerials. Free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed height limits provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are not located on or closer to the nearest property line than the distance equal to their own height plus five feet.

2.5.3 Temporary Building Permitted. A temporary building for construction materials and/or equipment, and a temporary office for the sale or rental of real property, if in connection with and incidental and necessary to a real estate development, shall be permitted in any district provided that any building permit issued for such a building shall be valid for not more than six months and may be extended no more than three consecutive times.

2.5.4 Required Yard Cannot Be Used by Another Building. No part of a yard or open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required in this ordinance for another building.

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ARTICLE

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ARTICLE 3. ZONING DISTRICTS ESTABLISHED

3.1 Establishment of Zoning Districts.

In order to regulate and restrict the location and use of buildings and land for commerce, residence and other purposes, and to regulate and restrict the height and size of yards and open spaces and the density of habitation, the Town of Atoka and its planning area is hereby divided into districts as set forth below:

- 3.1.1** Forestry, Agricultural, Residential (FAR)
- 3.1.2** SN-10 Suburban Neighborhood (SN-10)
- 3.1.3** SN-8 Suburban Neighborhood (SN-8)
- 3.1.4** Mixed Residential (MR)
- 3.1.5** Highway Corridor (HC)
- 3.1.6** Neighborhood Center (NC)
- 3.1.7** Atoka Town Center (ATC)
- 3.1.8** Traditional Neighborhood Development (TND)
- 3.1.9** Industrial (I)
- 3.1.10** Planned Unit Development (PUD)
- 3.1.11** Flood Overlay District (FLO)

3.2 Boundaries of Districts.

- 3.2.1** The boundaries of districts are hereby established as shown on the map entitled, "Zoning Map of Atoka, Tennessee," which is a part of this ordinance and which is on file in the Town Hall of the Town of Atoka.
- 3.2.2** Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of this ordinance. The Board of Zoning Appeals shall determine questions concerning the exact location of district boundary lines.
- 3.2.3** Where a district boundary divides a lot, as existing at the time this ordinance takes effect, and the major portion of said lot is in the less restrictive district, the regulations relative to that district may extend as well to such portion of said lot which is not more than 20 feet within the more restricted district.

3.3 Zoning Districts Described.

This zoning code is a comprehensive update of the Town of Atoka Zoning Code in effect at the date of adoption. Zoning Districts have been comprehensively updated to reflect the provisions of Atoka On Track Comprehensive Plan. Table 3.1 reflects the conversion of the prior districts to their revised names and relationship to Atoka On Track place types. A comprehensive listing of uses permitted within a zoning district is set forth in Article 4, Uses and Use Conditions.

Table 3.1 Zoning Districts

Zoning District	Comprehensive Plan Place Type Category Generally	Zoning District Category	Former Zoning District Closest Equivalent
LOW INTENSITY DISTRICTS			
FAR - Forestry, Agricultural, Residential	Agriculture and Rural Lands, Estate Residential	Agricultural	A-1 Agricultural
MODERATE INTENSITY DISTRICTS			
SN-10 - Suburban Neighborhood	Suburban Residential	Residential	R-1 Low Density Residential
SN-8 - Neighborhood Residential	Suburban Residential	Residential	R-2 Medium Density Residential
MR - Mixed Residential	Mixed-Residential Neighborhood	Residential	R-3 and R-4 High Density Residential
HIGHER INTENSITY DISTRICTS			
HC - Highway Corridor	Highway Corridor	Mixed Use	G-C (General Commercial)
NC - Neighborhood Center	Neighborhood Center	Mixed Use	N-C (Neighborhood Commercial)
ATC - Atoka Town Center	Atoka Town Center	Mixed Use	None
SPECIAL AND OVERLAY DISTRICTS			
TND - Traditional Neighborhood Development	Traditional Neighborhood Development	Mixed Use	None
I - Industrial	Employment - Business, Technology, Research, Industrial	Industrial	I-1 Industrial
PUD - Planned Unit Development	Special	Mixed Use	Planned Unit Development
FLO - Flood Overlay District	Natural Areas, Parks, Open Space	Overlay	Flood Hazard Zone

3.3.1 FAR - Forestry, Agricultural, Residential**3.3.1.1 Purpose and Description.**

The intent of the Forestry, Agricultural, Residential (FAR) District is to provide an area to be used primarily for agriculture, forestry, and very low-density residential development.

**3.3.1.2 Typical Structure Types.**

- Single-family detached residential structures
- Agricultural structures such as barns or equipment sheds
- Structures associated with active and passive recreation opportunities

3.3.1.3 Use and Dimensional Provisions.

Lot size, minimum	1 acre
Dwelling unit density, maximum	1 dwelling unit per lot
Non-residential density, maximum	FAR: .10
Impervious coverage, maximum	25%
Street frontage, minimum	50 feet
Lot width at the front yard build-to line, minimum ¹	100 feet
Front yard build-to line, min./max.	50 feet/none
Side yard setback line, minimum ¹	15 feet for single family dwelling/ 25 all other uses
Rear yard setback line, minimum	30 feet for single family dwelling/ 40 all other uses
Structure height, maximum ²	35 feet
Uses	See Article 4, Table 4.1 (p. 48)
Parking	See Article 5 (p. 73)
Site plan Review	See Section 8.3.3 (p. 106)

3.3.1.4 Typical Patterns.

The development pattern is characterized by large lots in rural areas. The district is sparsely developed with agricultural and estate residential as primary uses, complemented by very limited, low intensity commercial uses.

Buildings have deep setbacks and are typically located away from sensitive resource areas with wide spacing between structures. Some groupings of homes may be clustered in small hamlets where residential buildings may be more regularly spaced, nearer to, and oriented to the road.

Limited parking is associated with dwellings and farms.

NOTES:

¹ Yard requirements shall not apply to pasture, cropland, forests and structures accessory to a farm or silviculture operation not used for the congregating or containment of animals or the storage or repair of equipment.

² See exceptions to height limitations in Section 3.4.

3.3.2 SN-10 – Suburban Neighborhood.

3.3.2.1 Purpose and Description.

The Suburban Neighborhood 10 District is intended to implement the Suburban Neighborhood place type described in Atoka On Track.

Classic suburban neighborhoods use nature, parks and open space as a key organizing element. Existing landscapes may be preserved to define curvilinear streets, common areas, and parks spaces associated with civic and institutional uses. Ideally landscapes, rather than buildings, are used to frame these neighborhoods.



3.3.2.2 Typical Structure Types.

- Single family detached residential
- Institutional and assembly structures
- Structures associated with active and passive recreation opportunities

3.3.2.3 Dimensional Standards.

Lot size, minimum	10,000 square feet
Dwelling unit density, maximum	4 dwelling units per acre
Non-residential density maximum	FAR: .2 / .4 for institutional uses
Impervious coverage, maximum	40%
Street frontage, minimum	50 feet
Lot width at the front yard build-to line, minimum	80 feet
Front yard build-to line, min./max.	30 feet/50 feet
Side yard setback line, minimum	10 feet
Rear yard setback line, minimum	20 feet
Structure height, maximum ¹	35 feet ¹
Uses	See Article 4, Table 4.1 (p. 48)
Parking	See Article 5 (p. 73)
Landscaping	See Section 7.5 (p. 93)

Site Plan Review

[See Section 8.3.3 \(p. 106\)](#)

3.3.2.4 Typical Pattern.

The suburban neighborhood pattern is made up of large lots interspersed with parks and open spaces, interconnected by pedestrian facilities and bike lanes. This district is predominantly residential but may contain institutional and assembly uses.

Buildings are set back from the street with accessory buildings in the rear yard. Residential units are often characterized by porches and typically have at least one entrance facing the primary street frontage.

Lots are accessed by individual driveways, with pedestrian facilities located on both sides of the street. Street trees, landscaping, and natural elements are used throughout this district, and offer a buffer between residential and non-residential development.


Recreation areas exceeding ten percent of the developed area must be provided if a development is not located within 1/4 mile of a city park.

NOTES:

¹ See exceptions to height limitations in Section 3.4.

3.3.3 SN-8 - Suburban Neighborhood.

3.3.3.1 Purpose and Description.		3.3.3.2 Typical Structure Types.
<p>The Suburban Neighborhood 8 District is intended to implement the Suburban Neighborhood place type described in Atoka On Track.</p> <p>Classic suburban neighborhoods use nature, parks, and open space as a key organizing element. Existing landscapes may be preserved to define curvilinear streets, common areas and parks spaces associated with civic and institutional uses. Ideally landscapes, rather than buildings, are used to frame these neighborhoods.</p>		<ul style="list-style-type: none"> • Single family detached residential • Institutional and assembly structures • Structures associated with active and passive recreation opportunities
		
3.3.3.3 Dimensional Standards.		3.3.3.4 Typical Pattern
Lot size, minimum	8,000 square feet	<p>The suburban neighborhood pattern is made up of large lots interspersed with parks and open spaces, interconnected by pedestrian facilities and bike lanes. This district is predominantly residential but may contain institutional and assembly uses.</p> <p>Buildings are set back from the street with accessory buildings in the rear yard. Residential units are often characterized by porches and typically have at least one entrance facing the primary street frontage.</p> <p>Lots are accessed by individual driveways, with pedestrian facilities located on both sides of the street. Street trees and landscaping and natural elements are used throughout this district and offer a buffer between residential and non-residential development.</p> <p>Recreation areas exceeding ten percent of the developed area must be provided if a development is not located within 1/4 mile of a city park.</p>
Dwelling unit density, maximum	5 dwelling units per acre	
Non-residential intensity, maximum	.6 Floor Area Ratio	
Impervious coverage, maximum	50%	
Street frontage, minimum	40 feet	
Lot width at the front build-to line, minimum	70 feet	
Front yard build-to line, min./max.	25 feet/none	
Side yard setback line, minimum	7.5 feet	
Rear yard setback line, minimum	20 feet	
Structure height, maximum ¹	35 feet ¹	
Uses	See Article 4, Table 4.1 (p. 48)	
Parking	See Article 5 (p. 73)	
Landscaping	See Section 7.5 (p. 93)	
Site plan review	See Section 8.3.3 (p. 106)	
NOTES:		
¹ See exceptions to height limitations in Section 3.4.		

3.3.4 MR - Mixed Residential.			
3.3.4.1 Purpose and Description.		3.3.4.2 Typical Structure Types.	
The Mixed Residential District is intended to implement the Mixed Residential place type described in Atoka On Track accommodating higher densities and attached units. Open spaces and parks in mixed residential areas are important components to serve development intensities.		<ul style="list-style-type: none">• Single-family attached residential structures• Single-family detached residential structures• Limited multi-family residential• Institutional and Assembly	
			
3.3.4.3 Dimensional Standards.		3.3.4.4 Typical Pattern.	
Lot size, minimum	5,000 square feet for duplexes and townhomes, 5 acre minimum for multi-family	<p>Primary uses found within a Mixed Residential District include attached and detached residential units. Secondary uses of institutions and assembly occur as well.</p> <p>Buildings in this district typically have shallow setbacks, housing types tends to have more diversity and unit density is substantially increased in mixed residential neighborhoods.</p> <p>Lots are accessed by individual or shared driveways or alleys with limited curb cuts. Parking areas typically include perimeter landscape buffer when they are adjacent to public streets. Recreation areas exceeding of 15% are required.</p>	
Dwelling unit density, maximum ²	15 dwelling units per acre		
Non-residential density, maximum	NA		
Impervious coverage, maximum	75%		
Street frontage, minimum	25		
Lot width at the front build-to line, minimum	50 feet		
Front yard build-to line, min./max.	20/30 feet		
Side yard setback line, minimum	5 feet		
Rear yard setback line, minimum	20 feet		
Structure height, maximum ¹	45 feet		
Open space, minimum	15%		
Uses	See Article 4, Table 4.1 (p. 48) ²		
Parking	See Article 5		
Landscaping	See Section 7.5		
Site plan review	See Section 8.3.3		
NOTES:			
¹ See exceptions to height limitations in Section 3.4.			
² For tracts greater than 15 acres a mix of unit types is required with a maximum of 20 percent of a site devoted to multiple family			

3.3.5 HC - Highway Corridor.**3.3.5.1 Purpose and Description.**

The Highway Corridor District is intended to implement the Highway Corridor place type described in Atoka On Track. Highway corridors are formed around major thoroughfares that link various parts of the community and provide access to neighborhoods and core urban areas. Automobiles serve as the underlying organizing design element. Moving traffic through the corridor is a primary concern along with functions of providing for consumer activity.

These corridors are defined by low rise buildings offering opportunities for more dense infill development on vacant and underutilized properties.

**3.3.5.2 Typical Structure Types.**

- Commercial
- Office
- Single-family attached residential
- Assembly and Institutional

3.3.5.3 Dimensional Standards.

Lot size, minimum	None
Dwelling unit density, maximum	10 per acre
Non-residential density, maximum	.5 Floor Area Ratio
Impervious coverage, maximum	None
Street frontage, minimum	None
Lot width at the front yard build-to line, minimum	50 feet
Front yard build-to line, min./max.	None/none
Side yard setback line, minimum	25 feet; 50 feet adjacent to residential
Rear yard setback line, minimum	None
Structure height, maximum ¹	50 feet
Open space, minimum	15%
Uses	See Article 4, Table 4.1 (p. 48)
Parking	See Article 5 (p. 73)
Landscaping	See Section 7.5 (p. 93)
Site plan review	See Section 8.3.3 (p. 106)

3.3.5.4 Typical Pattern

The typical development pattern in the Highway Corridor is linear with commercial, office and residential uses characterized by a widely spread development pattern. Uses include larger-scale commercial developments such as shopping centers, supermarkets, movie theaters, and department stores.

Building facades are typically set back from the street. Buildings have shop fronts at street level, while residential buildings typically have stoops, porches, or balconies.

Direct vehicular access into a site is typical via shared access points with limited curb cuts, but frontage roads may be used in high traffic areas. Cross access between developments is common.

Bike lanes typically exist along corridors, and street parking may or may not be present. On site parking may occur between buildings and primary streets with additional or overflow parking located behind or adjacent to structures.

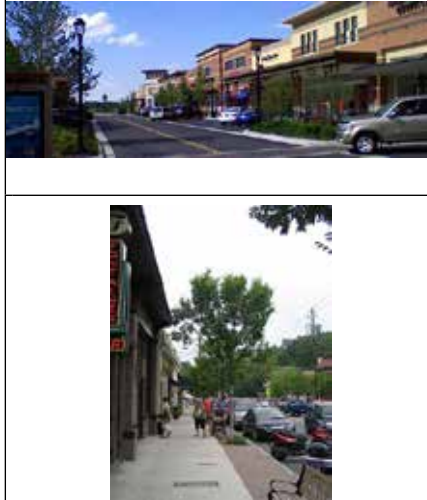
NOTES:

¹ See exceptions to height limitations in Section 3.4.

3.3.6 NC - Neighborhood Center.

3.3.6.1 Purpose and Description.

The Neighborhood Center District is intended to implement the Neighborhood Center place type described in Atoka On Track. The district is an activity node, typically found at key intersections, providing goods and services to surrounding neighborhoods, and sustaining a variety of residential, commercial and institutional activities within a concentrated area.



3.3.6.2 Typical Structure Types.

- Commercial
- Office
- Mixed-use
- Institutional
- Single-family attached residential

3.3.6.3 Dimensional Standards.

Lot size, minimum	None
Dwelling unit density, maximum	4 per acre
Non-residential density, maximum	.5 Floor Area Ratio
Impervious coverage, maximum	25%
Street frontage, minimum	None
Lot width at the front yard build-to line, minimum	30 feet
Front yard build-to line, min./max.	15/35 feet
Side yard setback line, minimum	15 ft./30 feet adjacent to residential
Rear yard setback line, minimum	None
Structure height, maximum ¹	35 feet
Open space, minimum ²	15%
Uses	See Article 4, Table 4.1 (p. 48)
Parking	See Article 5 (p. 73)
Landscaping	See Section 7.5 (p. 93)
Site plan review	See Section 8.3.3 (p. 106)

3.3.6.4 Typical Pattern

The Neighborhood Center development pattern incorporates mixed commercial uses to encourage efficient use of infrastructure, allows for smaller lot development, and provides close proximity to other public uses such as schools or parks. Residential uses may be present, but subordinate to commercial uses.

Buildings in the district are characterized by shallow setbacks and street-facing, articulated facades with at least one entrance facing the primary street frontage.

Access to lots occurs directly from primary street frontages, with parking located behind or beside the street-facing facade of a building on primary streets. Where parking is adjacent to a street, landscaped perimeters are required. Pedestrian facilities and bike lanes and integrated.

NOTES:

¹ See exceptions to height limitations in Section 3.4.

² Open space may be waived if the site is within 1/4 mile of a city park.

3.3.7 ATC - Atoka Town Center.**3.3.7.1 Purpose and Description.**

The Atoka Town Center District (ATC) District is intended to implement the Atoka Town Center place type described in Atoka On Track.

**3.3.7.2 Typical Structure Types.**

- Mixed-use with residential on upper floors
- Commercial
- Office
- Single-family attached residential
- Institutional

3.3.7.3 Dimensional Standards.

Lot size, minimum	None
Dwelling unit density, maximum	10 dwelling units per acre
Non-residential density, maximum	3 Floor Area Ratio
Impervious coverage, maximum	100%
Street frontage, minimum	20 feet
Lot width at the front yard build-to line, minimum	None
Front yard build-to line, minimum	None
Front yard build-to line, maximum	15 feet
Side yard build-to line, minimum	None
Rear yard setback line, minimum	None
Structure height, maximum ¹	50 feet
Open space, minimum	None
Uses	See Article 4, Table 4.1 (p. 48)
Parking	See Article 5 (p. 73)
Landscaping	See Section 7.5 (p. 93)
Site plan review	See Section 8.3.3 (p. 106)

3.3.7.4 Typical Pattern

The typical pattern in the Town Center is characterized by intense development densities organized by a street grid. The compact development pattern includes multi-story buildings, and a lively streetscape environment that supports residential development.


Building facades of mixed-use and commercial buildings are built close to the sidewalk, while building facades of residential buildings have shallow setbacks.

Mixed-use and commercial buildings have shop fronts at street level, with street-facing facades having at least one entrance facing the street. Upper floors may feature balcony access.

Access to public streets occurs via alleys or directly to a street access. Parking is typically located behind or beside the street-facing building facade, with landscaping required when adjacent to street frontages.

NOTES:

¹ See exceptions to height limitations in Section 3.4.

3.3.8 I – Industrial.		
3.3.8.1 Purpose and Description.		3.3.8.2 Typical Structure Types.
The Industrial District is intended to implement the Special Areas - Business, Technology, Research, Industrial place type described in Atoka On Track as it relates to industrial activity. The district exhibits different forms based upon the use and intensity.		<ul style="list-style-type: none">• Industrial• Limited commercial
3.3.8.3 Dimensional Standards.		3.3.8.4 Typical Pattern
Lot size, minimum	None	<p>The pattern of development will illustrate a unique internal layout of streets, blocks, and buildings often in large tracts to accommodate large buildings. Associated street types include parkway, boulevard, avenue, local, and sensitive.</p> <p>All lots have external access to public roads. Internal circulation may be private. Limited commercial uses may be found in this district, but is predominantly industrial in nature.</p> <p>Industrial districts are located near major roads and highways, often with rail service provided.</p>
Dwelling unit density, maximum	Not applicable	
Non-residential density, maximum	3 floor area ratio	
Impervious coverage, maximum	80%	
Street frontage, minimum	None	
Lot width at the front yard build-to line, minimum	None	
Front yard build-to line, minimum ¹	60 feet	
Front yard build-to line, maximum ¹	None	
Side yard setback line, minimum ¹	30 feet	
Rear yard setback line, minimum ¹	40 feet	
Structure height, maximum ²	None	
Open space, minimum	Not applicable	
Uses	See Article 4, Table 4.1 (p. 48)	
Parking	See Article 5 (p. 73)	
Landscaping	See Section 7.5 (p. 93)	
Site plan review	See Section 8.3.3 (p. 106)	
NOTES:		
¹ When abutting any other district, minimum side or rear yard of 50 feet shall be provided.		
² See exceptions to height limitations in Section 3.4.		

3.3.9 PUD – Planned Unit Development.**3.3.9.1 Purpose and Description.**

The Planned Unit Development District is intended to provide for land development through a master planned approach, quality design through the best use of site characteristics utilizing lot clustering, relaxation of lot sizes, and a planned mix of uses. Increased residential densities may be permitted in a planned unit development with demonstrated superior design outcomes. A planned unit development shall not be used to circumvent other zoning provisions.

3.3.9.2 Typical Structure Types.

- Mixed-use
- Commercial
- Office
- Institutional
- Assembly
- Detached, attached, or multiple-family

**3.3.9.3 Dimensional Standards.**

Lot size, minimum	Regulated by an approved master plan
Dwelling unit density, maximum	
Non-residential density, maximum	
Impervious coverage, maximum	
Street frontage, minimum	
Lot width at the front yard build-to line, minimum	
Front yard build-to line, minimum	
Front yard build-to line, maximum	
Side yard setback line, minimum	
Rear yard setback line, minimum	
Structure height, maximum ¹	
Open space, minimum	See standards that follow
Uses	Established according to master plan
Parking	See Article 5 (p. 73)
Landscaping	See Section 7.5 (p. 93)
Site plan and subdivision review	See Section 8.3.3 (p. 106)

3.3.9.4 Typical Pattern

Development patterns vary widely in a Planned Unit Development according to the nature and purpose of the development. The patterns may range from those associated with a residential neighborhood to patterns associated with major commercial or industrial developments.

Planned Unit Developments have external access to public streets, but internal circulation in some cases may be private. The district's uses will reflect the particular type of PUD established.

NOTES:

¹ See exceptions to height limitations in Section 3.4.

3.3.9.5 Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of any size to PUD to facilitate the use of flexible techniques of land development and site design by providing flexibility from zone requirements of conventional developments. The Board may establish standards and procedures, including restricting land uses to those compatible to surrounding development in order to achieve one or more of the following:

- a. Promotion flexibility in design and diversity in the location of structures.
- b. Promotion the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
- c. Preservation to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
- d. Provision for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
- e. Coordination architectural styles, building forms, and building relationships within the planned developments.
- f. Ensure the quality of construction commensurate with other developments within the Town.
- g. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- h. Creation of economic efficiency and economic development in relation to public services.
- i. Promotion of efficient and effective traffic circulation, both within and adjacent to the development site.
- j. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

3.3.9.6 Planned Unit Developments

Planned Unit Developments shall be permitted, subject to stated requirements. PUD's shall be created by approval of a preliminary development plan. A zoning amendment is required to according to the rezoning procedures set in this ordinance to establish a PUD.

3.3.9.7 Modification of District Regulations

- a. Planned Unit Developments may be constructed in all zoning districts subject to the standards and procedures set forth below:
 - i. Planned Unit Development shall be governed by the regulations of an approved preliminary development plan.
 - ii. The Ordinance approving the preliminary development plan for the Planned Unit Development may provide for district regulations governing area, set-back, width, and other bulk regulations, parking, land use, and such other regulations as may be necessary or desirable to achieve the objectives of the proposed PUD, provided such provisions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Unit Development.
- b. However, no such requirements or regulations may be allowed when such pro-

posed modification would result in:

- i. Inadequate or unsafe access to the Planned Unit Development.
 - ii. Traffic volume exceeding the anticipated capacity of the major street network in the vicinity.
 - iii. An undue burden on public parks, recreation areas, schools, fire, police protection, and other public facilities which serve, or are proposed to serve, the Planned Unit Development.
 - iv. A development which will be incompatible with the purposes of this Ordinance.
- c. Approved provisions shall supersede the regulations of the zoning district in which the Planned Unit Development is located.

3.3.9.8 Coordination with Subdivision Regulations

- a. The uniqueness of each proposal for a Planned Unit Development may require that specifications for which 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. Modifications may be incorporated only with the review of the Atoka Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Development Plan for a PUD, and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval of the master plan by the Planning Commission.
- b. It is the intent of this ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Unit Development.
- c. The development plans under Procedures for Planned Unit Development Approval must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
- d. The requirements for both this section and those of the Subdivision Regulations shall apply to all PUD's. All actions of the Board of Mayor and Aldermen pertaining to PUD's shall be based upon a recommendation by the Planning Commission.

3.3.9.9 General Provisions

The following general provisions shall apply to any Planned Unit Development Districts created by the Board of Mayor and Aldermen.

- a. Application for Planned Unit Development Permit Required. Each application for a Planned Unit Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations.
- b. Waiver of Board of Zoning Appeals Action. No action of the Board of Zoning Appeals shall be required in the approval of a Planned Unit Development District.
- c. Ownership and Division of Land. No tract of land may be considered for, or approved as a PUD unless such tract is under the single ownership of a landowner. For the purpose of this ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PUD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of a PUD,

the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the approved development plan.

3.3.9.10 Design Standards and Requirements.

- a. **Professional Design.** The Atoka Planning Commission shall not consider any development plan for any proposed Planned Unit Development, either on a preliminary or final basis, nor shall the Atoka Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Unit Development unless such proposed plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan for utility placement and storm water facility development. Applicants may also use the services of a land planner or landscape architect in the development of the plan.
- b. **Design and Landscape Review.** At a minimum, the Design and Landscape Review Standards in the Atoka Zoning Ordinance shall apply to commercial, multiple family, industrial, and institutional uses of any PUD.
- c. **Architecture.**
 - i. A pattern book (building guide that regulates the architectural massing, building types, heights, facades, styles, materials, and details and establishes the basic design guidelines that will ensure that the architecture of the individual buildings within the development will be in keeping with the overall vision) shall be included in the proposed Planned Unit Development submitted to the Planning Commission and the Board of Mayor and Aldermen. The pattern shall illustrate key components of building design such as the shape of windows and doors, roof pitches, eave details, column details, dormer details, and types of porches that are appropriate for that style.
 - ii. Identical or similar single-family buildings or elevations may not be repeated more frequently than every sixth house along the same side of any street. Buildings shall be considered similar if they have similar door and window configuration, direction of roof pitch, building mass and building form. Attached buildings shall provide variation in building height, setbacks, rooflines, window, door openings, materials and colors. Buildings shall relate well to the streetscape through the provision of front porches, doors, windows, and architectural details that face the street, and assist in minimizing the dominance of garages. For at least 50% of all units, garages shall be side entry, rear entry or front entry with the garage recessed a minimum of five feet behind the front building line.

d. Common Open Space and Public Facilities

The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.

- i. A minimum total area of ten percent of the gross residential area shall be set aside as parks and playgrounds. Of this ten percent, a maximum of one-half may be covered with water. A maximum of five percent of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area.
- ii. Common open space may be usable for active or passive recreational purposes and must provide visual, aesthetic and environmental amenities. The

uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development considering its size, density, expected population, topography, and the number and type of structures to be provided.

- iii. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized and must conserve and enhance the amenities of the common open space, having regard to its topography and the intended function of the common open space.
- iv. The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Unit Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- v. No common open space of a Planned Unit Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners' association or other responsible party unless the Atoka Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Unit Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- vi. All land shown on the final development plan as common open space may be either:
 - Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
 - Conveyed to an organization for ownership and maintenance. The Atoka Planning Commission and Atoka Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Town of Atoka. Any such dedication shall be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.
- vii. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the Planned Unit Development fail to maintain the common open

space in reasonable order and condition in accordance with the adopted final development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Unit Development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.

- viii.** The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Unit Development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- ix.** If the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:
 - The Association must be set up before homes are sold.
 - Membership must be mandatory for each homebuyer and any successive buyer.
 - The open space restrictions must be permanent, not just for a period of years.
 - The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - Homeowners must pay their pro-rata share of the cost of the assessment levied by the association to meet changed needs.
- e.** Relation to Utilities, Public Facilities. PUD districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as to have access in the same degree as would development in a form generally permitted in the area.
- f.** Site Planning. Site planning within any PUD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental considerations. All reports and plans shall be submitted to the planning staff for review and approval and shall be made a part of the final development plan. Site plans shall be required for all uses.
- g.** Vehicle and Pedestrian Circulation, Off-Street Parking, and Loading.
 - i.** All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Unit Development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.
 - ii.** Accessory off-street parking and loading in the PUD shall be regulated by Article 5 of this ordinance, but may be modified to meet the goals of the PUD at the discretion of the Planning Commission based on developer justification.

- iii. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained, and lighted for night use.
- iv. Screening of parking and service areas in commercial, institutional, and industrial land uses shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.
- v. The Planned Unit Development shall incorporate a system of pedestrian walkways for safe circulation to schools, churches, shopping, and other traffic generators. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
- h. Privacy Screening. The Planned Unit Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Unit Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms, and landscaped barriers.
- i. Uses and Density Bonuses. In addition to the general standards and general provisions set forth above, Planned Unit Developments shall comply with the requirements and standards that follow:
 - i. Permitted Uses. The following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.
 - Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.
 - Other uses specifically permitted by the Planning Commission and the Board of Mayor and Aldermen in their review of the Preliminary Development Plan for the PUD development.
 - ii. Residential Densities. In order to encourage ingenuity, imagination, and high quality design, regulations on residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family/two family dwellings, or 20 families per acre in multifamily dwellings, subject to the appropriate provision of municipal services. This will allow clustering of dwellings to provide maximum open space.
- j. Density Bonuses and Eligibility. In order to qualify for a density bonus for single-family and two-family residential uses (base of five units per acre) the property proposed for Planned Unit Development shall meet one or more of the following:
 - i. The applicant must demonstrate in writing and other appropriate materials, that the property proposed for a density bonus contains significant and/or unique site conditions, significant natural features, or large open spaces which would otherwise be developed but which will be preserved from development as a result of exercising the density bonus (i.e. conservation development);
 - ii. Open Space Calculations. A PUD density bonus shall be based on an aggregate of one or more of the following elements for which the PUD qualifies, as determined during the preliminary plan review, provided the total density bonus shall not exceed a maximum of 60 percent of the units otherwise permitted. Where applicable, the Board of Mayor and Aldermen, after recommendation by the Planning Commission, may award a smaller bonus than the

maximum permitted below. In determining the amount, if any, of a density bonus to be awarded, the Board of Mayor and Aldermen and Planning Commission shall consider the location, character, quality and extent of the elements provided.

- iii. Clustered development may qualify for density bonuses in accordance with the following:
 - Not less than 30 percent open space - 5 percent density bonus.
 - Not less than 35 percent open space - 10 percent density bonus.
 - Not less than 40 percent open space - 15 percent density bonus.
 - Not less than 45 percent open space - 20 percent density bonus.
 - Not less than 50 percent open space - 25 percent density bonus.
 - Not less than 55 percent open space - 35 percent density bonus.
 - Not less than 60 percent open space - 45 percent density bonus; and,
- iv. The PUD provides one or more of the following features:
 - Walking trails/bikeways/pathways (excluding sidewalks which are required) through the entire PUD, and/or links to adjacent facilities of a similar nature (10%).
 - Parks and playgrounds in excess of the required ten percent of gross residential area (10%).
 - Innovative design features, such as traditional neighborhood development, traffic calming measures, innovative stormwater management (such as rain gardens, pervious surface paving, or vegetative swales), and other similar features throughout the development (20%).
 - Dedication of acreage for needed public facilities (10%).
- k. Lot dimensions and lot sizes must be shown on the preliminary development plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen.
- l. Development Period and Staging. The expeditious construction of any Planned Unit Development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.
- m. Start of Development. Within five years from the date of preliminary approval of a PUD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If no substantial construction, as determined by the Building Official, has begun within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the Planning Commission and shall be of no further effect. At its discretion and for good cause, the Planning Commission, may extend for a reasonable time, not to exceed one year, the period for the beginning of construction.
- n. Completion Period
 - i. The Atoka Planning Commission may establish a reasonable period of time for the completion of the Planned Unit Development at the time the PUD district is established.
 - ii. Staging of Development. The Planning Commission may elect to permit the staging of development, in which case, the following provision shall be complied with:

- iii. Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements to be approved by the Town Engineer for bonding purposes.
- iv. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwelling units, whichever is smaller.
- o. Dedication of Public Facilities. The Atoka Planning Commission, as a condition of approval and adoption, and in accordance with the final development plan, may require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.
- p. Bond Requirement for Improvements. The Planning Commission shall require that a performance bond be furnished and filed with the Town of Atoka for private and public improvements in coordination with the procedures set forth in Atoka's Municipal Subdivision Regulations.

3.3.10 TND – Traditional Neighborhood Development.

3.3.10.1 Purpose and Description.

The Traditional Neighborhood District is intended to implement the Traditional Neighborhood place type of Atoka on Track. Traditional neighborhoods feature mixed-use design including parks, schools or other public facilities. Neighborhoods should be walkable with important features within a 20-minute walk. These neighborhoods are pedestrian friendly and accessible for all modes of transportation. Buildings are built close to the street at a human scale, with ample transparency. A wide variety of housing types is provided, both in size and affordability, and active public open space for recreation and community activities is featured.



3.3.10.2 Typical Structure Types.

- Mixed-use
- All forms of residential
- Assembly
- Institutional
- Neighborhood services
- Recreational space

3.3.10.3 Dimensional Standards.

Lot size, minimum	See Table 3.1
Dwelling unit density, maximum	See Table 3.1
Non-residential density, maximum	None/varies
Impervious coverage, maximum	.75
Street frontage, minimum	See Table 3.2
Lot width at the front yard build-to line, minimum	See Table 3.2
Front yard build-to line, min./max. (with on-street parking)	See Table 3.2
Front yard build-to line, min./max	See Table 3.2
Side yard setback line	See Table 3.2
Rear yard setback line, minimum	See Table 3.2
Structure height, maximum ¹	See Table 3.1
Open space, minimum	20%
Uses	See Article 4, Table 4.1
Parking	See Article 5
Landscaping	See Section 7.5
Site plan review	See Section 8.3.3

3.3.10.4 Typical Pattern

The TND pattern includes small blocks in a grid formation with a discernible central public space and an edge that transitions into less intensive uses. Higher density residential is prevalent. However, a core commercial and civic area may be featured. Multi-family uses are proportionally limited.

Residential buildings have shallow setbacks. Mixed-use and commercial buildings are built close to the sidewalk. Multi-family residential buildings typically have stoops at street level and balconies on upper floors. Detached residential buildings have stoops or porches.

Mixed-use and commercial buildings have shopfronts at street level and street-facing facades have at least one entrance facing the street.

Access occurs via alleys or shared access points, with parking located behind or beside the street-facing building facade on primary streets. Perimeter landscaping is required when parking is adjacent to a street.

NOTES: See following detail.

3.3.10.5 General Access and Layout.

- a. Streets. If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an avenue or main street type, the following criteria shall apply:
 - i. The internal streets providing access to the TND are to be aligned perpendicular to the local, collector or higher order street.
 - ii. The buildings or structures that take access from the internal streets are to face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) are to be provided on both streets.
 - iii. A continuous system of sidewalks are to connect the Neighborhood Core with streets and lanes that provide access to dwelling units.
- b. Variable Block Lengths. Blocks are to have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.

3.3.10.6 Lot Arrangement. All lots are to include frontage abutting a street, park or plaza (a public square, marketplace, or similar open space in city or town). A substantial percentage of the dwelling units are to be located within a 5-minute walk (1,320 feet) from the perimeter of a plaza or park as noted below:

- a. For a proposed TND less than 80 acres in size, at least 90%
- b. For a proposed TND of 80 to 90 acres in size, at least 70%
- c. For a proposed TND of 90 to 100 acres in size, at least 50%

3.3.10.7 Neighborhood Structural Element Standards.

- a. Neighborhood Core.
 - i. Parks, plazas and open spaces are to be sited to provide community focal points and public gathering places.
 - ii. The focal area must have a minimum area of 30,000 square feet. The neighborhood core may face or surround the plaza or square.
- b. Transition Area. The generally residential area, which may have limited commercial uses, but is primarily a mix of residential types, located between the core and edge areas.
- c. Edge Area. A greenbelt (a substantial area of woods, parks, or open land surrounding a community on which building is restricted) shall be sited that will provide a clear edge to the community, open space for community residents, and natural areas for stormwater management.
- d. Common Area. Common areas may include, but are not limited to, roads, sidewalks, stormwater management facilities, playgrounds, club houses and other amenities, parks, green spaces, and conservation land.

3.3.10.8 Unit Density and Intensity Standards. The requested densities, in terms of floor area ratios (FAR), and number of units per gross residential acre and total number of dwelling units, are to be established in the traditional neighborhood master plan and are to comply with the density parameters.**3.3.10.9 Prominent Sites and Vistas.**

- a. Prominent sites are reserved for the following building types.

TND Table 3.1 - Density and Area Allocation Standards

Use Category	Minimum Land Allocation	Max. Land Allocation	Min. Density (per acre)	Max. Density (per acre)	Min./Max. Intensity (FAR)	Minimum Height (feet)	Maximum Height (feet)
Parks and open space	10%	-	-	-	-	-	-
Civic uses	2.5%	20%	-	-	2/4	-	3 stories ² / 45'
Retail⁴, office uses, lodging	2.5%	20%	-	-	1.5/3	2 stories ¹	3 stories ² / 45'
Upper-floor dwellings for retail and office uses⁸	-	-	-	22	1.5/3	-	3 stories ² / 45'
Multi-family dwellings (not part of a mixed-use structure)⁶	5%	15%	15	22	1.5/4	2 stories ¹	3 stories/ 45'
Single-family attached⁵ and detached dwellings⁷	15%	50%	6	12	-	-	2 stories ³ / 35'
Single family detached dwellings⁷	25%	50%	4	6	-	-	2 stories ³ /35'

"-" = not applicable; "FAR" = floor area ratio

¹ 1 story by approved use permitted on appeal

² 4 stories by approved use permitted on appeal

³ 3 stories by approved use permitted on appeal

⁴ Single store footprint limited to 25,000 square feet, greater by approved use permitted on appeal

⁵ Single family attached dwellings are single structures containing 2-4 dwelling units. A minimum mix of 15% of either unit type is required

⁶ Not more than 25 percent are permitted as four-bedroom units

⁷ Accessory dwelling units allowed by special exception meeting other standards of Sec. 3.5.6.

⁸ First floor residential by approved use permitted on appeal

TND Table 3.2 - Setback for Principal Buildings

Location by Street Type	Minimum Frontage (feet)	Maximum Average Frontage (feet)	Minimum Front Set-back (feet)	Maximum Front Set-back (feet)	Minimum Side Set-back (feet)	Maximum Side Set-back (feet)	Minimum Rear Set-back (feet)
Parkways	80	-	10	30	5	-	20
Boulevard	40	80	5	30	5	20	20
Main street	-	40	-	10	-	5	5
Avenue	20	40	5	20	5	-	20
Local	20	70	5	30	5	-	20
Public alley or lane	20	70	5	30	5	-	10
Private alley	20	70	5	30	5	-	7 ¹

"-" = not applicable

¹ If no parking allowed

TND Table 3.3 - Traditional Neighborhood Development Use Location

Street Type	Civic Uses	Retail or Service Uses	Multi-family Uses	Single-family Uses
Arterial	x	x	x	-
Collector	x	x	x	-
Mixed-use Local	x	x	x	
Local	-	-	x	x
Alley or Lane	-	-	-	x

"x" = permitted; "-" = not permitted.

- i. Civic buildings, such as but not limited to, government offices, libraries, museums, schools, or churches;
- ii. Hotels; or office buildings;
- b. Buildings located on a prominent site shall be at least two stories high.
- c. A prominent site may include a location along a main street, or the termination of a vista running from a main street, boulevard, or avenue and its intersection with an equal or lower-order street.

3.3.10.10 Frontage and Siting Standards.

- a. Location of Uses. The location of uses is to be governed by street frontage as shown in Table 3.1.
- b. Building Lines. The setbacks for principal buildings are to be as established in Table 3.2.
- c. Frontage and Setback Requirements. Frontage and setback requirements do not apply to parks and open space. In order to allow for setback variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements along a street segment are to be computed as an average.

3.3.10.11 Building Design.

- a. Entrance. The principal entrance of all buildings, excluding accessory buildings, must open to a street.
- b. Building Orientation. All principal buildings are to be oriented to parks and open space or to a street. Loading areas must not be oriented to a street. Buildings that abut both a street and parks or open space are to be oriented to both features.
- c. Front Porches. Front porches are to be provided on at least 50% of all dwelling units within the single-family land-use allocation. Porches are to be constructed of masonry or wood materials. Architectural metal may be used if it is consistent with the exterior or roofing materials of the primary building. The seating area must have a minimum width of nine feet and a minimum depth of six feet.

3.3.10.12 Mixed-Use Buildings.

- a. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use.
- b. The submitted floor plans must identify the use of each room.
- c. Uses may abut at side or rear lot lines, or face across streets or parks. This applies regardless of whether they are in the same or a different land-use category.
- d. No single building footprint may exceed 25,000 square feet unless as a use permitted on appeal.

3.3.10.13 Landscaping and Screening.

- a. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail, service, or civic land uses are not to be separated from multi-family or single-family land uses within the TND by berms or buffers unless a trail or sidewalk is established that provides a direct connection between the uses.
- b. A plan for the landscaping, buffering, and tree mitigation elements must be provided as described in 3.4.10.17.
- c. Adherence to the streetscape and parking lot landscaping standards found in Articles 5 and 7 is required..

3.3.10.14 Parking.

- a. Adequate parking is to be provided to service all site uses. In order to achieve the intent of the TND District, minimum parking space requirements are to serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The applicant shall demonstrate adequate parking.
- b. The maximum number of parking spaces for non-residential uses in a mixed-use structure shall be no more than 80% of the standard requirement, and the minimum number of spaces shall be no less than 60% of the standard requirement in Article 3. Residential uses shall meet or exceed the standard requirement.
- c. Parking lots are to be located at the rear of principal buildings or in mid-block locations. A landscape island a minimum of 9 feet wide and totaling 360 square feet must be provided for every ten spaces.
- d. Parking lots and parking garages must not abut street intersections or civic use lots.
- e. Parking lots must not be located adjacent to parks or open space.
- f. Parking lots must not occupy lots that terminate a street vista.
- g. Parking lots are to be located in the interior of a block or shall take access from an alley.

3.3.10.15 Property Owner's Association.

- a. A plan for a Traditional Neighborhood District must be accompanied by provisions for a property owners' association that include the following:
 - i. Projected date of organization.
 - ii. Organizational structure, including structure of planned timeline for transfer of control from the developer to the association.
 - iii. Diagram of areas to be held in common by the property owner's meeting.
 - iv. Initial estimated fees for the proper functioning of the property owners' association.
 - v. Plan for collective shared maintenance of common areas including stormwater management facilities.
- b. Before building permits are issued for any building in an approved TND, a property owner's association, as applicable, must be incorporated and recorded.

3.3.10.16 Zoning Approval Process.

- a. A Traditional Neighborhood Development may be established upon application through the requirements and procedures for rezoning land and shall require submittal of a master regulating plan and overall landscaping plan as described below.

- b. Approval of a rezoning to Traditional Neighborhood Development and its regulating plan will be valid for two years before construction must begin. The ordinance enacting any such rezoning shall contain a condition stating that the district shall revert to its prior underlying zoning if construction has not begun within two years after the date of approval.

3.3.10.17 Master Regulating Plan Requirements. Application for a Traditional Neighborhood is to be accompanied by a master regulating plan developed in accordance with the intent, principles and standards of the district. The master regulating plan elements at a minimum, including the following.



- a. A topographic survey and stormwater management plan.
- b. The layout, location, and hierarchy of streets and public open spaces and parking areas. This should include the proposed location of all designated prominent sites and vistas.
- c. Layout and location of residential, commercial, mixed-use and civic building lots.
- d. Plan data and statistics that include densities (dwelling units/acre) or intensities (floor area ratio), building types, setbacks, and other descriptive information required to determine compliance.
- e. A list of uses by neighborhood section.
- f. A master sign plan.
- g. A series of architectural renderings which convey the overall character of the development.
- h. Architectural design regulating covenants for all site elements and buildings.
- i. An open space plan indicating proposed improvements thereon and the conditions at the project edges.
- j. A proposed staging plan for the three primary required areas: core, transition and edge.
- k. A stormwater management plan that shows integration of stormwater management facilities into the overall project design.
- l. An overall landscaping plan for the entire development which must include:
 - i. Tree survey plan with tree inventory counts. Should include identification of the location of vegetation to be preserved including the species and size range of existing trees to be preserved, and a clearing plan for any areas where tree removal is proposed. Full tree mitigation is required.
 - ii. Scaled drawing of the site, with north arrow, indicating areas for preservation, location and spacing of new trees and shrubs proposed for use; and existing and proposed one-foot contours to ten feet beyond the site boundary.
 - iii. Construction details and cross-sections sufficient to explain specific site conditions and solutions. Possible conditions include berms, retaining walls, screen walls, fences, tree wells to preserve existing trees, or culverts to maintain natural drainage patterns.
 - iv. A plant list of all proposed landscape materials including trees, shrubs, and grasses. Showing (for trees) caliper sizes, root type (bare root, balled and burlapped, container size), height of material, botanical and common name.
 - v. Planting and staking details to ensure proper installation and establishment of proposed plant materials. To include type and amount of mulch, ground cover and grasses. Should include irrigation plan, if appropriate, or water outlets.
 - vi. Proposed location of light poles, refuse container enclosures, walls, fences,

protective curbing, mechanical equipment, and other hard landscaping materials.

- vii. A landscape maintenance plan including a statement that all diseased, damaged, or dead material shall be replaced in accordance with the landscape ordinance.
- m. A phasing plan for the entire development along with projected implementation schedule, to include triggers for initiating subsequent phases.
- n. A storm water management plan that shows integration of storm water management facilities into the overall project design.

3.3.10.18 Administrative Process.

- a. A TND shall be the same as that for the establishment of a Planned Unit Development. Approval of development within phases designated on the approved master regulating plan will follow the processes for site plan and subdivision approval as appropriate.
- b. Conflict with other Provisions. Where the provisions of a TND conflict with other ordinance provisions, the provisions of this district shall apply with the exception of any health or safety regulations which must be met.
- c. Modifications to a TND Master Regulating Plan. From time to time it may be necessary or desirable to modify elements of the approved master regulating plan for a TND. Such elements may include the geographic areas of the core, transition, and edge areas; the phasing plan for development; the stormwater management drainage plan; the layout, location, and hierarchy of streets, public open spaces, and parking areas; the plan for improvements to open space areas; the layout and location of residential, commercial, mixed-use, and civic building lots; proposals for intended densities and intensities, proposed uses in each neighborhood section; the master signage plan; architectural renderings to convey the overall character of the development; and architectural design-regulating covenants for all site elements and buildings. The procedure for changes shall be:
 - i. For modifications that are more technical than substantial the Director of Planning will make a recommendation regarding the request to the Board of Mayor and Aldermen who will determine whether to grant the modification.
 - ii. For modifications that the Director of Planning determines to be substantial, the Planning Commission, with a recommendation from the Director of Planning, will make a recommendation regarding the request to the Board of Mayor and Aldermen who will determine whether to grant the modification.

3.3.11 FLO – Flood Overlay District.		
3.3.11.1 Purpose and Description.		3.3.11.2 Typical Structure Types.
<p>The Flood Overlay District is intended to implement the Natural Area place type described in Atoka Next. The Town of Atoka participates in the National Flood Insurance Program (NFIP) and administers the Town of Atoka Floodplain Ordinance.</p> <p>Any land within the Town of Atoka lying wholly or partially within the designated 100-year floodplain or floodway fringe is subject to the provisions of the Town of Atoka Floodplain Ordinance. The Official FEMA Flood Insurance Rate Maps (FIRMs) should be consulted for final determination of lands impacted by this provision.</p>		<ul style="list-style-type: none">Structure types are governed by the underlying base district.
		
3.3.11.3 Dimensional Standards.		3.3.11.4 Typical Patterns
Lot size, minimum	<p>All dimensional standards are governed by the requirements of the underlying base district and any provisions of Chapter 12 of the Municipal Code of Ordinances that apply.</p>	<p>All lot, street and use patterns are governed by the requirements of the underlying base district and any provisions of Chapter 12 of the Municipal Code of Ordinances that apply.</p>
Dwelling unit density, maximum		
Non-residential density, maximum		
Impervious coverage, maximum		
Street frontage, minimum		
Lot width at the front yard build-to line, minimum		
Front yard build-to line, minimum		
Front yard build-to line, maximum		
Side yard setback line, minimum		
Rear yard setback line, minimum		
Structure height, maximum		
Open space, minimum		
Uses		
Parking		
Landscaping		
Site plan and subdivision review		
NOTES:		
See the Atoka Flood Damage Prevention Ordinance.		

Review Draft

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ARTICLE 4

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ARTICLE 4. USE REGULATIONS AND CONDITIONS

4.1 Table of Uses

4.1.1 Establishment of Table of Uses. The uses permitted in each zoning district as established in Article 3 are set forth in Table 4.1, Table of Permitted Uses.

4.1.2 Determination of Use Category.

4.1.2.1 The Director of Planning and Community Development, or their designee, shall decide if a proposed use is permitted based on the uses listed in the Table of Permitted Uses. If unclear as to whether a proposed use is or is not permitted, the Director of Planning and Community Development shall reference the most recent North American Industrial Classification System (NAICS), as amended, to facilitate determination. Any use not specifically listed in the Table of Uses, and any proposed use not substantially similar to a listed use as determined by the Director of Planning and Community Development shall be prohibited.

4.1.2.2 Where the symbol "■" is shown, the use to which it refers is permitted as a use by right in the associated district, provided the use complies with all applicable development standards of this ordinance including the standards in Section 4.2, Use Conditions.

4.1.2.3 Where the symbol "□" is shown, the use to which it refers is permitted only if reviewed and approved as a use permitted on appeal, in accordance with the additional requirements provided in Section 4.2 as applicable, and set out in Article 8 Administration. Uses permitted on appeal are subject to all other applicable regulations of this code. Where a cell is left blank, the use to which it refers is not permitted in the indicated district.

4.1.2.4 Determination of Principal Use. When multiple principal uses are proposed for a development site, each principal use shall be classified separately by the Director of Planning or designee, and each shall be subject to all applicable regulations for that use unless such a development site is categorized as a mixed-use site in which case standards for mixed-use development, where they exist, shall control.

4.1.3 Districts Not Shown. Districts where uses are governed by a master plan approval process or within overlay districts in which the underlying base district governs uses are not included in the Table of Uses.

Table 4.1 - Table of Permitted Uses

District Uses	Zoning District								Use Standard Reference	
	Forestry, Ag.-Res.	Suburban Nbrhd. 10	Suburban Nbrhd. 8	Mixed-Residential	Traditional Nbrhd.	Highway Corridor	Neighborhood Center	Atoka Town Center		Industrial
	FAR	SN-10	SN-8	MR	TND	HC	NC	ATC		I
Agricultural Use Types										
All forms of agricultural activity except confined animal feeding operations	■	-	-	-	-	-	-	-	-	-
Confined animal feeding operations	□	-	-	-	-	-	-	-	-	-
Farm Stand	■	□	-	-	-	□	-	-	□	4.2.1
Residential Use Types										
Dwellings – Detached	■	■	■	■	■	-	-	-	-	-
Dwellings – Zero Lot Line (Patio Homes)	-	-	-	■	■	-	-	-	-	4.2.2
Dwellings Attached – Townhouse	-	-	-	■	■	□	□	□	-	4.2.3
Dwellings Attached –Duplex, Triplex, Quadplex	-	-	-	■	■	□	-	-	-	4.2.4
Dwellings – Multi-Family	-	-	-	■	■	□	-	-	-	4.2.5
Dwellings – Upper Floor	-	-	-	-	■	-	□	□	-	4.2.6
Dwellings – Accessory	■	□	□	□	□	-	-	-	-	4.2.7
Conservation Neighborhood	■	■	-	-	-	-	-	-	-	4.2.8
Manufactured Home	□	-	-	-	-	-	-	-	-	4.2.9
Institutional Use Types										
Adult Day Care Centers	■	□	-	-	-	■	-	-	-	4.2.10
Assisted Living and Retirement Facilities	■	□	□	□	□	□	-	-	-	4.2.11
Care Homes, Adult or Child	□	□	□	□	□	□	-	-	-	4.2.12
Cemeteries and Columbariums	□	□	□	□	□	□	-	-	-	4.2.13
Child Care Centers	■	□	□	□	□	-	-	-	-	4.2.12
Group Care Homes, non-commercial	-	■	□	□	□	□	-	-	-	4.2.14
Group Care Facilities	□	-	-	-	-	□	-	-	-	4.2.14
Life Care Communities	■	□	□	□	-	□	-	-	-	4.2.11
Nursing Home	■	□	□	-	-	■	-	-	-	4.2.11
Municipal Buildings and Facilities	■	■	■	■	■	■	■	■	■	4.2.15
Public Buildings and Facilities (Non-municipal)	□	□	□	□	□	■	■	■	■	4.2.16
Religious Assembly (Small Scale)	■	■	■	■	■	■	■	■	-	4.2.17
Religious Assembly Uses (Large Scale)	■	□	□	□	-	□	□	-	-	4.2.17
Schools – Preschool/Kindergarten	■	■	■	■	■	□	-	-	-	-

Table 4.1 - Table of Permitted Uses

District Uses ■ = Use Permitted □ = Use permitted on appeal	Zoning District								Use Standard Reference	
	Forestry, Ag.-Res.	Suburban Nbrhd. 10	Suburban Nbrhd. 8	Mixed-Residential	Traditional Nbrhd.	Highway Corridor	Neighborhood Center	Atoka Town Center		Industrial
	FAR	SN-10	SN-8	MR	TND	HC	NC	ATC		I
Schools – Elementary or Middle	■	■	■	■	■	□	-	-	-	-
Schools – High School	■	■	■	■	-	□	-	-	-	-
Schools – Post Secondary	□	-	-	-	-	■	-	-	-	-
Recreational Use Types										
Firing Ranges	□	-	-	-	-	□	-	-	-	4.2.18
Open Space (Active) Public or Private	■	■	■	■	■	■	■	■	■	4.2.19
Open Space (Passive) Public or Private	■	■	■	■	■	■	■	■	■	-
Recreational Clubs or Facility, Private or Public	■	□	□	□	□	□	□	-	-	4.2.20
Commercial Use Types										
Banks and Credit Unions	-	-	-	-	■	■	■	■	□	4.2.21
Bed and Breakfast Establishments	□	□	-	-	■	-	-	□	-	4.2.22
Grocery Stores	-	-	-	-	■	■	■	■	-	-
Motels	-	-	-	-	-	■	-	-	-	-
Hotels	-	-	-	-	■	■	-	□	-	-
Inns	-	-	-	-	■	■	-	□	-	-
Offices - Professional	-	-	-	-	□	■	■	■	■	-
Recreational Uses, Commercial - Indoor	-	-	-	-	■	■	■	■	-	4.2.23
Recreational Uses, Commercial - Outdoor	□	-	-	-	-	□	-	□	-	4.2.23
Recreational Vehicle Parks (public only)	■	-	-	-	-	■	-	-	-	4.2.24
Restaurants with Drive Through Facilities	-	-	-	-	■	■	■	□	-	4.2.25
Restaurants without Drive Through Facilities	-	-	-	-	■	■	■	■	-	4.2.25
Retail Sales, Inside Only	-	-	-	-	■	■	■	■	□	4.2.27
Retail Sales with Outside Displays	-	-	-	-	□	■	□	□	-	4.2.26
Service Stations, Conventional	-	-	-	-	-	■	-	-	■	4.2.27
Service Stations, Rear Loaded	-	-	-	-	-	■	□	□	□	4.2.27
Theaters	-	-	-	-	-	■	■	-	-	-
Vehicle Repair and Maintenance	-	-	-	-	-	■	-	-	■	4.2.28
Vehicle Washes, Automatic and Full Service	-	-	-	-	-	■	-	-	-	4.2.29

Table 4.1 - Table of Permitted Uses

District Uses		Zoning District								Use Standard Reference	
		Forestry, Ag.-Res.	Suburban Nbrhd. 10	Suburban Nbrhd. 8	Mixed-Residential	Traditional Nbrhd.	Highway Corridor	Neighborhood Center	Atoka Town Center		Industrial
		FAR	SN-10	SN-8	MR	TND	HC	NC	ATC		I
Service Use Types											
Medical Facilities	■	-	-	-	□	■	■	■	-	4.2.30	
Mortuaries and Funeral Homes	-	-	-	-	□	■	-	-	-	-	
Studios – Art, Craft, Music, Dance	■	-	-	-	■	■	■	■	-	4.2.31	
Other Service Uses – Indoor Only	-	-	-	-	■	■	■	■	■	-	
Industrial Use Types											
Crematoriums	-	-	-	-	-	-	-	-	■	-	
Light Manufacturing Uses	-	-	-	-	-	-	-	-	■	4.2.32	
Heavy Manufacturing Uses	-	-	-	-	-	-	-	-	□	4.2.32	
Self-Storage Facility	□	-	-	-	-	□	-	-	□	4.2.33	
Truck Terminals	-	-	-	-	-	-	-	-	■	-	
Warehouses	-	-	-	-	-	-	-	-	■	-	
Wholesale Sales	-	-	-	-	-	■	-	-	■	-	
Mining or Quarrying	□	-	-	-	-	-	-	-	□	4.2.34	
Other Use Types											
Accessory Uses or Structures (Excluding Dwellings)	■	■	■	■	■	■	■	■	■	4.2.35	
Gated Entries	□	□	□	□	□	-	-	-	-	4.2.36	
Home Occupations (without client traffic)	■	■	■	■	■	-	-	-	-	4.2.37	
Home Occupations (with client traffic)	□	□	□	□	□	-	-	-	-	4.2.37	
Sexually Oriented Business	-	-	-	-	-	-	-	-	□	4.2.38	
Temporary Uses	■	■	■	■	■	■	■	■	■	4.2.39	
Wireless Communication Facilities	□	□	□	□	□	□	□	□	■	4.2.40	

4.2 Use Conditions

The following is a list of use-specific criteria that set forth standards in addition to other requirements of this ordinance. Uses requiring use permitted on appeal approval shall also meet the additional criteria included in Section 8.2.4.

4.2.1 Farm Stand

- a. Farm stands shall be limited to 400 square feet in area.
- b. Farm stands shall present for sale agricultural products grown locally
- c. Merchandise other than locally grown agricultural products presented for sale shall be clearly incidental and subordinate to the primary purpose of the use as a farm stand. Such sales shall be limited to no more than ten percent of food product sales.

4.2.2 Dwellings, Zero Lot Line (Patio Homes).

- a. Maintenance Easement. Where adjacent dwellings are not constructed against a common lot line, the developer must provide a perpetual wall maintenance easement measuring five feet along the adjacent lot and parallel with such wall. In no case may a zero lot line dwelling be built closer than ten feet to the lot line of a lot zoned in a different residential district.
- b. Buffer Area. Where the adjoining land is not under the ownership of the developer of the zero lot line project, a ten-foot side yard or a 25-foot rear yard shall be maintained between the zero lot line project and adjoining land. Where adjoining land is not owned by the same person owning the development site, a buffer must be maintained. The buffer must contain a minimum side yard buffer of ten feet and a 20-foot rear buffer between the project and the adjoining land.
- c. Window and Door Openings. No window or door openings shall be permitted along the exterior wall of the structure facing a side yard.
- d. Roof lines. Roof lines may not overhang the property line.
- e. Density. Density shall not exceed 12 units to the acre.
- f. Common trash and recycling receptacles must be located on a portion of the lot not visible from a public street. Common ownership documents with provisions for a property owner's association must be provided before final approval that must include all of the following.
 - i. Projected date of organization.
 - ii. Organizational structure, including planned timeline for transfer of control from the developer to the association.
 - iii. Diagram of areas to be held in common.
 - iv. Initial estimated fees for the proper function of the association.
 - v. Plan for collective shared maintenance of common areas including stormwater detention facilities.

4.2.3 Dwellings Attached, Townhouse.

- a. Townhomes shall have no more than six contiguous attached units built in a row.
- b. Unless a greater setback is required within a zoning district, a minimum setback of 40 feet is required from any Suburban Residential District.

- c. Common trash and recycling receptacles must be located on a portion of the lot not visible from a public street.
- d. Common ownership documents with provisions for a property owner's association must be provided before final approval that must include all of the following.
 - i. Projected date of organization.
 - ii. Organizational structure, including planned timeline for transfer of control from the developer to the association.
 - iii. Diagram of areas to be held in common.
 - iv. Initial estimated fees for the proper function of the association.
 - v. Plan for collective shared maintenance of common areas including stormwater detention facilities.

4.2.4 Dwellings, Attached (Duplex, Triplex, or Quadplex).

- a. Attached dwellings must have an architectural appearance and massing like a large single family home common to the neighborhood in which they are located.
- b. The main entrance to attached dwelling units shall be directly from and face the street. Each ground floor unit must be accessed through a single main entrance. Second story units may be accessed through the main entrance or by an exterior stairway that does not face a public street.
- c. Duplexes on corner lots must be designed so that each side facing the public street is a front facade, and each dwelling has primary pedestrian and automobile access from a different street.
- d. Common trash and recycling receptacles must be located on a portion of the lot not visible from a public street.
- e. Common ownership documents with provisions for a property owner's association must be provided before final approval that must include all of the following.
 - i. Projected date of organization.
 - ii. Organizational structure, including planned timeline for transfer of control from the developer to the association.
 - iii. Diagram of areas to be held in common.
 - iv. Initial estimated fees for the proper function of the association.
 - v. Plan for collective shared maintenance of common areas including stormwater detention facilities.

4.2.5 Dwellings, Multi-Family.

- a. On infill development sites in residential districts or when abutting an established residential area sharing a public street, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.
- b. Site Design. Site designs shall create a sense of "neighborhood" and shall meet all the following requirements.
 - i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots. In no case shall rear garages and rear facades face primary streets.
 - ii. An internal vehicular circulation system for private streets, when included,

shall be reflective of a single-family residential street system.

- iii. Parking lots shall be located behind or under buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district of lower density.
- iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
- v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located when provided.
- c. Unless a greater setback is required within a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting a Suburban Neighborhood district.
- d. Trash and recycling receptacles must be located on portions of the site not visible from a public street and must be screened from dwelling units on at least three sides.

4.2.6 Dwellings, Upper Floor

- a. The minimum living area of an upper floor dwelling shall be 900 square feet.

4.2.7 Dwellings, Accessory.

- a. An accessory dwelling unit cannot exceed 50% of the gross floor area of the principal dwelling or 1,400 square feet (whichever is less) or contain more than two bedrooms.
- b. An accessory dwelling must be a complete living space with kitchen and bathroom facilities.
- c. An accessory dwelling may be accessory only to a detached single-family dwelling and not more than one such dwelling shall be allowed per principal dwelling.
- d. All accessory dwelling units shall conform to the applicable side and rear setback requirements for accessory structures. They shall also conform to all use, design and landscaping standards applicable to the primary dwelling and structure except that where accessed by an alley, the structure may be located up to 15 feet from the rear property line. When an existing legal and conforming accessory structure is being converted into an accessory dwelling, the accessory dwelling must meet all applicable building and fire code requirements.
- e. The design of the accessory dwelling shall be in harmony with, and architecturally compatible to, the principal dwelling regarding massing, materials, and location.
- f. If located in an accessory structure, the accessory dwelling must be in the rear yard and meet the side and rear yard requirements of the district.
- g. The minimum lot size upon which an accessory dwelling is permitted shall be at least 8,000.
- h. The accessory dwelling shall not be separately metered unless required by the electric utility provider.
- i. The primary dwelling must be owner-occupied, and evidence must be presented that the dwelling is the primary residence of the owner.

- j. An Accessory Dwelling Unit request shall be accompanied by a written statement from the property owner that with at all times comply with these standards, the primary dwelling shall be owner-occupied, and the accessory dwelling will be used only for family members, guests, or employees (such as caretakers) and shall not be rented to the general public.
- k. The Planning Department shall keep a record of all approved accessory dwelling unit permits.

4.2.8 Conservation Neighborhood.

- i. All lots within the development shall be accessed solely by interior streets.
- ii. The overall density of the conservation subdivision shall not exceed the density authorized for the zoning district where it is located unless otherwise authorized in this ordinance.
- iii. Open space created through clustering shall be dedicated for perpetual open space and may be used for recreation.
- iv. Permanent open space conserved as part of the conservation subdivision shall be designed to serve as a buffer to mitigate potential impacts of clustering on adjoining properties, and, at the discretion of the Director of Planning, serve one of the other stated purposes (i.e. recreation, common open space, and preservation of environmentally sensitive features) for conservation subdivisions.
- v. The minimum lot size and interior lot setbacks may not be reduced to less than 50% of the minimum lot size and setbacks for the district in which the conservation neighborhood is located.

4.2.9 Manufactured Home

- a. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the International Building Code.
- b. The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except, when a solid concrete or masonry perimeter foundation is used and the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include, but shall not be limited to, clapboard, simulated clapboards, such as, conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
- c. The hitches or towing apparatus, axles and wheels must be removed.
- d. The roof must be pitched so there is at least a 2 inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition shingles or fiberglass.
- e. The unit must be oriented on the lot so that its long axis is parallel with the street.
- f. All such units shall be required to connect to a public utility system which includes electric, water and sewer in compliance with the Southern Standard Building Code and National Electrical Code.

4.2.10 Adult Day Care Centers

- a. An application for an Adult Daycare Center shall be accompanied by an application to the State of Tennessee for licensure of the facility and site plan meeting the standards of this code.
- b. When use permitted on appeal approval is required, the use shall meet the conditions set forth in section 8.2.4

4.2.11 Assisted Living, Retirement, or Life Care Facilities.

- a. Assisted Living Facilities in the Suburban Neighborhood Districts shall accommodate no more than 50 residents.
- b. Such facilities shall be located on an arterial street and have a minimum lot size of three acres. All land used for the community shall be contiguous and shall not be divided or transected by public roads, private roads granting an easement(s) to tracts of land not located in the community, or natural features which would visually or functionally divide the development.
- c. All structures shall be limited in occupancy to persons aged 55 years or older, the physically disabled, and their spouses except for staff or personnel performing duties directly related to the operation of the facility.
- d. Driveway access to accessory structures shall be through the main entrance to the community.
- e. Sidewalks shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
- f. Buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, roof pitch, façade material, and size, type and placement of windows and doors.
- g. No single building shall be greater than 40,000 square feet if located within 500 feet from an adjacent residentially zoned lot.
- h. No site shall have a density greater than 12 units per acre for accessory single-family dwellings.
- i. When use permitted on appeal approval is required, the use shall meet the conditions set forth in section 8.2.4.

4.2.12 Care Home or Center, Adult or Child.

- a. Drop-off and pick-up areas must be shown on the site plan and approved as part of the permitting process.
- b. Space requirements shall be as stipulated by the State of Tennessee and the International Building Code, or other appropriate State or Federal agency.
- c. Outdoor play and recreation areas shall be located behind in the rear yard or side yard only.
- d. Unless specifically authorized by the Board of Zoning Appeals as permitted on appeal, outdoor activities are limited to the hours of 8:00 a.m. and 8:00 p.m.
- e. Care of a persons shall not exceed 12 hours for any part of the 24-hour day.

- f. For Care Homes. The owner of a care home must reside in the home and the use must be:
 - i. Clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
 - ii. All building and lot standards for residential dwellings shall be maintained.
 - iii. Staffed by persons residing in the dwelling in which the care is located except that up to one non-resident may report to work at the home.
 - iv. In a structure originally constructed as, and designed for, a single-family dwelling which shall remain the principal use on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling, or which changes its exterior residential character. Activities shall be conducted in a single-family residence only, not to include manufactured homes. No more than 15% of the ground floor area shall be used as part of the family day care operation.
- g. A request for a Care Center, Care Home, or Day Care Home shall be accompanied by a site plan meeting the site plan standards of this ordinance.

4.2.13 Cemeteries and Columbariums.

- a. Tombstones, crypts, monuments, columbariums, and mausoleum spaces must be located at least 25 feet from any street right-of-way line or abutting property line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Grave sites shall also be set back at least 20 feet from any side or rear lot lines.
- b. Sales of crypts, columbarium niches, and plots shall be allowed as an accessory use on premises for cemeteries that are a principal use only. No building in conjunction with such sales shall be located closer than 20 feet from any side lot line abutting a residential district and 40 feet from any such rear lot line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
- c. Cemeteries and Columbariums may be permitted accessory to places of religious assembly.

4.2.14 Group Care Homes and Facilities.

- a. Non-commercial group care homes must be in a structure originally constructed as and designed for a single-family dwelling which is the principal structure on the lot. The structure must not be altered, or the site used in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.
- b. Commercial group care facilities serving individuals who are deemed to be a danger to themselves or others must be identified by the applicant during site plan review. Facilities may not serve more than 20 residents. To protect the health and safety of the community, the Planning Commission has the right to further restrict the location of facilities and the number of residents and to require increased buffering, screening, and fencing.

4.2.15 Municipal Public Buildings and Facilities.

- a. Municipal Buildings in Suburban Neighborhood Districts must not exceed 20,000

square feet.

- b. Whenever feasible, infrastructure facilities should be located away from streets and may be located on lots without road frontage accessible through an easement access.
- c. Where visible from a public or private street, municipal infrastructure facilities must be screened from view by fencing or evergreen shrubs or trees.

4.2.16 Public Buildings and Facilities.

- a. Infrastructure facilities should be located away from streets and may be located on lots without road frontage that are accessible solely across another property through an easement access.
- b. Where visible from a public or private street, public facilities must be screened from view by fencing or evergreen shrubs or trees.

4.2.17 Religious Assembly Uses, Small and Large scale.

- c. Religious assembly uses, small scale shall be limited to 10,000 square feet in building size and associated activities uses shall be limited to indoor assembly, outdoor playgrounds, and support offices.
- d. Religious assembly uses, large scale shall not be limited in size.
 - v. Associated institutional activities and uses such as schools, day care, and recreational facilities are permitted.
 - vi. Access. Places of assembly seating more than 400 people must have direct access to an arterial street.
 - vii. A residential monastery, convent, or similar communal residence or religious facility may be allowed as an accessory use to a religious assembly use by use permitted on appeal.
 - viii. Accessory uses such as administrative offices, bookstores, parking lots, community centers, multi-purpose facilities, outdoor recreational facilities, and care centers on the same site or sites contiguous to the principal use shall be permitted in association with the use.
 - ix. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and will be regulated as such.
 - x. A cemetery or columbarium is permitted as an accessory use.

4.2.18 Firing Ranges.

- a. Facilities shall be indoor only.
- b. Facility must be soundproofed so that no noise can be heard beyond the walls of the use.

4.2.19 Open Space, Active.

- a. Public or private open spaces and parks with lighted facilities must close by 10 p.m.
- b. All stables and riding facilities (other than trails) must be located at least 300 feet from the nearest property line of an unrelated off-site residential lot.
- c. An accessory commercial facility for a golf course must be located on the interior

of the site, away from public streets.

4.2.20 Recreational Club or Facility, Private or Public.

- a. Clubs that plan to host competitive events must provide both standard and overflow parking areas.
- b. Outdoor recreational facilities, such as tennis courts or swimming pools, must be located no less than 500 feet from the nearest residential property line not associated with the open space.
- c. Facilities for maintenance equipment, golf cart storage, and similar activities must be separate from parking areas for patrons.

4.2.21 Banks and Credit Unions.

- a. Facilities with drive-through facilities must have stacking space to prevent back-ups onto access roads.

4.2.22 Bed and Breakfast Establishments.

- a. Bed and breakfast establishments must be managed by and serve as the primary residence of the owner of the property.
- b. Breakfast may be provided to registered guests, but no other full meals.
- c. Bed and breakfast establishments shall contain no more than five guest bedrooms at any one location or premises.
- d. No cooking facilities shall be permitted in guest rooms.
- e. Bed and breakfast establishments may have one sign of not more than four square feet may be mounted on the wall of the home.
- f. Parties, meetings, receptions or other unrelated activities shall be prohibited.

4.2.23 Recreational Uses, Commercial - Indoor and Outdoor.

- a. Indoor recreational uses that create substantial noise must be soundproofed to ensure that no noise is audible beyond the walls of the business.
- b. Outdoor recreational uses that create noise and use night lighting must close by 10 p.m. or must be located no less than 500 feet from an unassociated residential lot.

4.2.24 Recreational Vehicle Park (Public Only).

- a. No trailer, service building, or service area shall be located in the required setback area.
- b. In areas subject to heavy pedestrian traffic, sidewalks a minimum of five feet wide shall be provided.
- c. Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets
- d. There shall be at least one sanitary station for each 50 spaces or fraction thereof. Each sanitary station shall be screened from other activities by visual barriers and shall be at least 50 feet from any trailer parking spaces.
- e. Other reasonable requirements may be imposed on a case-by-case basis where

deemed necessary for the safe operation of the travel trailer parking area.

4.2.25 Restaurants.

- a. When live entertainment is offered, amplified music, loudspeakers, and similar noise devices shall not be permitted outdoors and noise emanating from the restaurant shall not exceed ambient noise levels at a distance of more than 100 feet from the building containing the amplified sound.
- b. Drive-in service or drive-through pickup facilities are allowed only by use on appeal in the Atoka Town Center District and must have sufficient stacking space to prevent backups onto access roads.
- c. Service of alcoholic beverages must meet all Tennessee regulations and city requirements.

4.2.26 Retail Sales.

- a. Retail stores that share a parking lot with other retail businesses may not exceed their minimum parking by more than 25%.
- b. Retail stores may not exceed 20,000 square feet in the NC District.
- c. A pedestrian walkway of no less than six feet must be provided in front of a store.
- d. No outdoor display of merchandise or freestanding kiosk selling items may result in a pedestrian walkway, sidewalk, or a front entry area of less than three feet.
- e. Businesses with drive-through facilities must have sufficient stacking space to prevent backups onto access roads.

4.2.27 Service Stations, Conventional or Rear Loaded.

- a. All standards that apply to service stations as primary uses also apply to service stations as accessory uses.
- b. Stacking space for vehicle access to pumps at accessory service stations or service stations on out-parcels of a larger development site must not interfere with on site traffic flow not associated with the service station use.
- c. Pump areas on corner lots in the NC district must be located to the side or rear of the retail facility, not in a front yard unless the lot backs into a residential use area.
- d. All fuel pumps shall be located a minimum of 20 feet from property lines.
- e. Wrecked, partially dismantled, or inoperative vehicles associated with an accessory motor vehicle repair service must be stored in an enclosed building.
- f. The design of pump islands and canopy should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.
- g. All display items for sale should occur only within the main building or within designated areas that are screened from public streets.
- h. Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials.
- i. All lighting must meet the lighting standards of this code, with fully shielded lighting under the canopy.

4.2.28 Vehicle Repair or Maintenance Facility.

- a. Where this use is permitted on appeal, it is limited to service for personal, light duty or medium duty vehicles not requiring a commercial driving license.
- b. The number of outside stored vehicles awaiting repair is limited to no more than 5, or 1 per service bay, whichever is greater. Stored vehicles must have a current tag.
- c. Accessory junk yards, including the storage of junk vehicles or vehicles used for parts, are prohibited.
- d. Vehicles that have been accepted for repairs shall be screened from view by enclosing them within a building or in a rear yard area. Any outdoor storage must be screened by a six-foot solid screening fence or six-foot solid screen evergreen hedge along the side and rear property lines.
- e. No sales of vehicles are permitted on the premises.

4.2.29 Washes, Automatic and Full Service:

- a. All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.
- b. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- c. Washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest lot line of an adjacent residential zoning district or lot containing a legal, conforming residential use for facilities that do not include an automatic dryer.
- d. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district or lot containing a legal, conforming residential use.
- e. Car washes accessory to a principal use shall be located in the side or rear yard only.

4.2.30 Medical Facilities.

- a. Medical facilities shall not exceed 10,000 square feet unless located in a Planned Unit Development.
- b. Kennels, whether stand alone or in association with a veterinary clinic, shall be indoor facilities only.

4.2.31 Studios - Art, Craft, Music or Dance.

- a. Any studio use generating noise (music or dance) must be soundproofed to prevent noise that is audible to an adjacent use.

4.2.32 Manufacturing Use

- a. Noise. No volume of sound inherently and recurrently generated shall be detectable at the boundary line of the lot.
- b. Vibration. Ground vibration inherently and recurrently generated shall not be permitted.
- c. Smoke. No smoke shall be permitted of any density shall be permitted for more than six minutes in any hour.

- d. Dust. All walks, driveways, and parking areas shall be dust-proofed. No dust of any kind produced by manufacturing shall be permitted to escape beyond the confines of the building in which it is produced.
- e. Lint and other Particulate Matter. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- f. Fly Ash. The emission of fly ash is prohibited.
- g. Noxious Gases and Fumes. The emission of gases or fumes injurious to persons or property beyond the lot occupied by the use is prohibited.
- h. Odor. The emission of noxious odors of any kind detectable by a person with normal sensibilities anywhere beyond the property boundaries shall not be permitted. Tanneries, abattoirs, glue factories, oil refineries, soap factories, artificial gas manufacture, and similar industries must present detailed plans for elimination of noxious odors before a building permit is granted.
- i. Fire Hazards and Safety. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with state regulations and the regulations contained in the city's building code.
- j. Glare and Heat. Any operation producing intense glare or heat detectable outside a building is prohibited.
- k. Noise. The volume of sound inherently and recurrently generated shall not exceed 60 decibels at the boundary line of the lot.
- l. Nonconforming Uses Must Comply. The performance standards included in this section shall apply to legal nonconforming manufacturing uses in all districts.

4.2.33 Storage – Self-Storage Facility.

- a. Size. A self-storage facility site shall not exceed three acres in size.
- b. Site shall be enclosed with perimeter fencing. Where visible from a public street, the fencing shall be of a decorative nature. Chain link fencing shall not be considered decorative. Any use of chain link fencing in non-visible areas shall be black or green vinyl coated.
- c. Outdoor storage shall be limited to licensed boats on trailers, storage trailers, and licensed recreational vehicles and campers. Such storage shall be covered and not visible from public view.
- d. No retail or wholesale uses, residential activities, and storage of hazardous materials, or any other use other than personal storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by a conspicuous sign posted at the entrance of the property or by provisions in the lease agreement, or both.

4.2.34 Mining and Quarrying

- a. A mining or quarrying operation shall not be located or take place closer than 160 feet to a residential structure or 50 feet from a property line, whichever is greater.
- b. A mining or quarrying operation shall not be located or take place closer than two-hundred fifty feet of a designated Flood Hazard Area.

- c. A mining or quarrying operation shall be required to take such measures, as the Town of Atoka deems necessary and proper to adequately maintain the county roads proposed for use by the applicant. A bond in an amount adequate to correct damages occurring as a result of the use of these roads by the applicant can be required by the Board of Zoning Appeals.
- d. A mining or quarrying operation shall be required to submit a signed and certified notice of intent permit to comply with all state regulations governing the discharge of storm water associated with the proposed activity. The notice of intent will have been filed with the Tennessee Department of Environment and Conservation, Division of Water Pollution Control.
- e. A mining or quarrying operation shall provide a copy of the National Pollutant Discharge Elimination System Permit that is issued by the Tennessee Department of Environment and Conservation, Mining Section.
- f. A mining or quarrying operation shall provide the Board of Zoning Appeals with a surety instrument (i.e. letter of credit, bond) in the amount of \$1000.00 dollars for each acre affected by the respective operation. The bond shall be for 3 years and shall be redeemable by the Board of Zoning Appeals if reclamation of the area, in accordance with the approved Reclamation and Revegetation Plan, has not been satisfied within those 3 years or an extension has not been granted by the Board of Zoning Appeals.
- g. A mining or quarrying operation shall provide and have approved by the Town Engineer a Soil Erosion Control Plan, a Reclamation Plan and a Revegetation Plan. All plans shall comply with the adopted standards of the Department of Health, Environment and Conservation; and,
- h. A mining or quarrying operation shall present a detailed site plan meeting the standards of this ordinance and to include:
 - i. The location of all existing or proposed haul or access roads to be used by the mining operator;
 - ii. The location of any existing structures, publicly owned lands, or utility facilities within 1,000 feet of the affected area; and,
 - iii. The location of all streams and standing bodies of waters in or within 1,000 feet of the proposed area.
- i. The use requested on appeal is to be located on a route designated as either an arterial or collector street on the official Major Road Plan for Atoka.
- j. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Atoka.
- k. The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings and the authority to specify building materials, colors or similar considerations.
- l. The grant of approval shall expire two years from the date of approval

4.2.35 Accessory Uses

- a. Accessory uses and structures must be clearly related to, and incidental to, a permitted principal use or structure on a lot.
- b. Accessory structures may only be located behind the front building line of the principal structure, and not in a side or front yard unless otherwise authorized in this ordinance.
- c. No accessory building may be built within five feet of a property line.
- d. No accessory building shall be erected within five feet of any other building.
- e. Structures accessory to residential uses (except for agricultural buildings located in the FAR District) shall have a combined floor area (aggregate of all detached accessory structures) of not more than 33% of the total floor area of the principal structure.
- f. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- g. All accessory uses and accessory structures shall conform to the applicable requirements of this ordinance, including all dimensional, use, design and landscaping standards applicable to the primary use and structure.
- h. In any residential district, no accessory building shall occupy more than 30% of a required rear yard. In no district shall an accessory building occupy any part of a required front yard or side yard except garages.
- i. Freestanding Self-Serve Structures are permitted as accessory uses to adjoining or adjacent uses as attached or freestanding structures.
 - i. Freestanding Self-Serve Structures shall be permitted as accessory freestanding facilities only when the location does not present a traffic hazard.
 - ii. Such structures shall be lighted and located in such a manner as to maximize the safety of the public using the facility.
 - iii. The site must accommodate safe stacking space for up to two vehicles.
- j. No accessory building or use shall exceed two stories or 25 feet in height.

4.2.36 Gated Entries.

The following regulations pertain to placing gates, posts and cable or other equipment across vehicular entrances to individual residences, nonresidential properties, and multi-family residential properties.

- a. Nonresidential development. Nonresidential developments that will close during business hours shall obtain a use permitted on appeal to establish gates at private vehicular entrances.
- b. Multi-family development. Developments that wish to close in the overnight hours may request a use permitted on appeal to establish gates at private vehicular entrances.
- c. Gates should be constructed of decorative, ornamental metal.
- d. Style and color of gates and other enclosures should be coordinated with nearby structures.
- e. Gates should operate so that they do not obstruct sidewalks, streets, bike paths,

parking spaces, and similar facilities.

- f.** Swing gates are encouraged. Gate hinges may be located on one or both sides of the driveway. Sliding gates are discouraged.
- g.** Unobstructed vertical clearance should be at least 13 feet six inches.
- h.** Gates shall be designed to allow vehicles to turn around in the driveway, without backing into the street (except on local streets).
- i.** Adequate stacking room should be provided between the gated entrance and the gate controller to avoid vehicular stacking across sidewalks, streets, bike paths, and similar facilities.
- j.** Gates shall be designed to provide 24-hour access by authorized maintenance and service providers (such as public works, utilities, mail and postal delivery).
- k.** Gate designs shall include emergency hardware to ensure they can be activated by an emergency siren to the satisfaction of the City.
- l.** One pedestrian access gate shall be provided at each gated driveway entrance.
- m.** "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.
- n.** Protective covenants shall be established and recorded for the gated development. The protective covenants shall identify, and always keep in effect, a legal entity responsible for maintaining the gates and associated features.
- o.** Dual gates should have an unobstructed clearance at least ten feet wide on each side; single gates should have an unobstructed clearance of least 20 feet wide.
- p.** Gated development should not be approved for developments that provide necessary connectivity for access and safety reasons. No gated development with private roads can be considered for acceptance as public streets until and unless the roads are brought to current city standards by the pertinent property owners association.

4.2.37 Home Occupations.

- a.** A home occupation is permitted accessory to any dwelling unit in accordance with all the following requirements:
 - i.** The proposed use shall be located and conducted in the principal dwelling only.
 - ii.** The use shall occupy no more than 20% of the total building area of the principal dwelling and in no case shall exceed 500 square feet.
 - iii.** The only employees allowed shall be members of the resident's immediate family, living in the dwelling.
 - iv.** No customers or clients shall be physically present on the premises; customer and client contact shall be by means other than visits to the premises.
 - v.** The use shall not employ any mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, dust, vibration, heat, glare, or other nuisances outside the dwelling.
 - vi.** The use shall not include any manufacturing process that uses substantial electrical or mechanical equipment or chemical materials.
 - vii.** No outdoor storage or visible evidence of the equipment, merchandise, or

materials used in the home occupation is permitted except equipment or materials (type and quantity) normally and reasonably associated with the principal residential use.

- viii.** The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.
- ix.** Approval of a Home Occupation as permitted on appeal shall require submittal of a description of the intended business and how it will meet all required standards.
- x.** All Home Occupations must meet the following standards:
 - b.** Approval of a Home Occupation as a use on appeal is required if customers or clients will be present on the premises. Application to the Board of Zoning Appeals shall include submittal of a description of the intended business and how it will meet all required standards. The following additional standards apply to home occupations that require approval as a use on appeal:
 - i.** If personal contact on the premises is required for the business, then it shall be by appointment only. A home occupation shall not allow walk-in customers or clients.
 - ii.** Delivery of materials and pedestrian or vehicular traffic to and from the premises shall not involve the use or frequency of vehicles not normally experienced in residential areas.
 - iii.** No goods or merchandise shall be sold or offered for sale on the premises that is not produced on the premises.
 - iv.** A small sign may be placed on or near the principal dwelling, not exceeding one square foot in size, to identify the business to customers or clients arriving for an appointment.

4.2.38 Sexually Oriented Businesses.

- a.** A sexually oriented business shall be located at least 750 feet from a church, synagogue or regular place of religious worship, a public or private elementary or secondary school, boundary of any residential district, park, restaurant or recreation facility.
- b.** May not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
- c.** Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected.
- d.** Distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- e.** It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- f.** It shall be unlawful for an owner or operator of a sexually oriented business to

allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

- g. Notwithstanding any other Town ordinance, code or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.
- h. Exterior signs shall contain no sexual or sexually oriented photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
- i. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.
- j. Provided that the license issued shall be subject to annual renewal upon the written application of the applicant and a finding by the Director that the applicant has not been convicted of any "specified criminal activity," as defined by the Atoka Municipal Ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application.

4.2.39 Temporary Uses.

- a. A noncommercial concrete batching plant shall be permitted as approved in a staging plan provided it has direct access to arterial or higher capacity street.
- b. Temporary buildings, offices or yards for construction may be permitted for up to six months if authorized by the Director of Planning and Community Development. Such facilities may request extensions of the permit for no more than three months from the Board of Adjustment.
- c. Industrial, commercial, or residential use of municipally-owned property may be permitted in any district when the Mayor and Board of Aldermen determine that such use will facilitate reconstruction, restoration, repair, or replacement of industrial, commercial, or residential facilities rendered unusable by a natural or man-made disaster. This permit shall not be issued for a period longer than six months. Following a public hearing, the Planning Commission may, but shall not be required to, grant a six-month extension if it determines that the conditions that led to the initial grant of the permit continue in force and effect and that an extension will further facilitate reconstruction, restoration, repair, or replacement of industrial, commercial, or residential facilities.

4.2.40 Wireless Communications Facilities

- a. Purpose. The purpose of these use conditions is to establish additional standards for the location of telecommunications towers, antennae, and ground structures with the objective of minimizing their number, protecting and promoting public safety, and mitigating adverse visual impacts on the community, while promoting the provision of telecommunications service to the public. Notwithstanding any other provision of this ordinance, telecommunications towers, antennae, and ground structures, when permitted by federal law and the laws of the State of

Tennessee, shall be regulated by these provisions.

- b.** Setbacks. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, shall be equal to one hundred (100) percent of the tower height plus ten feet. Setbacks adjacent to all other districts shall conform to those required in the district.
- c.** Type. All new towers over sixty (60) feet in height shall be of monopole type structure. No lattice type antennas or towers over sixty (60) feet in height shall be permitted in the Town of Atoka.
- d.** Structural Requirements. Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (1/2) inch radial ice.
- e.** Screening and Landscaping

 - i.** For all ground structures and buildings, special care shall be taken to minimize the effects on adjacent residential areas.
 - ii.** All ground structures shall be screened in a manner which consists of a minimum of an eight foot wide landscaped strip around the perimeter of the security fencing. The screen shall consist of a combination of trees, shrubs, vines and ground covers that blends and enhances the appearance of the ground structures with the surrounding area. The screen shall be installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.
- f.** Co-Located Towers and Antennas. The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.
- g.** Vehicle Access Control. The Location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Board of Zoning Appeals in accordance with these regulations.
- h.** Lighting

 - i.** Towers: Lighting of structures, as required for safety purposes, shall be dual - red and medium intensity white, whereby solid-red shall provide lighting during the evening, and medium-intensity-white shall provide lighting during the day.
 - ii.** Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets.

- iii. If the proposed tower is required by Federal Aviation Administration (FAA) to be lighted by means other than those specified in this code, then the applicant shall be required to move the tower or reduce the height of the tower to eliminate the requirement for alternative lighting.
- i. Security. The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight feet or the height of the accessory structures, whichever is greater.
- j. Removal of Obsolete Towers.
 - i. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to the FCC to cease operations and shall be given 90 days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
 - ii. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument and subsequent fines or refusal to re-move an obsolete tower shall be determined by the Board of Mayor and Alderman of Atoka and the Town engineer and then approved by the Planning Commission during the site plan review process.
- k. Submission Requirements. Prior to the issuance of a building permit, for telecommunications or television transmission purposes, the construction of a tower, or the utilization of an existing structure, a site plan must be drawn to a scale of not less than 1" = 50' by a licensed surveyor or engineer. Submissions of a site plan shall depict the requirements set forth below:
 - i. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial user's accessory structure and the location of two (2) future accessory structures.
 - ii. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
 - iii. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and applicable structural standards and, also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
 - iv. A letter indicating why existing towers within one mile of the proposed tower location cannot be utilized.
 - v. Any other requirements as required by the Atoka Municipal - Regional Site Plan Review requirements.
- l. Expiration of Approval or Renewal. A site plan approved by the Planning Commission shall lapse unless a building permit, based thereon, is issued within three (3) years from the date of such approval unless an extension of time is applied for

and given by the Planning Commission.

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ARTICLE

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IN THIS ARTICLE:

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5.2 Off-street Loading and Unloading Requirements. 75

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Review Draft

ARTICLE 5. OFF STREET PARKING

5.1 Off Street Parking Requirements.

There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this article. Parking space maintained in connection with an existing and continuing principal building on the effective date of this ordinance shall not be counted as serving a new building or addition; nor shall any parking space be substituted for loading space, nor any loading space substituted for a parking space.

5.1.1 Location. Off-street parking shall be located on the same lot that it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking space to be provided on other off-street property provided such space lies within 300 feet of the main entrance to such principal use.

5.1.2 Size and Maneuvering Room. For all proposed parking layout designs depicting 90° angle parking, spaces shall have a width not be less than nine feet and a length not less than twenty feet. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.

5.1.3 Access. Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

5.1.4 May Serve as Yard Space. Parking space may be included as part of the required yard space associated with the permitted use.

5.1.5 Required Parking Spaces. The number of spaces required for a specific use shall comply with Table 5.1, Required Off-street Parking Spaces, below:

Table 5.1 - Required Off-street Parking Spaces	
Use	Parking Spaces Required
Dwelling Units	2 spaces per dwelling unit
Schools	1 space per 3.5 seats in assembly rooms plus 1/faculty member
Hotels / Motels	1 space per guest room plus 1 space employee
Restaurants	1 space per 250 gross square feet
Retail / Medical	1 space per 300 gross square feet
Retail over 25,000 sq. ft.	1 space per 300 gross square feet
Medical over 25,000 sq. ft.	1 space per 3 beds intended for patient use, exclusive of bassinets.
Office / Health Clubs / Other uses not specified	1 space per 300 gross square feet
Personal and Professional Services	1 space per 400 gross square feet plus 1 per service bay if applicable
Industrial / Manufacturing / Warehouse	1.5 space per employee per the largest shift

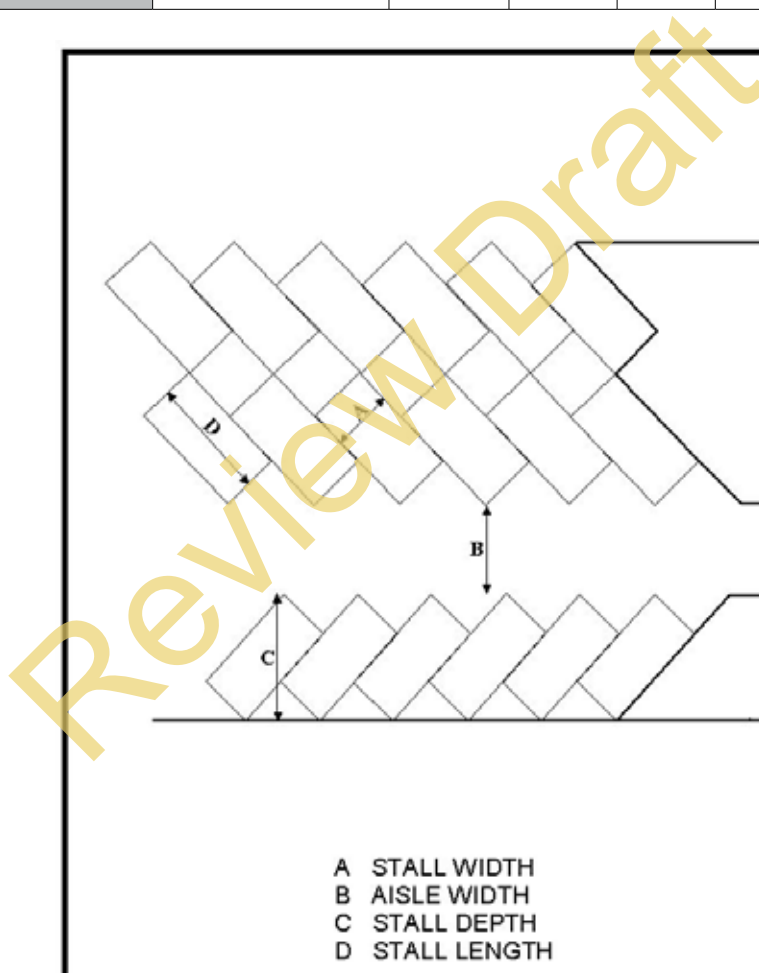
- 5.1.6 Required Parking Spaces for Persons with Disabilities.** In all developments, parking spaces for persons with disabilities shall be provided which have a minimum width of 12 feet. The number of such parking spaces in relation to the total number of spaces is listed below:

Table 5.2 - Required Off-street Parking Spaces for Persons with Disabilities	
Total Spaces	Required Spaces
Less than 26	1
26 to 50	1
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
More than 500	2% of total

- 5.1.7 Curbing and Surfacing.** A required parking area, which includes parking spaces, drives and maneuvering lanes shall be provided with a six-inch concrete curb or a six-inch rolled curb and paved prior to issuance of a certificate of occupancy. The requirement does not apply to single-family or two-family structures on a single lot.
- 5.1.8 Parking Lot Markings.** The parking area should be clearly marked showing parking spaces and directional flow in accordance with the Manual on Uniform Traffic Control Devices.
- 5.1.9 Parking Lot Drainage.** Parking area surfaces should have a minimum slope of two percent or ¼ inch per foot.
- 5.1.10 Parking Lot Landscaping.** Landscaped parking islands shall be provided at the end of all rows of parking and for every 10 spaces. Parking islands shall be covered with shredded bark or turf. Paving or covering islands with rock shall not be acceptable. Landscape parking islands shall have a minimum of 18" deep topsoil and built with a minimum interior width of five feet. One canopy tree per 18 linear feet of island shall be required. Other landscape materials and under story trees may compliment the island plantings. Where utilities present a problem, under story trees may be substituted for the canopy trees.
- 5.1.11 Public Way / Parking Lot Screening.** A five foot wide buffer at the public way shall be provided for all parking areas of five or more parking spaces with a planting three feet in height.
- 5.1.12 Parking Lot Lighting.** All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

5.1.13 Parking Layout Design. Parking lot designs must adhere to the Layout Design Tables. The Commission may impose a layout design if safety or physical constraints are warranted.

Table 5.3 - Layout Design Elements						
		One Way Aisles Designs			Two Way Aisles Designs	
Dimension	Illustration Reference	45°	60°	75°	90°	0°
Stall width parallel to aisle	A	12.7'	10.4'	9.3'	10'	8'
Aisle width between stall lines	B	12'	16'	23'	26'	22'
Stall depth to wall	C	17.5'	19'	19.5'	18' or 20'	20'
Stall length of line	D	25'	22'	20'	18'	18'
Bumper Overhang (typical)	Not Shown	2'	2.3'	2.5'	2.5	N/A



5.2 Off-street Loading and Unloading Requirements.

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided, and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of

dedicated rights-of-way.

- 5.2.1** All spaces shall be laid out in the dimension of at least 10 feet by 50 feet or 500 hundred square feet in area, with a clearance of at least 14 feet in height.
- 5.2.2** Where trailer trucks are involved, such loading and unloading space shall be an area 12 feet by 50 feet with a 14 foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
- 5.2.3** The following ratio of spaces to floor area applies to all districts.

Table 5.4 - Required Loading	
Gross Floor Area	Space Required
0 - 20,000 sq. ft.	One space
Over 20,000 sq. ft.	One (1) space plus one space for each additional 20,000 sq. ft

5.3 Obstruction of Vision at Street Intersections Prohibited.

On corner lots within the area formed by the centerlines of streets or street and railroad at a distance of one hundred feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of ten feet above the average grade of each street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

5.4 Access Control.

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing contact, the following regulations shall apply:

- 5.4.1 Plan Submission.** In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted to the planner or engineer. Such a plan shall include a scale drawing with not less than one inch equaling 20 feet.
- 5.4.2 Number Of Access Points.** Lots less than 100 feet in width shall have no more than one point of access to any public street. There shall be no more than two points of access to any public street on a lot of less than 300 feet in width. Lots in excess of 300 feet in width may have one point of access to any public street for each 300 feet of frontage.
- 5.4.3 Distance Of Intersections.** All vehicular access points shall be located at least 70 feet from the intersection of any right-of-way lines of street or a street and a railroad.
- 5.4.4 Width.** A point of access (i.e., a driveway or other opening for vehicles onto a public street) shall not exceed 18 feet in width for one-way, one-lane ingress or egress and shall not be greater than 30 feet in width for two-way ingress and egress.
- 5.4.5 Effect On Curbs, Drainage Ditches, and Sidewalks.** No curbs shall be cut or altered, or drainage ditches covered, for the purpose of access without written approval by the planner or engineer. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles onto the sidewalk area.

ARTICLE

6

Review Draft

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ARTICLE 6. SIGNS

6.1 Purposes.

The purposes of these sign regulations are:

- 6.1.1** To encourage the effective use of signs as a means of communication in the Town,
- 6.1.2** To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth,
- 6.1.3** To improve pedestrian and traffic safety,
- 6.1.4** To minimize the possible adverse effect of signs on nearby public and private property, and
- 6.1.5** To enable the fair and consistent enforcement of these sign restrictions.

6.2 Applicability. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- 6.2.1** Establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance,
- 6.2.2** Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits,
- 6.2.3** Prohibit all signs not expressly permitted by this ordinance, and,
- 6.2.4** Provide for the enforcement of the provisions of this ordinance,
- 6.2.5** A non-commercial message may be substituted for a commercial message on any sign permitted by the code.

6.3 Computations.

The following principles shall control the computation of sign area and sign height:

- 6.3.1 Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- 6.3.2 Computation of Area of Multi-Faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- 6.3.3 Computation of Height.** The height of a sign shall be computed as the distance from the base

of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of one existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is owned.

6.3.4 Computation of Maximum Total Permitted Sign Area for a Lot. The permitted area of all individual signs on a lot shall be computed by determining the sign surface area in square feet in relation to the building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

6.4 Permits Required.

If a sign requiring a permit under the provisions of this ordinance is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of this section.

6.4.1 No sign shall be erected in the public right-of-way except in accordance with these regulations.

6.4.2 No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan in effect for the property.

6.5 Highway 51 Overlay District.

This zone shall overlay the underlying zone district and shall be composed of an area running parallel to and 300 feet from the right-of-way of U. S. Highway 51 (SR 3) within the corporate limits of Atoka. Signs within this district shall not be stacked and shall have no more than two sides.

6.6 Design, Construction, and Maintenance.

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

6.6.1 All signs shall comply with applicable provisions of the most recent building code and electrical codes adopted by the Town of Atoka.

6.6.2 Except for banners, flags and temporary signs, conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

6.7 Master Sign Plan Procedures.

A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the Town for the proposed development and shall be processed simultaneously with such other plan.

6.8 Signs in the Public Right-of-Way.

No sign shall be allowed in the public right-of-way, except for the following:

- 6.8.1 Permanent Signs.** Permanent signs, including public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes, or facilities; and awning, projecting, and suspended signs projecting over a public right-of-way.
- 6.8.2 Emergency Signs.** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- 6.8.3 Other Signs Forfeited.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

6.9 Signs Exempt from Regulation.

The following signs shall be exempt from regulation under this ordinance:

- 6.9.1** Any public notice or warning required by a valid and applicable federal, state, or local law, regulations, or ordinance;
- 6.9.2** Signs in or on windows not exceeding twenty percent of the window area;
- 6.9.3** Works of art that do not include a commercial message;
- 6.9.4** Holiday lights and decorations with no commercial message;
- 6.9.5** Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort;
- 6.9.6** Temporary signs without a commercial message; and,
- 6.9.7** Signs indicating anti-theft systems and alarm systems.

6.10 Signs Regulated as Temporary Signs.

Temporary signs are permitted in all districts provided that the owner informs the Code Enforcer. A sign-up sheet shall be located in the Code Enforcement Office of Atoka Town Hall. The owner must list the date of erection, the type of sign and the date of removal. There will not be a fee for temporary signs. The following types of signs shall be regulated as temporary signs within the Town of Atoka and shall be removed within a maximum period of 30 days. Extensions to the 30 day maximum may be granted by the Code Enforcer:

- a. Beacons, pennants and strings of lights not permanently mounted to a rigid background, except those exempt under the previous section,
- b. Inflatable signs and tethered balloons,
- c. Temporary sales signs, to include but not limited to garage or yard sale signs (in accordance with current Atoka Town Code), personal business signs, and signs intended to sell or distribute goods.

6.11 Signs by Type and Zoning Districts.

The following provision shall regulate signs, stating the permitted type, size and placement of signs.

All permitted signs are limited to one type of permitted sign per street frontage unless otherwise noted in the General Provisions of the Ordinance. In addition to the below requirements, a sign shall not be placed within any required utility easements, and signs shall not obstruct views within the sight triangle at roadways or driveway intersections.

6.11.1 Sign Regulation for all Residential Districts.

6.11.1.1 For residential developments (including subdivision identification signs and apartment identification signs) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development are regulated as follows:

- a. Residential subdivision identification and apartment complex identification signs must be of the monument sign style and are limited to one sign, no more than forty (40) square feet in area and eight feet in height. The sign(s) must maintain a setback of at least five feet from the property line.
- b. Residential subdivision monument signs that are lighted must be externally lit and designed not to shine light onto residences or oncoming car traffic.

6.11.1.2 Residential monument signs must be landscaped at the base.

6.11.2 Sign Regulation for FAR, Residential Districts , SN-10, SN-8, and MR Districts

6.11.2.1 Building markers are permitted.

6.11.2.2 Off-premise signs are not permitted.

6.11.2.3 The following signs are permitted for Institutions located in Residential Zones:

- a. Wall signs are permitted for institutional uses such as churches and schools. Institutional signs may not convey a commercial message, and must be no larger than ten square feet in area.
- b. Monument signs for Institutions are limited to one sign, no more than 40 square feet in area and eight feet in height. The signs must maintain a setback of at least five feet from the property line. Monument signs must be landscaped at the base.
- c. Institutional monument signs that are lighted, must be externally lit and designed not to shine light onto residences or oncoming car traffic.
- d. Real estate signs are permitted.
- e. Political signs are permitted in accordance with this section.

6.11.3 Sign Regulations for Neighborhood Center (NC) District

6.11.3.1 Monument Signs are limited to one sign, no more than 40 square feet in area and eight feet in height. The sign must maintain a setback of at least five feet from the property line.

6.11.3.2 Monument signs that are lighted must be externally lit, but must be designed to not shine light on residences or oncoming car traffic.

- 6.11.3.3** Monument signs must be landscaped at the base.
- 6.11.3.4** Wall signs are limited to one sign, with a maximum area of 10% of the wall area, or not more than 150 square feet, whichever is smaller.
- 6.11.3.5** Canopy signs, marquee signs, projecting signs, roof signs, and suspended signs are subject to design review at the time of Site and Design Review by the Planning Commission. Marquees, projecting signs, or suspended signs may not extend into or above the public right-of-way.
- 6.11.3.6** Building markers are permitted.
- 6.11.3.7** Off-premise signs are not permitted.
- 6.11.3.8** Changeable message signs or electronic message signs are not permitted.

6.11.4 Sign Regulation for Highway Corridor (HC) District

- 6.11.4.1** Freestanding signs for property within the US Highway 51 Corridor are limited to no more than eighty square feet in area and twelve feet in height. The sign must maintain a setback of at least ten feet from the property line.
- 6.11.4.2** Monument signs are limited to one sign, no more than forty (40) square feet in area, and eight feet in height. The sign must maintain a setback of at least ten feet from the property line, may be internally or externally lit, designed not to shine light onto residences or oncoming car traffic, and must be landscaped at the base.
- 6.11.4.3** Wall signs are limited to ten percent of the wall area or 80 square feet, whichever is smaller.
- 6.11.4.4** Canopy signs, marquee signs, projecting signs, roof signs, and suspended signs may not extend into or above the public right-of-way.
- 6.11.4.5** Building markers are permitted.
- 6.11.4.6** Changeable message signs. Signs that have a changeable message component must not contain any flashing component. The message display time of a changeable message sign must remain static for a minimum of ten seconds. The brightness of a changeable message sign shall be governed by the standards of TCA 54-21-122.
- 6.11.4.7** Off-premise signs are not permitted in the Highway Corridor District except in the Highway 51 Corridor Sign Overlay.

6.11.5 Sign Regulation in the Industrial (I) District

- 6.11.5.1** Freestanding signs are limited to one sign, no more than 60 square feet in area and no more than 15 feet in height. The sign must maintain a setback of ten feet from the property line.
- 6.11.5.2** Freestanding signs for property within the US Highway 51 Corridor are limited to no more than eighty square feet in area and thirty feet in height. The sign must maintain a setback of at least ten feet from the property line.

- 6.11.5.3** Monument signs are limited to no more than sixty square feet in area and fifteen feet in height. The sign must maintain a setback of a least ten feet from the property line, may be internally or externally lit. Light may not shine light onto residences or oncoming car traffic, and be landscaped at the base.
- 6.11.5.4** Wall signs are limited to ten percent of the wall area or 80 square feet, whichever is smaller.
- 6.11.5.5** Canopy signs, marquee signs, and projecting signs are subject to design review upon Site and Design Review by the Planning Commission. Marquee signs or projecting signs may not extend into or above the public right-of-way.
- 6.11.5.6** Building markers are permitted.
- 6.11.5.7** Changeable message signs. Signs that have a changeable message component must not contain any flashing component. The message display time of a changeable message sign must remain static for a minimum of ten seconds. The brightness of a changeable message sign shall be governed by the standards of TCA 54-21-122.

6.12 General Permit Procedures.

The following procedures shall govern the application for and issuance or, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

- 6.12.1 Applications.** All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Enforcement Officer on an application form or in accordance with application specifications published by the Enforcement Officer.
- 6.12.2 Fees.** Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the Governing body of the Town from time to time by resolution.
- 6.12.3 Completeness.** Within 30 days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Enforcement Officer shall review it for completeness. If the Enforcement Officer finds that it is complete, the application shall then be submitted to the Planning Commission for review. If the Enforcement Officer finds that it is incomplete, the Enforcement Officer shall, within such 30-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.
- 6.12.4 Action.** Within 30 days of the submission of a complete application for a sign permit, the Planning Commission shall either:
 - 6.12.4.1** Authorize the issuance of a sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and of the applicable Master or Common Signage Plan or,
 - 6.12.4.2** Reject the sign permit if the signs subject of the application fails in any way to conform to the requirements of this ordinance and of the applicable Master or Common Signage Plan. If the Planning Commission rejects the sign permit, the Owner/Developer has a right to appeal to the Board of Zoning Appeals.

6.13 Permits to Construct or Modify Signs.

Permitted signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

6.13.1 Permit for New Sign or for Sign Modification. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the lot. One application and permit may include multiple signs on the same lot.

6.13.2 Inspection. The enforcement Officer shall inspect the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the Southern Standard Building and electrical codes, the Enforcement Officer shall affix to the premises a permanent symbol identifying the sign and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Enforcement Officer shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Enforcement Officer shall affix to the premises the permanent symbol described above.

6.13.3 Signs in the Public Right-of-Way. No signs, whether permanent or temporary, may be placed in the public right-of-way. Enforcement shall include the removal of any signs in the right-of-way, with no compensation granted to the offending party or parties.

6.13.4 Violations. Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance and/or by state law:

6.13.4.1 To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

6.13.4.2 To install, create, erect, or maintain any sign requiring a permit without such a permit;

6.13.4.3 To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or,

6.13.4.4 Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty of this ordinance.

6.13.5 Fee Schedule. Sign permits fees will be assessed and collected for each Master or Common Signage Plan. Fees for all new or modified permitted signs shall be based on the ratio of \$5.00 per square-foot of signage. Holiday oriented signs, public purpose signs without a commercial message and all signs excluded from this ordinance shall not be required to pay sign permit fees.

6.14 Continuance of Non-Conforming Uses and Structures.

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing signs that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, welfare and aesthetics as is the prevention of the establishment of new signs that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of non-conforming signs so as to avoid an undue burden on business owners. Lawful non-conforming signs existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain, subject to the following provisions:

- 6.14.1** No existing non-conforming sign shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
- 6.14.2** Any sign related to a use or business that ceases to exist or operate for a continuous period of 180 days shall be considered nonconforming and shall not be reused for sign purposes unless and until it is in full conformity with the provisions of this Ordinance, subject to issuance of a new sign permit.
- 6.14.3** In the event that any nonconforming sign is damaged or destroyed by any means, to the extent of more than 75 percent of the fair market value of such sign immediately prior to such damage or destruction, such sign shall not be restored unless it shall thereafter conform to this Ordinance.
- 6.14.4** An existing non-conforming sign may be changed to another non-conforming sign, or structurally altered, upon the approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

6.15 Political Signs.

Political Signs as defined by this Ordinance shall be allowed with following provisions:

- 6.15.1 Size.** The size of a Political Sign shall be governed by the size regulations found in this ordinance. No political sign may restrict, obstruct, impair, obscure, or interfere with traffic safety. Any sign determined to be in a location that causes an immediate hazard to the public safety may be immediately removed by the Town.
- 6.15.2 Number.** There shall be no limit to the number of signs placed on a private parcel.
- 6.15.3 Location.** A political sign may be placed, erected or maintained on private property with the permission of the property owner and must comply with all state and federal election laws. Signs may not be placed in the public right-of-way.
- 6.15.4 Duration.** No political sign may be erected or maintained more 90 days prior to the date of the election. All political signs are to be removed within 7 days after the election. In the event that the election is a primary or a run-off, the candidates for the later election may leave their signs in place to be removed 7 days after the general or run-off election.
- 6.15.5 Failure to Remove.** Upon failure of to comply with the specified time requirements as set forth in this Ordinance, the Town of Atoka shall remove the sign and any expense attendant thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. Any sign re-moved by the Town shall become the property of the Town and may be disposed of in any manner deemed appropriate by the Town.

ARTICLE

7

Review Draft

IN THIS ARTICLE:

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Review Draft

ARTICLE 7. DESIGN AND LANDSCAPE STANDARDS

7.1 Purpose and Applicability of Design Standards.

7.1.1 Purpose. In order to encourage and protect the investment of individual property owners when property is developed, redeveloped and improved, new construction or redevelopment of an existing property shall be designed and constructed according to the design standards in this article. Such new construction or redevelopment is intended to be architecturally compatible in materials, scale and massing in order to encourage creative and attractive building elements and finishes.

7.1.2 Applicability. The following Design Standards shall apply to the following developments and zones:

- a. Mixed residential (MR)
- b. Highway Corridor (HC)
- c. Neighborhood Center (NC)
- d. Atoka Town Center (ATC)
- e. Industrial (I)

7.2 Pattern Book/Guidelines. In order to create a better understanding of design and site planning expectations for Atoka, the Mayor and Board of Alderman may additionally adopt by resolution a set of design standards or pattern book that provides guidelines for new construction including architectural style, height, landscaping and open space, as well as common elements for the district such as street lighting, side-walks, street furniture, etc. Such guidelines shall be subject to review and recommendations by the planning commission prior to adoption. In addition, the Town Administrator or designee and the Town Planner or designee shall review the proposal with the affected property owners at a public meeting and the legislative body shall conduct a public hearing to receive formal comment prior to adoption of such guidelines.

7.3 Standards of Design. Within the above parameters, the following design standards shall apply in the development and redevelopment of property in the MR, HC, NC, ATC, and I districts as well as all institutions such as schools, community centers, and churches, regardless of the zone they are in:

7.3.1 Height. All buildings that are attached or adjacent within a block should be similar in height to the greatest extent feasible. The planning commission may require the upper stories of a building that will be taller than the average building height on a block to be recessed further back from the front build-to line. The above height limitations and restrictions do not prohibit the use of an architectural feature such as a tower, cupola, etc., located above the roof line, provided the feature is in character with the architecture of the building and area; the total height of the building and feature does not exceed thirty-five feet (plus mechanical/elevator penthouse); and the feature is not designed or used for placement of elevated wall signs.

7.3.2 Scale/massing. Individual buildings should use human-scale and pedestrian oriented architectural features. Individual buildings should clearly articulate the first story and primary entrances, with display windows encouraged for retail stores. The ground floor should be clearly delineated from the upper stories and the upper floors from the top of the front façade roof line. Large blank walls in pedestrian areas greater than 35 feet in length and large monolithic box-like structures should be avoided. Larger buildings should be designed to divide the

mass of the facility to create a visual impression of a series of smaller buildings or sections. Windows, doors, shutters, columns, masonry detailing, and variations in the front roof line, building wall recesses and variations in colors and materials should be used to break up the mass of a single building.

7.3.3 Exterior materials and details. High quality materials which are durable and attractive should be used on all buildings.

7.3.3.1 Public Views. All publicly visible sides of the building should have a minimum of 75% of the exterior façades (excluding windows, trim and doors) covered in brick, cast stone, cultured stone, or an alternative masonry material acceptable to the planning commission. Split faced block may be used in the true service areas in combination with the above materials if it is integrally colored, not stained or painted. Concrete panels, prefabricated metal panels, fluted concrete cinder block, cementitious sheathing materials and similar imitation masonry materials, and stucco finishes should be avoided as the main exterior material.

7.3.3.2 In MR District, all multi-family buildings shall have a minimum of 75% of the exterior façades (excluding windows, trim and doors) covered in brick, cast stone, cultured stone, or an alternative masonry material acceptable to the planning commission.

7.3.3.3 In HC, NC, ATC, and I Districts, all publicly visible sides of the building shall have a minimum of 75% of the exterior façades (excluding windows, trim and doors) covered in brick, cast stone, cultured stone, or an alternative masonry material acceptable to the planning commission.

7.3.4 Window/door openings. Each floor facing a public street or park should have windows covering at least 15 percent of the wall area. Buildings should have clearly defined and highly visible customer entrances, which should be recessed or framed by a sheltering element such as an overhang, arcade, portico or other roof form. Individual framed windows should be provided instead of continuous horizontal “ribbon or band” type windows. Reflective glass, glass curtain walls and other continuous, floor-to-ceiling windows should also be avoided on all floors. Windows shall have a minimum sill height of 18 inches off of finished floor. The patterns of window openings and details of bays should be used to create a sense of scale and add visual interest to building façades. Wall openings should not span vertically more than one story.

7.3.5 Awnings. The design of awnings, including the selection of material and color, should complement the architectural style and character of the building. Large buildings with multiple storefronts should have compatible, though not necessarily identical, awnings. Signage may be allowed on awnings so long as it meets design and signage standards of Article 3 of this ordinance and is approved by the planning commission. Signage on awnings shall count toward the total number of signs as well as the maximum sign area allowed under Article 3 of this ordinance. Striping may be allowed on awnings, provided there are no more than two colors, which should be in keeping with the overall character of the district. Awnings may not be back lit. Awnings should be made of fabric and may project up to three feet into the public right-of-way with the bottom of the canopy at least nine feet above the sidewalk.

7.3.6 Roofs. To harmonize with residential structures, it is recommended that whenever possible, MR, HC, NC, ATC, and I Districts structures should have roofs that are visible from the street. Service station canopies (both attached and detached) should also have pitched roofs. Roofs should project enough beyond the façade to cast a shadow. Roofs should be dark earth tone in color.

- 7.3.6.1** Mechanical equipment should be concealed within the volume of the roof or enclosed within penthouse structures. In extreme cases where this is not possible, the projecting mechanical elements should be located so that they are not visible from public streets.

7.4 Lighting Standards

7.4.1 Height and Light Levels

- 7.4.1.1** Pole and building mounted light fixtures shall meet the following height restrictions for maximum mounting height:

- a. Within 50 feet of a residential property or residential district - 14 feet.
- b. 50-170 feet from residential property - 20 feet .
- c. 170 feet or more from residential property - 25 feet.
- d. Light fixtures shall in no case be higher than 25 feet or shall not be higher than the majority of the building structure.

- 7.4.1.2** Perimeter Lighting Requirements:

- a. Lighting levels shall be based on maintained lamp lumens. Maintenance values shall be identified on the lighting calculations submitted for approval.
- b. For lighting levels adjacent to commercial property, the lighting shall not exceed one foot-candle of illumination at the property line and shall not exceed one-half foot-candles ten feet beyond the property line.
- c. For lighting levels adjacent to residential property, the lighting shall not exceed 0.25 foot-candle of illumination at the property line and shall not exceed 0.1 foot-candle ten feet beyond the property line.

- 7.4.1.3** Lighting Plan Requirements

- a. 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:
- b. A site plan drawn to scale showing building, landscaping, parking areas, property line and proposed exterior lighting fixtures.
- c. Mounting heights for all proposed lighting fixtures shall be indicated.
- d. Specifications of the illuminating devices, lamps supports and other devices, including designation as IESNA (Illuminating Engineering Society of North America) "cut-off" fixtures. This description may include but is not limited to manufacturer's cut- sheets.
- e. 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 DRC lighting levels are desired. Each lighting zone shall include minimum, maximum and average foot-candle lighting levels.
- f. Any existing and proposed lighting of adjacent properties as well as lighting of public rights-of-way (street lighting) in calculations.
- g. Lighting source shall have a color temperature between 3,000K and 4,000K with

a color rendering index of at least 65.

7.4.1.4 Maximum lamp wattage shall not exceed the following wattage restrictions:

- a. Light fixtures mounted up to 14 feet in height: 175 watts.
- b. Light fixtures mounted above 14 feet and up to 20 feet: 250 watts.
- c. Light fixtures mounted above 20 feet and up to 25 feet: 400 watts.

7.4.1.5 Maximum total wattage of light fixtures per pole: 1000 watts Other Lighting Provisions

7.4.1.6 Lighting for all recreational facilities shall be reviewed on a case-by-case basis. New sports lighting systems shall be furnished with glare control. Lighting fixtures shall be mounted and aimed so that the illumination falls within the primary playing field and immediate surroundings so that no direct light illumination is directed off site.

7.4.1.7 The maximum average luminance for a canopy or apron at a gas station, convenience store, bank, fast food restaurant or similar establishment shall not exceed 20 foot-candles, provided that the canopy or pump islands meet the setback requirements of the Zoning Ordinance. All lighting at canopies shall utilize fully shielded lighting fixtures with bottom of lens flush with canopy.

7.4.2 Prohibitions

7.4.2.1 Recreational Facilities: No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 PM except to conclude any recreational or sporting event or other activity conducted at the facility in progress prior to 11:00 PM.

7.4.2.2 Mercury Vapor: The installation of mercury vapor fixtures is prohibited.

7.4.3 Exemptions. The DRC may grant an exemption to the requirements of these standards only upon a written finding that there are conditions warranting the exemption.

7.4.4 Nonconforming Fixtures. Outdoor lighting fixtures installed prior to the effective date of this Standard are exempt from the provisions of these standards, provided, however, that no change in use in lighting, replacement, and structural alteration of outdoor lighting fixtures shall be made unless it thereafter conforms to the provisions of this Standard.

7.5 Landscaping. The landscape of the City mirrors the predominant landscape of the surrounding region, with informal groupings of plants amidst green lawns. Landscape design should compliment this image.

7.5.1 Materials

7.5.1.1 Wherever possible, healthy existing trees should be retained, as they are an amenity requiring many years to replace. Grading and construction should avoid disturbance of such trees.

7.5.1.2 To provide a consistent effect in residential areas, the preferred street trees are 2 inch - 2 ½ inch caliper oak, planted on average 50 foot on center.

7.5.1.3 To provide a more immediate effect in commercial areas and offset the larger scale structures, the preferred street trees are 3 inch - 3 ½ inch caliper oak, planted no further apart than 50 feet on center.

- 7.5.1.4** Evergreen species are desirable for screening views, such as views into parking or service areas.
- 7.5.1.5** As an extension of the surrounding natural landscape, plant species should be native or well adapted to the region.
- 7.5.1.6** Recommended shade tree species include: Willow Oak, Pin Oak, Scarlet Oak, Bald Cypress, Tulip Tree, Honey Locust and Red Maple.
- 7.5.1.7** Recommended shrub species at 24 inches-36 inches height include: Wax Leaf Ligustrum, Pfitzer Juniper, Mugho Pine, Dwarf Japanese Holly, Dwarf Chinese Holly, Variegated Privet, Manhattan Euonymus and Florida Jasmine.
- 7.5.1.8** Recommended screening plants include: Magnolia - Brackens Brown and Little Gem, Savannah Holly and Foster Holly.
- 7.5.1.9** Recommended screening shrub species include: Wax Leaf Ligustrum, Pfitzer Juniper, Mugho Pine, Dwarf Japanese Holly,
- 7.5.1.10** Dwarf Chinese Holly, Variegated Privet, Manhattan Euonymus and Florida Jasmine
- 7.5.1.11** On site areas adjacent to streets, lawn areas must be established or be sodded prior to occupancy of the project.

7.5.2 Maintenance and Irrigation

- 7.5.2.1** All planting must be maintained by the respective property owners.
- 7.5.2.2** Planting plans approved by the Commission must be maintained as originally designed. Any diseased, dying or dead plants should be treated or removed by the property owner. Appropriate, durable plants should be installed.
- 7.5.2.3** Irrigation systems must be provided to ensure robust planting areas (including within parking islands and medians, if applicable).
- 7.5.2.4** To prevent accidents, irrigation systems must be installed below ground, with spray heads flush with the ground surface.
- 7.5.2.5** Irrigation systems must have a reduced pressure backflow prevention (R.P.B.P.) device approved by the water operator in charge.

7.5.3 Screening. In general, all new development shall establish a 20 foot buffer consisting of a planted and/or fenced screen erected between parcels of land with different land uses such as multi-family, commercial and industrial next to low and medium density residential. Landscape screening shall consist of a minimum of six foot height evergreen shrubs or trees planted a maximum of eight feet on center.

- 7.5.3.1** Screening existing lots of record adjoining a conflicting land use shall not be required.
- 7.5.3.2** Fenced screening shall be a minimum of 8 feet in height. The type and material of the fence will be reviewed on a case-by-case basis.
- 7.5.3.3** Additional screening may be requested at the discretion of the Planning Commission or request of planning staff.
- 7.5.3.4** Trees and Shrubs
 - a.** Recommended shade trees species include: Magnolia - Brackens Brown and Little Gem, Savannah Holly and Foster Holly.

- b. Recommended shrub species include: Wax Leaf Ligustrum, Pfitzer Juniper, Mugho Pine, Dwarf Japanese Holly, Dwarf Chinese Holly, Variegated Privet, Manhattan Euonymous and Florida Jasmine.

7.5.3.5 Maintenance and Irrigation

- a. All planting must be maintained by the respective property owners.
- b. Planting plans approved by the Commission must be maintained as originally designed. Any diseased, dying or dead plants should be treated or removed by the property owner. Appropriate, durable plants should be installed.
- c. Irrigation systems must be provided to ensure robust planting areas (including within parking islands and medians, if applicable).
- d. To prevent accidents, irrigation systems must be installed below ground, with spray heads flush with the ground surface.
- e. Irrigation systems must have a reduced pressure backflow prevention (R.P.B.P.) device approved by the water operator in charge.

Review Draft

ARTICLE

8

Review Draft

IN THIS ARTICLE:

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ARTICLE 8. ADMINISTRATION AND PROCEDURES

8.1 Purposes.

The purposes of this article are to:

- 8.1.1** Describe, and where necessary, establish the various public bodies and staff positions required for the administration and enforcement of this ordinance
- 8.1.2** Enumerate their respective duties, responsibilities, and powers, related thereto.

8.2 Decision Bodies.

8.2.1 Atoka Board of Mayor and Aldermen

- 8.2.1.1 Authority.** The Board of Mayor and Aldermen of the Town of Atoka shall have the final authority to approve, deny, modify or otherwise change applications for amendments to the text, official zoning map, appeals, and any other provisions of this ordinance consistent with State Law.
- 8.2.1.2 Duties.** The duties of the Board of Mayor and Aldermen shall include, but not necessarily be limited to the following:
 - a. Acting on requests for zoning amendments.
 - b. Hearing and deciding appeals as specified in this ordinance.
 - c. Holding public hearings on matters related to and in keeping with the provisions of this ordinance.
 - d. Hiring required staff to ensure the implementation of this code.

8.2.2 Atoka Municipal/Regional Planning Commission.

- 8.2.2.1 Authority.** The Atoka Planning Commission shall have the authority granted to it by applicable sections of Title 13 of the Tennessee Code Annotated.
- 8.2.2.2 Duties.** Consistent with the authority granted by law, the duties of the Atoka Planning Commission shall include, but not necessary be limited to:
 - a. Make and adopt an official general plan for the physical development of the municipality and its planning area.
 - b. Create a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density.
 - c. Hear and make recommendations regarding applications and requests to amend this zoning code.
 - d. Make reports and recommendations relating to the planning and development of Atoka and its planning area.
 - e. Recommend to programs for public improvements and the financing thereof.
 - f. Recommend the location and construction of streets, parks or other public way, grounds, places or spaces, public buildings or structures, and utilities, whether publicly or privately owned.
 - g. In general, the commission shall have powers as may be necessary to enable it to perform its purposes and promote municipal planning.

8.2.3 Design Review Commission

- 8.2.3.1 Authority.** The Atoka Design Review Commission shall have the power to administer

the design requirements of this ordinance.

8.2.3.2 Duties. Consistent with its authority, the duties of the Atoka Design Review Commission shall include, but not necessarily be limited to:

- a. Development and recommendation of appropriate site and building design criteria to be applied in the Town of Atoka and its planning area
- b. Hear and recommend approval, modification, or denial of applications under the design requirements of this code
- c. Generally administer the design requirements of this ordinance.

8.2.4 Board of Zoning Appeals

8.2.4.1 Creation and Appointment. A Board of Zoning Appeals (BZA) is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three members, not less than one of whom may be a member of the Atoka Municipal/Regional Planning Commission appointed by the chief executive officer of the town, and confirmed by a majority vote of the Board of Mayor and Aldermen. The term of membership shall be three years, except that the initial individual appointments to the Board shall be terms of one, two, and three years, respectively. Vacancies shall be filled for any unexpired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen.

8.2.4.2 Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

8.2.4.3 Powers. The Board of Zoning Appeals shall have the following powers:

a. Administrative Review.

- i. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or change made by the building inspector or other administrative official in the refusal, carrying out or enforcement of any provision of this Ordinance.
- ii. To permit the extension of a district for a district for a distance of not more than 25 feet where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Ordinance.
- iii. To interpret the Official Zoning Map where questions of designation arise.
- iv. To interpret with the use of the Standard Land Use Coding Manual whether or not a specific use falls into the categories listed in the Commercial and Industrial district sections.

b. Variances. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property, to authorize upon appeal related to said property a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

- c. **Uses Permitted on Appeal.** Allow, in accordance with the following procedure, the uses designated as permitted on appeal provided that prior to the establishment of any use permitted on appeal by the Board of Zoning Appeals, the applicant shall submit a site plan showing the development concept for the tract with the Board of Zoning Appeals having the right to refer the site plan to the Planning Commission for a review and recommendation but shall approve or deny the application within 30 days of submission to the Board unless the applicant allows additional time for action and that all provisions set forth in the appropriate zoning district have been met.
- d. **Appeals.** An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector or the Town Planner or their designee shall transmit to the BZA all papers constituting the record upon which the action appealed was taken. The BZA shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within fifteen days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or attorney.

8.2.4.4 Limitations. The Board of Zoning Appeals shall not have the power to permit a use prohibited by this ordinance, expand a non-conforming use, or to subdivide land.

8.2.4.5 Criteria of BZA Review of Variance Requests. Before any variance is granted it shall be shown that circumstances are attached to the property:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property and these conditions do not generally apply to other properties in the vicinity.
- b. Conditions are not the result of the applicant's own actions.
- c. Application of the requirements of this code would effectively prohibit or unreasonably restrict the utilization of the property.
- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district where the property is located will not be harmed.
- e. The reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- f. The granting of the variance will be in harmony with the general purpose and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- g. Financial disadvantage to the property owner shall not be considered justification.

8.2.4.6 Criteria for BZA Review of Use on Appeal Requests. Prior to the approval of any use on appeal, the Board of Zoning Appeals shall ensure the requested use adheres to the following criteria:

- a. A site plan adhering to the site plan standards of this ordinance has been submitted.
- b. Compliance with the following:

- i. All applicable use conditions in Section 4 of this code are met.
- ii. All area, yard and density and parking requirements are met.
- c. The request is consistent with the applicable goals and policies of the Atoka on Track Comprehensive Plan.
- d. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
- e. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses.
- f. The proposed use will not increase traffic hazards, fire hazards, or jeopardize public safety.
- g. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

8.2.4.7 Minimum Criteria. The criteria for approval shall be deemed minimum requirements. The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting parking location and layout, access and general landscaping requirements.

8.2.4.8 Authority to Proceed. If approved, all modifications required by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Atoka.

8.3 Application Requirements and Procedures.

8.3.1 General Zoning Amendments

8.3.1.1 Zoning Amendment Petition. The Board of Mayor and Alderman, of Atoka, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

8.3.1.2 Planning Commission Review. No amendment shall become effective until it is first submitted to and approved by the Atoka Municipal/Regional Planning Commission. If the proposed amendment is disapproved by the planning commission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Atoka Municipal/Regional Planning Commission does not approve or disapprove an amendment which has been submitted for their review within 30 days after such submission, the failure to act on such amendment shall be deemed approval.

8.3.1.3 Public Hearing on Proposed Amendment. Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Atoka, Tennessee. Such hearing by the Board of Mayor and

Aldermen shall take place not sooner than 15 days after the date of publication of notice of such hearing shall be collected by the Town of Atoka from any party or parties entering a petition for amendment.

8.3.2 Procedures for Planned Unit Development Approval

The provisions of this Section govern the procedure for approval of all Planned Unit Developments provided herein.

8.3.2.1 Pre-Application Procedure

- a. At least 15 days prior to filing any application for a Planned Unit Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
- b. To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Unit Development application. Thereafter, the planning staff shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Unit Development application.

8.3.2.2 Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Unit Development to include the following:

a. Written Documents

- i. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- ii. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- iii. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
- iv. If the Planned Unit Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 - The approximate date when construction of the project can be expected to begin;
 - The order in which the phases of the project will be built;
 - The minimum area and the approximate location of common open space and public improvements that will be required at each stage.
 - A statement of the applicant's intentions regarding the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
 - Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate net residential densities; total amount of open space (including a separate figure for usable open space).
- v. A statement setting forth in detail either:

- The exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Unit Development, or,
- the bulk regulations under which the Planned Unit Development is proposed.

8.3.2.3 Site Plan and Supporting Maps

- A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information:
- The existing site conditions including contours at 2-foot intervals, water courses, flood plains, unique natural features and tree cover.
- Proposed lot lines and plot designs.
- The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.
- The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.
- The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
- The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
- The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.).
- A general landscape plan indicating the treatment of materials used for private and common open spaces, including locations of existing trees or clusters of trees.
- Enough information on land areas adjacent to the proposed PUD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
- The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences and walls..
- Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

8.3.2.4 Preliminary Development Plan Approval Process and Effect of Approval

- At least 30 days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve; disapprove; or approve the Planned Unit Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.
- The Board of Mayor and Aldermen shall hold a public hearing on the applica-

tion for the Planned Unit Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Title 14-201, Article 17.3 of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Unit Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.

- c. The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the Town of Atoka with respect to the contents of such plan.
- d. The Atoka Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

8.3.2.5 Final Development Plan Approval Process

- a. An application for approval of a final development plan of the entire Planned Unit Development, if it is to be completed in one phase, or of a portion of the Planned Unit Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting.
- b. The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:
 - i. A plan/plat suitable for recording with the Tipton County Register's Office.
 - ii. Proof referred to on the plan and satisfactory to the Town Manager as to the provision and maintenance of common open space.
 - iii. All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - iv. Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses.
 - v. Location and type of landscaping.
 - vi. Location and dimensions of utility and drainage facilities.
 - vii. All other requirements of a Final Plan under the Atoka Municipal Subdivision Regulations.
- c. A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan that substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.
- d. After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Tipton County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of Atoka Subdivision Regulations and the required signatures for recordation have been secured.

8.3.2.6 Zoning Administration – Permits

The Building Official may issue building permits for the area of the Planned Unit Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable Ordinances and regulations. However, the Building Official shall not issue an occupancy permit

for any building or structure shown on the final development plan of any stage of the Planned Unit Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and Ordinances.

8.3.2.7 Reapplication if Denied

If any application for a Planned Unit Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Unit Development may not be filed within 12 months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.

8.3.2.8 Procedure for Amendment

A Planned Unit Development and the approved preliminary development plan may be amended in accordance with the procedure that governed its approval as set forth in this Section.

8.3.3 Site Plan Review Procedures.

The following procedures and standards are established for those sections of this ordinance which require the submission and approval of a site plan prior the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this ordinance.

8.3.3.1 Site Plan Submission and Review. Site plan review is required in 3 separate instances by the Atoka Municipal Zoning Ordinance. These instances are:

- a. The review and approval of a site plan by the Atoka Building Inspector for any addition under three-thousand square feet or any single family or two family residential structure. The building inspector reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
- b. The review and approval of a site plan for any Permitted Use by the Atoka Municipal / Regional Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the town. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
- c. The review and approval of a site plan for any Use Permitted on Appeal by the Atoka Municipal Board of Zoning Appeals as required by this ordinance. The Board of Zoning Appeals may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the town. This power of review may include, but not be limited to, setbacks, screening,

lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

8.3.3.2 Procedures. In instances of review of a site plan by the Atoka Municipal/Regional Planning Commission, the Atoka Municipal Board of Zoning Appeals or the Atoka Building Inspector, the following procedures shall apply.

- a. Planning Department Review.** In instances of review by the Atoka Planning Department, the site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.
- b. Planning Commission or Design Review Commission.** The owner or developer shall submit eight copies of the proposed site plan to the Atoka Planning Department 15 days prior to the regular meeting date of the Design Review Commission. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons the site plan was disapproved.
- c. Planning, Engineering, or other Staff Review.** Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for review of areas under their concern. Once the town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

8.3.3.3 Appeal to Mayor and Board of Alderman.

- a.** The owner or developer shall submit five copies of the proposed site plan to the Building Inspector 15 days prior to the regular meeting date of the Mayor and Board of Alderman. The site plan shall be re-viewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Town Mayor. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.
- b.** Prior to the scheduled meeting, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for review of areas under their concern. Once the town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Mayor and Board of Alderman and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

8.3.3.4 Site Plan Contents and Standards. In instances where site plan review is required by

either the Building Inspector, the Design Review Commission (Planning Commission) or the Mayor and Board of Alder-man, the site plan shall be drawn to a scale of not less than 1" = 50' and shall include, at a minimum, the following:

a. Existing Conditions

- i. Name and address of development, applicant, and owner of record
- ii. The total land area and zoning of the site and abutting properties
- iii. Date, graphic scale, and north point with reference to source of meridian
- iv. Courses and distances of center of all streets and all property lines, set-back lines, property restricting lines, easements, covenants, reservations and rights-of-way.
- v. A vicinity map showing the location of the property in relation to Atoka.
- vi. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating 2-foot contours and by spot elevation where necessary to indicate flat areas.
- vii. Certificate of accuracy of the plan by a licensed architect or engineer; and certificate of approval by the Atoka Municipal / Regional Planning Commission or the Atoka Municipal Board of Zoning Appeals, whichever is applicable to the type of use that is requested.
- viii. The location, dimensions, sidewalks, streets, alleys, easements and utilities.
- ix. Buildings and structures; Public wastewater systems.
- x. Driveways, entrances, exits, parking areas and sidewalks; Water mains and fire hydrants.
- xi. Trees and shrubs.
- xii. Recreational areas and swimming pools; Natural and artificial water courses; Limits of flood plains.
- xiii. Building elevations detailing exterior surface materials.

b. Proposed Conditions.

- i. The location, dimensions, site and height of buildings.
- ii. Sidewalks, streets, alleys, easements and utilities.
- iii. Buildings and structures including the front elevation of proposed buildings.
- iv. Public waste water systems.
- v. Slopes, terraces, and retaining walls.
- vi. Driveways, entrances, exits, parking areas and sidewalks; Water mains and fire hydrants.
- vii. Trees and shrubs; Recreational areas.
- viii. Distances between buildings.
- ix. Estimates of the following when applicable:
 - Number of dwelling units; parking spaces; loading spaces.
 - Number of commercial or industrial tenants and employees.
 - Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits or flood plains.
 - Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures.
 - Proposed topography of the site shall be shown by two-foot contours.

c. For Single- family or two-family dwellings.

- i. All property lines and their surveyed distances and courses.
- ii. All building restricting lines, setback lines, easements, covenants, reservations

and rights-of-way.

- iii. Total land area.
- iv. Present zoning of site and abutting properties.
- v. Name, address of owner of record and applicant.
- vi. Provisions for utilities (water, sewer, etc.).
- vii. Location and dimensions of the proposed structures.
- viii. Architectural rendering indicating a variety of building elevations with minimum 6 over 12 roof pitches.
- ix. Garages recessed from front facades by a minimum of eight feet.
- x. Documentation that building facades will be varied for a minimum of four consecutive homes including opposing faced located on opposite street sides.

8.3.3.5 Expiration of Approval and Renewal. A site plan approved by the Planning Commission or the Board of Mayor and Alderman shall lapse unless a building permit, based thereon, is issued within three years from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

Review Draft

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ARTICLE 9

Review Draft

IN THIS ARTICLE:

9.1	Enforcing Officer.	111
9.2	Building Permits and Certificates of Occupancy.	111
9.3	Issuance of a Building Permit.	111
9.4	Certificate of Occupancy.	111
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9.6	Remedies.	111

Review Draft

ARTICLE 9. ENFORCEMENT

9.1 Enforcing Officer.

The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises necessary to carry out their duties in the enforcement of this ordinance.

9.2 Building Permits and Certificates of Occupancy.

It shall be unlawful to commence the excavation or filling of any lot for the construction of any buildings, including accessory buildings, or to commence the moving or alteration of any building inspector has issued a building permit for such work.

9.3 Issuance of a Building Permit.

In applying for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, and location of the lot to be built upon; the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot. The applicant shall also state the existing and intended use of all such buildings and supply such other information as may be required for determining whether the provisions of this ordinance are being observed. If the proposed excavation, filling or construction, as set forth in the application, is in conformity with the provisions of this ordinance and other ordinances of the Town of Atoka then in force, the building inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the building inspector shall state such refusal in writing with the cause. Building permits must be used within six months after permit is issued. If no substantial progress on construction has been made six months after the permit is issued, the permit is considered to be expired.

9.4 Certificate of Occupancy.

Upon the completion of the construction or alteration of a building for which permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such certificate is refused, the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted.

9.5 Penalties.

Any person violating any provisions of this ordinance shall be guilty of a Class C misdemeanor and as defined by the Tennessee Code Annotated.

9.6 Remedies.

In case any building, structure, or land is used, erected, constructed, reconstructed, repaired, converted or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building.

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ARTICLE
10

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IN THIS ARTICLE:

10.1	Rules of Construction.	115
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ARTICLE 10. DEFINITIONS

10.1 Rules of Construction.

Except as specifically defined herein all words used in this ordinance have their customary dictionary definitions where not inconsistent with the context of the ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail. The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of Atoka.

10.2 Definitions.

A

10.2.1 Accessory Structure and Use. A use or building on the same lot with and of a nature customarily incidental and subordinate to the principle use or building. For purposes of this ordinance, such structures include, but are not limited to, storage sheds, workshops, satellite dishes and pads. Accessory structures and uses shall include private garages, carports, swimming pools, and other accessory uses customarily incidental to a permitted use.

10.2.2 Adult Day Care Services or Adult Day Services. Services provided to five or more participants, for more than three hours per day but less than 24 hours per day, by a provider of such services who is not related to such participant, pursuant to an individualized plan of care designed to maintain or restore each participant's optimal capacity for self-care through medical or social services.

10.2.3 Alley. A thoroughfare which affords only a secondary means of access to the abutting property and has a right-of-way width of thirty feet or less.

10.2.4 Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

10.2.5 Apartment. One unit, including living, cooking and sanitary facilities in a multi-family dwelling.

10.2.6 Automobile Storage Yard. Any land used for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

B

10.2.7 Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

10.2.8 Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

10.2.9 Boarding House or Rooming House. A building in which lodging and/or meals is provided for

compensation for two or more persons for a prearranged time period.

- 10.2.10 Buffer Strip.** A strip of land, established to protect one type of land use from another with which it is incompatible, and which is landscaped and kept in perpetual open space uses.
- 10.2.11 Building.** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.
- 10.2.12 Building, Height of.** The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.
- 10.2.13 Building Line - Front, Side, Rear.** Lines that define the required area for the front side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.
- 10.2.14 Building, Main or Principal.** A building in which the primary use of the lot is conducted.
- 10.2.15 Building marker.** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- 10.2.16 Business Service.** Establishments which provide aid or merchandise to retail trade establishments including advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp services; excluding warehousing and storage services. (See Code 63 in the Standard Land Use Coding Manual).
- 10.2.17 Building Sign.** Any sign attached to any part of a building, as contrasted to a freestanding sign.
- 10.2.18 Canopy Sign.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.
- 10.2.19 Care Center.** Refers to the care arrangements made for the care of adults in a home for a period of less than 12 hours in less than 24-hour periods as provided in the Tennessee Code Annotated, as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.
- 10.2.20 Carport.** A canopy attached to the main building, open and to remain open on two sides providing a sheltered place for parking an automobile and for entering and lighting from said automobile.
- 10.2.21 Changeable copy sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable sign for purposes of this ordinance.

- 10.2.22 Child Care.** Refers to the various arrangements made by parents for the care outside their home of children less than 17 years of age, for less than 24 hour periods as provided in the Tennessee Code Annotated, as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.
- 10.2.23 Child Care Center.** Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least thirteen children who are not related to the primary educator.
- 10.2.24 Child Care Home.** Any place or facility which is operated by any person or entity that provides child care for three or more hours per day for at least five children, but not more than seven children who are not related to the primary educator.
- 10.2.25 Clinic.** Establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.
- 10.2.26 Commercial Message.** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- 10.2.27 Condominium.** An ownership arrangement in which the buyer purchases only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses.
- 10.2.28 Cultural Activity.** Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums. See Code 71 in the Standard Land Use Coding Manual.

D

- 10.2.29 Day Care Center.** A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.
- 10.2.30 Driveway.** A paved or gravel way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.
- 10.2.31 Dwelling.** Any building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.
- 10.2.32 Dwelling, Attached.** A one-family dwelling attached to two or more one-family dwellings by common vertical walls, and each dwelling located on a separate lot. This shall include zero lot line development and patio homes.
- 10.2.33 Dwelling, Manufactured Home.** A factory-built, single-family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. It must be permanently

connected to utilities and used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit. Manufactured Home regulations are enumerated in Section 3.14.

10.2.34 Dwelling, Mobile Home. A dwelling, constructed prior to June 15, 1976, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. A mobile home by this definition does not qualify as a manufactured housing unit. Mobile homes are not permitted in the Town of Atoka.

10.2.35 Dwelling, Single-family - Detached. A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

10.2.36 Dwelling, Multi-family. A building designed for occupancy by three (3) or more families living independently of each other.

10.2.37 Dwelling, Patio Home. A one-family dwelling on a separate lot with open space setbacks on three (3) sides and with a court.

10.2.38 Dwelling, Semi-Attached. A one-family dwelling attached to a one-family dwelling by a common vertical wall or walls and each dwelling located on a separate lot. This shall include two-family townhouses, zero lot line development and patio homes.

10.2.39 Dwelling, Townhouse. An attached residential dwelling unit for occupancy by one family constructed in a row with each unit consisting at least two stories and each dwelling unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire-resistant wall that has no opening in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this ordinance a townhouse designation shall apply to three (3) or more units built contiguous to each other - the definition includes townhouses and condominiums. This definition does not preclude condominium standards as set forth in the Southern Standard Building Code.

10.2.40 Dwelling, Two-family (Duplex). A building designed to be occupied by two families, living independently of each other having one wall common to both dwelling units, and located on one lot.

10.2.41 Dwelling Unit. One or more rooms designed as a unit for occupancy by one family for cooking, living, and sleeping purposes, which is part of a two-family duplex, townhouse, or multi-family structures.

E

10.2.42 Educational Services. Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools, (See Code 68 in the Standard Land Use Coding Manual).

10.2.43 Enforcement Officer. The Code Enforcement Officer/Building Inspector of the Town or his or her designee.

10.2.44 Essential Service. The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam,

or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or sub-stations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

F

10.2.45 Family. One or more persons related by blood, marriage, or other legal arrangement, or group of unrelated individuals, not to exceed two persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

10.2.46 Family Day Care Home. A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, and 7 children under 17 years of age who are not residents of the household. A license is not required for a home providing care for fewer than 5 children.

10.2.47 Finance, Insurance and Real Estate Services. Establishments that provide banking or bank related functions and insurance and real estate brokers. See Code 61 in the Standard Land Use Coding Manual.

10.2.48 Flag. Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

10.2.49 Freestanding sign. Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

10.2.50 Freestanding Self-Serve Structure. An accessory structure to a non-residential use offering self-serve accommodations for goods or services such as an automatic teller machine, ice dispensary, or other such facility.

G

10.2.51 Game Room. An establishment which provides arcade-type entertainment's including such items as pinball machines, video games and pool tables.

10.2.52 Garage, Private. A building or portion thereof for the storage of motor vehicles owned or used by the residents.

10.2.53 Governmental Agency. An agency of the Federal, State or the local governmental or any combination thereof.

10.2.54 Grade. The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

10.2.55 Gross Floor Area. The total floor area, including basements, mezzanines and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

10.2.56 Group Care Home. A group home includes any home in which eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three additional persons acting as houseparents or guardians, who need not be re-

lated to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. Mentally handicapped does not include persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined by the Tennessee Code, or who have been convicted of serious criminal conduct related to such mental illness.

10.2.57 Group Day Care Home. Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 year of age less than 24 hours per day for care outside their own homes, without transfer of custody. A group day care home may care for no more than 12 children.

H

10.2.58 Habitable Space. Areas within a building designed and/or used as living quarters for human beings.

10.2.59 Half Story. A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

10.2.60 Health Officer. The term "Health Officer" shall mean health officer for the County of Tipton or his authorized representative.

10.2.61 Hospital. An establishment that provides outpatient, inpatient and emergency services of a medical, surgical and obstetrical nature to ill or injured human patients.

I

10.2.62 Incidental Home Occupation. A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that. the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than twenty (20) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. Incidental home occupations shall include. arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

10.2.63 Incidental Sign. A sign generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance ", "loading only," "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

10.2.64 Institution. A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of an eleemosynary character to the public.

J

10.2.65 Junk or Salvage Yard. Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

L

10.2.66 Loading Space. An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

10.2.67 Lot. A legally recorded parcel of land.

10.2.68 Lot Area. The total horizontal area included within lot lines.

10.2.69 Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

10.2.70 Lot of Record. A parcel legally recorded in the Office of the Tipton County Register of Deeds at the date of the adoption of this Ordinance.

10.2.71 Lot Coverage. The lot area covered by all buildings located therein. Lot Width. The horizontal measurement at the building line.

M

10.2.72 Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

10.2.73 Master Sign Program. A coordinated sign plan that includes details of all signs that are or will be placed on a master planned site, like a PUD, or shopping center.

10.2.74 Medical Services. Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. See Code 651 in the Standard Land Use Coding Manual.

10.2.75 Mobile Home. A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. § 5401 et seq. It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure.

10.2.76 Manufactured Home. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

10.2.77 Manufactured Home Development. Any plat of ground upon which two or more manufactured homes are parked for occupancy as dwelling units.

10.2.78 Manufactured Home Space. An area of ground within a manufactured home development designed for the accommodation of a manufactured home.

10.2.79 Modular Home. A home constructed of factory-produced components, including wall panels of open or closed construction and not involving a permanent or temporary steel chassis. Open wall panels are wall sections containing exterior sheathing only, with necessary plumbing, electrical, heating, air conditioning, insulation, and interior sheathing only installed at the building site. Closed wall panels are shipped from the factory as complete wall units containing necessary electrical, heating, air conditioning, insulation, interior and exterior sheathing installed and connected at the site. All service systems and connections as well as construction must comply with all local and state codes and ordinances.

10.2.80 Monument Sign. A sign with no clearance from the ground to the base of the sign, that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

N

10.2.81 Non-conforming Sign. Any sign that does not conform to the requirements of this ordinance.

10.2.82 Non-conforming Use. Any use of building on premises which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

O

10.2.83 On-Premise Sign. A free-standing sign that advertises products or services that are sold, produced, manufactured or furnished on the property where the sign is located.

10.2.84 Outdoor Advertising or Off-Premise Sign. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

P

10.2.85 Pads. The surface on which a mobile home is located consisting of concrete footings and a masonry block or steel pier support for the mobile home.

10.2.86 Park. An open area set aside for leisure activities which is not used for the operation of a profit-making venture, such as, but not limited to, playgrounds, athletic or play fields and picnic areas.

10.2.87 Parking Space Required. A paved and properly drained area enclosed or unclosed required by this Ordinance to be permanently reserved for parking one motor vehicle. Each required parking space shall have a minimum area of 180 square feet and not less than ten 9 feet wide, exclusive of driveways, and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be so arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

10.2.88 Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from, a rope, wire, or string, usually in series, designed to move in the wind.

10.2.89 Person. Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

- 10.2.90 Personal Services.** Establishments that provide services to persons or households, crematory services and cemeteries. See Code 62 in the Standard Land Use Coding Manual.
- 10.2.91 Planting Screen.** A strip of land containing trees, bushes or shrubbery which serves as a buffer between lots and/or land uses.
- 10.2.92 Plat.** A map, plan, or layout indicating the location and boundaries of individual properties, and which may indicate structure location and horizontal measurements.
- 10.2.93 Political Signs.** Signs with the intended use of denoting a political campaign headquarters, party affiliation, or advertising of a political figure or cause.
- 10.2.94 Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- 10.2.95 Principal Building.** A building in which is conducted the primary use of the lot on which it is located.
- 10.2.96 Principal Use.** The specific primary purpose for which land or a building is used.
- 10.2.97 Professional Services.** Those services normally provided by the established professions such as, but not limited to, physicians' services, dental services, legal services, engineering services, architectural services and accounting services, not to include sanitariums, convalescent and rest home services. See Code 65 in the Standard Land Use Coding Manual.
- 10.2.98 Projecting Sign.** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- 10.2.99 Public Assembly Facility.** Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs; lodges; meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, play fields and parks.
- 10.2.100 Public Uses.** Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.
- 10.2.101 Public Utility.** Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly to or for the public. See Codes 47 and 48 except Codes 4823 and 485.

R

- 10.2.102 Repair Services.** Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops. See Code 64 in the Standard Land use Coding Manual.

- 10.2.103 Residential sign.** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.
- 10.2.104 Retail Trade.** Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.
- 10.2.105 Roof Sign, integral.** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches or twenty five feet from the base of the sign.
- 10.2.106 School, Parochial.** An institution of learning owned and/or operated by a recognized church or religious institution.
- 10.2.107 School, Private.** An institution of learning that is not parochial or public in nature.
School, Public. An institution of learning owned and/or operated by a governmental body.
- 10.2.108 Service Station.** Any facility used for dispensing or sale at retail of any motor vehicle fuels.
- 10.2.109 Setback.** The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this Ordinance.
- 10.2.110 Sign.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- 10.2.111 Site Plan, Sketch Plan, and General Plan.** A plan delineating the overall scheme of the development of a tract including all the items as specified in this Ordinance.
- 10.2.112 Sign, Window.** A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window. Merchandise offered for sale within two and one-half feet of the window is not considered a window sign so long as it is not affixed or attached to the window.
- 10.2.113 Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.
- 10.2.114 Street Frontage.** The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
- 10.2.115 Street or Road.** A way for vehicular traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations "roads" are divided into the following categories.
- 10.2.116 Street, Arterial.** A major street used primarily for heavy through traffic that will be so

designed on the Atoka Major Road Plan.

- 10.2.117 Street, Collector.** A Street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Atoka Major Road Plan.
- 10.2.118 Street, Cul-de-sac or Dead-end.** A local street with only one outlet for which there are no plans for extension and no need for extension.
- 10.2.119 Street, Marginal Access.** A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- 10.2.120 Street, Minor Residential or Local.** A neighborhood or commercial area street used primarily for access to the abutting properties.
- 10.2.121 Street Line.** The property line that bounds the right-of-way set-aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthestmost from the traveled street shall be considered as the street line.
- 10.2.122 Street Center Line.** The center of the surface roadway or the surveyed center line of the street.
- 10.2.123 Substitution Clause.** A clause in the ordinance that expressly allows noncommercial content to replace the message on any permitted or exempt sign.
- 10.2.124 Suspended Sign.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- 10.2.125 Temporary Sign.** Any sign that is used only temporarily and is not permanently mounted.
- 10.2.126 Temporary Structure.** A factory assembled, movable building not designed or used as a dwelling unit which is constructed to be towed on its own chassis composed of a frame and wheels, to be used with or without a permanent foundation but with the necessary connections for utility services.
- 10.2.127 Total Floor Area.** The area of all floors of a building including finished attics, finished basements, covered porches, and carports.
- 10.2.128 Veterinary Hospital or Clinic.** Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within a building.
- 10.2.129 Wall Sign.** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall or any building or structure, which is supported by such wall or building, and which displays only one sign

surface.

10.2.130 Warehouse. A structure used exclusively for the storage of merchandise or commodities.

10.2.131 Warehouse, Mini. A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customer's goods or wares.

10.2.132 Window sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

10.2.133 Wireless Communication Facilities. Wireless Communication Facilities shall include all buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, relating to the low power mobile vice transmission, data transmission, video transmission and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmission devices (including, but not limited to, wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to conventional ground-wired communications systems (including, but not limited to, telephone lines, video, and/or microwave transmission) through a series of short range, contiguous calls that are part of any evolving cell grid. This includes all facilities to aide in "personal wireless services" as defined in the Telecommunications Act of 1996, which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Y

10.2.134 Yard. An open space on the same lot with a principal building open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

10.2.135 Yard, Front. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.

10.2.136 Yard, Side. A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.

10.2.137 Yard, Rear. A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

Z

10.2.138 Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

- 10.2.139 Zoning District.** Any section of the Town for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Review Draft

