

## CHAPTER 3: PROVISIONS FOR RESIDENTIAL DISTRICTS

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### 3.01 STATEMENT OF PURPOSE

#### A. General Purposes of Residential Districts

The residential districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, and prosperity of other aspects of the general welfare. These general goals include, among others, the following more specific purposes:

- (1). To provide sufficient space in appropriate locations for residential developments to meet adequately the housing needs of the present and expected future population for a variety of choices in site selections;
- (2). To permit improved movement on the public ways and to utilize effectively existing public ways, and, as far as possible, to mitigate the effects of heavy traffic and more particularly, all through traffic, in residential areas;
- (3). To protect residential areas against undue congestion, as far as possible, by relating the density of population, the intensity of activity, and the surrounding land and to one other, and by providing off-street parking spaces for automotive vehicles;
- (4). To require the provision of open space in residential areas wherever practicable; and to encourage the provision of better standards of open space by permitting moderately larger bulk, higher density, and greater intensity with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and creation, and to break the monotony of continuous building bulk, and thereby to provide a more desirable environment for municipal living;
- (5). To provide appropriate space for public and private educational, religious, recreational, and similar facilities and public utilities which serve the needs of nearby residents and which do not create objectionable influences; and to coordinate the intensity of residential land use with the appropriate community facilities;
- (6). To provide a zoning framework conducive to freedom of architectural design in order to encourage the development of more attractive and economical building forms;
- (7). To promote the most desirable use of land and direction of building development in accordance with a well-considered land use plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community's tax revenues.
- (8). To exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise except that conditional uses and home occupations specifically provided for in these regulations shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

### 3.02 R-1 - LOW DENSITY RESIDENTIAL DISTRICTS

#### A. Purpose and Intent

These districts are designed to provide suitable areas for low-density residential development characterized by an open appearance. The residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses that serve specifically the residents of these districts. Further, it is the intent of this ordinance that these districts be located so that the provisions of appropriate municipal services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of municipal residential development.

#### B. Uses and Structures

##### 1. Principal Permitted Uses and Structures

RESIDENTIAL DWELLINGS - limited to -

Single family detached

INSTITUTIONAL - limited to -

Day care centers, family day care homes and group day care homes, provided they are run by a church and on the premises of the church, parks, playgrounds and playfields

PUBLIC UTILITIES - limited to -

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

##### 2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas;
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for the use of the residents;
- c. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops;
- d. Accessory uses or structures customarily incidental to the above permitted uses.
- e. Above or below ground storm shelters provided that they are screened with adequate fencing or landscaping as to conceal the shelter. If landscaping is used as a screen, reasonable time will be allowed for concealment.<sup>xiii</sup>

3. Conditional Uses

INSTITUTIONAL - limited to -

- Place of worship
- School, public or private, grades K-12
- Country Clubs
- Community centers
- Orphanages
- All golf courses
- Public, parochial and private non-profit libraries, museums, art galleries and observatories
- Police and fire stations
- Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

- Electric or gas substations
- Reservoirs and water tanks
- Water production, treatment facility

UNDEVELOPED AND VACANT - limited to -

- Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by Right, by Accessory or by conditional use is prohibited in the R-1 Low Density Residential Districts.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the R-1 Districts, the minimum required lot area shall be 15,000 square feet.

2. Minimum Lot Width at the Building Line

Within the R-1 Districts, the width of a lot at the building line shall be at least one hundred (100) feet.

3. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards; obstructions prohibited at street intersections, exception to these provisions and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-1 Districts.

a. Front Yards

In all R-1 Districts, front yards shall be a minimum of forty (40) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

b. Side Yards

Interior Lots – Minimum of 15 feet

Corner lots: Street side - 40 feet

Non-street side - 15 feet

c. Rear Yards

In all R-1 Districts, rear yards shall be a minimum of twenty-five (25) feet.

E. Site Plan Review for Community Facility Uses

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:
  - a. Be drawn on a scale of 1" = 100
  - b. Include the following:
    - All existing and proposed roads and drainage ways;
    - Curb cuts, drives and parking areas;
    - Landscaping and planting screen;
    - Building lines enclosing the portion of the tract within which the buildings are to be erected;
    - The proposed use of the land and building;
    - The existing zoning.
  - c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
  - d. Include a vicinity map showing the relationship of the proposed development to Brownsville;
  - e. Show the relation of the proposed development to:
    - The street system
    - The surrounding use district, and
    - Surrounding properties
  - f. Bear a certificate by a licensed civil engineer, architect or surveyor, certifying that the plan as shown is true and correct;
  - g. Bear a form for certificate of approval by: The Secretary of the Planning Commission
  - h. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements as shown on the plan.

2. The Planning Commission, within thirty (30) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revision being required of the applicant.
3. The certification required of the owner and trustee of the mortgage in 3.02 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
4. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

### **3.03 R-1A - MEDIUM DENSITY SINGLE FAMILY DISTRICTS**

#### **A. Purpose and Intent**

These districts are designed to provide suitable areas for medium density residential development where appropriate municipal services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, single family detached dwellings will characterize these districts.

#### **B. Uses and Structures**

##### **1. Principal Permitted Uses and Structures**

RESIDENTIAL DWELLINGS - limited to -  
Single family detached

INSTITUTIONAL - limited to -

Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church, parks, playgrounds and playfields

PUBLIC UTILITIES - limited to -

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation  
 Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas;
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents;
- c. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops;
- d. Accessory uses or structures customarily incidental to the above permitted uses.

3. Conditional Uses

INSTITUTIONAL - limited to -

Place of worship

School, public or private, grades K-12

Country Clubs

Community centers

Orphanages

All golf courses

Public, parochial and private non-profit museums, art galleries, libraries and observatories

Police and fire stations

Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

Electric or gas substations

Reservoirs and water tanks

Water production, treatment facility

UNDEVELOPED AND VACANT - limited to -

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by Right, by Accessory or by conditional use is prohibited in the R-1A Medium Density Residential Districts.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the R-1A Districts, the minimum required lot area for one-family detached dwelling shall be 8,000 square feet.

2. Minimum Lot Width at the Building Line  
Within the R-1A Districts, the width of a lot at the building line shall be at least sixty (60) feet.
3. Maximum Height  
The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-1A Districts.

a. Front Yards

In all R-1A Districts, front yards shall be a minimum of thirty (30) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

b. Side Yards

Interior Lots – Minimum of ten (10) feet  
 Corner lots – Street side - 30 feet  
 Non-street side – 10 feet

c. Rear Yards

In all R-1A Districts, rear yards shall be a minimum of twenty (20) feet.

E. Site Plan Review for Community Facilities and Duplex Developments with Private Streets or Private Drives

Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

1. The site plan shall include:
  - a. Name of development and address.
  - b. Name and address of owner of record and the applicant.
  - c. Scale of 1" - 50' or larger.
  - d. Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
  - e. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
  - f. Courses and distances of centerlines of all streets.

- g. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
  - h. The acreage or square footage of the lot.
  - i. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed-line illustrating contours.
  - j. A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan, as shown, is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
  - k. A vicinity map showing the relationship of the proposed development to Brownsville.
  - l. A form for certification of approval by the Secretary of the Planning Commission.
  - m. A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.
2. The site plan shall show the location, dimensions, site and height of the following:
- a. roads, streets, alleys, easements and utilities.
  - b. Buildings and structures including the front (street), side and rear elevations of proposed buildings.
  - c. Public sewer systems.
  - d. Slopes, terraces, and retaining walls.
  - e. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
  - f. Water mains and fire hydrants.
  - g. The following when applicable:
    - (1). Number of dwelling units.
    - (2). Number, size of parking stalls and type of pavement (either portland concrete or asphalt).
    - (3). Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
  - h. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation level if any portion of the site lies within the FEMA-designated, special flood hazard area.
  - i. Proposed grading and drainage plan with calculations.

- j. Detailed plans for landscaping and required screens.
3. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the proposed use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements.
  4. The Planning Commission, within sixty (60) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revision being required of the applicant.
  5. The certification required of the owner and trustee of the mortgage in 3.03 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
  6. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

### **3.04 R-2 - MEDIUM DENSITY RESIDENTIAL DISTRICTS**

#### **A. Purpose and Intent**

These districts are designed to provide suitable areas for medium density residential development where appropriate municipal services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, these districts will be characterized by single family detached dwellings.

#### **B. Uses and Structures**

##### **1. Principal Permitted Uses and Structures**

RESIDENTIAL DWELLINGS - limited to -

Single family detached

Two-Family (duplex)

INSTITUTIONAL - limited to-

Day Care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church, Parks, playgrounds and playfields

PUBLIC UTILITIES -limited to-

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and

Waterways (all man-made)

2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas;
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents;
- c. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops;
- d. Accessory uses or structures customarily incidental to the above permitted uses.

3. Conditional Uses

RESIDENTIAL DWELLINGS - limited to -

Two Family (Duplex) provided there are located in areas that contains a prevalence of existing duplexes

INSTITUTIONAL - limited to-

Place of worship

School, public or private, grades K-12

Country Clubs

Community centers

Orphanages

All golf courses

Public, parochial and private non-profit museums, art galleries,

Libraries and observatories

Police and fire stations

Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

Electric or gas substations

Reservoirs and water tanks

Water production, treatment facility

UNDEVELOPED AND VACANT - limited to -

Open water including ponds, lakes and reservoirs, streams and

Waterways (all man-made).

4. Prohibited Uses

Any use not allowed by Right, by Accessory or by conditional use is prohibited in the R-2 Medium Density Residential Districts.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the R-2 Districts, the minimum required lot area for one-family detached dwelling shall be 8,000 square feet. An additional 2,000 square feet shall be required for two-family (duplex) dwellings.

2. Minimum Lot Width at the Building line

Within the R-2 Districts, the width of a lot at the building line shall be at least sixty (60) feet. A minimum lot width at the building line of seventy (70) feet shall be required for duplexes.

3. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-2 Districts.

a. Front Yards

In all R-2 Districts, front yards shall be a minimum of thirty (30) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

b. Side Yards

Interior Lots:	Minimum of ten (10) feet
Corner lots:	Street side -30 feet
Non-street side:	10 feet

c. Rear Yards

In all R-2 Districts, rear yards shall be a minimum of twenty (20) feet.

E. Site Plan Review for Community Facilities and Duplex Developments with Private Streets or Private Drives

Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

1. The site plan shall include:
  - a. Name of development and address.
  - b. Name and address of owner of record and the applicant.
  - c. Scale of 1" - 50' or larger.
  - d. Note present zoning classification of the site and all abutting properties.
  - e. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
  - f. Courses and distances of centerlines of all streets.
  - g. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
  - h. The acreage or square footage of the lot.
  - i. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line-illustrating contours.
  - j. A certificate by a licensed civil engineer, architect or land surveyors certifying that the plan as shown is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
  - k. A vicinity map showing the relationship of the proposed development to the City of Brownsville.
  - l. A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.
2. The site plan shall show the location, dimensions, site and height of the following:
  - a. Sidewalks, streets, alleys, easements and utilities.
  - b. Buildings and structures including the front (street) side and rear elevations of proposed buildings.
  - c. Public sewer systems
  - d. Slopes, terraces, and retaining walls.
  - e. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
  - f. Water mains and fire hydrants.
  - g. The following when applicable:

- (1) Number of dwelling units
  - (2) Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
  - (3) Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
- h. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also, the site plan must denote the minimum 100 year, base flood elevation level if any portion of the site lies within the FEMA-designated special flood hazard area.
  - i. Proposed grading and drainage plan with calculations
  - j. Detailed plans for landscaping and required screens.
3. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the proposed use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements.
  4. The Planning Commission, within sixty (60) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revision being required of the applicant.
  5. The certification required of the owner and trustee of the mortgage in 3.03 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
  6. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

### **3.05 R-2A - MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICTS**

#### **A. Purpose and Intent**

These districts are designed to provide suitable areas for medium density residential development where appropriate municipal services and facilities are provided or

where the extension of such services and facilities will be physically and economically feasible. Single family detached dwellings will characterize these districts.

B. Uses and Structures

1. Principal Permitted Uses and Structures

RESIDENTIAL DWELLINGS - limited to -

Single family detached

INSTITUTIONAL - limited to -

Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church, Parks, playgrounds and playfields

PUBLIC UTILITIES - limited to -

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

2. Permitted Accessory Uses and Structures

a. Private garages and parking areas;

b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents;

c. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops;

d. Accessory uses or structures customarily incidental to the above permitted uses.

3. Conditional Uses

INSTITUTIONAL - limited to -

Place of worship

School, public or private, grades K-12

Country Clubs

Community centers

Orphanages

All golf courses

Public, parochial and private non-profit museums, art galleries, libraries and observatories  
 Police and fire stations  
 Temporary non-profit festivals

**PUBLIC UTILITIES - limited to –**

Electric or gas substations  
 Reservoirs and water tanks  
 Water production, treatment facility

**UNDEVELOPED AND VACANT - limited to -**

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by Right, by Accessory or by conditional use is prohibited in the R-2A Medium Density Single-Family Residential Districts.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the R-2A Districts, the minimum required lot area for one-family detached dwelling shall be 8,000 square feet.

2. Minimum Lot Width at the Building Line

Within the R-2A Districts, the width of a lot at the building line shall be at least sixty (60) feet.

3. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-2A Districts.

a. Front Yards

In all R-2A Districts, front yards shall be a minimum of thirty (30) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

b. Side Yards

Interior Lots - Minimum of ten (10) feet  
 Corner lots: Street side - 30 feet  
 Non-street side - 10 feet

c. Rear Yards

In all R-2A Districts, rear yards shall be a minimum of twenty (20) feet.

E. Site Plan Review for Community Facilities

Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

1. The site plan shall include:
  - a. Name of development and address.
  - b. Name and address of owner of record and the applicant.
  - c. Scale of 1" - 50' or larger.
  - d. Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
  - e. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
  - f. Courses and distances of centerlines of all streets.
  - g. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
  - h. The acreage or square footage of the lot.
  - i. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line illustrating contours.
  - j. A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan as shown is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
  - k. A vicinity map showing the relationship of the proposed development to Brownsville.
  - l. A form for certification of approval by the Secretary of the Planning Commission.
  - m. A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.
2. The site plan shall show the location, dimensions, site and height of the following:
  - a. Sidewalks, streets, alleys, easements and utilities.
  - b. Buildings and structures including the front (street), side and rear elevations of proposed buildings.
  - c. Public sewer systems.
  - d. Slopes, terraces, and retaining walls.

- e. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
  - f. Water mains and fire hydrants.
  - g. The following when applicable:
    - (1) Number of dwelling units.
    - (2) Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
    - (3) Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
  - h. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100 year, base flood elevation level if any portion of the site lies within the FEMA-designated, special, flood, and hazard area.
  - i. Proposed grading and drainage plan with calculations.
  - j. Detailed plans for landscaping and required screens.
3. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the proposed use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements.
  4. The Planning Commission, within sixty (60) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revision being required of the applicant.
  5. The certification required of the owner and trustee of the mortgage in 3.03 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
  6. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

### 3.06 R-3 - HIGH DENSITY RESIDENTIAL DISTRICTS

#### A. Purpose and Intent

These districts are designed to provide suitable areas for high density residential development where appropriate municipal services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, these districts will be characterized by single-family detached dwellings duplexes, and multiple family dwellings.

These districts also include community facilities, public utilities, and open uses that serve the residents of these districts.

#### B. Uses and Structures

##### 1. Principal Permitted Uses and Structures

RESIDENTIAL DWELLINGS - limited to -

- Single family detached
- Two-family (duplex)
- Multiple family structures

INSTITUTIONAL - limited to -

Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church, parks, playgrounds and playfields

PUBLIC UTILITIES - limited to -

- Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)
- Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)
- Private Streets
- Rights-of-way to all modes of transportation
- Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

- Circuses, carnivals and similar transient enterprises
- Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

##### 2. Permitted Accessory Uses and Structures

- a. Private garages and parking areas;
- b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents;
- c. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops; and except home occupations shall not be permitted in multi-family dwellings.
- d. Accessory uses or structures customarily incidental to the above permitted uses.

3. Conditional Uses

INSTITUTIONAL - limited to -

- Place of worship
- School, public or private, grades K-12
- Country Clubs
- Community centers
- Orphanages
- All golf courses
- Public, parochial and private non-profit museums, art galleries, libraries and observatories
- Police and fire stations
- Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

- Electric or gas substations
- Reservoirs and water tanks
- Water production, treatment facility

UNDEVELOPED AND VACANT - limited to -

- Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by Right, by Accessory or by conditional use is prohibited in the R-3 Districts.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the R-3 Districts, the following minimum lot areas shall be required:

- Single-family Detached Dwellings - 6,000 square feet
- Duplex Dwellings - 10,000 square feet
- Triplex Dwellings – 16,000 square feet
- Quadplex Dwellings – 20,000 square feet
- More than four Dwelling units - 20,000 sq. ft. plus 2000 sq. ft. for every dwelling unit in excess of four units

2. Minimum Lot Width at the Building Line

- Single-family Detached Dwellings – 60 feet
- Duplex Dwellings – 70 feet
- Triplex Dwellings – 100 feet
- Quadplex Dwellings – 125 feet
- More than four dwelling units – 150 feet

3. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade.

However, this limitation shall not apply to these uses spelled out in 1.04 (D) Exception on Height Limitations.

4. Minimum Spacing between Buildings (Multi-family Dwellings)

In multifamily developments within R-3 zones the following spacing shall be required between buildings:

- a. End to End - 20 feet
- b. End to Side - 25 feet
- c. Side to Side - 30 feet

Side shall mean the building facade or elevation with the longest horizontal axis.

End shall mean the building facade or elevation with the shortest horizontal axis.

D. Yard Requirements

1. General Provisions

General provisions applicable to residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-3 Districts.

a. Minimum Depth of Front Yards

- (1) Single-family Dwellings - 25 feet
- (2) Duplex Dwellings - 30 feet
- (3) Multi-family Dwellings - 40 feet. Such space may be part of the required open space but may not be used for parking
- (4) All other uses - 50 feet or more if required by the BZA

b. Minimum Width of Side Yards

- (1) Single-family Dwellings 10 feet
- (2) Duplex Dwellings 15 feet
- (3) Multi-family Dwellings 30 feet. Such space may be part of the required open space but may not be used for parking areas, driveways or the storage of refuse containers.
- (4) All other uses - 20 feet or more if required by the Board of Zoning Appeals

c. Minimum Depth of Rear Yards

- (1) Single-family Dwellings - 15 feet
- (2) Duplex Dwellings - 20 feet

(3) Multi-family Dwellings - 30 feet. Such space may be part of the required open space but may not be used for parking areas, driveways or the storage of refuse containers.

(4) All other uses - 25 feet or more if required by the Board of Zoning Appeals

E. Open Space Requirement for Multi-family Developments

1. Minimum Open Space Requirement

Minimum open space requirement shall not be less than 40% of the total lot area.

a. Open Space Defined

Open space is outdoor living space for the residents and for ascetic appeal. Such space shall include lawns and other landscaped areas, walkways, outdoor sitting areas and outdoor recreation areas, exclusive of required parking areas and driveways.

F. Screening Requirements for Multi-family Developments

1. Screening requirements vary by the purpose for which they are intended. For the purposes of this section, two types of conditions require screening: Privacy separations

2. Performance Criteria

a. Screens are intended to provide visual and physical separation of conflicting uses, and should be designed so that they are an orderly part of the landscape and do not dominate the view.

b. Screens should not compromise safety by blocking vision at intersections. Elements requiring screening should not be placed to impede vision of any street corner as referenced in Section 1.05 of this Zoning Ordinance. Screens should not be placed so as to obstruct visibility of vehicles entering or leaving driveways. No screen or fence over 2 to 6 feet should be placed in front yards.

c. Fences and screens should not impede or divert the flow of water in any drainage way.

d. The maximum height for fences is 6 feet, except for tennis courts that may be 10 feet. Screening of service areas must be at least 6 feet and no more than 8 feet.

3. Privacy screening shall be required in multi-family housing areas to separate such areas from adjacent single-family or duplex lots.

a. Fences designated to create privacy should be made of masonry, ornamental metal or durable wood, or some combination of the three. The use of chain link, plastic or wire is not permitted for fences. Fences along roadways shall have, brick columns located 50 feet on center maximum.

b. Solid fences should not create a stockade appearance. This can be accomplished in a number of ways, including adding an evergreen screen on both sides of the fence or by undulating the plan of the fence.

4. Garbage collection areas shall be conveniently located for the residents as determined by the Brownsville Planning Commission and shall be enclosed by opaque materials on all four sides, with doors to remove front end dumpsters. The following criteria shall apply:
  - a. Dumpster enclosures shall be located on a concrete pad - the size of pad as recommended by the City Sanitation Department.
  - b. The screening on all enclosed dumpsters shall be at least 2 feet taller than the dumpster.
  - c. All garbage collection areas shall be in compliance with all Water Pollution Control Regulations of the State of Tennessee.

G. Site Plan Review for Community Facilities, Duplex Developments with Private Streets or Private Drives, and Multi-family Uses

Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

1. The site plan shall include:
  - a. Name of development and address.
  - b. Name and address of owner of record and the applicant.
  - c. Scale of 1"=50' or larger.
  - d. Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
  - e. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
  - f. Courses and distances of centerlines of all streets.
  - g. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
  - h. The acreage or square footage of the lot.
  - i. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed-line illustrating contours.
  - j. A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan as shown is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
  - k. A vicinity map showing the relationship of the proposed development to Brownsville.
  - l. A form for certification of approval by the Secretary of the Planning Commission.

- m. A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.
2. The site plan shall show the location, dimensions, site and height of the following:
    - a. Sidewalks, streets, alleys, easements and utilities.
    - b. Buildings and structures including the front (street), side and rear elevations of proposed buildings.
    - c. Public sewer systems.
    - d. Slopes, terraces, and retaining walls.
    - e. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
    - f. Water mains and fire hydrants.
    - g. The following when applicable:
      1. Number of dwelling units.
      2. Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
      3. Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
    - h. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation level if any portion of the site lies within the FEMA-designated, special, flood, and hazard area.
    - i. Proposed grading and drainage plan with calculations.
    - j. Detailed plans for landscaping and required screens.
  3. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the proposed use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements.
  4. The Planning Commission, within sixty (60) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revision being required of the applicant.
  5. The certification required of the owner and trustee of the mortgage in 3.03 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If,

during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

6. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

#### H. Design Standards for Multi-Family Dwellings

1. Purpose

It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the Planning Commission in its review of Site Plans. The Planning Commission may use these standards in requiring amendments to site plans and in determining the appropriateness of such plans for approval.

2. Open Space Requirements

Common open space must be suitably improved and landscaped for its intended use. Common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements that are permitted in the common open space must be appropriate to the uses that are authorized for the common open space, having regard for its topography and unimproved condition.

3. Access

- a. Every structure shall be on a lot adjacent to a public street or with access to an approved private street or private drive.
- b. Access and circulation shall provide adequately for firefighting equipment, services deliveries, furniture, moving vans, and refuse collection.
- c. Adequate paved pedestrian access shall be provided for each dwelling.

4. Grouped Parking Facilities

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit that the space is to serve. When appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

5. Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls, and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

6. Walks

Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

7. Recreation Areas

Adequate recreational facilities for the residents of the project may be required in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas may be required which are, appropriate in size, type and number to the needs of the residents. Active recreation areas may be required which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size may be required where it is anticipated that children will occupy the premises.

8. Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

9. Retention of Large Trees

- a. Trees greater than 8" in caliper are to be shown on the site plan and protected wherever possible.
- b. When the site layout makes it necessary to remove a tree having a caliper of 8" or more, the tree must be replaced on site as near as practical to where the tree was removed. Replacement must match the tree's caliper by reaching an equivalent multiple, (e.g. 24" caliper tree could be replaced by six 4" caliper trees or eight 3" caliper trees. This replacement requirement shall apply in addition to normal landscape requirements, but may be waived to the extent necessary where development is proposed for heavily wooded areas.

10. Design Review

The criteria to be considered by the Planning Commission in determining whether a proposed structure(s) will conform to proper design standards and the general character of the area are as follows:

- a. The plan for the proposed structure(s) is in conformity with appropriate and acceptable architectural standards, the general character of the surrounding neighborhood and the community and the orderly development of the community.

- b. The plan for the proposed structure(s) indicates that the structure(s) is reasonably protected against internal and external noise, vibrations, and other conditions that might tend to make the environment less desirable.
- c. The proposed structure(s) is not in its exterior design and appearance, of such inferior quality as to cause the area to depreciate in appearance or value.
- d. The proposed development is in compliance with all applicable ordinances and statutes governing the location and appearance of buildings and structures.

### **3.07 R-TH - TOWNHOUSE DISTRICTS**

#### **A. Purpose and Intent**

These districts are designed to provide suitable areas for townhouse residential development where appropriate municipal services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. These districts will be characterized by townhouse attached dwellings on subdivided lots.

These districts also include community facilities, public utilities, and open uses that serve the residents of these districts.

#### **B. Uses and Structures**

##### **1. Principal Permitted Uses and Structures**

RESIDENTIAL DWELLINGS - limited to -  
Townhouse (as defined by this ordinance)

INSTITUTIONAL - limited to -

Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church.

Parks, playgrounds and playfields

PUBLIC UTILITIES - limited to -

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

##### **2. Permitted Accessory Uses and Structures**

a. Private garages and parking areas;

b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents;

- c. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops;
- d. Accessory uses or structures customarily incidental to the above permitted uses.

3. Conditional Uses

INSTITUTIONAL - limited to -

- Place of worship
- School, public or private, grades K-12
- Country Clubs
- Community centers
- Orphanages
- All golf courses
- Public, parochial and private non-profit museums, art galleries, libraries and observatories
- Police and fire stations
- Temporary non-profit festivals

PUBLIC UTILITIES - limited to -

- Electric or gas substations
- Reservoirs and water tanks
- Water production, treatment facility

UNDEVELOPED AND VACANT - limited to -

- Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses

Any use not allowed by Right, by Accessory or by conditional use is prohibited in the R-TH Districts.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the R-TH Districts, the minimum lot area for each single family attached dwelling shall be 2,600 square feet.

2. Minimum Lot Width at the Building Line

For Single-family detached dwellings, the width of a lot at the building line shall be no less than twenty (20) feet.

3. Maximum Lot Coverage

The maximum lot coverage for each single family attached dwelling shall be forty (40) percent of the lot for each dwelling.

4. Minimum Spacing between Townhouse Buildings

The minimum spacing between townhouse buildings (end to end) shall be twenty (20) feet.

5. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to these uses spelled out in 1.04 (D) Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-TH Districts.

a. Front Yards

In all R-TH Districts, front yards shall be a minimum of seventy-five (75) feet. On double frontage lots and corner lots and corner lots, there shall be a front yard on each street.

b. Side Yards

In all R-TH Districts, side yards shall be a minimum of ten (10) feet, except that no side yard is required for townhouse dwellings having adjoining walls.

c. Rear Yards

In all R-TH Districts, rear yards shall be a minimum of twenty-five (25) feet.

E. Site Plan Review for Community Facilities or Townhouses

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

a. Be drawn on a scale of 1" = 100';

b. Include the following:

-Proposed townhouse lots;

-Location of all proposed buildings;

-Location of all existing streets and the location and layout of all proposed public streets, private drives, service streets, alleys, etc;

-All existing and proposed drainage ways;

-Curb cuts, drives and parking areas;

-Building lines enclosing the portion of the tract within which the buildings are to be erected;

-The proposed use of the land and buildings;

- c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
  - d. Include a vicinity map showing the relationship of the proposed development to Brownsville;
  - e. Show the relation of the proposed development to:
    - The street system
    - The surrounding use district, and
    - Surrounding properties.
  - f. Bear a certificate by a licensed civil engineer, architect, or surveyor, certifying that the plan as shown is true and correct;
  - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
  - h. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any requirement improvements of adjacent streets as shown on the plan.
2. The Planning Commission, within thirty (30) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revision being required of the applicant.
  3. The certification required of the owner and trustee of the mortgage in 4.05 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the Site Plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
  4. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.
- F. Design Standards for Multi-Family Dwellings
1. Purpose

It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the Planning Commission in its review of Site Plans.

2. Open Space Requirements

Common open space must be suitably improved for its intended use, common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements that are permitted in the common open space must be appropriate to the uses that are authorized for the common open space, having regard for its topography and unimproved condition.

3. Access

- a. Every structure shall be on a lot adjacent to a public street or with access to an approved private street.
- b. Access and circulation shall provide adequately for firefighting equipment, services deliveries, furniture, moving vans, and refuse collection.

4. Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls, and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

5. Recreation Areas

Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

6. Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

G. Subdivision Plat Requirement

A subdivision plat for townhouse development shall be submitted the Planning Commission for review and approval according to the subdivision plat review procedures of the City of Brownsville prior to Site Plan consideration by the Planning Commission. Such subdivision plat shall be separate and apart from an approved Site Plan but shall conform in lot layout, public improvement dedications, lot shape, and lot size to the proposed Site Plan for the development. The proposed Site Plan and

subdivision plat for a development may be approved at the same time providing that the above requirements are met.

### **3.08 MH - MOBILE HOME PARK RESIDENTIAL DISTRICTS**

#### **A. Purpose and Intent**

These districts are designed to provide suitable areas for mobile home park residential development where appropriate municipal services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Single-family mobile home dwellings in mobile home parks and accessory structures will characterize these districts. These districts also include community facilities, public utilities and open uses that serve the residents of these districts.

#### **B. Uses and Structures**

##### **1. Principal Permitted Uses and Structures**

RESIDENTIAL DWELLINGS - limited to -  
Mobile Home Parks

INSTITUTIONAL - limited to -  
Parks, playgrounds and playfields

PUBLIC UTILITIES - limited to -

Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)

Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)

Private Streets

Rights-of-way to all modes of transportation

Small landscaped, scenically significant open areas, natural reserves

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and waterways (all man-made)

##### **2. Permitted Accessory Uses and Structures**

a. Private garages and parking areas;

b. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for use of the residents;

c. Accessory uses or structures customarily incidental to the above permitted uses.

##### **3. Conditional Uses**

INSTITUTIONAL - limited to -  
Temporary non-profit festivals

PUBLIC UTILITIES - limited to -  
Electric or gas substations  
Reservoirs and water tanks

Water production, treatment facility

UNDEVELOPED AND VACANT - limited to -

Open water including ponds, lakes and reservoirs, streams and wastewaters (all man-made).

4. Prohibited Uses

Any use not allowed by right, by accessory or by conditional use is prohibited in the MH-Mobile Home Park Residential Districts.

C. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any MH-District.

1. Minimum Required Lot Area

Within the MH-Districts, the minimum lot area for a mobile home park shall be two (2) acres.

2. Minimum Mobile Home Plot Size

Within the MH-Districts, the minimum plot sizes for an individual mobile home in the mobile home park shall be 4,500 square feet.

3. Maximum Height

The maximum height of any portion of a mobile home shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 1.04 (D) Exception on Height Limits.

D. Yard Requirements

1. General Provisions

General provisions applicable to residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 1.05 of this Ordinance.

2. Basic Provisions

The basic yard regulations appearing below apply to all individual mobile home plots located in the mobile home park.

a. Front Yards

In all MH-Districts, front yards for individual mobile home plots shall be a minimum of twenty-five (25) feet.

b. Side Yards

In all MH-Districts, side yards for individual mobile home plots shall be a minimum of ten (10) feet.

c. Rear Yards

In all MH- Districts, rear yards for individual mobile home plots shall be a minimum of ten (10) feet.

d. Park Buffer

Around all mobile home parks there shall be provided a twenty (20) foot wide buffer area in addition to the yard requirements above. Landscaping and screening shall be provided.

E. Site Plan Review for Community Facilities and Mobile Home Parks

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:
  - a. Be drawn on a scale of 1" = 100';
  - b. Include the following:
    - All existing and proposed roads and drainage ways;
    - Curb cuts, drives and parking areas;
    - Landscaping and planting screens;
    - Building lines enclosing the portion of the tract within which the buildings are to be erected;
    - The proposed use of the land and buildings;
    - The existing zoning;
  - c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
  - d. Include a vicinity map showing the relationship of the proposed development to Brownsville;
  - e. Show the relation of the proposed development to:
    - The street system
    - The surrounding use district, and
    - Surrounding properties.
  - f. Bear a certificate by a licensed civil engineer, architect, or surveyor, certifying that the plan as shown is true and correct;
  - g. Bear a form for certificate of approval by the Secretary of the Planning Commission
  - h. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan, and agree to make any required improvements of adjacent streets as shown on the plan.
2. The Planning Commission, within thirty (30) days shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to revisions being required of the applicant.

3. The certification required of the owner and trustee of the mortgage in 4.06 (E) (1) (h) of this ordinance shall serve as the commitment by the owner that the Site Plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
  4. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.
- F. Special Provisions for Mobile Homes
- Due to the unique characteristics of mobile homes, the following restrictions are applied in order to eliminate the adverse effects of such structures and at the same time, permit such structures as an alternative form of housing.
- 1 Mobile homes shall be permitted only in those locations designated on the Brownsville Zoning Map as MH-Mobile Home Park Residential Districts. No traditional housing units shall be permitted in these districts in order to prevent a mixture of the two types of structures.
  - 2 All mobile homes permitted under this section shall be set upon concrete blocks or steel piers which are constructed upon a concrete footing and each mobile home shall be anchored with approved anchors.
  - 3 The Board of Appeals may require other conditions as needed in order to protect the inhabitants of the mobile home and preserve the character of the district.
- G. Regulations for Establishment of Mobile Home Park
1. Licenses and License Fee
    - a. No mobile home may be located in the City of Brownsville unless the same shall be in an approved and duly licensed Mobile Home Park.
    - b. It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Brownsville any mobile home park unless such person shall first obtain a license for that park.
    - c. Licenses shall not be transferable.
    - d. The annual license fee for each mobile home park shall be equal to but not greater than the amount allowed by the State Business Tax.
    - e. The license shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

2. Application for License

Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- a. The name and address of the applicant.
- b. The location and legal description of the mobile home park.
- c. The complete plan of the park showing compliance with Sections 3.06 (E) and 3.06 (G) (4).
- d. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. The sketch shall be drawn to scale showing the number and arrangement of mobile home lots, roadways, water supply, water outlets, location and type of sewage, liquid and garbage disposal and location of other facilities.
- e. Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The Building Inspector and the Health Office shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this ordinance, the Building Inspector shall approve the application and upon completion of the park according to the plans, shall issue the license.

3. Revocation of License

The Health Officer shall make periodic inspection of the park to insure compliance with this ordinance. In case of non-compliance with any provisions of this ordinance, the Health Office shall serve warning to the licensee. Thereafter, upon failure of the licensee to remove said violation, the Health Officer shall recommend to the Board of Mayor and Aldermen revocation of the license. The City Board shall hold a hearing on the matter and upon determination of non-compliance revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

4. Specifications for Mobile Home Park Plan

The mobile home park shall conform to the following requirements:

- a. The park shall be located in a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. The minimum required lot area for a mobile home park shall be two (2) areas.
- c. Mobile home spaces shall be clearly defined and mobile homes parked so that there will be at least fifteen (15) feet of clear space between mobile homes or any accessory structure, such as a garage or fifteen (15) feet between mobile homes and any buildings or structures. No mobile home shall be located closer than thirty (30) feet to any public street or highway.

- d. The minimum plot size for an individual mobile home in the mobile home park shall be 4,500 square feet.
- e. The minimum yard requirements for all individual mobile home plots in the mobile home park are:
  - (1) Front Yards for individual mobile home plots shall be a minimum of twenty-five (25) feet.
  - (2) Side yards for individual mobile home plots shall be a minimum of ten (10) feet.
  - (3) Rear yards for individual mobile home plots shall be a minimum of fifteen (15) feet.
- f. All mobile home spaces shall abut upon a driveway of not less than thirty (30) feet in width which shall have unobstructed access to a public street. All driveways shall be lighted at night with 25-watt lamps at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.
- g. An electric outlet supplying at least 110-220 volts shall be provided for each mobile home space, and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code, and Tennessee Department of Insurance and Banking Regulations No. 15, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the electric service organization.
- h. An adequate supply of water under pressure from a source and of a quality approved by the Tennessee Department of Public Health shall be provided; where possible, approved municipal water supplies shall be used. Water shall be piped to each mobile home lot. Adequate water supply for fire protection must be provided.
- i. Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located neither in a mobile home, nor within five (5) feet of a door thereof.
- j. Waste from laundries shall be discharged into a public sewer in compliance with applicable ordinances or into a private sewer disposal plant in such manner to conform to the specifications of the Health Officer. All kitchen sinks, washbasins, bath or shower tubs in any mobile home in any park shall empty into the sanitary sink drain located on the mobile home space. Mobile home parks within three hundred (300) feet of the municipal sewer shall connect to it, with approved and properly sized lines.
- k. Refuse storage, collection and disposal shall be in accordance with other regulations and ordinances of the City of Brownsville.

- l. The Mobile Home Park shall be subject to the rules and regulations of the fire-prevention authorities having jurisdiction.
  - m. No permanent additions of any kind shall be built onto, nor becomes a part of, any mobile home. All mobile homes shall be set on concrete blocks or steel piers which are constructed upon a concrete footing and each mobile home shall be anchored with approved anchors.
  - n. All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean slightly condition and kept free of any conditions that will menace the health of any occupant of the public or constitute a nuisance.
5. Register of Occupants  
 It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
- a. Name and address of each occupant;
  - b. The make, model and year of all mobile homes;
  - c. License number and owner of each mobile home;
  - d. The state issuing such license;
  - e. The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

### **3.09 PRD - Planned Residential District**

#### **A. Planned Residential Developments**

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom in order to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this Section if such increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section is not intended as a panacea and should not be utilized as a device for making

increased densities more acceptable or as a means of circumventing the City's development regulations.

B. Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least three (3) acres to PRD to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development prior to a rezoning in order to obtain one or more of the following objectives:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
5. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
6. Ensure a quality of construction commensurate with other developments within the city.
7. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
8. Rational and economic development in relation to public services.
9. Efficient and effective traffic circulation, both within and adjacent to the development site.
10. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environments and living units.
11. The development is compatible with current City of Brownsville Future Land Use Plan, a specific small area plan, community plan or redevelopment plan.

12. Modification of design regulations are consistent with the public interest, are warranted by the design of the development and are justified by the associated amenities incorporated in the design of the development.

C. Types of Planned Residential Developments

Under this section, the following types of Planned Residential Developments (PRD) shall be permitted, subject to the stated requirements. PRD's are established by overlaying a preliminary development plan over the existing district. The overlays are as follows: PRD (Planned Residential Development) over R-1, R-2 and R-3 districts. A zoning amendment is required following the procedures outlined in this section and in accordance with Section 9.07 of this Zoning Ordinance.

D. Modification of District Regulations

Planned Residential Developments may be constructed in the above zoning districts subject to the standards and procedures set forth below:

1. Except as modified by and approved in the ordinance approving a preliminary development plan, a Planned Residential Development shall be governed by the regulations of the district or districts in which the said Planned Residential Development is located.
2. The ordinance approving the preliminary development plan for the Planned Residential Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Residential Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Residential Development and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
  - a. Inadequate or unsafe access to the Planned Residential Development.
  - b. Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity.
  - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Residential Development.
  - d. A development which will be incompatible with the purposes of this Ordinance.

Such exceptions shall supersede the regulations of the zoning district in which the Planned Residential Development is located. Provided, however, in no case shall the uses or densities be varied, except as herein provided, and setbacks along the boundary of the Planned Residential Development shall not be less than those allowed in the underlying zoning.

E. Coordination with Subdivision Regulations

The uniqueness of each proposal for a Planned Residential Development may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-ways, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the review of the Brownsville Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Final Development Plan for a PRD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

1. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Residential Development under this section of the Zoning Ordinance.
2. The development plans submitted under Sub-section H. of this Section must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PRD's and all actions of the City Board pertaining to PRD's shall be based upon a recommendation by the Planning Commission.

F. General Provisions

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

1. Application for Planned Residential Development Permit Required  
Each application for a Planned Residential Development shall be submitted in accordance with the requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review of the Planning Commission and approval by the Board of Zoning Appeals.
2. Waiver of Board of Zoning Appeals Action  
No action of the Board of Zoning Appeals shall be required in the approval of a Planned Residential Development District.
3. Ownership and Division of Land  
No tract of land may be considered for or approved as a PRD 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 PRD 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 PRD, the landowner of an adopted PRD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

4. Professional Design

The Brownsville Planning Commission shall not consider any development plan for any proposed Planned Residential Development, either on a preliminary or final basis, nor shall the Brownsville Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Residential 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.

5. In addition to the requirement set for the in-Section F.4, adequate infrastructure facilities will be provided concurrent with development and will consist of potable water supply, proper treatment and disposal of wastewater, storm water drainage facilities, and proper storage and collection of community waste.

6. The Development will not unduly injure or damage the enjoyment of, value or use of surrounding properties and will not prevent the development of surrounding property.

7. The arrangement and location of buildings, structures, parking areas, lighting, sidewalks, infrastructure and service facilities shall be compatible with surrounding land uses, and any portion of the tract not utilized for the above-mentioned improvements shall be landscaped or otherwise improved except where natural, culturally significant, historic features, or utilization for agricultural production justify preservation of existing conditions.

8. A Property Owner's Association (POA), a Homeowner's Association (HOA) and / or other defined responsible party shall maintain any and all common open spaces, common amenities, and any other common elements defined in the proposed development.

9. Development Period: Staging

The expeditious construction of any planned residential 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.

a. Start of Development

Within one year from and after the date of the action establishing a PRD, 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.

b. Completion Period

The Brownsville Planning Commission may recommend and the Board of Mayor and Aldermen may establish a reasonable period of time for the completion of the Planned Residential Development at the time the PRD district is established. If no substantial construction, as determined by the Building Inspector, has begun or no use established in the PRD 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 City Board and shall be of no further effect. At its discretion and for good cause, the City Board, upon recommendation by the Planning Commission, may extend for a reasonable time, not to exceed one year, the period for the beginning of construction or the establishment of a use.

c. Staging of Development

The Board of Mayor and Aldermen may elect to permit the staging of development, in which case, the following provision shall be complied with:

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 for bonding purposes.

d. Inactive Planned Development

1. The applicant or owner is required to enter into a Development Contract with the City of Brownsville and commence site preparation within one (1) year of receipt of notification regarding approval of the Development Plan.
2. Failure to satisfy the requirements defined in Section F shall render a Planned Residential Development to be Inactive.
3. Upon notification of a Planned Development being rendered inactive and no less than 30 days prior to the expiration of the Planned Development, the Planning Director or designee shall notify the Board of Mayor and Aldermen and the applicant or owner via certified mail that the following is required:
  - (a) A Public Hearing shall take place, the notice for which shall conform to the requirements as defined in the Zoning Ordinance.
  - (b) Subsequent to the Public Hearing, the Planning Commission shall render recommendations regarding the status of the area(s)

subject to the Planned Development based on one or more of the following considerations:

- i. Recommendation for extension, removal, or modification of the development schedule and subsequent phasing (where applicable).
  - ii. Recommendation for amendments to the Outline Plan which may modify, revoke or be in addition to conditions and amendments approved under prior consideration by the Planning Commission and Board of Mayor and Aldermen.
  - iii. Recommendation for revocation of the Planned Development.
4. Upon receipt of the Planning Commission recommendation(s), the Board of Mayor and Aldermen shall hold a public hearing and render a decision.
- e. Failure of the applicant or owner to respond within 30 days of the Planning Commission providing notice shall not delay the requirements and procedures as set forth in Section F.

10. Common Open Space and Public Facilities

A planned development shall incorporate within the site design Common Open Space to the mutual benefit of the subject development and the general public. The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.

- a. Common open space must be usable for recreational purpose or 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 Residential Development considering its size, density, expected population, topography and the number and type of structures to be provided.
- b. 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 therefore, 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.
- c. 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 Residential 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.

- d. No common open space of a Planned Residential Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the City of Brownsville Municipal-Regional Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it is intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Residential 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.
- e. All land shown on the final development plan as common open space may be either:
1. 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
  2. Conveyed to an organization for ownership and maintenance subject to the following:
    - (a) The City of Brownsville Municipal-Regional Planning Commission and Brownsville 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 and 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 City of Brownsville and said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.
    - (b) 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 Residential 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 Residential 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.
    - (c) The cost of such maintenance by such agency shall be assessed

- proportionally against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (d) If the common open space is deeded to a Homeowners' and/or Property Owners 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:
- i. The Association must be set up before the homes are sold.
  - ii. Membership must be mandatory for each homebuyer and any successive buyer.
  - iii. The open space restrictions must be permanent, not just for a period of years.
  - iv. The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
  - v. Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.
- f. At least 20% of the gross site area shall be comprised of Common Open Space.
1. The sequence and phased introduction of Common Open Space shall occur in coordination with and consider the phased completion of associated private and public improvements. In no event shall certificates of occupancy be issued unless and until the associated Common Open Space has been conveyed, dedicated and improved.
  2. The following minimum percentage of the required Open Space shall be designed as Usable Open Space:
    - 3-5 acres: 20%;
    - 5-8 acres: 30%;
    - greater than 8 acres: 40
    - a. Usable Open Space. Eligibility for an area to be defined as Usable Open Space is determined by meeting the following required conditions:
      - i. A minimum area of 2,500 square feet.
      - ii. A minimum average dimension of 40-feet.
    - b. Usable Open Space. Eligibility for an area to be defined as Usable Open Space is determined by meeting one of the following conditions:
      - i. Land occupied by active recreational uses such as

- pools, ball fields, playgrounds, tennis courts, and clubhouses used primarily for recreation purposes.
- ii. Pedestrian and multi-use trails consisting of a 6-foot minimum paved or graveled surface and associated 10-foot easement beyond the edge of pavement on both sides of the facility.
  - iii. Formally planned and regularly maintained areas including arranged plantings, gardens, community gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art, squares, forecourts, plazas, private parks, or private greenbelts must be designed in accordance with the standards in this subsection to qualify as Usable Open Space.
- c. The following shall not be considered or contribute toward the Usable Open Space area unless the application satisfactorily demonstrates the area satisfies the design conditions required to be considered as Usable Open Space or as otherwise stated:
- i. Floodways except where pedestrian and multi-use trails and their associated easements may occur.
  - ii. Slopes exceeding 10% except where pedestrian and multi- use trails and their associated easements may occur.
  - iii. Wildlife habitat areas except where pedestrian and multi- use trails and their associated easements may occur.
  - iv. Stormwater management facilities may not contribute to the required Usable Open Space area unless designed in a way that the facility may serve as a fully accessible amenity.
  - v. Standing bodies of water unless improvements are incorporated, the design of which enable the facility to serve as a fully accessible amenity including dock structures, piers, boardwalks, and pedestrian furnishings.
  - vi. Flowing streams, rivers and designated "Waters of the State".

#### 11. Dedication of Public Facilities

The City of Brownsville Municipal-Regional Planning Commission and the Brownsville Board of Mayor and Aldermen may, as a condition of approval and adoption and in accordance with the final development

plan, 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.

#### 12. Bond Requirement for Improvements

The Planning Commission shall require that a performance bond be furnished and filed with the City of Brownsville for private and public improvements. An escrow agreement and account approved by the City Attorney as to form and content and by the Planning Commission shall be required in the amount of one hundred (100) percent of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Building Inspector and by the City acting through the City Attorney. Said escrow shall accompany the request for final plan approval to insure completion of all improvements including, but not limited to, public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting, and screening, as recommended by the Development Staff.

#### 13. Relation to Utilities, Public Facilities

PRD 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 having access in the same degree as would development in a form generally permitted in the area.

#### 14. Site Planning

Site planning within any PRD 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 City Planner for review and approval and shall be made a part of the final development plan.

#### 15. Accessory Off-Street Parking and Loading

Accessory off-street parking and loading in the PRD shall be regulated by Chapter 7 of this Zoning Ordinance except as noted in the provisions set forth below and subject to review by the Planning Commission.

- a. One legal on-street parking space may be substituted for every required off-street parking space provided the on-street parking space is located on a public right-of-way adjacent to and abutting the subject parcel, building or use.
- b. Applicants wishing to use shared parking as a means of reducing the total number of required spaces must submit a shared parking analysis using the latest edition of Urban Land Institute's Shared Parking. The study must be provided in a form established by the Zoning Administrator and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
- c. A reduction of one parking space for every 5 bicycle parking spaces for a maximum reduction of 3 parking spaces.
  - i. Bicycle parking facilities shall be of a design as recommended by the Association of Pedestrian and Bicycle Professionals. (See APBP's Bicycle Parking Guidelines). Alternative high-quality bicycle parking facilities may be approved by the Zoning Administrator.

G. Specific Standards and Criteria for Planned Residential Developments

In addition to the general standards and general provisions set forth above, Planned Residential Developments shall comply with the requirements and standards that follow.

1. Permitted Uses

It is the intent of this Ordinance that any site or parcel of land to be developed as PRD shall not be less than three (3) acres and shall be under single ownership. Within the PRD District, the following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

- a. Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.

2. Residential Densities

In PRD Developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan that must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. Within any PRD classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area. The base densities are as follows:

<u>Zone</u>	<u>Density</u>
R-1 .....	2.90 units per acre
R-2 .....	5.40 units per acre
R-3 .....	7.30 units per acre

- a. An increase in density not to exceed sixteen (16) percent will be granted for the dedication of six (6) percent of the total PRD to the City of Brownsville. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan that must be submitted by the developer and approved by the Planning Commission. The City reserves the right to accept or decline any proposed land dedication. The minimum lot size for donation to the City of Brownsville shall be two (2) acres.

An increase in density not to exceed ten (10) percent may be granted for incorporating the following provisions into the development:

1. Providing additional recreational uses and facilities, or enhanced recreational design such as providing clubhouses, swimming pools, tennis courts, and other major facilities.
  2. Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.
  3. Providing additional landscaping, where applicable on the public land with a minimum of six (6) shade trees per acre with a height of between eight (8) to ten (10) feet.
- b. An increase in density, not to exceed ten (10) percent may be granted for providing superior aesthetics within a development by:
1. Combining distinctiveness and excellence in architectural setting and design.
  2. Exceptional design of the automobile circulation system to include a minimum of paved surfaces.
  3. Providing enclosed or sub-surface parking where applicable.
  4. Providing a comprehensive fencing or screening system where common fencing or screening are required.
- c. The sequence and phased introduction of Common Open Space The provisions for increases in density granted under this section shall be demonstrated and occur in coordination with and consider the phased completion of associated private and public improvements. In no event shall certificates of occupancy be issued unless and until the associated provisions for increases in density granted under this section have been demonstrated in coordination with the completion of the associated private development.
- d. The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:

1. Inconvenient or unsafe access to the Planned Residential Development
2. Traffic congestion in the streets within or adjoining the Planned Residential Development.
3. An excessive burden on parks, recreation areas, schools, police and fire protection, and other public facilities which serve or are proposed to serve the Planned Residential Development.

The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not performing as agreed upon.

3. Accessibility of Site

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Residential Development, but may be designed so as to discourage outside through traffic from traversing the 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.

4. Off-Street Parking

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. Screening of parking and service areas shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.

5. Pedestrian and Bicycle movement A planned development application shall clearly define and incorporate pedestrian and bicycle circulation as a design issue of equal importance to that of vehicular movement as made evident in the design of improvements.

- a. Access for pedestrians and bicyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points. To the maximum extent feasible, plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.
- b. Where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, plans shall minimize potential hazards by using special paving, grade separations, pavement parking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.
- c. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to

- accommodate anticipated pedestrian and bicycle traffic volumes. A shared walkway shall have a minimum width of 8-feet.
- d. Where a planned development is adjacent to or incorporates proposed or existing pedestrian and/or bicycle improvements and infrastructure, the proposed design of the planned development shall integrate any proposed pedestrian and bicycle improvements with the adjacent facilities and infrastructure.
6. Vehicular movement and standards - A planned development application shall include a defined hierarchical street system, which incorporates the following criteria:
- a. Streets, drives, parking and service areas must provide safe and convenient access to dwelling units and project facilities and for service and emergency vehicles.
  - b. Streets shall not be designed to create excessive barriers to pedestrian and bicycle circulation across the site or between uses nor shall streets be laid out in such a way that results in unnecessary fragmentation of the development into small tracts. In general, tract sizes shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.
  - c. Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely.
  - d. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
7. Pattern Book or Design Guidelines Determined by the developer, the character and quality of design defined by a planned development shall be clearly communicated as a component of the application process. The application shall include a Pattern Book or Design Guideline document that clearly defines the design quality and character of improvements and construction. The Pattern Book or Design Guidelines must define how necessary control shall be exercised and enforced by the property owner, applicant, or the designee to ensure said definitions are implemented.
- a. The Pattern Book or Design Guidelines shall serve as an informative tool enabling the Planning Commission and Board of Mayor and Aldermen to determine whether the planned development, as a whole or in part, is appropriate.
  - b. The design of any planned development should reflect an effort by the developer to plan land uses within the planned development to blend harmoniously with adjacent land uses where existing uses reflect and conform with the recommended design and character as defined in existing adopted development regulations and documents.
  - c. Architecture and building materials shall be consistent within the design of the development and compatible with surrounding

- properties and/or adjacent neighborhoods.
- d. All aspects and components of design and improvements incorporated into a planned development shall be defined in the Pattern Book or Design Guidelines including (where applicable): building heights, building setbacks and bulk, building separation, scale and massing, general landscape standards, building lot types and dimensions, landscape buffers, screening, lighting design, public furnishings, and wayfinding.
8. Comprehensive Sign Policy A comprehensive sign policy, to be enforced by the property owner or his/her designee, shall be required for all planned developments outlining color, type, illumination, size and location of all development signage. A proposed sign policy for a planned development shall be included in the outline plan and approved by the Board of Mayor and Aldermen after a recommendation by the Planning Commission.
    - a. The developer shall submit a proposed comprehensive sign policy for all signage within the Planned Development to the Planning Commission as part of the planned development outline plan. The Planning Commission shall review the sign policy prior to approval of the planned development outline plan by the Board of Mayor and Aldermen. The City's role in reviewing signage shall be only as it relates to the City's adopted sign ordinances and existing adopted development regulations and documents.
    - b. Requirements. The requirements of the Comprehensive Sign Policy shall be as follows:
      - i. Signage shall be consistent in color, size, material, location, and design throughout each planned development.
      - ii. Signage within any planned development shall be consistent with the City's adopted sign ordinance and guidelines and shall be reviewed administratively.
    - c. Modification of standards for signage. The Planning Commission may make a recommendation to the Board of Mayor and Aldermen to waive any zoning ordinance provisions related to signage through a comprehensive sign policy. The Board of Mayor and Aldermen, through an approved planned development may waive any zoning ordinance provisions.
  9. Environmental Conservation A planned development shall provide environmental enhancements, such as Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council to promote sustainable building design and construction including but not limited to, sustainable neighborhood development, sustainable site development, green roofs, water savings, energy efficiency, materials selection, and indoor environmental quality.

10. Privacy

The Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Residential Development in response to objectionable views or uses and as a means to reduce objectionable noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

H. Procedures for Planned Residential Development Approval

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

1. Pre-Application Procedure

- a. At no less than one month prior to filing any application for a Planned Residential Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
- b. To obtain information, each applicant shall confer with the City Planner in connection with the preparation of the Planned Residential Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Residential Development application. Thereafter, the City Planner shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to the preparation of the Planned Residential Development application.

2. Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Residential Development. A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application when the proposed development plan shall contain all items required by this Ordinance and shall include those items which the Planning Commission shall specify in rules published from time to time, as well as the following:

a. Written Documents

- (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (2) A statement of planning objectives to be achieved by the PRD 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.
- (3) A development schedule indicating the approximate date when

construction of the PRD or stages of the PRD can be expected to begin and be completed.

If the Planned Residential Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

- (a) The approximate date when construction of the project can be expected to begin;
  - (b) The order in which the phases of the project will be built;
  - (c) A tabulation of improvements for each phase defined in detail, and the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- (4) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PRD, such as land areas, dwelling units, etc.
  - (5) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space).
  - (6) A traffic impact analysis may be required at the discretion of the Planning Director or the County Engineer except as required should a development application incorporate one or more of the following:
    - (a) Meet or exceed number of residential units.
    - (b) Meet or exceed number of gross sq. f.t of institutional space.
  - (7) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Residential Development, or, (2) the bulk regulations under which the Planned Residential Development is proposed.
- b. Site Plan and Supporting Maps  
 A site plan and any maps necessary to show the major details of the proposed PRD must contain the following minimum information:
- a. The existing site conditions including contours at two (2) foot intervals, water courses, flood plains, existing drainage patterns, soil conditions, unique natural features and forest cover.
  - b. Proposed lot lines and plot designs.
  - c. 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.
- d. 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.
  - e. 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.
  - f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
  - g. 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.)
  - h. A general landscape plan indicating the treatment of materials used for private and common open spaces.
  - i. Enough information on land areas adjacent to the proposed PRD 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.
  - j. The proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.
  - k. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PRD.
  - l. Drawing(s) depicting the conceptual layout to describe the intensity of development, the general character, scale and location of buildings and uses, relationship between improvements, relationship to surrounding sites and circulation. The drawing shall include and define:
    - The approximate location and nature of ingress and egress and access streets, where required.
    - The general location and maximum number of lots, parcels and/or sites to be occupied by buildings.
    - The location, maximum area, general layout, character, and circulation associated with vehicle parking, electric vehicle charging, loading and support services.

- The location, design, character and minimum and maximum area(s) dedicated to usable open space, other open spaces and common areas including the utilization and program of the open space or common area.
- The location and maximum area(s) to be preserved, dedicated and/or conveyed for use as school sites, churches, and/or public buildings, if applicable.
- The approximate location, design, character and intended ownership of all vehicular and pedestrian conveyance as well as associated rights-of-way, easements, and location of access agreements associated with improvements internal and adjacent to the site.
- The location, site-specific design, design standards and character of landscape improvements, buffers and/or fencing.
- The location, design standards, character and number of signs and signage.
- A diagram describing circulation and movement of vehicles, bicycles, pedestrians, services and goods within the development and to/from existing thoroughfares.
  - The location, design and character of existing and proposed utilities including electrical service, telecommunication lines, potable water, sanitary sewer, stormwater conveyance and drainage.

m. A Development Summary defining the following:

- The maximum total number of dwelling units, by dwelling unit type.
- The maximum floor area(s) by building and/or use type, the exception being for single-family detached dwellings and their accessory uses.
- The proposed maximum building or structure height(s), defining where maximum building or structure height(s) vary by use and/or location.
- Parcel size(s), where applicable.
- Gross and net residential unit densities.
- Proposed lot coverage, except for single-family detached lots and their accessory structures.
- A tabulation of the minimum area(s) dedicated to Usable Open Space, other open space and common areas, and amenities by location and program.

3. Preliminary Development Plan Approval Process and Effect of Approval
- a. At least sixty (60) 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 Residential Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.
  - b. The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Residential Development and the preliminary plan after receipt of recommendations from the Department of Development Services 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 Section 9.07 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 Residential 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 City of Brownsville Board with respect to the contents of such plan.
  - d. The preliminary development plan shall be used in lieu of a Master Subdivision Plan to comply with the provisions of the Subdivision Regulations pertaining to Master Plans.
  - e. The Brownsville Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.
4. Final Development Plan Approval Process
- a. An application for approval of a final development plan of the entire Planned Residential Development, if it is to be completed in one phase, or of a portion of the Planned Residential 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:
    - (1) A plan suitable for recording with the Haywood County Register's Office.
    - (2) Proof referred to on the plan and satisfactory to the City Attorney as to the provision and maintenance of common open space.

- (3) All certificates, seals and signatures required for the dedication of land and recordation of documents.
  - (4) 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.
  - (5) Location and type of landscaping.
  - (6) Location and dimensions of utility and drainage facilities.
  - (7) All other requirements of a Final Plan under the Brownsville 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 Haywood County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the City of Brownsville Subdivision Regulations and the required signatures for recordation have been secured.
5. Zoning Administration - Permits  
The Building Official may issue building permits for the area of the Planned Residential 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 Residential 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.
6. Reapplication if Denied  
If any application for a Planned Residential Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Residential Development may not be filed within twelve (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.

7. Procedure for Amendment

A Planned Residential 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.