

ORDINANCE 2023-09

ORDINANCE 2023-09, AN ORDINANCE TO AMEND TITLE XV, CHAPTER 151, OF THE TOWN OF COLLIERVILLE CODE OF ORDINANCES BY AMENDING §151.003 DEFINITIONS RELATED TO VESTING; §151.024(G)(7)(E) RELATED TO THE MAXIMUM HEIGHT OF CELL TOWERS; §151.115(D) RELATED TO OFF-SITE PARKING REQUIREMENTS; §151.171 TO § 151.180 RELATED TO RESERVED PARKING SIGNAGE; §151.311 SITE PLAN REVIEW RELATED TO THE EFFECTIVE PERIOD OF SITE PLAN APPROVAL; §151.155(E) ADDITIONAL PROVISIONS RELATED TO VESTING; THE CREATION OF § 151.008 TRAFFIC IMPACT ANALYSIS; AND, THE CREATION OF § 151.313 VESTING. ADDITIONALLY, IT IS AN ORDINANCE TO AMEND TITLE IX, CHAPTER 92, OF THE TOWN OF COLLIERVILLE CODE OF ORDINANCES BY AMENDING §92.39 DRIVEWAY CURB CUTS.

WHEREAS, it is deemed in the public interest to amend the Zoning Ordinance and Town Code of Ordinances from time to time to ensure that it comports with regulatory best practices and applicable Tennessee law; and,

WHEREAS, the Collierville Planning Commission reviewed the proposed amendment at the regular meeting held on March 7, 2024, and made a recommendation to the Board of Mayor and Aldermen to approve the proposed amendments to the Zoning Ordinance; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on April 8, 2024, pursuant to notice thereof published in a newspaper of general circulation within the community on March 21, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT:

- Section 1. §151.003, is hereby amended as depicted in Attachment A.
- Section 2. §151.024(G)(7)(e), is hereby amended as depicted in Attachment B.
- Section 3. §151.171 to § 151.180, is hereby amended as depicted in Attachment C.
- Section 4. §151.115(D), is hereby amended as depicted in Attachment D.
- Section 5. §151.311, is hereby amended as depicted in Attachment E.
- Section 6. §151.155(E), is hereby amended as depicted in Attachment F.
- Section 7. §151.008, is hereby established as depicted in Attachment G.
- Section 8. §151.313, is hereby amended as depicted in Attachment H.
- Section 9. §92.39, is hereby amended as depicted in Attachment I.
- Section 10. BE IT FURTHER ORDAINED that this ordinance shall become effective upon Third and Final Reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: March 25, 2024

Passed Second Reading: April 8, 2024

Passed Third Reading: May 13, 2024


Stan Joyner, Mayor


Kristie Diamond, Town Clerk

NOTE:

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§ 151.003 DEFINITIONS.

...

FINAL DEVELOPMENT PLAN. In accordance with § 151.313 and Tenn. Code Ann. § 13-4-310, as said statute may be amended from time to time, the following, upon its final approval, shall constitute a "final development plan" for purposes of said statute:

- (1) **Final Plat (Major);**
- (2) **Building Permit (when a Minor Final Site Plan was required);**
- (3) **Subdivision Infrastructure Construction Drawings; and,**
- (4) **Final Site Plan (Major).**

...

PRELIMINARY DEVELOPMENT PLAN. See **VESTED PLAN.**

...

VESTED PLAN. In accordance with **§ 151.313 and** Tenn. Code Ann. § 13-4-310, as said statute may be amended from time to time, the following, **upon its final approval** ~~if approved~~, shall constitute a "preliminary development plan" for purposes of said statute:

- (1) **Planned Development** Outline plan;
- (2) Preliminary plat;
- (3) Final plat (~~Minor when a preliminary plat was not required~~);
- (4) Preliminary site plan; and,
- (5) Final site plan (~~Minor when a preliminary site plan was not required~~).

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§ 151.024 SPECIFIC PROVISIONS FOR CONDITIONAL USES.

...
 (G) Special conditions and specific standards for wireless communications facilities.

...
 (7) *Towers subject to conditional use permit review.*

...
 (e) Maximum tower height by zoning district. The following maximum height requirements shall apply to all towers and antennas, except alternate design (“stealth design”) towers when the latter towers are installed within or on a building or structure (See Footnote 1).

MAXIMUM TOWER HEIGHT BY ZONING DISTRICT	
Zoning District Category	Maximum Tower Height ^[1] ^[4]
All residential districts ^[2] ^[3]	100 feet
All commercial and industrial districts ^[3]	150 feet
<p>Notes:</p> <p>^[1] Maximum height shall be measured from finished grade of base to highest point of the tower, including antenna and/or lightning rod, and shall not exceed FAA regulations; alternate design (“stealth design”) facilities are excluded from these height regulations when sited within an existing building or structure and do not increase the height of the applicable building or structure by more than 20 feet.</p> <p>^[2] Includes FAR: Forest-Agricultural Districts.</p> <p>^[3] Towers may be permitted in some residential districts. See § 151.025 § 151.021 and § 117.120 <u>this section</u> for additional regulations. <u>Properties with a residential base district with an established Institutional Use (per § 151.021), or within a Planned Development (PD) Overlay that has an Outline Plan that allows for nonresidential uses for the subject property, shall be considered commercial properties for determining the maximum tower height.</u></p> <p>^[4] Ancillary appurtenances, such as lightning rods, shall not be calculated towards the maximum tower height if six feet tall or less.</p>	

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§ 151.171 DEFINITIONS.

The words, terms and phrases set out below, when used in this subchapter, shall have the meaning ascribed to them in this subchapter, except where the context clearly indicates a different meaning.

...
SIGN, CONVENIENCE. A sign displayed only for the direction, safety, and convenience of the public. **CONVENIENCE SIGNS** may include, without limitation, address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

...
SIGN, PERMANENT. A sign that is intended for other than temporary use or a limited period. A **PERMANENT SIGN** is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

...
SIGN, PUBLIC. A sign that is in the public interest and that is erected by, or on the order of, a governmental entity or agency. This term includes, without limitation, safety signs, danger signs, trespassing signs, traffic signs, signs of historical interest, wayfinding signs, signs pertaining to events sponsored or co-sponsored by the Town, and other similar signs.

...
SIGN, RESERVED PARKING. **Signage indicating parking spaces are designated for special user groups. Examples include signage for accessible parking, customer parking for tenants, employee parking, or curbside pickup.**

...
SIGN, TEMPORARY. A sign that is intended for temporary use and a limited period, as allowed by this subchapter. **TEMPORARY SIGNS** may include, but are not limited to: auction signs, banners, builder signs, development in progress signs, garage sale signs, grand opening signs, political signs, real estate signs, and special event signs.

....

§ 151.174 SIGNS PROHIBITED IN ALL ZONING DISTRICTS.

The following signs shall be prohibited and may neither be erected nor maintained.

- (A) Signs erected in a public right-of-way or on public property;
- (B) Bench signs;
- (C) Canopies or awnings with backlighting;
- (D) Electronic message boards;
- (E) Government-imitation signs;
- (F) Inflatable animated characters, lighter than air devices, or similar balloon-type devices;
- (G) LED electronic message center window signs;
- (H) Moving signs;
- (I) Flashing signs;
- (J) Signs that are not securely affixed to the ground, or that are not otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, **temporary reserved parking signs and** portable signs; provided however, that temporary signs specifically allowed under this subchapter shall be exempt from this prohibition;

- (K) Noisy mechanical devices;
- (L) Plastic-faced cabinet signs, with the exception of menu boards that are screened or not visible from the public right-of-way;
- (M) Parked-vehicle signs (see § 151.180(Q) for special provisions for political signs);
- (N) Roof signs, including signs painted on roofs or that extend above the highest point of a roof;
- (O) Changeable copy signs (manual and automatic);
- (P) Signs that contain reflective materials, except that the Development Director shall have the ability to approve decorative metals (e.g., brass, copper) on a case-by-case basis;
- (Q) Searchlights;
- (R) Strobe lights;
- (S) Signs interfering with, or blocking the visibility of, directional, instructional, or warning signs;
- (T) Signs on natural features such as trees, other living vegetation, and rocks;
- (U) Trailer signs (see § 151.180(Q) for special provisions for political signs);
- (V) Home occupation signs, with an exception for those required by state law;
- (W) Snipe signs;
- (X) Trash receptacle signs;
- (Y) Signs that contain words suggestive of, or pictures depicting those acts or displays described in, § 130.046, Nudity and sexual activities;
- (Z) Animated signs;
- (AA) Hand held signs displayed within the public right-of-way;
- (BB) Obsolete or abandoned signs that are not lawful nonconforming signs;
- (CC) Digital display signs larger than 48 square inches incorporated into a gas pump;
- (DD) Internally illuminated window signs within ten feet of the interior of a window;
- (EE) Off-premises commercial advertising signs; and
- (FF) Wall mounted metal cabinet signs outside of the Historic District or an approved planned development.

§ 151.175 EXEMPTIONS.

These sign regulations do not pertain to the following:

- (A) Public signs **within public rights-of-way or easements**;
- (B) Signs not visible from the public right-of-way, including drive-in restaurant menu boards;
- (C) Signs internal to a building set back more than ten feet from a window;
- (D) Flags attached to residential structures in residential zones;
- (E) Freestanding flag poles in residential zones per § 151.025(D)(6)(b);
- (F) Scoreboards;
- (G) Decals, numbers, names, addresses, hours, credit information and the like attached to doors or windows and all of which occupy a total area of one square foot or less;
- (H) Temporary outdoor lighting used as holiday decorations;
- (I) Artwork;
- (J) Memorial plaques; and
- (K) Historical tables.
- (L) For service stations solely engaged in the retail distribution of petroleum and petroleum products the following signs are exempt:
 - (1) One non-illuminated permanent price sign per street frontage, the sign not to exceed two square feet in face area, and located upon the pump island nearest to the street or upon the face of the station building;
 - (2) Two non-illuminated self service or full service signs per pump island, the signs not to exceed two square feet in sign area nor to be located at a height more than eight feet from the surrounding grade;
 - (3) Signs displaying the federal and state stamps, octane ratings, pump use direction, no smoking signs and other signs as required by federal, state and local authorities, provided that the accumulated square footage of same shall not exceed two square feet per pump island;
 - (4) Other signs and stamps required by state and federal law, provided same are of a size no greater than the minimum requirements of the law and for design, size and lighting is approved by the Development Director; and
 - (5) Digital display signs with a combined area of no more than 48 square inches per pump.

§ 151.179 SIGN STANDARDS BY SIGN TYPE AND ZONING DISTRICT.

(A) Allowed sign standards table. The Table of Allowed Sign Standards sets out the minimum requirements for the physical characteristics of signs in the Town. Additional conditions for some sign types are found in § 151.180.

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in sq. ft. per side, total)	Maximum Height (in feet)	Minimum Setback (in feet)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
ATTACHED								
Convenience	All Non-residential	NA	4.5	6 NA	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther NA	NA	No	Yes
<u>Reserved Parking</u>	<u>All</u>	<u>NA</u>	<u>3</u>	<u>7</u>	<u>NA</u>	<u>NA</u>	<u>No</u>	<u>No</u>
FREESTANDING/GROUND								
<u>Public Sign</u>	<u>All</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>§ 151.180 (X)</u>	<u>No</u>	<u>No</u>
<u>Reserved Parking</u>	<u>All</u>	<u>NA</u>	<u>3, 6</u>	<u>7</u>	<u>Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther</u>	<u>§ 151.180 (Y)</u>	<u>No</u>	<u>No</u>

§ 151.180 SIGN-SPECIFIC CONDITIONS.

The following conditions supplement the standards set forth in Table 151.179.

(X) Public Signs. Ground-mounted public signs on private property shall:

- (1) have a unified design them throughout the site;
- (2) be bronze, black, dark green, or anodized (silver) aluminum in color;
- (3) have decorative poles, with a round, square, or rectangular shape. "U-channel" signposts are prohibited.

(Y) Reserved Parking Signs. The following additional provisions shall apply to all reserved parking signs:

- (1) Poles for Reserved Parking Signs shall have a unified design them throughout the site.
- (2) The pole, base, and/or frame of a ground-mounted reserved parking sign shall be bronze, black, dark green, or anodized (silver) aluminum in color.
- (3) Poles shall be decorative, with a round, square, or rectangular shape. "U-channel" signposts are prohibited.
- (4) The reserved parking sign shall be affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period. Reserved parking signs with portable bases are not considered permanent.
- (5) Except for accessible parking marked with the International Symbol of Accessibility Parking Space Marking as specified by the MUTCD, only white striping and paint shall be used to designate reserved spaces.

NOTE:

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§ 151.115 (D) *Development standards for accessory off-street parking and driveways for all uses permitted by right or by the conditional use provisions.*

(1) *Design objectives.*

(a) Parking areas and related driveways shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access and as an integral part of the overall site design.

(b) For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.

(c) Efforts shall be made to assure that a parking area does not dominate a site or building. The efforts may include depressing the level of the parking area, construction of earth berms, dividing large lots into smaller sub-lots and other similar techniques.

(2) *Location of access to the street.* The entrances and exits of all required or permitted accessory off-street parking facilities with five or more spaces shall be located not less than 50 feet from the intersection of any two street lines.

(3) *Surfacing.* Except where expressly permitted, all off-street parking areas and driveways shall be surfaced with asphalt, concrete, or pavers (brick, stone, or concrete) and so constructed to provide for adequate drainage for both on and off site and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks. Exceptions include the following:

(a). Parking areas and driveways surfaced with gravel are permitted for agricultural uses, single family lots 5 acres or greater in size, and where determined appropriate by the Historic District Commission (HDC) per § 151.115(B)(7). Driveways surfaced with gravel are prohibited within 10 feet of where the driveway intersects a public street.

(b). Parking areas and driveways surfaced with recycled concrete and gravel are permitted in GI: General Industrial Districts when used outside of the required building setbacks.

(4) *Lighting.* Lighting of driveway and parking areas shall be provided as required by § 151.190.

(5) *Screening and Required Plantings.* Screening for parking lots shall be as required by the applicable design guidelines. Plantings shall be provided as required by § 151.268.

(6) Reserved parking areas. Reserved parking areas and customary outdoor display areas shall be delineated on the site plan and reviewed and approved per § 151.311.

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~~(M) Effective period of preliminary site plan approval. The applicant shall submit the final site plan for approval by the Development Director within two years of the date of approval of the preliminary site plan. Failure of the applicant to submit the final site plan within the prescribed two-year period shall nullify and void the approval by the BMA related to the preliminary site plan. The BMA's approval of a Preliminary Site Plan shall expire after three years if the applicant fails to obtain approval of the related Final Site Plan and Development Agreement. The applicant may request in writing a one-time extension of the effective period of the Preliminary Site Plan approval from the BMA for a period not to exceed two years from the date of the BMA's approval of the preliminary site plan.~~

~~(N) Effective period of final site plan approval. **A Final Site Plan (minor) shall expire after three years from approval of the Development Agreement, or approval by the Development Director if a Development Agreement is not required, if the applicant has not commenced construction as defined in § 151.313 VESTING. A Final Site Plan (major) shall expire five years from the BMA's approval of the Preliminary Site Plan if the applicant has not commenced construction as defined in § 151.313 VESTING.** While the Development Director has the authority to approve the final site plan after staff review, the development agreement as referenced in division (L) shall be approved by the BMA. After the site plan has received approval of the Development Director, the BMA may authorize the Mayor to execute the development agreement between the town and the applicant. The applicant shall commence construction on the subject project within two years of the date of execution of the development agreement by the Mayor. Failure of the applicant to commence construction within the prescribed two-year period shall nullify and void the final site plan approval by the Development Director. The site plan and development agreement approvals are valid for the same time period as they run concurrently in accordance with division (L).~~

(O) *Final site plan documentation.* A final, approved site plan set shall be sealed by the engineer and other designers as may be applicable. Each sheet shall be denoted by the town's official approval stamp and dated to coincide with the development agreement approval date. Multiple stamped plan sets shall be required, with the specific number to be determined by the Development Director or designee. At least one stamped plan set shall be kept on the job site at all times during construction and at least one stamped plan set shall be retained at Town Hall in perpetuity and also provided in electronic format. Sealed, as-built drawings shall also be required (in paper and electronic format) upon completion of construction depicting changes between the site plan and the actual construction. The conditions of approval from the various boards and commissions and town officials involved in the review and approval of the site plan and related design elements shall also be retained in the form of the public meeting minutes or as a report in the official file.

(P) *Approval criteria.* Recommendations and decisions on a site plan shall be based on consideration of the following criteria:

(1) That the proposed development is consistent with all the requirements of the zoning ordinance, design guidelines and other related codes and ordinances enforced by the town; and

(2) That the proposed development is in compliance with the applicable base district and overlay districts; and

(3) That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., outline plan, or modification of development standards as permitted and approved within a planned development).

NOTE:

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(E) *Phasing, inactive planned developments, and time extensions.* The expeditious construction of any planned development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved Outline Plan and subsequent approved plans.

(1) *Phasing of development.* The Board of Mayor and Aldermen may elect to permit the development of the planned development in phases, in which case, the following provisions shall be complied with:

(a) Any phasing of a planned development shall be approved during the planned development review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the planned development as proposed and approved.

(b) Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

(c) The commencement of actual construction of any phase of the planned development shall be governed by the provisions of this chapter.

(2) *Inactive planned developments.*

(a) If the applicant has not entered into a development agreement with the Board of Mayor and Aldermen and commences site preparation within three years of the approval, by resolution, of the Outline Plan by the Board of Mayor and Aldermen, the Planning Commission, consistent with **§151.313 Vesting and** the Vested Property Rights Act, Tenn. Code Ann. § 13-4-310, may give notice by certified mail to the owner and applicant who requested the planned development and shall schedule a public hearing to take any of the following actions:

1. Recommend extending, removing, or modifying the schedule for development;
2. Recommend amendments to the Outline Plan;
3. Recommend revocation of the Planned Development; and/or
4. Recommend rezoning of the property to its former zoning classification.

(b) After receiving the Planning Commission’s recommendation(s), the Board of Mayor and Aldermen shall hold a public hearing and render a decision.

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§ 151.008 Traffic Impact Analysis

(A) Purpose and Intent. It is the intent of this section to outline when a Traffic Impact Analysis (TIA) is required, the study scope and methodology, study format, and submission requirements. The TIA will assist the Town in determining the impacts of a proposed development on the surrounding roadway network and if necessary, identify appropriate mitigation measures to maintain the integrity of the surrounding transportation system.

(B) Professional Qualifications. A traffic impact analysis (TIA) shall be performed by a registered Professional Engineer in good standing with the State of Tennessee.

(C) Applicability. Unless exempted by the Town Engineer, a TIA shall be provided for the following application types:

- (1) Preliminary Site Plan;**
- (2) Final Site Plan;**
- (3) Conditional Use Permit;**
- (4) Planned Development (new or major amendment to existing);**
- (5) Rezoning;**
- (6) Final Subdivision Plat (Minor) with a new developable lot being created;**
- (7) Preliminary Subdivision Plat; and**
- (8) Any other type development application where, in the opinion of the Town Engineer, a TIA is needed before permits can be issued or a Development Agreement executed by the Town.**

(E) TIA Requirements.

The need for a traffic study will be determined based on the total numbers of trips generated by the proposed development. Trip generation shall be based on the latest version of ITE's Trip Generation Manual. Development of a project on a piecemeal basis will not avoid this requirement. The trips expected to be generated by the ultimate build-out of the development will be the basis for this study.

- (1) As a minimum, all applications shall provide a trip generation letter (Daily, AM and PM Peak Hour volumes) for all proposed uses.**
- (2) Based on the Trip Generation Letter, and prior to the preparation of the TIA, the applicant should hold a methodology meeting with the Town Engineer. The Town Engineer will determine the limits and extent of the analysis based on the scope of the project and the existing conditions. Following the meeting with the Town Engineer, the TIA may be prepared and submitted with the development application for review. Failure to hold a methodology meeting with the Town Engineer to decide the methodology and scope and/or failure to**

provide proper traffic information will constitute an insufficient development application. The methodology meeting will discuss the following:

- a. **Size and Type of development**
- b. **Proposed Access Points and the type of access requested.**
- c. **Study intersections**
- d. **Background growth rate(s)**
- e. **Background developments to be included**
- f. **Trip Generation Codes based on ITE's Trip Generation Manual**
- g. **Analysis Year(s)**
- h. **Assumed roadway improvements (All roadway improvements must be fully funded in the current year CIP). Any other roadway improvements that are included as part of assumed improvements not in the CIP must be agreed to by the Town Engineer.**
- i. **Assumed internal trip capture. This must be based on the procedure outlined in ITE Trip Generation Handbook. The Town Engineer may choose to not allow any internal capture.**
- j. **Assumed passer-by trips. This must be based on ITE's rates and the Town Engineer may choose to not allow any pass-by trips.**

(3) Additional analysis may be required, if determined to be warranted by the Town Engineer, after review of the TIA.

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§ 151.313 VESTING.

(A) Notwithstanding the remaining provisions of Chapter 151 of the Town Code, development projects shall be entitled to vesting provided that they meet the requirements of the Vested Property Rights Act (“VPRA”), T.C.A. § 13-4-310. The following table sets forth the different categories of Town approval that may trigger vesting, and thus the continued application of the development standards in effect on the date of such approval:

<u>Type of Development Application</u>	<u>Effective Date</u>	<u>Vesting Period</u>	<u>Total Vesting Period to Maintain Vested Rights</u>	<u>Required Action(s) to Maintain Vested Rights</u>
<u>Building Permit (when a Preliminary or Final Development Plan is not required)</u>	<u>Date of Issuance of a Building Permit</u>	<u>Period authorized by the Building Permit</u>	<u>Prior authorized by the Building Permit</u>	<u>Complete construction within period authorized by the Building Permit</u>
<u>Preliminary Development Plan, which includes:</u> <ul style="list-style-type: none"> • <u>Planned Development Outline Plans;</u> • <u>Preliminary Plats;</u> • <u>Final Plats (Minor)</u> • <u>Preliminary Site Plans; and,</u> • <u>Final Site Plans (Minor)</u> 	<u>Date of Approval</u>	<u>3 years</u>	<u>3 years</u>	<u>Obtain Final Development Plan approval; secure permits; and, commence site preparation (1)(2)</u>
<u>Final Development Plan, which includes:</u> <ul style="list-style-type: none"> • <u>Building Permits (when a Minor Final Site Plan was required);</u> • <u>Final Plats (Major);</u> • <u>Subdivision Infrastructure Construction Drawings; and,</u> • <u>Final Site Plans (Major).</u> 	<u>Date of Preliminary Plan Approval</u>	<u>An additional 2 years from Preliminary Plan Approval (total of 5 years)</u>	<u>5 years; however, if construction commences within 5 years of Preliminary Plan Approval, vesting extends to 10 years for a single-phase development and up to 15 years for a multi-phase development (3)</u>	<u>Commence construction and maintain permits (1) (3)</u>

Footnotes:

(1) For the purposes of vesting for a Development Plan, the term “Permits” shall mean “Building Permit” or “Development Agreement, as applicable.

(2) “Site preparation” means excavation, grading, demolition, drainage, and physical improvements such as water and sewer lines, footings, and foundations.

(3) “Construction” means the erection of construction materials in a permanent manner, and includes excavation, demolition, or removal of an existing building.

(B) These vesting provisions are based solely on, and are intended to be entirely consistent with, the VPRA. Therefore, to the extent that said statute may be amended or revised in the future, these vesting provisions shall be deemed automatically amended to conform to said statutory amendments or revisions.

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§ 92.39 DRIVEWAYS **AND** CURB CUTS.

No one shall cut, build or maintain a driveway across a curb or sidewalk without first obtaining a permit from the Town Engineer. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. ~~No driveway shall exceed 35 feet in width at its outer or street edge and when two or more adjoining driveways are provided for the same property a safety island of not less than ten feet in width at its outer street edge shall be provided.~~ Driveway aprons shall not extend out into the street.

(A) Residential Driveways

(1) Location of Driveway Access Points

~~At the street right-of-way, residential driveways must be spaced at least 20 feet from any other driveway on the same lot, but not nearer than 0.0 feet to any side lot line. Distances are measured from the edge of the driveway apron. The minimum corner clearance from the curb line or edge of pavement of intersecting streets must be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of right-of-way lines, whichever is greater. The radius of the driveway must not encroach on the minimum corner clearance. No lot may have more than one driveway per street frontage unless the frontage allows for a circular driveway. Design specifications for residential driveway aprons are available for review on the Town's Website.~~

(2) Use of Residential Property for Access

~~Land which is zoned as a residential district may not be used for driveway purposes to any land which is located in a nonresidential or mixed-use district.~~

(B) Driveways for Multifamily, Mixed-Use Buildings, and Nonresidential Uses

- (1) Unless otherwise approved or required by the Town Engineer, a platted lot shall be permitted only one driveway. Such determination shall consider site design, pedestrian and vehicle circulation, adjacent uses, topography, speed of traffic on the road being exited from, and other such considerations. Where required, driveways shall be contained wholly within the property frontage or as part of a joint access easement with an adjacent platted property.**
- (2) Unless approved or required by the Planning Commission, the permitted driveway for a corner lot shall connect to the street with the lower roadway classification except that no access shall be permitted to a local single family residentially zoned street without approval by the Town Engineer.**

- (3) Additional driveways may be considered by the Town Engineer in consultation with the Town Planner. The table below is intended to provide criteria that will be used in making a determination. In addition, evaluation shall consider the minimum driveway spacing and location requirements are met as follows, or where analysis has determined size and configuration of a single driveway cannot accommodate the traffic.

<u>CRITERIA FOR DETERMINING ADDITIONAL DRIVEWAYS FOR MULTIFAMILY-APARTMENT AND NONRESIDENTIAL USES</u>	
<u>Site Frontage</u>	<u>Permitted Driveways</u>
<u>600 feet of frontage or less</u>	<u>1</u>
<u>601 feet to 1,200 feet of frontage</u>	<u>2</u>
<u>1,200 feet of frontage or greater</u>	<u>3 or more</u>

- (4) Driveway Approach Length and Restrictions
Driveways for multi-family-apartment and nonresidential uses must extend a minimum of thirty (30) feet into the property from the lot line abutting the street before the edge of the driveway may be intersected by a parking lot space, aisle, or drive. The minimum length of the driveway may be increased by the Town Engineer if it is determined that anticipated traffic volumes and commonly accepted and applied traffic engineering principles justify the need for longer, controlled storage lanes (this includes, but is not limited to, the examples provided in the following table).

<u>MINIMUM DRIVEWAY APPROACH LENGTH EXAMPLES</u>	
<u>Project Type</u>	<u>Driveway Approach Length Minimum (ft.)</u>
<u>Proposed or potential shopping centers with a size greater than 200,000 gross leasable square feet in floor area</u>	<u>200 to 250 ft. (about 15 car lengths)</u>
<u>Small developments with signalized access driveways</u>	<u>80 to 90 ft. (5-6 car lengths)</u>
<u>Small developments with unsignalized driveways</u>	<u>30 to 50 ft. (2-3 car lengths)</u>

(C) Driveway Width Requirements

- (1) The width of driveways, measured at the nearest points of the radius returns, shall meet the requirements in the table below.
- (2) Driveways to nonresidential uses may exceed the maximum width, provided that it is determined by the Town Engineer that the need to provide safer turning movements and/or the number of trips generated for truck traffic to or from the property will justify the need for additional driveway lanes.

<u>DRIVEWAY WIDTH REQUIREMENTS</u>		
<u>Use</u>	<u>Drive Width Minimum (ft.)</u>	<u>Drive Width Maximum (ft.)</u>
<u>Residential (serving an individual dwelling unit)</u>	<u>10*</u>	<u>20*</u>
<u>Non-Residential or Residential (serving multiple dwelling units)</u>		
<u>One-Way Traffic</u>	<u>14*</u>	<u>20*</u>
<u>Two-Way Traffic**</u>	<u>24*</u>	<u>36</u>
<p><u>* The drive width shall be increased to a minimum of 20 feet to accommodate fire apparatus if the residential structure served by the driveway is located more than 150 feet from a public or approved private street. A minimum clear width of 26 feet is required for drives serving facilities 30 feet in height or greater.</u></p> <p><u>**Multi-lane driveways may be wider subject to the approval of the Town Engineer.</u></p>		

(D) Curb Cuts and Driveway Aprons Approval

- (1) Curb cuts and the installation of driveway aprons shall be approved by the Town Engineer. Curb cuts and driveway aprons shall be installed in a manner which insures positive drainage to the street. If roll type curbs and gutters are approved, curb cuts may be waived by the Town Engineer.**
- (2) The Town and/or State of Tennessee Department of Transportation (TDOT) specifically reserves through the plat approval process full review, and approval authority for curb cuts, and nothing herein shall be so construed to subordinate that authority.**

(E) Clear Visibility

At the intersection of a driveway and a street and on all corner sites (the intersection of two streets), clear visibility shall be established as set forth in § 151.006 of the Collierville Zoning Ordinance.