

A point of access shall be not closer than fifty (50) feet to any point of controlled access, provided, however, that in a case of hardship caused by the narrowness or shape of any particular lot, the board of zoning appeals may issue a variance when such hardship is proven; nor within thirty (30) feet of the curb line of any public street intersection.

A point of access shall not exceed thirty-five (35) feet in width.

The distance between any two (2) points of access shall be not less than twenty-five (25) feet.

(8) Landscaping and screening. (a) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

(b) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(c) There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line.

(d) A minimum of one-half ( $\frac{1}{2}$ ) of the required landscaping shall be between the street property line and the structure. (1968 code, § 11-405, as amended by ord. 86-543, § 11, ord. 86-550, § 6, ord. 90-797, § 6, ord. 90-811, § 2, modified, Ord. #93-1066, § 2, Sept. 1993, Ord. #97-1675, Oct. 1997; and Ord. #03-2543, Dec. 2003)

**14-406. B-6 Districts (Transitional Office).** The Transitional Office district is intended to provide office locations generally serving neighborhood or community needs; to provide for such uses in a low intensity manner such that they can be compatible with adjacent single family detached dwellings; and otherwise to implement the stated purpose and intent of this ordinance. The Transitional Office district may be located adjacent to, or within residential areas. The district allows for the integration of limited supporting commercial uses into office developments. The Transitional Office district is intended to be located along collector and arterial streets or adjacent to commercial or industrial districts, in the areas of transition between residential and higher intensity uses, and in areas of existing and new office development.

All uses except automobile parking lots and such other uses as may specifically be exempted hereinafter shall be conducted wholly within a building. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use, thus retaining the existing residential character of the building(s). A combination of residential and commercial uses within this district may be permitted within the same building. Within the 9-6 Districts as shown on the Official Zoning Map of Lebanon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Offices for:

- (i) Banks, savings and loan associations, credit unions, trust companies, security and commodity exchanges and similar financial institutions with no drive-through facility;
  - (ii) Business service firms including architectural, engineering, drafting services, market research, planning, surveying and other similar firms;
  - (iii) Business agencies including advertising, travel, credit, finance, photography, and other similar agencies;
  - (iv) Accounting, appraisal, auditing, bookkeeping, consultants, insurance, law and legal services, public utilities, real estate, title companies, medical or dental offices and other similar offices;
  - (b) Single family dwellings;
  - (c) Headquarters or administrative offices for charitable organizations such as, Red Cross, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of non-commercial nature;
  - (d) Museums, historic, and cultural exhibits, libraries, artist or photographic studios and the like;
  - (e) Parks and playgrounds or play fields owned and operated by a homeowners association or recognized government entity;
  - (f) Community and government buildings in keeping with the character of the district;
  - (g) Any accessory use or building customarily incidental to the above permitted uses.
- (2) Uses permissible on appeal. Sit-down restaurants with no drive-through facility and not larger than five thousand (5,000) square feet in size, specialty retail not larger than five thousand (5,000) square feet in size, health spas, barber/beauty salon, or special schools such as art or music.
- (3) Uses prohibited. Any use not specifically permitted.
- (4) Required lot area, lot widths, lot depths and yards. (a) The minimum lot area shall be six thousand (6,000) square feet. However, if a residential subdivision is being contemplated, the minimum lot size for the residential lots shall be consistent with surrounding single-family residential lots.
- (b) The minimum lot width at the building line shall be fifty (50) feet.
  - (c) The minimum depth of front yards shall be forty (40) feet measured from the right-of-way line.
  - (d) The minimum side yard on each side of every lot shall be fifteen (15) feet, except for comer lots, where the minimum side yard for the street side of a comer lots shall be twenty-five (25) feet.
  - (e) The minimum depth of rear yards on every lot shall be thirty (30) feet.

(f) The maximum floor area ratio shall be 0.30.

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height, whichever is lower.

(6) Location of additions or structural changes. No additions or extensions shall be made to the front or side(s) of any existing structure unless the character of the structure is retained. Prior to the construction of such additions or extensions, a site plan shall be approved as outlined in section (11).

(7) Off-street loading and unloading space. If, based on the use, as determined by city planning staff and/or the planning commission, an off-street loading/unloading space is required, such space shall be provided behind the building or structure. The space shall be not less than thirty (30) feet in depth and of adequate width to provide for the loading and unloading of delivery vehicles.

(8) Outdoor storage and display. (a) Property used for non-residential purposes. Exterior storage of goods or materials of any kind is prohibited. All such storage shall be located in an enclosed building. Outdoor display of merchandise is prohibited.

(b) Property used for residential purposes. The previous regulation, relative to outdoor storage and display shall not apply to property used residentially.

(9) Off-street parking. Off-street parking shall be provided in compliance with § 14-213.

(a) Property used for non-residential purposes. Parking shall be located at the rear of the building; an exception to this requirement may be made by the planning commission depending on the specific site conditions. Landscaping and/or other effective screening, a minimum of twenty (20) feet in width, shall be provided between parking and property lines.

(b) Property used for residential purposes. The previous regulation, relative to the location of off-street parking shall not apply to property used residentially.

(10) Landscaping and screenings. (a) Each site shall be developed with twenty (20) percent of its area landscaped with green treatment.

(b) A landscape plan showing the type, location, number and size at planting of all proposed landscape material shall be submitted as part of the site plan review, and subject to approval of the planning commission. Landscaping shall consist of a combination of grasses, shrubs and trees. Trees shall be planted along the street frontage, spaced according to the type of tree.

(c) There shall be maintained a strip of landscaped ground at least twenty (20) feet in width along all property lines, exclusive of entrance drives and walks. Parking and circulation drives shall not be located within this twenty (20) feet.

(d) For a lot whose property line(s) abuts a residential district or residentially used property, landscaping and/or an appropriate screening device or divider shall be maintained on such property line(s), however, an exception may be made by the planning commission depending on the site specific site conditions.

(e) A minimum of one-half (1/2) of the required landscaping shall be between the street property line and the structure.

(f) Landscaping shall be installed and maintained in accordance with an approved landscape plan. The developer, successors, and/or properly owners shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all landscaped areas. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plant materials shall be promptly replaced.

(g) The property owner of land abutting a right-of-way shall be responsible for landscaping and maintenance of any right-of-way area between the property line and curb or street.

(h) All plantings are subject to periodic inspection by city staff. If found not to comply with the approved landscape plan or not being properly maintained, the property owners may be subject to a hearing by the planning commission. Such a hearing will be added to the next available regular meeting agenda with notice being provided to the property owner.

(11) Site plan review. Site plan review by the Lebanon Planning Commission is required for all new buildings, building additions, demolitions and site alterations including the construction of driveways, loading areas and parking areas. Applicants must submit scale drawings, according to the particular type of development, to the Lebanon Planning Commission in accordance with the procedures set forth in this chapter and § 14-216 chapter 2.

Upon approval by the planning commission, a site plan is valid for a period of twenty-four (24) months, after which it becomes void unless a building permit has been issued based upon the site plan.

Requirements with respect to the minimum information, notes and certificates that shall be provided on the site plan may be found in § 14-216 (4), (5) and (6).

(12) Building design. All architectural designs, including those for alterations, additions, or demolition are subject to review and approval of the planning commission. Accessory buildings and signage shall be compatible with the architecture, consistent in design and use similar materials as the principle building. In conjunction with any required site plan review, any required building design review shall be conducted by the planning commission.

Requirements with respect to the minimum information that shall be provided in order to appropriately evaluate the proposed building or signage design are as follows:

(a) Scale drawings of the building elevations for all sides of all structures visible from the right-of-way;

(b) Material samples, photographs, color samples, or other description of proposed building materials including walls, roofs, trim, windows and doors;

(c) Scale drawings, material samples, photographs, color samples or other description of proposed signage;

(d) Manufacturer's specification sheets or photographs of proposed exterior lighting fixtures;

(e) Proposed landscaping plans, stamped by a landscape architect licensed in the State of Tennessee, including the location, size at planting, number and type of all materials.

(13) Demolition. Within properties zoned B-6, the City of Lebanon seeks to preserve and protect the integrity of the area. Repair and renovation are preferred over the demolition of structures. Demolition should be considered a last resort.

(a) Demolition permit. Demolition permits are required for the removal of any structure, including accessory structures. Upon submission of a demolition permit, or for permission to remove a major part thereof, the building division will determine if the subject property is zoned B-6. If the property is zoned B-6, the planning commission shall be required to review and approve the request for permission to demolish, or significantly alter, the structure prior to a demolition permit being issued.

If required to be reviewed by the planning commission, the applicant shall provide information relative to the date of construction of the structure(s) and any subsequent alteration(s). City staff will complete preliminary research relative to the architectural style of the structure and any available history of the structure(s). Information that will be reported to the planning commission should include, as available, the following:

(i) Date of construction and any additions or modifications;

(ii) Description of the architectural style, significant architectural features and building materials;

(iii) Names of property owners and/or tenants of the structure; and

(iv) Significant events that may have occurred on the property.

The planning commission should consider this information and any other information that may be available to them in their determination of the significance of the subject structure(s).

In all cases, when property is located in the B-6 district, including requests for permission to demolish a structure that is determined not to

be a significant structure, the planning commission shall not grant approval for demolition without reviewing at the same time preliminary plans for the redevelopment of the property. The planning commission may grant permission to demolish a structure having only reviewed preliminary plans, with the requirement that more detailed plans, in accordance with these regulations shall be brought to the planning commission within a reasonable time period. The reasonable time period shall be determined by the planning commission at the time that preliminary plans are reviewed and shall be based on the scale of the redevelopment project.

(b) Delay of demolition. Prior to a permit being issued for the demolition of any structure, determined to be significant, within the B-6 district, the planning commission shall review the demolition request. A request for demolition shall be delayed in order to afford public review of a demolition permit application for significant structures. Upon the demolition of a structure(s) being delayed, city staff will provide city council notice of such delay. A public notice, stating the time and place of the planning commission meeting, shall be published within a newspaper of general circulation in the municipality at least fourteen (14) days prior to the meeting at which demolition of a significant structure may be considered. In addition, such public notice will be sent to adjacent property owners and members of city council.

(c) Significant structures. Once the significance of a structure is determined, that significance may change due to a change in circumstances. When the planning commission determines that a building is significant and should be preserved, demolition may be delayed by the planning commission for a period not to exceed six (6) months to allow the city, a historical society, or other interested property owners the opportunity to develop viable solutions for the preservation of the building. Within that period of time, the applicant may be required to provide cost estimates for the repair/renovation versus demolition of the subject structure(s). Also during that time, the city council will have the opportunity to take action to designate the building as a local landmark. After the six (6) months have passed, the planning commission shall review all of the information gathered during that time and make a decision regarding either approving or denying the demolition request.

(d) Demolition is inappropriate:

- (i) If a building is of such architectural interest and value that its removal would be detrimental to the public interest;
- (ii) If a building is of such unusual or uncommon design and materials that it could not be reproduced without great difficulty or expense; or

(iii) If its proposed replacement would make a less positive visual contribution to the neighborhood, would disrupt the character of the neighborhood or would be visually incompatible.

(e) Demolition is appropriate:

(i) If a building has lost its architectural integrity and its removal will not result in a more negative, less appropriate visual effect on the neighborhood;

(ii) If a building does not contribute to the architectural character and importance of the neighborhood and its removal will result in a more positive, appropriate visual effect on the neighborhood; or

(iii) If denial of the demolition will result in an economic hardship on the applicant, as determined by the Lebanon Planning Commission. The applicant shall provide proof, in the form of cost estimates for renovation of the structure, anticipated value of the property after renovation, expected income after renovation if the property is to be sold or rented, and any other information that may be requested by the planning commission as they make their decision regarding a potential economic hardship for the applicant.

(iv) If a building is deemed to be a safety hazard as determined by the chief building official.

At the same time that the planning commission considers approval of the demolition of a structure(s), the planning commission shall also consider approval of the plans for redevelopment of the property. In order to ensure that the applicant proceeds in a timely manner with the approved redevelopment plans, the applicant shall provide a letter of credit in the amount of twenty percent (20%) of the development costs of the approved plans as reviewed by the chief building official. The chief building official will have the final say with respect to the reasonableness of the development costs provided by the applicant.

(f) Demolition review exemptions. Review of demolition requests for structures in the B-6 district shall not be required if a structure is condemned for structural reasons by the chief building official or for any structure which is less than two hundred (200) square feet in size.

(g) Appeals. Any person affected by a determination made by the planning commission relative to a determination of the significance of a structure and/or the approval or denial of a demolition permit may appeal such determination to chancery court. (deleted by Ord. #96-1520, Oct. 1996; as added by Ord. #04-2632, April 2005)