11-306. 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 urban 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 11-104 (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 11-105 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 11-105 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 11-303 (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 fire fighting 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 side walks 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 retailing 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 internal 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.