

SUB-CHAPTER 2.13
MIXED USE DISTRICT "E-3"

SECTION

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14-2.1301. Purpose. The purpose of the "E-3", Mixed Use District, is multi-faceted and intends to:

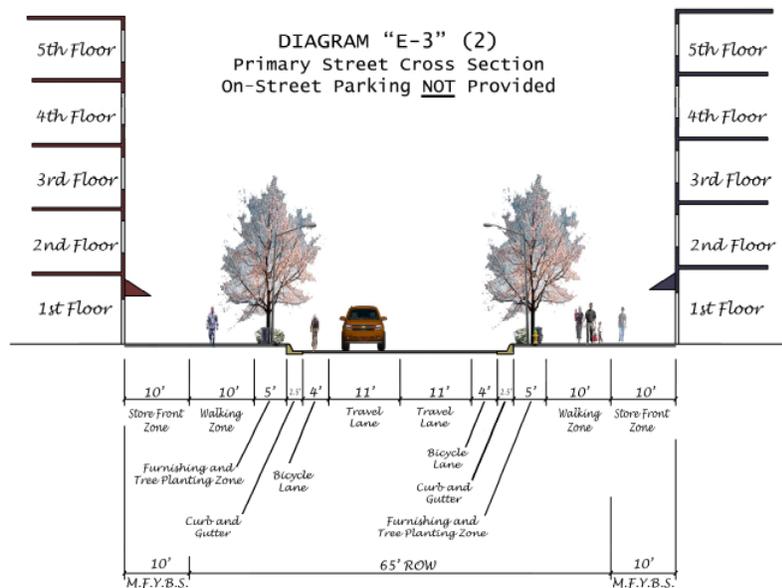
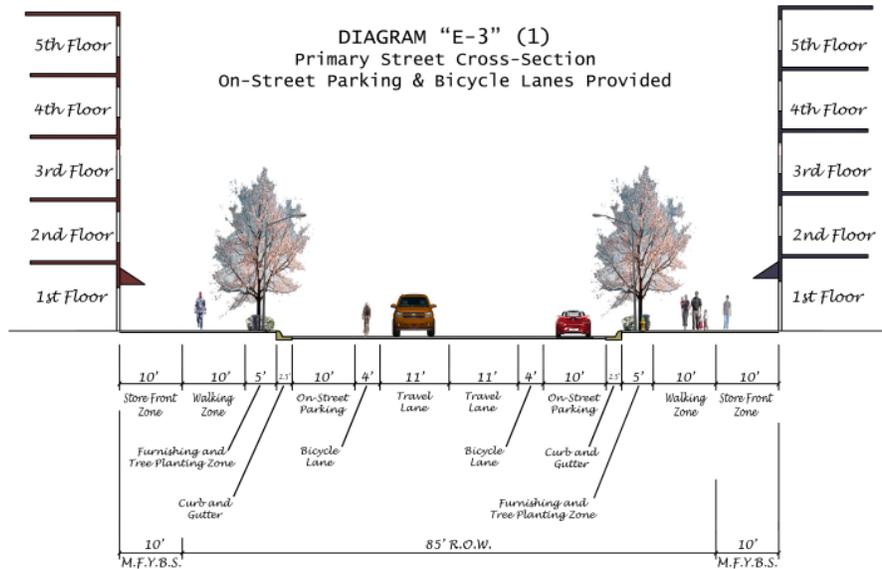
- (1) Promote mixed-use buildings providing retail, service and other uses on the ground floor and residential units above the non-residential space;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront-style shopping streets;
- (3) Promote the health, safety and well-being of residents by encouraging physical activity, alternative transportation and greater social interaction;
- (4) Create a place that represents a unique, attractive and memorable destination for visitors and residents; and,
- (5) Enhance the community's character through the promotion of high-quality urban design. (as added by Ord. #10-234, Aug. 2010)

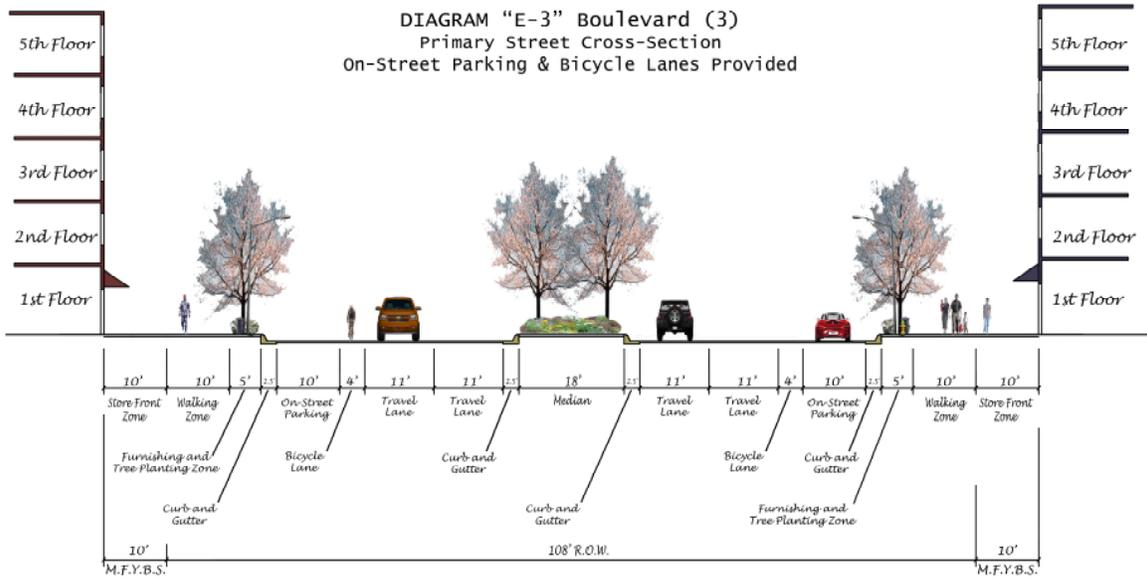
14-2.1302. Definitions. As used in this ordinance, the following words and terms shall have the meanings specified herein:

- (1) "Alley" includes any public one-way street (or portion thereof) on which access way is located to the rear of properties, with a typical right-of-way of said street being [12] feet or more;
- (2) "Gross floor area" is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts;
- (3) "Mixed-use building (horizontal)" means a building devoted to either non-residential or residential uses, which results in two or more different types of adjacent uses.
- (4) "Mixed-use building (vertical)" means a building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses;
- (5) "Primary street" includes any public street (or portion thereof) on which buildings predominately front, within [10-12] feet of the property line, to create a pedestrian oriented mixed use, commercial and residential environment. The right-of-way of said street is [65] feet or more, having higher traffic volumes and speed. Said street shall be designed as a complete street which shall include [2] or more travel lanes, bicycle lanes, furnish-

ing/tree planting zones and public walking zones. Boulevard medians and on-street parking may also be included.

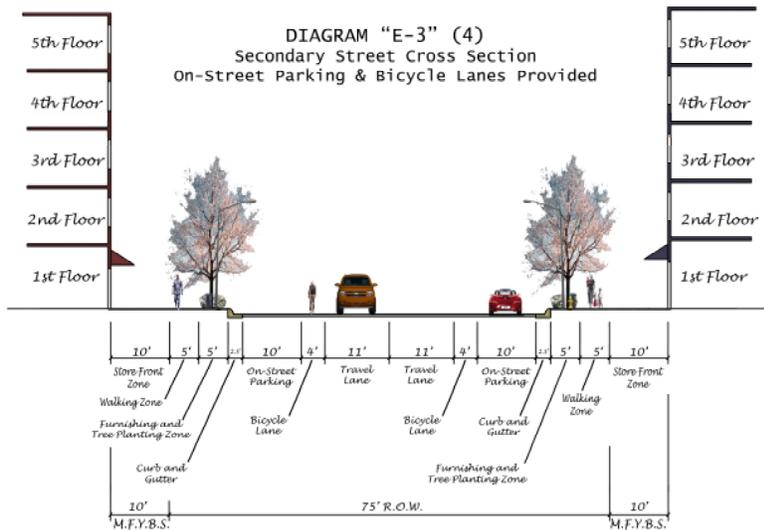
To offer visual explanation, see Diagrams "E-3" (1), (2) and (3) below. The intent to be achieved is the creation of an environment fostering pedestrian street life, and alternative transportation choices, through the use of the above mentioned complete street design elements.

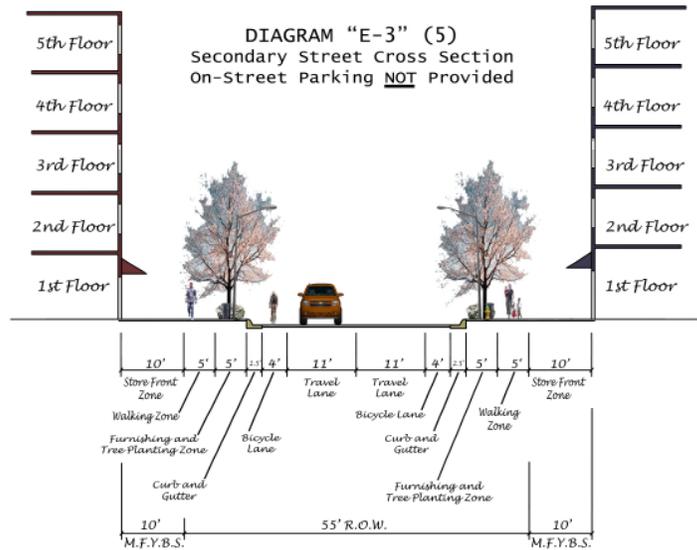




(6) “Secondary street” includes any public street (or portion thereof) on which buildings, surface parking or open space predominately fronts within [10] feet or more of the property line to: 1) create a pedestrian oriented mixed use, commercial and residential environment within [10-12] feet of the property line, 2) provide access to surface parking located to the side (or rear) of buildings or 3) provide access to improved or passive open space. The right-of-way of said street is [55] feet or more, being more destination-oriented in its nature, and having medium traffic volumes and speed. Said street shall be designed as a complete street which shall include [2] or more travel lanes, bicycle lanes, furnishing/tree planting zones and public walking zones. On-street parking may also be included.

To offer visual explanation, see Diagrams “E-3” (4) and (5) below. As with primary streets, the intent to be achieved is the creation of an environment fostering pedestrian street life, and alternative transportation choices, through the use of the above mentioned complete street design elements. (as added by Ord. #10-234, Aug. 2010, as amended by Ord. #16-378, March 2016)





14-2.1303. Permitted uses.

Uses are permitted in "E-3" zoning districts in accordance with the use table of this section, as follows:

USE GROUP	Zoning District
Use Category	"E-3"
Specific Use Type	
P = Permitted By-right C = Conditional Use	*Not Permitted
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	C
Dwelling Units located above the ground floor	P
Detached House	C
Multiunit (3+ units) Residential	C
Single-Room Occupancy	C
Townhouse	C
Two-Flat	C
Group Living	
Assisted Living	C
Group Home	P
Nursing Home	C
PUBLIC AND CIVIC	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
Parks and Recreation	P

PUBLIC AND CIVIC	
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School	C
Utilities and Services, Minor	P
Utilities and Services, Major	C
COMMERCIAL	
Animal Services	
Sales and Grooming	**P
Veterinary	**P
Artist Work or Sales Space	P
Automated Teller Machines	C
Drive-Through Facility	C
Eating and Drinking Establishments	
Restaurant	**P
Tavern	**C
Entertainment and Spectator Sports	
Small (1-149 seats)	P
Medium (150-999 seats)	C
Large (1,000+ seats)	C
Farmers' Market	C
Financial Services	**P
Food and Beverage Retail Sales	**P
Lodging	
Small (1-16 guest rooms)	P
Large (17+ guest rooms)	C
Medical Service	**P
Office	**P
Off-street Surface Parking (Accessory)	P
Off-street Surface Parking (Non-accessory)	C
Parking Garages, Commercial (Non-accessory)	C
Personal Service, including health clubs and gyms	**P
Repair Service, Consumer, including bicycles	C
Retail Sales, General	**P
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	C
OTHER	
Signage per development plan (see Signage below)	P
Wireless Communication Facilities	
Co-located	P
Freestanding (Towers)	C

*All uses not of a nature specifically permitted in the above table are prohibited.

**Individual business establishments are limited to a maximum of 5,000 square feet (per floor) in area. Larger establishments or expansions beyond 5,000 square feet (per floor) require conditional use approval. (as added by Ord. #10-234, Aug. 2010, as amended by Ord. #16-378, March 2016)

14-2.1304. Lot area per unit (density). The minimum lot areas apply below, as follows:

(1) Sites less than one acre. For sites less than [1] acre, the minimum lot area per dwelling unit shall be [1,500] square feet for mixed use buildings and [2,000] square feet for all other buildings; and,

(2) Sites one acre or greater. For sites [1] acre or greater, the minimum lot area per dwelling unit shall be [1,000] square feet for mixed-use buildings and [1,500] square feet for all other buildings. (as added by Ord. #10-234, Aug. 2010).

14-2.1305. Street frontage. The minimum street frontages (for lot and façade widths) apply below, as follows:

(1) Attached buildings. The minimum lot and building façade width shall be [20] feet for attached buildings. Where a break occurs in a consecutive row of attached buildings, lots shall be of sufficient width to accommodate side yard setback requirements; and,

(2) Detached buildings. The minimum lot width shall be [50] feet for detached buildings. The minimum building façade width shall be [30] feet, unless otherwise approved by the planning commission and where all of the following are met:

a. Lots are less than [64] feet in width.

b. Lots have not been provided access from an alleyway.

c. Sufficient driveway access, width and internal vehicular circulation are determined to be limiting factors.

d. A minimum façade width of [26] feet is maintained. (as added by Ord. #10-234, Aug. 2010, as amended by Ord. #17-418, August 2017 and Ord. #18-436, January 2018)

14-2.1306. Setbacks. The minimum and maximum front yard building setbacks apply, as follows:

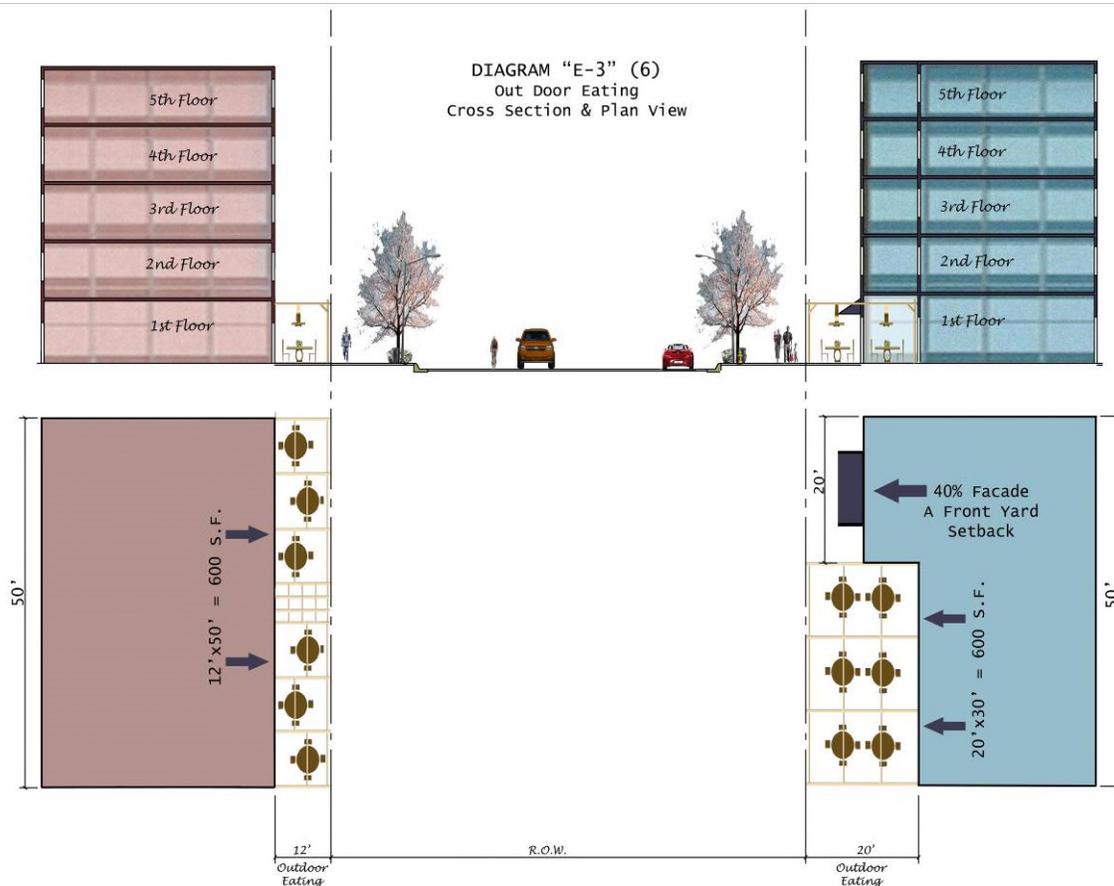
(1) Front yard. A minimum front yard building setback of [10] feet is required. The maximum may not exceed the average depth of the nearest two lots having a building on either side of the subject lot or [12] feet, whichever is less. The following exceptions to the front yard building setback apply:

a. Articulated façade or building entrance feature. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created shall not exceed [1] square foot for every linear foot of building frontage.

b. Outdoor eating, canopies, plantings and related features. The area between the front lot line and the minimum [10] feet front yard building setback (or building façade) is to be known as the store front zone. This area is where public and private interaction occurs. Outdoor eating, canopies, balconies, plantings and related features may be located within said area. When used for outdoor eating, this zone may be extended [12] feet from the front lot line. Outdoor eating shall not exceed [12] times the building's linear street frontage. Said zone may be extended further, as long as [40] percent of the building façade remains at a minimum front yard building setback of [10-12] feet to preserve the continuity of the streetwall. At

street corners or parking drive intersections, pedestrian and vehicular visibility shall be maintained.

The following diagram, Diagram "E-3" (6), provides an example for calculating additional setback for outdoor eating areas.



c. **Multiple frontages.** When a property has multiple frontages, no maximum building setback will be required for those entrances determined (by the planning commission) to be secondary;

(2) **Side yard.** No minimum side yard building setbacks are required, except for when property within this zone abuts property of a different zone, contains detached buildings, or has a break in a consecutive row of attached buildings. In such cases, a minimum setback of [10-25] feet shall be required (see Buffer Strip requirement), unless otherwise approved by the planning commission and where a minimum of [10] feet is maintained between buildings; and,

(3) **Rear yard.** A minimum rear yard building setback of [10-25] feet is required (see Buffer Strip requirement). (as added by Ord. #10-234, Aug. 2010, as amended by Ord. #17-418, August 2017)

14-2.1307. Site design. The below general site design features apply, as follows:

(1) **Concept plan.** Conceptual planning is required based on one of the following:
a. **Unimproved Acreage.** In addition to individual site plans, when developing unimproved acreage, a conceptual development plan shall be approved by the planning commission. Such plan shall communicate proposed rights-of-way, lot lay-

outs, site templates (i.e., buildings/other structures and surfaced parking), mix type arrangement (i.e., horizontal and vertical mixed use areas for residential and non-residential), architectural styles (i.e., written guidelines and materials and/or elevation examples), pedestrian circulation and open space amenities (i.e., water bodies, parks, plazas and walking trails), as well as any other improvements to relay the conceptual vision of the district. In addition to the above internal features, the concept plan shall also identify existing/adjacent external features of the same.

b. Infill Development and/or Redevelopment. In addition to individual site plans, infill development and/or redevelopment shall communicate its context within the block. If the block contains no principle buildings, the nearest two adjacent lots having principal buildings shall be included. This may be accomplished by utilizing aerial photography, along with the identification of building materials and elevations, to serve as a conceptual plan that shall be approved by the planning commission. Realizing infill development may be of a contextual nature different (in terms of scale, setback and density) of that which may be present, communication of proposed differences and/or similarities (in relation to the existing development) demonstrates the compact and pedestrian oriented form intended to be accomplished over time.

(2) Maximum mix of uses. The following applies to the development of undeveloped acreage and is intended to create a certain level of use mixes, irrespective of whether those mix of uses are considered horizontal or vertical. No one use shall exceed 80 percent of the total gross floor area within the established district. Further, vertical mixed use shall occupy at least 20 percent of the established district.

(3) Mix of uses in phased developments. So that no one type of use is developed exclusively in the district at any one time, or in successive phases, a mix of approved principal uses must be granted in each phase.

(4) Blocks. The most important element in the physical and functional integration of a mixed-use development is pedestrian orientation. Such can only be accomplished by establishing a well-defined pattern of walkable blocks and intersecting streets, ensuring that building facades and streetscapes are human-scaled, and pedestrian friendly, and that the buildings relate appropriately to surrounding development. This in turn will create a heightened sense of place by the provision of safe, efficient and convenient vehicular access, and circulation patterns.

a. The minimum length of each block face shall be two hundred [200] feet.

b. The maximum length of each block face shall be five hundred [500] feet. A pedestrian pass-through connecting opposite sides of intersecting blocks, in lieu of vehicular access (or a combination thereof), would satisfy this requirement.

(5) Off-street and on-street parking. The following requirements apply to vehicular surface and garage parking that may be accessory or non-accessory, as well as parking for bicyclist:

a. Number required and design standards. The number of required vehicular parking spaces, and design standards for such, are regulated under Title 14, Zoning and Land Use Control, Zoning Ordinance, Sub-Chapter 2.22, Off-Street Vehicle Parking. Required off-street parking spaces may be reduced, when on-street parking has been provided (as per approved concept plan) along the lot frontage(s). The reduction is calculated by substituting [1] off-street parking space for [1] on-street parking space. On-street parallel spaces shall be a minimum of [10] feet in width and [22] feet in depth. For on-street angled parking, spaces shall be a minimum of [9-1/2] feet in width and [18] feet in depth. The angle degree and adjacent street width shall be determined per city engineering review and approval. Further vehicular reductions may also qualify, as outlined within said off-street parking pro-

visions. In addition to vehicular parking, bicycle parking shall be required at [1] space per [5,000] square feet of gross floor area.

b. Location. Accessory off-street surface parking spaces shall be located to the side or rear of the principle building. Non-accessory (commercial) off-street surface parking spaces shall be permitted upon conditional approval. The rights-of-way of any surface parking area shall be screened, which may include buffering a side (or rear) yard, per the below section, Section 14-2.1307, Site Design, (5) and (6), Buffering and Landscaping. Non-accessory (commercial) parking garages shall be permitted upon conditional approval. Access to said garages shall be a part of that conditional approval, with emphasis to be on lower functional street classification. All non-accessory parking garages shall be located on upper stories, or below ground stories, of a building.

c. Driveway access. Curb cuts are not allowed on primary streets. Exceptions may apply upon conditional approval, as per approved concept plan.

(6) Pedestrian circulation. Pedestrian circulation serves to safely connect pedestrians and bicyclists to public and private spaces within the built environment, offering transportation alternatives to be incorporated, as follows:

a. Primary street. The following applies to sidewalks and bicycle lanes located within the public rights-of-way:

1. On-street parking provided. When on-street parking has been provided, a public sidewalk shall be required at a minimum width of [15] feet. Said sidewalk shall be measured starting from the back of curb to allow for pedestrian access and furnishing (i.e., street lighting, benches, trash receptacles and tree guards). Street trees (per Section 14-2.1307, Site design, (6), Landscaping) shall be planted in wells [5] feet by [8] feet. To maintain a clear passage for pedestrians, a minimum [10] feet walking zone shall remain free of any obstructions.

2. On-street parking not provided. When on-street parking has not been provided, a public sidewalk shall be required at a minimum width of [10] feet. Said sidewalk shall be measured starting [5] feet from the back of curb to maintain pedestrian separation from the vehicular travel lane and the planting of street trees. To maintain a clear passage for pedestrians, a minimum [10] feet walking zone shall remain free of any obstructions.

3. Bicycle lanes. Bicycle lanes shall be provided, along all primary streets, at a minimum width of [4] feet.

b. Secondary street. The following applies to sidewalks and bicycle lanes located within the public rights-of-way:

1. On-street parking provided. When on-street parking has been provided, a public sidewalk shall be required at a minimum width of [10] feet. Said sidewalk shall be measured starting from the back of curb to allow for pedestrian access and furnishing (i.e., street lighting, benches, trash receptacles and tree guards). Street trees (per Section 14-2.1307, Site design, (6), Landscaping below) shall be planted in wells [5] feet by [8] feet. To maintain a clear passage for pedestrians, a minimum [5] feet walking zone shall remain free of any obstructions.

2. On-street parking not provided. When on-street parking has not been provided, a public sidewalk shall be required at a minimum width of [5] feet. Said sidewalk shall be measured starting [5] feet from the back of curb to maintain pedestrian separation from the vehicular travel lane and the planting of street trees. To maintain a clear passage for pedestrians, a minimum [5] feet walking zone shall remain free of any obstructions.

3. Bicycle lanes. Bicycle lanes shall be provided, along all secondary streets, at a minimum width of [4] feet.

c. Store frontage zone and building entrances. The store frontage zone is where public and private uses meet. Said area is between the front lot line and the main building entrance of the building façade. A pedestrian connection, from said main building entrance (and any adjacent parking area), shall be extended to the public sidewalk at a minimum width of [10] feet for primary streets and [5] feet for secondary streets. Other side (or rear) building entrances, accessing adjacent parking, shall also include a pedestrian connection that is a minimum width of [5] feet.

d. Greenway trails. Public greenway trails may be incorporated into open space plans and shall be a minimum of [10] feet in trail width. Such trails apply toward satisfying any required open space, as per Section 14-2.1307, Site design, (4), Open space.

(7) Open space. For sites greater than [5] acres, a minimum of [10] percent of the gross land area shall be dedicated to open space areas. Said areas shall provide for flexibility of use and be incorporated per Article III (General Requirements and Minimum Standards of Design, D, Community Open Space, Public Use and Service Areas) of the Standards for Land Subdivision. Per said standards, open space may be used for active and/or passive recreational use and may include playgrounds, lakes, greenway trails (or other similar bike and pedestrian paths), recreational club houses, swimming pools, tennis courts and other similar facilities. Additionally, other such facilities may include gathering squares, courtyards, plazas, splash pads and rooftop gardens.

(8) Buffer strip. To maintain compatibility with surrounding land uses (as per approved concept plan), a minimum [25] feet buffer strip may be required when the development (or redevelopment) abuts residential property of a different zone. Upon said plan approval, recreational trails may be located within a buffer strip. Detention (or retention) basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within a buffer strip; and,

(9) Landscaping. In addition to meeting all landscaping requirements established herein, Title 14, Zoning and Land Use Control, Zoning Ordinance, Sub-chapter 2.20, Landscaping Ordinance, shall apply:

a. Native trees that reach a minimum height of [40] feet at maturity shall be planted along all primary and secondary streets at a maximum spacing of [40] feet on center. For streets providing on-street parking, said trees shall be planted in tree wells no less than [5] feet by [8] feet.

b. Off-street surface parking shall be screened, from public rights-of-way, by planting native trees that reach a minimum height of [40] feet at maturity and are spaced at a maximum of [40] feet on center. Said screening shall also include shrub hedging spaced [12-18] inches on center and maintained at a height of no more than [4] feet.

c. A combination of native deciduous and evergreen trees that reach a minimum height of [40] feet at maturity, at a maximum spacing of [25] feet on center, shall be planted within buffer strips. In addition, large shrubby clusters (a minimum of [3] shrubs), at a maximum spacing of [12.5] feet on center, shall be planted between tree spacing.

d. At street corner or parking drive intersections, pedestrian and vehicular visibility shall be maintained, as described in Title 14, Zoning and Land Use Control, Zoning Ordinance, Sub-chapter 2.21, General Provisions, Section 14-2.2104, Corner Visibility. (as added by Ord. #10-234, Aug. 2010, as amended by Ord. #16-378, March 2016)

14-2.1308. Building Design. The below general building design features apply, as follows:

- (1) Building height. The minimum and maximum building heights shall vary between [2-5] stories, unless otherwise approved by the planning commission.
- (2) Floor-to-floor heights and floor area of ground-floor space. The below applies to mixed use buildings, as follows:
- a. Floor-to-floor heights. All ground floor space of a building shall have a minimum floor to ceiling height of [11] feet.
 - b. Floor area of ground floor space. All non-residential floor space provided on the ground floor of a vertical mixed-use building shall contain the following minimum floor area:
 1. At least [800] square feet or [25] percent of the lot area (whichever is greater) on lots with street frontage of less than [50] feet; or,
 2. At least [20] percent of the lot area on lots with [50] feet of street frontage or more.
- (3) Transparency. Providing ground floor windows helps to foster a more pleasing environment for pedestrian street life. Window transparency shall apply to ground floors, as follows:
- a. A minimum of [60-75] percent of the street-facing building façade between [2] feet and [8] feet in height shall be comprised of clear windows that allow views of indoor space or product display areas.
 - b. The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3-4.5] feet above the adjacent sidewalk.
 - c. Product display windows used to satisfy these requirements shall have a minimum height of [4] feet and be internally lighted;
- (4) Doors and entrances. Providing main entrances facing, and connected to, public sidewalks helps to foster a more pleasing environment for pedestrian street life. Doors and entrances shall apply to ground floors, as follows:
- a. Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
 - b. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
 - c. To offer privacy, the primary entrance (and/or ground floor) of any residence shall be at least [18] inches above a public sidewalk; and,
- (5) Indoor/Outdoor operations. All permitted uses shall be conducted within completely enclosed buildings, unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, seating areas or farmers' markets. (as added by Ord. #10-234, Aug. 2010, as amended by Ord. #16-378, March 2016 and Ord. #17-418, August 2017)

14-2.1309. Signage. All signs and structures shall be designed as an integral part of the development, with emphasis toward the pedestrian scale, and shall be harmonious with the other design features of the development. (as added by Ord. #10-234, Aug. 2010)

14-2.1310. Legal status provisions. The below legal status provisions are described, as follows:

(1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of Alcoa, Tennessee, the most restrictive in all cases shall apply.

(2) Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding

shall not affect any other section, clause, provision or portion of this ordinance which is not of itself invalid or unconstitutional. (as added by Ord. #10-234, Aug. 2010)