

# ZONING ORDINANCE REVAMP

April 26, 2018 JCW Meeting

# ENVISION FRANKLIN

## MAJOR OBJECTIVES

- Create exceptional places for people through design of new development, building form, uses, setbacks, activated streets, and pedestrian focus.
- Direct higher intensity and taller buildings toward I-65 where infrastructure can support a thriving regional economy comprised of a balanced mix of regional office, commercial, and multifamily residential uses.
- While intensity is promoted in areas with supportive infrastructure, the emphasis in historic areas is to preserve the established character and ensure contextually compatible infill development.
- Strategically locate neighborhood commercial and mixed use nodes to serve surrounding residential neighborhoods and help reduce traffic and trip length.
- Emphasize active transportation for both destinations and recreation by connecting land uses through multi-use paths, sidewalks, and trails.
- Protect Franklin's natural beauty along its edges by preserving scenic corridors and viewsheds.

## PROPOSED GOALS

- Implement Envision Franklin
- Focus on community character
- Be clear, simple, and easy to use
- Reduce conflicts and overlapping provisions

## DEVELOPERS AND DESIGN PROFESSIONALS

February 7, 2018

- Parking standards
- Future market trends
- Redevelopment incentives
- Make it easier
- Form based zoning
- Simplify the process (reduce dependence on PUDs)
- Integrate disciplines

## DEPARTMENTAL REVIEW TEAM

Feb 21, 2018

# • Lots and lots of technical details

- Conflicts between Street Specs and ZO
- Parking/Streets/Mobility
- Sidewalks
- Fences/Walls
- Buffers/Easements/Setbacks
- Landscape/Grading
- Garages
- Process
- Other stuff

# BOMA/FMPC INTERVIEWS

10 Year Check-In  
10 Questions

February-April

## BOMA AND FMPC INTERVIEWS

**I. Do you like the level of oversight the BOMA and FMPC have on development approvals? Larger projects through PUDs...**

- Yes, almost unanimously
- A few mentioned wanting to focus on bigger picture, less details
- Most liked the administrative site plan review (competent staff and alleviates pressure on FMPC meetings)
- Streamline the process and make it as predictable as we can. Empower staff

## BOMA AND FMPC INTERVIEWS

### **2. If you could change anything else about the development review/approval process, what would it be?**

- Fewer public meetings
  - A few said eliminate the JCW or use it for bigger picture/conceptual ideas
  - Less neighborhood meetings
- Willing to regulate if orderly results
- Look at repeat modifications of standards
- Process efficiency/completeness of plans



## BOMA AND FMPC INTERVIEWS

### **3. What development standards, if any, do you think should be strengthened?**

- Majority like the standards we have now
  - Same if not more/Franklin character
  - Not much to change
- Affordable housing sprinkled into developments
- PUDs-look at higher LSR
- More protection between commercial and residential (buffering)
- Encourage connectivity and hold to it
- Open space needs to be productive
- Topography should be considered in building height from the street
- Colors of buildings
- Build in flexibility into standards

## BOMA AND FMPC INTERVIEWS

*“One of the reasons for our success is the great design standards, and we enforce them, and it holds up property values for the people investing in our community.”*

### **4. What development standards, if any, do you think should be relaxed?**

- Most said none
- Standards protect the character, citizens expect it
- Individual comments:
- Write in flexibility, but do not lower standards
- Focus on safety, transition, building code. Local businesses need to afford to stay
- Remove character area overlays, garage requirements for architecture, alleys, raised foundations/ADA accessibility
- Landscape standards too picky

## BOMA AND FMPC INTERVIEWS

### **5. Would you like staff to compare parking requirements in other communities and study this for the new Ordinance?**

- Yes, we can compare, but need to have plenty of parking
- People still like their cars
- Proximity to the actual use
- Shared parking is beneficial that has different peak demands
- It is the risk a developer takes

## BOMA AND FMPC INTERVIEWS

### **6. Are you pleased with the amount of cut-and-fill within the 100-year floodplain allowed in the City?**

- Most said okay as long as designed right, okay with what we have now
- Some said no, prefer to see floodplain preserved as open space
- Think about downstream, not go below certain depths
- Make sure open space provides recreation opportunities and trails
- Should maintain similar level of open space

## BOMA AND FMPC INTERVIEWS

### **7. Do you think there should be more flexibility for existing nonresidential properties in the floodplain? Or keep the same amount of flexibility?**

- No, should not be a more intense use
- Not sure, concerns about scale
- Maybe, be fair through city
- Yes, but CRS rating could impact answer
- Yes across city
- Yes
- Not supportive of this
- Lean toward property owner flexibility
- Open to it, but should be plan/area specific
- No, err on side of keeping what is now
- Need to be same for all nonresidential
- Ok with already developed nonresidential property
- Open to looking, not going to commit to it
- Open to additional evaluation, but need to be careful
- We are rightfully conservative. Shouldn't get too much more aggressive. Floods are devastating
- Nonresidential goes better with floodplain than residential
- Middle ground is good

## BOMA AND FMPC INTERVIEWS

### **8. Would you like to see an applicant request a rezoning without going through the Plan amendment process?**

- Most said no. Talk about big-picture policy first, then zoning request
- Most ok with applicant going to JCW first, as an option, for earlier feedback
- Should be a high threshold for plan amendments: Plan should mean something

## BOMA AND FMPC INTERVIEWS

### **9. Would you favor continuing the direction of Franklin to have more attached residential and less single-family homes?**

- A mix of answers:
- 50% is enough attached
- Preserve and promote quality of life without a number
- Favor townhomes, condos, big houses, duplexes, but overbuilt in apartments
- Less apartments, limit townhomes in PUDs
- If the location for attached made sense and was affordable/workforce, then favorable
- Like breakdown of housing types and what is coming
- The way we have handled neighborhoods, with a mix of housing types, is a good way to continue.
- Thriving community with variety is supported by Envision Franklin.
- Affordable housing is the key to the workforce
- Would not like to see Franklin go below 50% single family
- Do not want a policy to limit if it does not address the needs of the people

## BOMA AND FMPC INTERVIEWS

### **10. Any other suggestions not covered already?**

- Many said none
- Thankful for Envision Franklin
- Staff is doing a great job
- Greater cooperation between schools, County, and City
- Buffering in traditional areas
- Preserve historic, established neighborhoods like Hard Bargain, Natchez, Battle Avenue
- Plan and stick to our Plan. Protect the greenway, protect the character, build at the quality we expect
- Affordable homes. Sometimes need exceptions to rules that are costly
- Clarity of our road network. Emphasize grid or modified grid. Preserve scenic corridors
- Will the edge of the UGB be the edge forever or is it a moving target?



ZONING ORDINANCE OF THE CITY OF  
FRANKLIN, TENNESSEE



FRANKLIN ZONING ORDINANCE

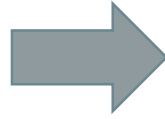
PEER ORDINANCE  
STAFF RESEARCH

- Alpharetta, GA
- Raleigh, NC
- Charleston, SC
- Buffalo, NY
- Mt. Pleasant, MI
- Beaufort, SC
- Naperville, IL
- Cheyenne, WY
- Portsmouth, NH
- Dover, NH
- Richmond, VA
- Greensboro, NC
- Nashville, TN
- Loudon County, VA
- Place Code

## PROPOSED STRUCTURAL CHANGES

- Reorganize framework for more chapters but less subheadings
- Reduce the number of overlay zoning districts
- Focus on zoning districts (remove traditional and conventional standards)
- Shape standards around building types and refine site design standards

# REORGANIZE FRAMEWORK



## CURRENT FRAMEWORK:

1. GENERAL PROVISIONS
2. DEVELOPMENT APPROVAL  
AUTHORITY AND PROCEDURES
3. ZONE DISTRICTS, USE TABLES, &  
DIMENSIONAL STANDARDS
4. USE REGULATIONS
5. DEVELOPMENT STANDARDS
6. PERFORMANCE AGREEMENTS
7. ENFORCEMENT
8. RULES OF CONSTRUCTION &  
DEFINITIONS

1. INTRODUCTORY PROVISIONS
2. ZONING DISTRICTS
3. OVERLAY ZONING DISTRICTS
4. USE REGULATIONS
5. NONCONFORMITIES
6. BUILDING TYPES
7. SITE DESIGN
8. NATURAL RESOURCE PROTECTION
9. HISTORIC RESOURCE PROTECTION
10. REVIEW BODIES
11. PROCEDURES AND PERMITS
12. PERFORMANCE AGREEMENTS
13. ENFORCEMENT
14. DEFINITIONS AND INTERPRETATION
15. HISTORY TABLE



# FEWER OVERLAY DISTRICTS

- 
- Historic Preservation
  - Neighborhood Conservation
  - Floodway
  - Floodway Fringe
  - Hillside/Hillcrest
  - Columbia Avenue
  - Height Overlay
  - Scientific Research
  - Berrys Chapel (8 Special Areas)
  - Carnton (4 Special Areas)
  - Central Franklin (10 Special Areas)
  - Goose Creek (9 Special Areas)
  - McEwen (10 Special Areas)
  - McLemore (2 Special Areas)
  - Seward Hall (7 Special Areas)
  - Southall (6 Special Areas)
  - West Harpeth (3 Special Areas)
- Historic Preservation
  - Neighborhood Conservation
  - Floodway
  - Floodway Fringe
  - Hillside/Hillcrest
  - Columbia Avenue
  - Central Franklin (possibly, but re-worked)
  - **Scenic Corridors**

## CHAPTER 3: Zone Districts, Use Tables,

Section 3.3

Subsection 3.3.2: Base District Density and

## 3.3.2 Base District Density and Site Development Stand

Table 3-5 est

TABLE 3-5:				
Standard	AG	ER	R-1	R-2
Gross Residential Density (Max.) [3]	1 per 15 AC	0.5	1.0	
Building Height in Stories (Max.) [4]	3	3	3	
Landscape Surface Ratio (LSR) (Min.) [8]	.70	.60	.50	

## NOTES:

- [1] For lots in recorded subdivision shall not apply, and the requirements shall be determined by the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.
- [2] The minimum setback, minimum lot size, and minimum lot width shall be determined by the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.
- [3] A maximum height of four stories shall be permitted for developments using Traditional Conventional Area standards. Developments shall be determined by the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.
- [4] Approved entitlements shall be determined by the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.
- [5] Development within CFCO shall be determined by the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.
- [6] Building height shall be in accordance with the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.

## 3.3.3 Site Development

- (1) Tables 3-6 through 3-8 shall be used to determine the site development standards for each zone district.
- (2) All applicable subsections shall be required by the Unified developments may establish boundaries of the development. Shaded cells indicate that no requirements exist.

City of Franklin, Tennessee  
Version: March 1, 2018 -

## CHAPTER 3: Zone Districts

Subsection 3.3.3: Site Development

TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR CONVENTIONAL AREAS [1]

Standard	AG	ER	R-1	R-2
Front Yard and Side Street Setback (feet) [4]	Local Collector	100 150	75 100	
Side Yard Setback (feet) [5] [10]	Arterial/ Major Hatcher	225	150	
Rear Yard Setback (feet) [5]		100	65	
Minimum Lot Size (square feet) [4]	1 per 15 acres	45,000		
Minimum Lot Width (feet) [4]	200	150		
Minimum Lot Frontage (feet) [11]	160	120		

TABLE 3-7:

Standard	AG	ER	R-1	R-2
Front Yard and Side Street Setback (feet) [3]	Local Collector	100 150	75 100	
Side Yard Setback (feet) [4] [7]	Arterial/ Major Hatcher	225	150	
Rear Yard Setback (feet) [4]		100	65	
Minimum Lot Size (square feet) [4]	1 per 15 acres	45,000		
Minimum Lot Width (feet) [4]	200	150		
Minimum Lot Frontage (feet) [11]	160	120		

Front Yard and Side Street Setback (feet) [4] [5]	Local Collector	100 150	75 100	
Side Yard Setback (feet) [5]	Arterial/ Major Hatcher	225	150	
Rear Yard Setback (feet) [5]		100	65	
Minimum Lot Size (square feet) [4]	1 per 15 acres	45,000		
Minimum Lot Width (feet) [4]	200	150		
Minimum Lot Frontage (feet) [11]	160	120		

City of Franklin, Tennessee  
Version: March 1, 2018 -City of Franklin, Tennessee  
Version: March 1, 2018 - Last Amended 02/27/18

## 3.5.4 BCCO—Berrys Chapel Character Area Overlay District

## (1) Purpose and Vision

The Berrys Chapel Character Area Overlay District, hereinafter referred to as the "BCCO District", is the northern gateway into the City of Franklin and will establish a precedent for quality design. It will include high quality suburban uses along Franklin and Hillsboro Roads, although design along Franklin Road will insure the preservation of a rural character through substantial setbacks. The northern gateway at Franklin Road will be maintained with a semi-rural character. This will be an area where preservation and protection of the natural scenic beauty created by hillsides, hillcrests, view sheds, and watersheds is integrated with high quality land planning and architectural design for development to enhance the community character.

## (2) Special Areas

## (a) Establishment of Special Areas

The BCCO District is hereby divided into eight special areas as illustrated on the zoning map.

## (b) BCCO-1 Standards

- (i) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.
- (ii) Development shall be restricted to detached residential dwellings and agricultural uses or limited civic and institutional uses along Ernest Rice Lane.
- (iii) Development with lot frontage on Berrys Chapel Road shall have a lot area equal to the average lot size of properties with lot frontage on Berrys Chapel Road within 500 feet of the subject lot.
- (iv) The informal open space requirements of Chapter 5: Development Standards, shall be met through the preservation of the hillsides and hillcrests.
- (v) The maximum gross density of new development shall be one unit per acre.

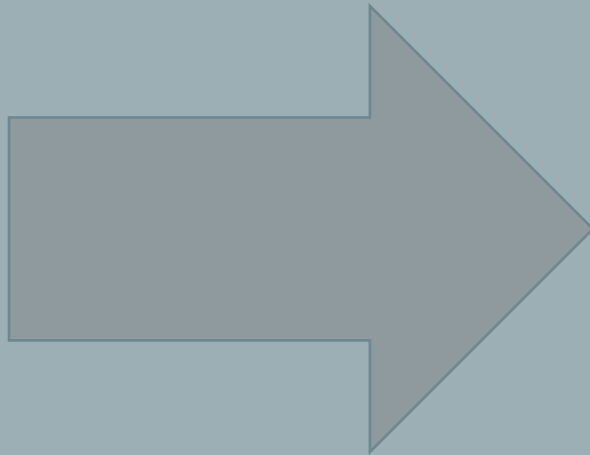
## (c) BCCO-2 Standards

- (i) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.
- (ii) Development shall be restricted to detached residential dwellings.
- (iii) The informal open space requirements of Chapter 5: Development Standards, shall be met through the preservation of the hillsides and hillcrests.
- (iv) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Development Plan approval process.

City of Franklin, Tennessee | Zoning Ordinance  
Version: April 1, 2017 – Last Amended 03/28/17

Page 3-59

# ZONING DISTRICT



## 2.3 ER—Estate Residential District

### 2.3.1 Purpose

The ER District is intended to provide for single-family residential on estate-sized lots and for preservation of rural character.

### 2.3.2 Permitted Uses

The following uses are permitted. Uses with asterisks indicate additional use regulations listed in Table XX.

- A. Agricultural Uses
- B. Community Gardens
- C. Single-Family Dwellings
- D. Neighborhood Amenities
- E. Open Space
- F. Passive Recreation Facilities
- G. Essential Services
- H. Bed and Breakfast Establishments
- I. Short-Term Vacation Rentals
- J. Telecommunication Towers and Antennas

### 2.3.3 Permitted Building Types

The following building types are permitted and shall adhere to the requirements in Chapter X, Development Standards.

- A. Single Family Building

### 2.3.4 Dimensional Standards

Lot Standards (Minimum)	
Lot Size	2 acres
Lot Width	150 feet
Lot Frontage	120 feet
Building Setbacks (Minimum)	
Front Yard	
Local Street	75 feet
Collector Street	100 feet
Arterial Street	150 feet
Mack Hatcher Pkwy	100 feet
Scenic Corridors	See SCO
Side Yard	35 feet
Rear Yard	65 feet
Building Height (Maximum)	
Stories	2 ½ stories
Landscape (Minimum)	
Landscape Surface Area	60%
Other Requirements	
For lots in recorded subdivisions, if there are differing standards on the Final Plat, then the dimensional standards in this table shall not apply and the Final Plat shall govern.	



# REVIEW BODIES

## CHAPTER 2: DEVELOPMENT APPROVAL AUTHORITY AND PROCEDURES

### 2.1 PURPOSE

The purpose of this chapter is to identify the authority of the review and decision-making bodies in the development review procedures. This chapter also defines the development review procedures used in the enforcement of this ordinance.

#### 2.2.2 Board of Mayor and Aldermen (BOMA)

##### (1) Powers and Duties

In addition to any other authority granted to the BOMA by charter, ordinance, or state law, the BOMA shall have the following powers and duties related to this ordinance:

##### (a) Zoning Ordinance Text and Zoning Map Amendments

To enact amendments to the zoning ordinance text and zoning map.

##### (b) Planned Unit Developments

To hear, review, and make decisions on applications for Planned Unit Development (PUD) Development Plans pursuant to Subsection 2.4.2, Planned Unit Developments.

#### 2.2.3 Planning Commission (FMPC)

##### (1) Powers and Duties

The FMPC shall have the following powers and duties under this ordinance:

Tennessee – Zoning Ordinance  
2017 – Last Amended 03/28/17

Page 2-2

## CHAPTER 2: DEVELOPMENT APPROVAL AUTHORITY AND PROCEDURES

Section 2.2: Decision-Making and Review Bodies  
Subsection 2.2.3: Planning Commission (FMPC)

#### (a) Zoning Ordinance Text and Zoning Map Amendments

- (i) To initiate amendments to the text of this ordinance or the Official Franklin Zoning Map (rezoning).
- (ii) To hear, review, and make recommendations to the BOMA on applications for amendments to the text of this ordinance or zoning map amendments pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments.

#### (b) Planned Unit Developments

- (i) To hear, review, and make recommendations to the BOMA on applications for Planned Unit Development (PUD) Development Plans pursuant to Subsection 2.4.2, Planned Unit Developments.

#### (c) Site Plan Review

To hear, review, and decide certain applications for a Site Plan pursuant to Subsection 2.4.3, Site Plan Review.

#### (d) Land Use Plan Amendments

To hear, review, and decide applications to amend the land use plan or related land use plans pursuant to Subsection 2.4.4, Land Use Plan Amendments.

#### (e) Performance Agreements

- (i) To hear, review, and decide appeals of administrative decisions regarding extension, reduction, or release of a Performance Agreement pursuant to Subsection 2.4.7, Performance Agreements, and Chapter 6: Performance Agreements.
- (ii) To review Performance Agreements that have been in place for a certain duration in accordance with Subsection 2.4.7, Performance Agreements, and Chapter 6: Performance Agreements.

#### (g) Other

To exercise such other powers, and perform such other duties, as are provided by law.

#### (2) Bylaws

The FMPC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

City of Franklin, Tennessee – Zoning Ordinance  
Version: April 1, 2017 – Last Amended 03/28/17

Page 2-3

## CHAPTER 2: DEVELOPMENT APPROVAL AUTHORITY AND PROCEDURES

Section 2.2: Decision-Making and Review Bodies  
Subsection 2.2.4: Board of Zoning Appeals (BZA)

#### 2.2.4 Board of Zoning Appeals (BZA)

##### (1) Membership, Powers, and Duties

Pursuant to the provisions of the Tennessee Code Annotated, Sections 13-7-205 through 13-7-207, there is hereby created the Franklin Board of Zoning Appeals, hereinafter referred to as the BZA. The Board shall consist of five (5) members and shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The terms of membership shall be five (5) years. Terms shall be arranged so that the term of one (1) member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The BZA shall have the following powers and duties under this ordinance:

##### (a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Department of Building and Neighborhood Services or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

##### (b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

#### (2) Bylaws

The BZA shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable,



# REVIEW BODIES

## Chapter 10. Review Bodies

### 10.1 General Authority

The following review bodies may exercise any and all powers and duties prescribed by State law, Charter, Municipal Code, and as described in this Ordinance.

### 10.2 Board of Mayor and Alderman (BOMA)

#### 10.2.1 Specific Approval Authority

- A. The BOMA is responsible for final approval regarding:
1. Zoning Ordinance Text Amendments;
  2. Rezoning;
  3. Development Plans;
  4. Public Improvements;
  5. Annexations; and
  6. Plans of Services.

#### 10.2.2 Additional Authority

The BOMA may initiate Zoning Ordinance Text Amendments and Rezoning.

### 10.3 Franklin Municipal Planning Commission (FMPC)

#### 10.3.1 Specific Review Authority

The FMPC is responsible for review and recommendation to the BOMA regarding:

- A. Zoning Ordinance Text Amendments;  
B. Rezoning;  
C. Development Plans;  
D. Public Improvements;  
E. Annexations; and  
F. Plans of Services.

#### 10.3.2 Specific Approval Authority

The FMPC is responsible for review and final approval of the following applications:

- A. Site Plans;  
B. Preliminary Plats;  
C. Final Plats;

- D. Plan Amendments; and  
E. Performance Agreements.

#### 10.3.3 Additional Authority

The FMPC may initiate Zoning Ordinance Text Amendments, Rezoning, and Plan Amendments. The FMPC may also review Projects of Other Governmental Agencies pursuant to Section X.

#### 10.3.4 Bylaws

The FMPC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, in accordance with State law.

### 10.4 Board of Zoning Appeals (BZA)

#### 10.4.1 Specific Approval Authority

The BZA is responsible for review and final approval regarding:

- A. Variances; and  
B. Appeals of Administrative Decisions for:
1. Appeals alleged by the applicant that there is an error in any order, requirement, permit, decision, or denial by an administrative official carrying out or enforcing any provision of this Ordinance; and
  2. Interpretations of the Zoning Map when there are disputed questions of lot lines or district boundary lines as they arise in the administration of the zoning regulations.

#### 10.4.2 Membership

The BZA shall consist of five members and shall be appointed by the Mayor and confirmed by a majority vote of the BOMA.

## BUILDING TYPES

- Simplifies the way we approach development standards related to buildings
- Identifies general building types and crafts standards around them (architecture, materials, front doors, etc)
- Working on these with small think tanks
  - Residential
  - Nonresidential
  - Site design
- Each has a few design professionals, an FMPC member, and a BOMA member, plus staff

## THE PROCESS

- Summer 2018
  - Continue drafting
  - Work with Think Tanks
  - Bring topics for JCW discussion
  - Design Professionals feedback
  - Consultant request for outreach/meeting facilitation in the 2019 budget year
- Fall 2018
  - Wrap up the drafting
- Early 2019
  - Begin public meetings
- End 2019 Goal
  - Adoption!

# PROGRESS REPORT

GREEN-IN LAW REVIEW

BLUE-WELL UNDERWAY

BLACK-IN PROGRESS

1. INTRODUCTORY PROVISIONS
2. ZONING DISTRICTS
3. OVERLAY ZONING DISTRICTS
4. USE REGULATIONS
5. NONCONFORMITIES
6. BUILDING TYPES
7. SITE DESIGN
8. NATURAL RESOURCE PROTECTION
9. HISTORIC RESOURCE PROTECTION
10. REVIEW BODIES
11. PROCEDURES AND PERMITS
12. PERFORMANCE AGREEMENTS
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14. DEFINITIONS AND INTERPRETATION
15. HISTORY TABLE