

ZONING ORDINANCE OF ROSSVILLE, TENNESSEE

**Approved by the Mayor and Board of Aldermen on June 8, 2021 that include:
Revisions to sign ordinance – reduced the s.f. of allowable signage, stipulated
colors, clarified chart, reduced residential historic sign size for non
conforming uses, added single tenant sign removed canopy signs from gas
station canopy**

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TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE I. TITLE, INTENT AND PURPOSE	1
Section 1. Title	1
Section 2. Intent and Purpose	1
ARTICLE II. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP	3
Section 1. Establishment of Districts	3
Section 2. Provisions for Official Zoning Map	3
ARTICLE III. GENERAL PROVISIONS	5
Section 1. General Provisions	5
ARTICLE IV. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS	11
Section 1. FAR Forestry, Agricultural, Residential District	11
Section 2. R-15 Residential District (Single Family)	14
Section 3. R-10 Residential District (Medium Density)	18
Section 4. R-8 Residential District (Medium Density)	22
Section 5. R-6 Residential District (High Density)	26
Section 6. R-HD Residential High Density	30
Section 7. R-MH Residential Mobile Home District	35
Section 8. R-H Residential Historic District	43
ARTICLE V. PROVISIONS GOVERNING BUSINESS DISTRICTS	63
Section 1. B-1 Town Center Business District	63
Section 2. B-2 General Commercial District	69
Section 3. BR-O Residential Business-Office District	72
Section 4. B-H Business Historic District	75

TABLE OF CONTENTS (CONT.)

	<u>PAGE</u>
ARTICLE VI. PROVISIONS GOVERNING MANUFACTURING DISTRICTS	92
Section 1. M-1 General Industrial District	92
Section 2. M-1a Restricted Industrial District	96
Section 3. M-2 Heavy Industrial District	102
Section 4. BP-P Planned Business Park District	106
ARTICLE VII. PROVISIONS GOVERNING OVERLAY DISTRICTS	115
Section 1. F-H PROVISIONS GOVERNING THE (F-H) FLOOD HAZARD OVERLAY DISTRICT: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES	115
Section 2. PD Planned Development District	140
Section 3. GB Greenbelt Overlay District	167
Section 4. ID Industrial Development Overlay District	168
ARTICLE VIII. SPECIAL PROVISIONS	174
Section 1. Off-Street Parking and Loading Spaces	174
Section 2. Procedures and Requirements for Site Plan Review	178
Section 3. Sign Regulations	188
Section 4. Tree Protection and Grading	236
Section 5. Landscaping	243
Section 6. Sexually Oriented Businesses	253
ARTICLE IX. DEFINITIONS	280
Section 1. Definitions in General	280
Section 2. Definitions	280

TABLE OF CONTENTS (CONT.)

	<u>PAGE</u>
ARTICLE X. BOARD OF ZONING APPEALS	292
Section 1. Establishment	292
Section 2. Organization	292
Section 3. Proceedings of the BZA/Appeal from Action of the BZA	294
Section 4. Powers	295
Section 5. Applications and Appeals to BZA: How Taken	297
Section 6. Fees	298
ARTICLE XI. AMENDMENTS	300
Section 1. General	300
Section 2. Initiation of Amendment	300
Section 3. Application for Amendment – Fee	300
Section 4. Review and Recommendation by the Planning Committee	301
Section 5. Grounds for an Amendment	301
Section 6. Public Hearing and Notice of Hearing	301
Section 7. Amendments Affecting Zoning Map	301
Section 8. Effect of Denial of Application	302
ARTICLE XII. ADMINISTRATION AND ENFORCEMENT	303
Section 1. Administration	303
Section 2. Building Permits	303
Section 3. Certificate of Occupancy	303

TABLE OF CONTENTS (CONT.)

	<u>PAGE</u>
Section 4. Permits and Applications	304
ARTICLE XIII. LEGAL STATUS PROVISIONS	312
Section 1. Interpretation	312
Section 2. Relation to Other Laws and Private Restrictions	312
Section 3. Ordinance Provisions do not Constitute Permit	312
Section 4. Provisions are Cumulative	312
Section 5. Separability	312
Section 6. Application of Regulation	313
Section 7. Scope of Regulations	313
Section 8. Violation and Penalty	313
Section 9. Effective Date	314

ARTICLE I. TITLE, INTENT AND PURPOSE

Section 1. Title

1. Long Title

An ordinance, in pursuance of the authority granted by the Sections 13—7—201 through 13—7—210, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of Rossville, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings and other structure for trade, industry, residence, recreation, public activities and similar purposes, to provide regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the Official whose duty it shall be to enforce the provisions thereof, to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

2. Short Title

This Ordinance may be cited as the Zoning Ordinance of Rossville, Tennessee. The map portion may be cited separately as the Zoning Map of Rossville, Tennessee.

Section 2. Intent and Purpose

This Ordinance is enacted pursuant to Title 13 of the Tennessee Code Annotated for the following purposes:

1. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
2. To divide the Town into zones and districts restricting and regulating herein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing and other specified uses;
3. To protect the character and maintain the stability of areas within the Town, and to promote the orderly and beneficial development of such areas;

4. To provide adequate light, air, privacy, and convenience of access to property.
5. To establish building lines and regulate the location of buildings within such lines;
6. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
7. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the regulations imposed herein;
8. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles;
9. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
10. To prevent overcrowding of land and undue concentration of structures in each district, by regulating the use and the bulk of buildings.
11. To conserve the value of land and buildings throughout the Town.
12. To provide for the gradual elimination of those uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located;
13. To provide for the condemnation of such nonconforming buildings and structures and of land as the Board of Mayor and Aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
14. To define and limit the powers and duties of the administration officers and bodies as provided herein; and
15. These general purposes include the specific purposes stated in the various chapters throughout this Ordinance.

ARTICLE II. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Section 1. Establishment of Districts

In order to implement all purposes and provisions of the Ordinance, the lands within the corporate limits of the Town of Rossville, Tennessee, are divided into districts designated as follows:

FAR	Forestry, Agricultural, Residential District
R-15	Residential District (Single Family)
R-10	Residential District (Medium Density)
R-8	Residential District (Medium Density)
R-6	Residential District (High Density)
R-HD	Residential High Density
R-MH	Residential Mobile Home District
R-H	Residential Historic District
B-1	Town Center Business District
B-2	General Commercial District
BR-O	Residential Business-Office District
B-H	Business Historic District
M-1	General Industrial District
M-2	Heavy Industrial District
BP-P	Planned Business Park District
FH	Flood Hazard District
PD	Planned Development District

Section 2. Provisions for Official Zoning Map

1. Incorporation of Map

The boundaries of districts established by this Ordinance are shown on the official zoning map which is hereby incorporated into the provisions of this Ordinance. The zoning map in its entirety, including all amendments shall be as much a part of this Ordinance as is fully set forth and described herein.

2. Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Recorder and bearing the seal of the Town under the following words; “This is to certify that this is the official Zoning Map referred to in Article II, Subsection 2.2 of the Zoning Ordinance of the Town of Rossville, Tennessee”, together with the date of the adopting of this Ordinance.

3. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Recorder and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted June, 2009 as part of Ordinance No. 2009-04 of the Town of Rossville, Tennessee."

ARTICLE III. GENERAL PROVISIONS

Section 1. General Provisions

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to the Town as a whole.

1. Zoning Affects Every Building and Use

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

2. Continuance of Nonconforming Uses and Structures

It is the intent of this Ordinance to recognize that the elimination of any existing building, structures, or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of nonconforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

(a) An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification, provided however, that establishment of another non-conforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to conditions as the Board of Zoning Appeals may require in order to protect the area shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except as herein provided.

(b) Non-conforming, commercial, business, and industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction, improvements or reconstruction shall be

in conformance with the district requirements in which it is located.

- (c) Except as provided in Chapter 279.1 of the 1973 Tennessee Acts.
 - (1) A non-conforming use of land shall be restricted to the area occupied by such as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
 - (2) When non-conforming use of any building or land has ceased for a period of six (6) months, it shall not be re-established or changed to any other non-conforming use.
 - (3) Any non-conforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before if it is done within twelve (12) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair sales value immediately prior to damage, in which case any repair of reconstruction shall be in conformity with provisions of this Ordinance. This provision shall not apply to any residential structure.
 - (4) A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

3. Minimum Required Street Frontage

No structure shall be erected on a lot which does not abut at least one public street and unless otherwise indicated, shall meet the minimum lot width measured at the building setback line.

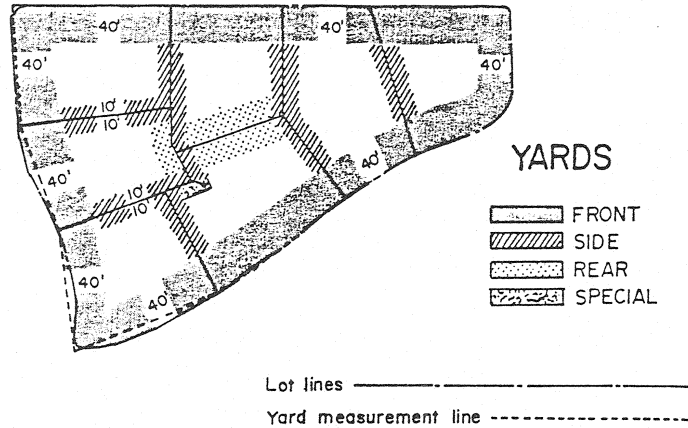
4. Reduction in Lot Area Prohibited

No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yard requirements, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

5. Any Yard that Abuts a Public Street

When a yard of a lot abuts a public street, all structures built in the yard shall observe the same setback from the street right-of-way or other yard requirements as required for adjacent properties which front on that street. (See illustration 1).

Illustration 1



6. Front Yards Requirements In Pre-existing Developments

The front yard requirements of this Ordinance for dwelling shall not apply to any lot where the average depth of existing front yards on developed lots, located within two hundred (200) feet on each side of such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts, however, the front yard shall in no case be less than fifteen (15) feet in depth.

7. Lots of Record

Where the owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance. Permission to use such lot as a building site may be granted, however, providing that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals, and it is a condition unique to the lot in question, is a condition not shared by the surrounding lots, and will not subvert the intent of this Ordinance. Where two or more substandard lots of record with a continuous frontage are under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

8. Obstruction of Vision at Street Intersections

In all districts, on a corner lot, within the area formed by the centerlines of streets at a distance of one hundred (100) feet from their intersections, there shall be no obstruction of vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of such street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

9. Fences, Walls and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2-1/2) feet in height.

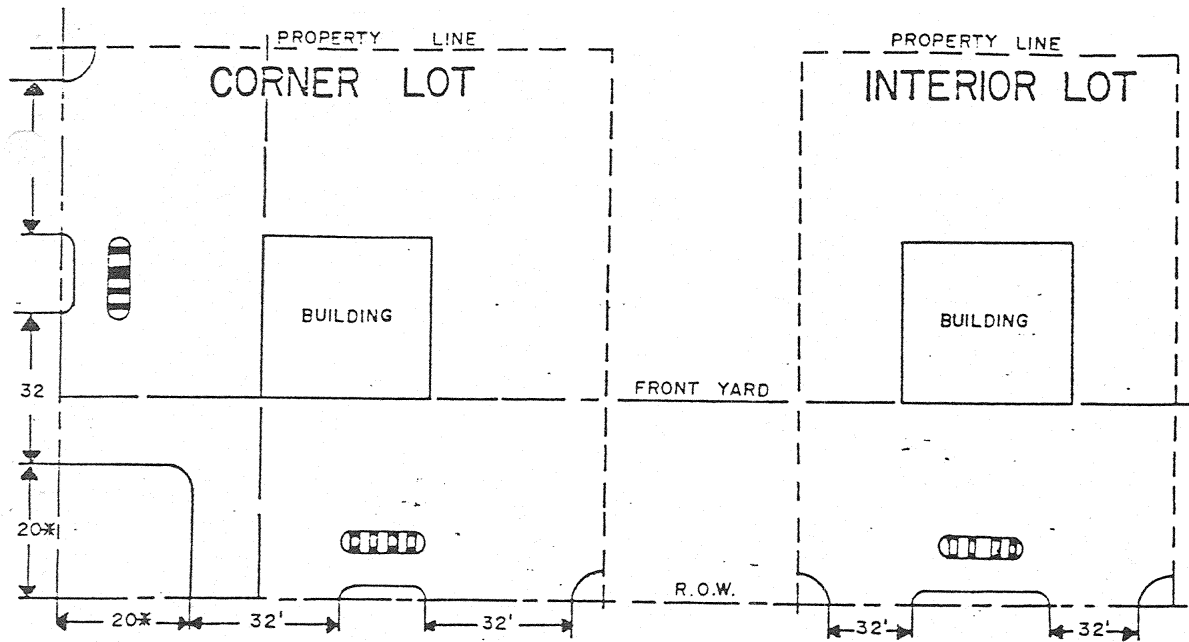
Neither fences nor walls shall be constructed within any known right-of-way or easement. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

10. Access Control

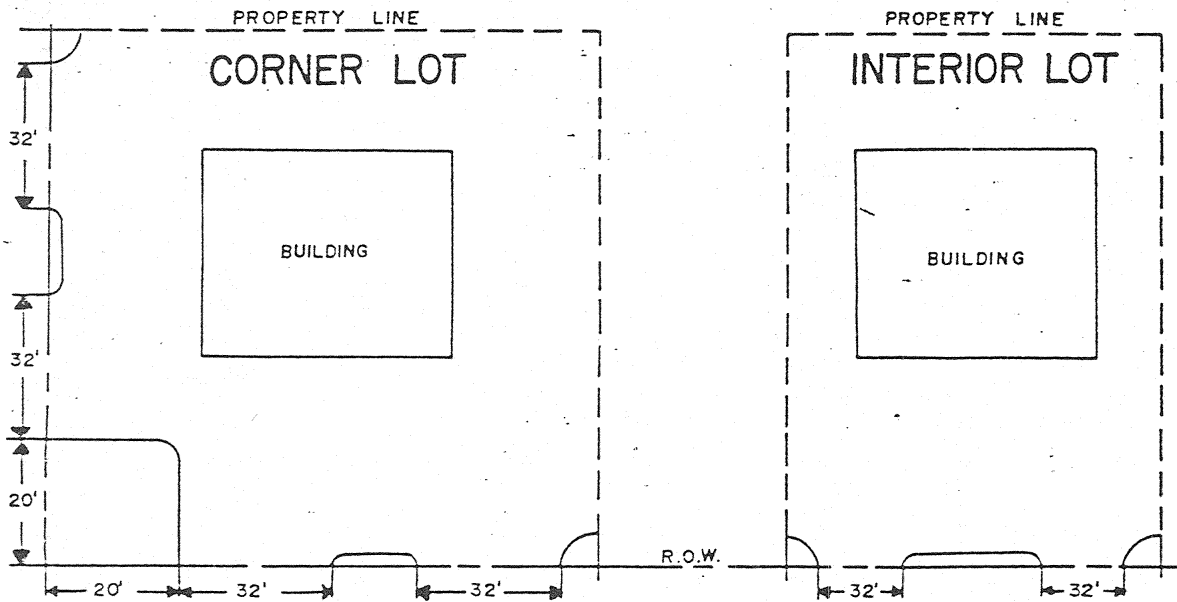
In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- (a) A point of access i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty-two (32) feet in width. (see Illustration 2, on the following page).
- (b) There shall be no more than two (2) points of access to any one (1) public street in each one-hundred (100) feet of frontage in any lot.
- (c) No point of access shall be allowed within twenty (20) feet of the right-of-way of any public street intersection. On streets designated as collector or arterial such point of access shall be greater as required by the Rossville Planning Commission.
- (d) Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangements would require that vehicles back directly into a public street. This requirement shall not apply to single or two-family developments.

Illustration 2



COLLECTOR OR ARTERIAL STREET



DRIVEWAY CONSTRUCTION

*OR GREATER AS DETERMINED BY THE BUILDING INSPECTOR

11. Front Yards

Front Yards shall be measured from the street right-of-way. In the instance when the street right-of-way is unspecified, the following standards shall apply:

- (a) Minor residential and collector status streets
50 feet right-of-way or
25 feet from the street centerline.
- (b) Arterial streets
70 feet right-of-way or
35 feet from the street centerline.

12. Interpretation of District Boundaries

When district boundaries are indicated as approximately following streets, railroads or a stream or river the boundary shall be construed as following the centerline of the right-of-way or the centerline of the waterway.

13. Interpretation of Permitted Uses

Permitted uses when in question shall be determined by utilization of the Standard Land Use Coding Manual.

Uses will be considered similar if they are part of the same two digit code in the Standard Land Use Coding Manual.

ARTICLE IV. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 1. FAR – Forestry, Agricultural, Residential District

1. Intent

The intent of the FAR-Forestry, Agricultural, Residential district is to maintain and/or preserve areas of the Town of Rossville for the purposes of farm or forestry protection and to allow for limited residential development not requiring extensive municipal services.

2. Use Permitted

- (a) Single-family dwellings.
- (b) Agricultural production - except for farms (predominantly poultry) including egg production.
- (c) Forestry activities and related services.
- (d) Roadside sales offering for sale only farm products produced on the premises.
- (e) Recreational activities: limited to riding stables.
- (f) Accessory buildings customarily incidental to the permitted use.
- (g) Signs as permitted in Article VIII.3.

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses.
- (2) Churches.
- (3) Private or parochial schools.
- (4) Accessory buildings customarily incidental to the permitted uses.

(b) Criteria for Review

- (1) The special exception requested must be located on a route designated as either an existing or proposed arterial or collector status street on the official Major Road Plan for the Town of Rossville.
- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board of Zoning Appeals. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
- (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style proposed or existing buildings, the authority to specify building materials, colors or similar consideration.

4. Uses Prohibited

Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals. Interpretation of use categories shall be determined by reference to the Standard Land Use Coding Manual.

5. Minimum Lot Area

- (a) Permitted uses: One acre or 43,560 sq. ft.
- (b) Public Uses: One acre or 43,450 sq. ft. except as set forth below:
 - (1) Schools, including parochial or private schools:

Five (5) acres plus one (1) acre for each one hundred (100) or fraction over one hundred (100) students.

- (2) Churches: Two (2) acres
6. Minimum Lot Width Measured at the Building Line
- (a) Permitted Uses: One hundred (100) feet.
 - (b) Public Uses: One hundred (100) feet except as set forth below
 - (1) Schools, including parochial or private schools: Three hundred (300) feet.
 - (2) Churches: Two hundred (200) feet.
7. Minimum Depth of Front Yards
- (a) Permitted Uses: Thirty (30) feet.
 - (b) Special Exceptions: Forty (40) feet or greater if required by the Board of Zoning Appeals.
8. Minimum Width of Side Yards
- (a) Permitted Uses: Twenty (20) feet.
 - (b) Special Exceptions: Twenty-five (25) feet or greater if required by the Board of Zoning Appeals.
9. Minimum Depth of Rear Yards
- (a) Permitted Uses: Thirty (30) feet.
 - (b) Special Exceptions: Forty (40) feet or greater if required by the Board of Zoning Appeals.
10. Maximum Lot Coverage by all Buildings
- (a) All Uses: Twenty-five (25) percent
11. Maximum Number of Principal Buildings
- (a) Residential Uses: One (1) principal building
 - (b) All other uses: None providing the provisions of IV.1.5 through IV.1.10 are met.

12. Maximum Height

- (a) No structure shall exceed three (3) stories or thirty-five (35) feet in height, except that this provision shall not apply to: belfries, chimneys, church spires, flagpoles, radio or television antennas, water tanks, or stand pipes, barns, silos, grain storage bins or sheds for the storage of farm or forestry products provided they comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- (b) No accessory building shall exceed twenty-five (25) feet in height except as set forth in Article IV.1.12 (a) above.

13. Accessory Buildings

Accessory buildings shall be subject to the following restrictions:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory buildings shall extend into the required side yard.
- (c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
- (d) Accessory buildings shall not cover more than twenty-five (25) percent of the required rear yard.

Section 2. (R-15) Residential District (Single Family). Within the areas designated R-15 (Single-family) on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply.

1. Intent

The intent of the R-15 (Single-family) Residential District is to provide a single-family residential area free from conflicting residential uses. These areas should be served by all municipal services.

2. Uses Permitted

- (a) Single—family dwellings
- (b) Accessory buildings customarily incidental to the permitted use.

- (c) Home Occupations
- (d) Signs as permitted in Article VIII.3

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein:

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries.
- (3) Private or parochial schools.
- (4) Philanthropic or religious institutions other than churches.

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the official Major Road Plan for Rossville.
- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
- (4) The Board of Zoning Appeals shall have the power to require such changes in required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings. The authority to specify building materials, colors or similar

considerations.

4. Uses Prohibited. Any use not specifically permitted or permitted as special exception by the Board of Zoning Appeals.
5. Minimum Lot Area
 - (a) Single-family dwellings: 15,000 sq. ft.
 - (b) Public uses: 40,000 sq. ft. except as set forth below
 - (1) Schools, including parochial or private schools: Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred (100) students over one hundred (100)
 - (c) Churches and/or cemeteries: two (2) acres
 - (d) Philanthropic or religious institutions other than churches
40,000 sq. ft.
6. Minimum Lot Width Measured at the Building Line
 - (a) Permitted Uses: One hundred (100) feet
 - (b) Public Uses: One hundred (100) feet except as set forth below
 - (1) Schools, including parochial or private schools: Three hundred (300) feet
 - (2) Churches: Two hundred (200) feet
 - (3) Philanthropic or religious institutions other than churches:
One hundred (100) feet
7. Minimum Depth of Front Yard
 - (a) Single-family dwelling: Thirty (30) feet
 - (b) All other uses: Fifty (50) feet or greater if required by the Board of Zoning Appeals

Where an existing principal building located within one hundred (100) feet of a lot is set back less than 30 feet from the right-of-way line, new principal building(s) or extension(s) thereof may be constructed at less than the required thirty (30) foot setback

provided:

- (1) The new construction is within one hundred (100) feet of existing adjacent principal building(s) and is located on the same side of the same street and within the same block; and
- (2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above; and
- (3) The minimum setback permitted is fifteen (15) feet.

8. Minimum Width of Side Yards

- (a) Single-family dwelling: A ten (10) feet with neither side yard.
- (b) All other uses: Twenty-five (25) feet or greater if required by Board of Zoning Appeals.

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings: Twenty-five (25) feet
- (b) All other uses: Forty (40) feet or greater if required by Board of Zoning Appeals

10. Maximum Number of Principal Building

- (a) Dwellings: One (1) principal building
- (b) All other uses: None, providing the provisions of IV.2.5 through IV.2.10 are met

11. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory Buildings

Accessory Buildings shall conform to the following standards:

- (a) No accessory buildings shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet.

Section 3. R-10 Residential District (Medium Density)

Within, the: area designated R-10 (Medium Density) Residential on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Intent

The intent of the R-10 Residential District is to allow a combination of single-family medium density development.

2. Uses Permitted

- (a) Single-family dwellings.
- (b) Home occupations
- (c) Accessory buildings customarily incidental to the permitted use
- (d) Signs as permitted in Article VIII.3

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.

- (2) Churches and cemeteries
- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Golf courses or country clubs

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Rossville.
- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
- (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include but not limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by The Board of Zoning Appeals.

5. Minimum Lot Area

- (a) Single-family dwellings: 10,000 sq. ft.
- (b) Public Uses: 40,000 sq. ft. except as set forth below:

- (1) Schools, including parochial or private schools
Five (5) acres plus one (1) acre for each one-hundred (100), or fraction of one hundred (100) students over one hundred
- (2) Churches and/or cemeteries: Two (2) acres
- (3) Philanthropic or religious institutions other than churches:
40,000 sq. ft.
- (4) Golf courses, and/or country clubs including publicly owned: 10 acres

6. Minimum Lot Width Measured at the Building Line

- (a) Single-family dwellings: Eighty (80) ft.
- (b) Public uses: One hundred (100) feet except as set forth below:
 - (1) Schools, including parochial and private schools:
Three hundred (300) feet
 - (2) Churches and/or cemeteries: Two hundred (200) feet
 - (3) Philanthropic or religious institutions other than churches:
One hundred (100) feet
 - (4) Golf courses, and/or country clubs including publicly owned: Two hundred (200) feet

7. Minimum Depth of Front Yard

- (a) Single-family dwellings: Thirty (30) feet

Where an existing principal building located within one hundred (100) feet of a lot is set back less than 30 feet from the right-of-way line, new principal building(s) or extension(s) thereof may be constructed at less than the required thirty (30) foot setback provided:

- (1) The new construction is within one hundred (100) feet of existing adjacent principal building(s) and is located on the same side of the same street and within the same block; and
- (2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above; and

- (3) The minimum setback permitted is fifteen (15) feet.
- (4) All other uses: Fifty (50) feet or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Single-family dwellings: Ten (10) ft.
- (b) All other uses: Twenty-five (25) ft. or greater if required by the Board of Zoning Appeals

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings: Twenty (20) ft.
- (b) All other uses: Thirty (30) ft. or greater if required by the Board of Zoning Appeals

10. Maximum Number of Principal Buildings

- (a) Single-family dwellings: One (1) principal building
- (b) All other uses: None providing the provisions of Article IV.3.5 through IV.3.10 are met.

11. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.

- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet.

Section 4. R-8 Residential District (Medium Density)

Within, the: area designated R-8 (Medium Density) Residential on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Intent

The intent of the R-8 Residential District is to allow a combination of single-family medium density development.

2. Uses Permitted

- (a) Single-family dwellings.
- (b) Home occupations
- (c) Accessory buildings customarily incidental to the permitted use
- (d) Signs as permitted in Article VIII.3

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries
- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Golf courses or country clubs

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Rossville.
 - (2) All area, yard, density and parking requirements shall be met.
 - (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
 - (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include but not limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.
4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by The Board of Zoning Appeals.
 5. Minimum Lot Area
 - (a) Single-family dwellings: 8,000 sq. ft.
 - (b) Public Uses: 40,000 sq. ft. except as set forth below
 - (1) Schools, including parochial or private schools
Five (5) acres plus one (1) acre for each one-hundred (100), or fraction of one hundred (100) students over one hundred
 - (2) Churches and/or cemeteries: Two (2) acres
 - (3) Philanthropic or religious institutions other than churches:
40,000 sq. ft.
 - (4) Golf courses, and/or country clubs including publicly owned: 10 acres
 6. Minimum Lot Width Measured at the Building Line

- (a) Single-family dwellings: Sixty-five (65) ft.
- (b) Public uses: One hundred (100) feet except as set forth below:
 - (1) Schools, including parochial and private schools:
Three hundred (300) feet
 - (2) Churches and/or cemeteries: Two hundred (200) feet
 - (3) Philanthropic or religious institutions other than churches:
One hundred (100) feet
 - (4) Golf courses, and/or country clubs including publicly owned: Two hundred (200) feet

7. Minimum Depth of Front Yard

- (a) Single-family dwellings: Twenty (20) feet. This is a build to line. All primary structures shall be built to this front setback.

Where an existing principal building located within one hundred (100) feet of a lot is set back less than 25 feet from the right-of-way line, new principal building(s) or extension(s) thereof may be constructed at less than the required twenty-five (25) foot setback provided:

- (1) The new construction is within one hundred (100) feet of existing adjacent principal building(s) and is located on the same side of the same street and within the same block; and
- (2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above; and
- (3) The minimum setback permitted is fifteen (15) feet.
- (4) All other uses: Fifty (50) feet or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Single-family dwellings: Eight (8) ft.
- (b) All other uses: Twenty (20) ft. or greater if required by the Board of Zoning Appeals

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings: Twenty (20) ft.
- (b) All other uses: Twenty-five (25) ft. or greater if required by the Board of Zoning Appeals

10. Maximum Number of Principal Buildings

- (a) Single-family dwellings: One (1) principal building
- (b) All other uses: None providing the provisions of Article IV.3.5 through IV.3.10 are met.

11. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet.

13. Miscellaneous

- (a) No front loaded garages are permitted except for when the garage opening sits a minimum of twenty (20) feet behind the front façade (carriage garage).

Section 5. R-6 Residential District (High Density)

Within, the: area designated R-6 (High Density) Residential on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Intent

The intent of the R-6 Residential District is to allow a combination of single-family medium density development.

2. Uses Permitted

- (a) Single-family dwellings.
- (b) Home occupations
- (c) Accessory buildings customarily incidental to the permitted use
- (d) Signs as permitted in Article VIII.3

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries
- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Golf courses or country clubs

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Rossville.
 - (2) All area, yard, density and parking requirements shall be met.
 - (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
 - (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include but not limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.
4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by The Board of Zoning Appeals.
5. Minimum Lot Area
- (a) Single-family dwellings: 6,000 sq. ft.
 - (b) Public Uses: 40,000 sq. ft. except as set forth below
 - (1) Schools, including parochial or private schools
Five (5) acres plus one (1) acre for each one-hundred (100), or fraction of one hundred (100) students over one hundred
 - (2) Churches and/or cemeteries: Two (2) acres
 - (3) Philanthropic or religious institutions other than churches:
40,000 sq. ft.
 - (4) Golf courses, and/or country clubs including publicly owned: 10 acres

6. Minimum Lot Width Measured at the Building Line

- (a) Single-family dwellings: Fifty (50) ft.
- (b) Public uses: One hundred (100) feet except as set forth below:
 - (1) Schools, including parochial and private schools:
Three hundred (300) feet
- (c) Churches and/or cemeteries: Two hundred (200) feet
- (d) Philanthropic or religious institutions other than churches:
One hundred (100) feet
- (e) Golf courses, and/or country clubs including publicly owned:
Two hundred (200) feet

7. Minimum Depth of Front Yard

- (a) Single-family dwellings Twenty (20) feet. This is a build to line. All primary structures shall be built to this front setback.

Where an existing principal building located within one hundred (100) feet of a lot is set back less than 20 feet from the right-of-way line, new principal building(s) or extension(s) thereof may be constructed at less than the required twenty (20) foot setback provided:

- (1) The new construction is within one hundred (100) feet of existing adjacent principal building(s) and is located on the same side of the same street and within the same block; and
- (2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above; and
- (3) The minimum setback permitted is fifteen (15) feet.
- (4) All other uses: Fifty (50) feet or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Single-family dwellings: Eight (8) ft.
- (b) All other uses: Twenty (20) ft. or greater if required by the Board of Zoning Appeals

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings: Twenty (20) ft.
- (b) All other uses: Twenty-five (25) ft. or greater if required by the Board of Zoning Appeals

10. Maximum Number of Principal Buildings

- (a) Single-family dwellings: One (1) principal building
- (b) All other uses: None providing the provisions of Article IV.3.5 through IV.3.10 are met.

11. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet.

13. Miscellaneous

- (a) No front loaded garages are permitted except for when the garage opening sits a minimum of twenty (20) feet behind the front façade (carriage garage).
- (b) Rear loaded or alley service is encouraged in the R-6 District.

Section 6. R-HD Residential High Density

Within, the: area designated R-HD (High Density) Residential on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Intent

The intent of the R-HD Residential High Density District is to allow a combination of single-family, two-family and higher density development in a harmonious setting.

2. Uses Permitted

- (a) Single-family dwellings.
- (b) Two-family dwellings
- (c) Townhouse dwellings *
- (d) Condominium dwellings *
- (e) Multi-Family/Apartments*
- (f) Home occupations*
- (g) Accessory buildings customarily incidental to the permitted use
- (h) Signs as permitted in Article VIII.3

* Subject to site plan approval as set forth in Article VIII.2

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries
- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Golf courses or country clubs
- (6) Accessory buildings customarily incidental to the permitted use
- (7) Assisted Living/Senior Housing

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Rossville.
- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
- (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. This may include but not limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the

authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by The Board of Zoning Appeals.

5. Minimum Lot Area

- (a) Single-family dwellings: 6,000 sq. ft.
- (b) Two-family dwellings: 13,000 sq. ft.
- (c) Townhouse dwellings: 13,000 sq. ft. for the first unit plus 3,000 sq. ft. for each additional unit shall be required for the overall development
- (d) Condominium dwellings: 13,000 sq. ft. for the first unit plus 3,000 sq. ft. for each additional unit
- (e) Public Uses: 40,000 sq. ft. except as set forth below
 - (1) Schools, including parochial or private schools
Five (5) acres plus one (1) acre for each one-hundred (100), or fraction of one hundred (100) students over one hundred
- (f) Churches and/or cemeteries: Two (2) acres
- (g) Philanthropic or religious institutions other than churches: 40,000 sq. ft.
- (h) Golf courses, and/or country clubs including publicly owned: 10 acres

6. Minimum Lot Width Measured at the Building Line

- (a) Single-family dwellings: Fifty (50) ft.
- (b) Two-family dwellings: Ninety (90) ft.
- (c) Townhouse dwellings: One hundred (100) feet. Lot width shall be required for the development, however, individual townhouse lots shall be twenty (20) feet in width
- (d) Condominium dwellings: One hundred (100) feet

- (e) Public uses: One hundred (100) feet except as set forth below:
 - (1) Schools, including parochial and private schools:
Three hundred (300) feet
- (f) Churches and/or cemeteries: Two hundred (200) feet
- (g) Philanthropic or religious institutions other than churches:
One hundred (100) feet
- (h) Golf courses, and/or country clubs including publicly owned:
Two hundred (200) feet

7. Minimum Depth of Front Yard

- (a) Single-family dwellings Twenty (20) feet
- (b) Two-family dwellings: Twenty (20) feet

Where an existing principal building located within one hundred (100) feet of a lot is set back less than 20 feet from the right-of-way line, new principal building(s) or extension(s) thereof may be constructed at less than the required twenty (20) foot setback provided:

- (1) The new construction is within one hundred (100) feet of existing adjacent principal building(s) and is located on the same side of the same street and within the same block; and
- (2) The new construction is not closer to the right-of-way than the existing principal building(s) as specified above; and
- (3) The minimum setback permitted is fifteen (15) feet.
- (4) All other uses: Fifty (50) feet or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Single-family dwellings: Ten (10) ft.
- (b) Two-family dwellings: Twenty-five (25) ft.

- (c) All other uses: Forty (40) ft. or greater if required by the Board of Zoning Appeals

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings: Twenty (20) ft.
- (b) Two-family dwellings: Twenty (20) ft.
- (c) All other uses: Forty (40) ft. or greater if required by the Board of Zoning Appeals

10. Maximum Number of Principal Buildings

- (a) Single-family dwellings: One (1) principal building
- (b) Two-family dwellings: One (1) principal building
- (c) All other uses: None providing the provisions of Article IV.3.5 through IV.3.10 are met.

11. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Maximum Densities

- (a) Single Family Residential 5.5 du/ac
- (b) Two-Family Residential 6 du/ac
- (c) Townhome/Condominium 8 du/ac
- (d) Multi-family, Apartments, Assisted Living/Senior Housing 15 du/ac

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.

- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet.

Section 7. R-MH Residential Mobile Home District

1. Purpose and Intent

These districts are designed to provide suitable areas for mobile home residential development where appropriate urban services and facilities will be physically and economically feasible. These districts will be characterized by mobile home parks and accessory structures. These districts also include community facilities, public utilities and other uses which serve the residents of these districts.

2. Permitted Uses

- (a) Single-family mobile homes in mobile home parks as set forth in 14 below
- (b) Mobile home park offices
- (c) Home occupations
- (d) Accessory buildings customarily incidental to the permitted use
- (e) Signs as permitted in Article VIII.3

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein:

(a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries

- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Accessory buildings customarily incidental to the permitted use

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the official Major Road Plan for Rossville.
- (2) All area, yard density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.
- (4) The Board of Zoning Appeals shall have the power to require such changes in required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed buildings, the authority to specify building materials, colors or similar considerations.

4. Uses Prohibited. Any use not specifically permitted as a special exception by the Board of Zoning Appeals.

5. Minimum Lot Size

- (a) Mobile home parks Three (3) acres minimum with a minimum 4,500 square foot site for each dwelling unit. Ten (10) percent of the park's area will be set aside for recreation and open space requirements. No portion of the 4,500 sq. ft. site will count toward the ten percent open space requirement.

- (b) Public Uses:
 - (1) Schools, including parochial or private schools
Five (5) acres plus one (1) acre for each one
hundred (100), or fraction of one hundred (100)
students over one hundred (100)
- (c) Churches and/or cemeteries 40,000 sq. ft.
- (d) Philanthropic or religious institutions other than churches:
40,000 sq. ft.

6. Minimum Lot Width Measured at the Building Line

- (a) Mobile home parks: One hundred (100) ft.
- (b) Public uses: One hundred (100) ft. except as set
forth below:
 - (1) Schools, including parochial and private schools:
Three hundred (300) ft.
- (c) Churches and/or cemeteries: Two-hundred (200) ft.
- (d) Philanthropic or religious institutions other than churches:
One-hundred (100) ft.

7. Minimum Depth of Front Yard

- (a) Mobile home parks: Fifty (50) feet
- (b) All other uses: Fifty (50) feet or greater if required
by the Board of Zoning Appeals

8. Minimum Width of Side Yards

- (a) Mobile home parks: Twenty-five (25) ft.
- (b) All other uses: Twenty-five (25) feet or greater if required by the
Board of Zoning Appeals.

9. Minimum Depth of Rear Yard

- (a) Mobile home parks: Forty (40) ft.

- (b) All other uses: Forty (40) feet or greater if required by the Board of Zoning Appeals.

10. Maximum Lot Coverage by all Buildings

- (a) Mobile home parks: Twenty-five (25) percent
- (b) All other uses: Twenty-five (25) percent

11. Maximum Number of Principal Buildings

- (a) Mobile home parks: None, providing the provisions of IV.4.5 through IV.4.10 are met
- (b) All other uses: None, providing the provisions of IV.4.5 through IV. 4.10 are met

12. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- (b) No accessory building shall exceed twenty (20) feet in height.

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) No accessory building shall extend into the required side yard.
- (d) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
- (e) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

14. Development Requirements Site Plan for Mobile Home Parks

All mobile home parks developed in Rossville shall meet certain development requirements. A site plan drawn by a licensed engineer bearing a certificate that the final plan as shown is true and correct and shows the development requirements will be met and will be submitted to the Planning Commission. This site plan shall include the following information.

(a) Exterior Yards

No mobile homes will be located within the boundary setbacks of the mobile home park as set forth below.

(b) Street Frontage Setbacks

Mobile homes in the mobile home park will be setback a minimum of fifty (50) feet from any public street.

(c) Side Yard Setbacks

Mobile Homes will be set back a minimum of twenty-five (25) feet from the side boundaries.

(d) Rear Yard Setbacks

Mobile homes will be set back a minimum of forty (40) feet from the rear boundary.

(e) Mobile Home Park Screening

There will be screening along the side and rear lot lines. The screening will either be a five (5) foot wide green strip with evergreen plants at least five (5) foot tall or a fence of a minimum height of six (6) foot. The fence will be designed to totally block visibility of the development even when the viewer is moving.

(f) Mobile Home Plot

The site plan will show that there is a plot for each mobile home with a minimum size of 4,500 square feet and that each plot shall front on a street which is part of the mobile home park street system.

- (1) Front Yards Setback for individuals mobile home plots shall be a minimum of twenty-five (25) feet.
- (2) Side Yards Setback for individual mobile home plots shall be a minimum of ten (10) feet. When the parking space for the unit is in the side yard twenty (20) feet additional setback will be required.
- (3) Rear Yards Setback for individual mobile home plots shall be a minimum of fifteen (15) feet.
- (4) Location of Mobile Homes on Plot
 - a. All mobile homes permitted under this section shall be set upon concrete blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 5—45—103.
 - b. All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall be under-skirted to prevent the accumulation of refuse and rodents.

(g) Street System

- (1) The internal street system shall consist of paved streets with a paved surface a minimum of twenty-two (22) feet wide measured from the edge of the paved surface to the edge of the paved surface.
- (2) The construction standards for the streets are as shown: The sub-base shall consist of six (6) inches of crush run, per the subdivision regulation standards, covered by two (2) inches of asphalt.

- (f) Water Lines shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every three hundred feet and shall be approved by the public works department.
- (g) Sewer lines shall be a minimum eight (8) inch sewer pipe, with four (4) inch force mains where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the public works department.
- (h) Three-foot wide concrete sidewalks will be provided from mobile home spaces to the service buildings. The sidewalks shall be three (3) inches thick to prevent cracking.
- (i) Planning Commission Approval of Site Plan

- (1) The applicant desiring to establish a mobile home park will submit a site plan of the proposed development along with proof of ownership (or legal option) of the site the site plan review procedure is discussed in Article. VIII.2.

In addition to the site plan information required in Article VIII.2, the location of the trailer park and the boundaries of the trailer plots will be indicated.

- (2) The Rossville 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 requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

- (j) Licenses and Licenses Fees

- (1) No mobile home may be located in the Town of Rossville unless the same shall have received a building permit prior to being located on an individual lot or in an approved and duly licensed Mobile Home Park.
- (2) It shall be unlawful for any person to maintain or operate within the corporate limits of the Town of Rossville any mobile home park unless such person shall first obtain a

license for that park.

- (3) Licenses shall not be transferable.
- (4) The annual license fee for each mobile home park shall be equal to but not greater than the amount allowed by the State Business Tax.
- (5) The license shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

(k) Application for License

Applications for a mobile home license shall be filed with and issued by the building inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the mobile home park.
- (3) A complete plan of the Park showing compliance with Articles IV.4.3. (b) through IV.4.14. (g).
- (4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. The sketch shall be drawn to scale showing the number and arrangement and size of mobile home plots, roadways, water supply water outlets, storm drainage system, location and type of sewage, liquid and garbage disposal and location of other facilities.
- (5) Such further information as may be requested by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The building inspector and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications.

If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the building inspector shall approve the application and upon completion of the park according to plans, shall issue the license.

(l) Revocation of License

The Health Officer shall make periodic inspection of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Health Office shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the Health Officer shall recommend to the Board of Mayor and Aldermen revocation of the license. The Town Board shall hold a hearing on the matter, and upon determination of non-compliance revoke said license. The license may be re-issued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

(m) Register of Mobile Homes

It shall be the duty of the licensee to keep a register containing a record of all mobile home owners located within the park. The register shall contain the following information.

- (1) The make, model and year of all mobile homes;
- (2) License number and owner of each mobile home;
- (3) The state issuing such license;
- (4) The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

Section 8. (R-H) Residential Historic District. Within the areas designated R-H on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply.

1. Intent

The intent of the R-H Residential Historic District is to protect, enhance and perpetuate those distinctive and significant residential structures which are representative of the Town's historical, cultural, social, economic, political, archaeological and architectural identity.

2. Uses Permitted

- (a) Single—family dwellings
- (b) Accessory buildings customarily incidental to the permitted use.
- (c) Home Occupations
- (d) Bed and Breakfast
- (e) Signs as permitted in Article V., Section 5, 15.

3. Special Exceptions

The following uses maybe permitted by Special Exception upon approval by the Board of Zoning Appeals and based upon review of the criteria established herein:

- (a) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (b) Churches and cemeteries.
- (c) Private or parochial schools.
- (e) Philanthropic or religious institutions other than churches.
- (f) Accessory buildings customarily incidental to the permitted use.

4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals.

5. Scope of Review

- (a) Reviewable Items
 - 1. Alterations/changes in building shape, size and massing, materials and color
 - 2. Additions
 - 3. New Construction
 - 4. Demolition
 - 5. Fences (new or additions)
 - 6. Signs
 - 7. Awnings
 - 8. Swimming pools and decks
 - 9. Miscellaneous structures (shops, garages, accessory

- buildings)
- 10. Right-of-way improvements
- 11. Exposed utilities

(b) Non-Reviewable Items

- 1. Routine Maintenance
- 2. Repair of damaged materials
- 3. Repainting
- 4. Window or door replacement if no change in size, shape, material and location of openings
- 5. Fence repair (if same style, height, etc.)

6. Minimum Lot Area

The minimum lot area shall be as approved by the Planning Commission.

7. Minimum Lot Width Measured at the Building Line

The minimum lot width shall be as approved by the Planning Commission.

8. Minimum Depth of Front Yard

(a) The minimum front yard depth shall be as approved by the Planning Commission.

(b) Where an existing accessory structure in the Residential Historic District is replaced, a replacement accessory structure is permitted in the same location, irrespective of any applicable required setbacks, provided:

- (1) Pictorial and architectural measured drawings are provided of the accessory structure, illustrating its relationship with the adjoining property line(s) prior to its demolition;
- (2) Replacement of the accessory structure in the same location does not interfere with regulated sight lines adjacent to any public rights-of-way.

9. Minimum Width of Side Yards

The minimum side yard width shall be as approved by the Planning Commission.

10. Minimum Depth of Rear Yard

The minimum rear yard width shall be as approved by the Planning Commission.

11. Maximum Lot Coverage by all Buildings

The maximum lot coverage shall be a maximum of 20% for all structures or as approved by the Board of Zoning Appeals.

12. Maximum Number of Principal Buildings

- (a) Dwellings: One (1) principal building
- (b) All other uses: As approved by the Planning Commission

13. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

14. Accessory Buildings

Accessory Buildings shall conform to the following standards:

- (a) No accessory buildings shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet, or in conformance with the setback of an existing accessory building.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet or in conformance with the setback of an existing accessory building.

15. Signs

(a) Permitted Signs

1. Pole signs
2. Free Standing – Subdivision entry signs
3. Historic Markers
4. Signs for public or quasi-public facilities
5. Address Plaques

(b) Size

1. The maximum size shall be 20 square feet
2. The maximum height shall be 6 feet.
3. Signs for non-conforming uses within the R-H District shall be limited to 1 sign per road frontage and a maximum of 5 s.f. and shall mounted to the building (placard).

(c) Temporary

1. Political- Shall not be installed 60 calendar days prior to an election (including early voting) and removed 1 calendar days after the election or run-off elections.
2. Special event/grand opening. Signs shall not exceed 10 square feet and shall be allowed for a maximum of 21 days for no more than 5 times a year.
3. Construction signs shall be a maximum of 32 square feet in size with a maximum height of 8 feet. Construction signs shall be removed within 7 days of receipt of the certificate of occupancy.

(d) Location

1. No sign shall be located in, nor extend into, any street right-of-way.
2. If the street does not have curbing, signs shall be no closer than 8 feet to the edge of the pavement.

(e) Prohibited Signs

1. Flashing or Moving signs
2. Electronic signs
3. Internally lit
4. Billboards
5. Roof Mounted
6. Animated
7. Bus Stop/bench signs
8. Neon Tubing
9. Awning

16. Miscellaneous Structures

- (a) Mailboxes
 1. No brick or other masonry mailboxes are permitted.
 2. Mailboxes shall be ornamental metal in black or dark green color.

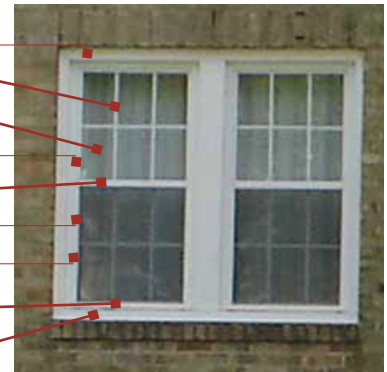
- (b) Satellite Dish shall be placed on the side or the rear of a building to minimize the visual impact from the street frontage. Satellite dishes are not allowed on the front façade of a structure.

17. Design Guidelines

- (a) Prohibited Materials
 1. Vinyl Siding Clapboard
 2. Stucco, Dryvit
 3. Aluminum Siding Clapboard

- (b) Windows and doors. The character defining doors and windows shall be preserved and maintained, including such features as frames, sashes, mullions, glazing, sills, light divisions, decorative jambs and molding, and exterior shutters. When replacement windows or doors are necessary, the replacement must be in keeping with the original design intent, maintaining the original sash and glazing patterns, and materials.

Cap
 Mullion
 Light/Pane
 Upper Sash
 Meeting Rail
 Lower Sash
 Stile
 Rail
 Sill



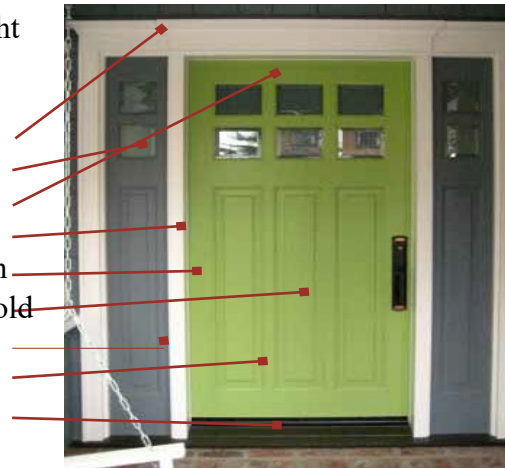
The original fenestration of a building should remain. The addition of new openings on highly visible elevations is not permitted. If storm doors or storm windows are to be added, the materials and finishes should complement the building and with the overall design intent or character of the main building. No bright metals shall be permitted for storm windows or doors.



The storm windows pictured at left have no mullion detailing, detracting from the window's appearance. The example to the right illustrates conformance to the original window's shape and detailing. Storm windows should match the color of the existing windows. Clear anodized aluminum is not permitted.



- Entablature
- Sidelight
- Rail
- Casing
- Stile
- Panel
- Frame
- Mullion
- Threshold



The screen door example to the left has no relationship to the existing door's design or color. The example to the right illustrates a well-designed storm door with elements matching the existing door's detailing. Storm doors should match the color of the existing door. Clear anodized aluminum is not permitted.



- (c) Porches and entries. The original location, form, design, and materials of porches and exterior entries on historic buildings shall be preserved and maintained, utilizing the following guidelines:
- (1) The materials that comprise exterior steps and porches shall be protected and maintained or replaced with materials that match the original design.
 - (2) The addition of new porches where they did not exist shall not be permitted and highly visible modifications such as the addition of enclosing screens or glass not in keeping with the original design intent or character of the building shall not be permitted.
 - (3) Railings should not be added to porches where they did not historically exist, and if they must be introduced for safety, must complement the original character of the porch and building.
 - (4) When a ramp or lift is necessary, a temporary wooden ramp is permitted. The ramp should be easily removed. When possible, the detailing should complement the building.
 - (5) Exterior staircases to second floor entries shall be placed at the rear or side of the building. Construct the fire escapes or exterior stairs to meet local building codes.



The two-story porch on the home to the left is an important architectural feature of the building that contributes to the overall historic district.

The unique wrap around circular porch is a defining architectural feature of the home to the right.





The building to the left has a temporary wooden ramp that can easily be removed when it is no longer needed.

- (d) Roofs. Roofs and their decorative features including dormers, cupolas, cresting, gutters and chimneys shall be retained and preserved. Their existing materials (such as slate, wood, tile, and metal) and patterns shall also be retained and preserved.
- (1) If roof repairs and/or replacement are necessary, new materials should be in keeping with the structure's original character. Dormers or other roof features that were not original to the building should not be added to highly visible elevations. More appropriate locations for these elements includes the sides or back of the building. New dormers should be in keeping with the original design intent and character of the historic building and should be sensitive to scale, form, and materials.
 - (2) Mechanical and service equipment required to be on rooftops should be placed out of view of the public right-of-way. Flues and exposed pipes shall be the color of the roof.
 - (3) If new gutters and downspouts are needed, they shall be installed so that no architectural features are damaged or lost. Gutters and downspouts shall match the trim color, unless they are made of copper. Downspouts shall be installed correctly, directing water away from the building's foundation.



The shape of the clipped gabled roof to the left is a defining architectural feature of the home and its shape should not be altered.

Clay tile roofs similar to the one shown here have been popular since the mid 19th century. Tile roofs should be repaired when necessary, matching new materials with existing.



This steeply pitched roof is typical of Folk Victorian architecture and should be preserved and maintained since it contributes to the architectural character of the home.

- (e) Chimneys. Existing historic chimneys must be preserved and maintained, with acquired maintenance such as tuck pointing and sweeping provided.
- (1) The placement, form, and material of an existing historic chimney shall not be altered or removed and should not be covered by a secondary treatment such as stucco.
 - (2) If repair is required, replacement materials should be in keeping with the original character of the historic building.
 - (3) If a chimney is unstable or damaged beyond repair, it should be reconstructed in conformance with the original design intent and character of the building.



The chimney to the left is an important architectural element of this building. Although the chimney may no longer function, it should remain since it contributes to the overall character and architecture of the house.

The exterior brick chimney on this home contributes to the overall architectural character of this colonial revival house.



(f) Architectural details. Architectural details that contribute to the historic character of the building shall be preserved and maintained.

- (1) Defining architectural details of an historic building shall not be removed or altered.
- (2) Proper drainage shall be provided to prevent deterioration of architectural elements.
- (3) Damaged areas shall be repaired by patching only what is necessary, and details shall be maintained using protective coatings such as stains, sealants, or paint.
- (4) Architectural elements shall not be added to buildings where they were not historically present, as this would create a false sense of history.
- (5) When replacement of an architectural element is necessary, a material that will convey the same design intent of the original shall be used.



The columns on this Colonial Revival home are important architectural details that contribute to the style of the home within the Residential Historic District.

The wood details of the Folk Victorian style house are important, identifiable details that contribute to the historic architecture of the building. When trim is damaged spot repairs should occur rather than replacing the trim entirely.



The eight-over-one window configuration to the left is an identifiable feature of Craftsman Architecture. The window form should be preserved as an important architectural detail of the home within the Residential Historic District.

- (g) Awnings. Awnings shall be placed to avoid damage to the building or to its important architectural features as a result of installation.
 - (1) Historically contextual materials such as canvas, cotton, or poly blend are permitted. Modern awning materials such as vinyl are not permitted. Awning fabric material and style shall be selected so as to compliment the materials and style of the home.
 - (2) Awning shapes and dimensions shall correspond to the opening they are covering, with dimensions that fit the opening.

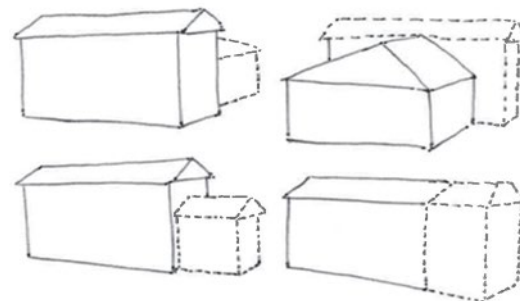


- (h) Additions. Building additions and expansions shall preserve and maintain the historic character of a building. The original form, orientation and symmetry of a historic building shall be maintained, with any additions or expansions preferably placed at the rear of a property, where visibility from the public right-of-way is limited.
- (1) An addition shall be designed to maintain and preserve original character defining elements of a historic building, and shall be in appropriate proportion and scale to the original historic building.
 - (2) New additions shall not create a false sense of history, but shall compliment and not compete with the character of the historic building.
 - (3) Surrounding historic buildings shall be considered when a new addition is planned.



The garage addition to the left is designed with sensitivity to orientation, form, and materials; but its scale is not in proportion with the original historic building. The garage addition is a more prominent feature than the original historic house.

The sketches to the right illustrate additions with dashed lines. Their locations, on side or rear building elevations, do not overpower the existing building's style, form, or character.



Accessory structures. Historic accessory buildings that contribute to the overall character of the historic district shall be preserved and maintained.

- (1) Damaged materials of accessory structures shall be repaired with materials that match the original construction.
- (2) If the accessory building is damaged beyond repair it shall be rebuilt maintaining the original design intent with similar size, style, massing, materials, and architectural detail.
- (3) Historic accessory buildings can be modernized by retrofitting with custom automatic openers and by adding new hardware that is consistent with the original historic character.
- (4) If a new accessory building is introduced, its construction will not detract from the overall historic character of the principal building.



The garage to the left has been updated with modern automatic doors that have a historic look. The storage room was an addition designed to complement the original garage.

The garage to the right has been converted into a guest house. The scale and architectural style compliment the main home.



(j) Site features and landscaping. Site features provide the context for buildings and contribute to the overall character of the Residential Historic District. Site features such as walkways, paths, drives, and parking help form spaces through building siting, topography, and view sheds.

- (1) The pervious and impervious areas within the historic property shall be preserved and maintained, including

landscaping, walks, driveways, and parking areas.

- (2) New walkway installations shall use traditional pavement materials in keeping with the historic character of the property. Walks and driveways shall maintain the original placement and design intent. Drives and parking areas shall not be placed in highly visible areas that compete with the historic building elevation. Asphalt is not a historic paving method and is not permitted for new driveways or walks.



The driveway to the left, constructed of concrete unit pavers with brick banding, adds interest. The image below is of decorative concrete with brick banding, which also is acceptable. The image at the lower left is of typical asphalt driveway, which does not reflect the character of the historic district.



- (3) New landscaping shall complement the architectural style of the building. Landscape materials shall be used to soften the appearance of newly introduced hardscape materials, to help minimize the impact to the historic site.
- (4) Plant materials shall provide appropriate screening and buffering of unsightly areas such as mechanical units and

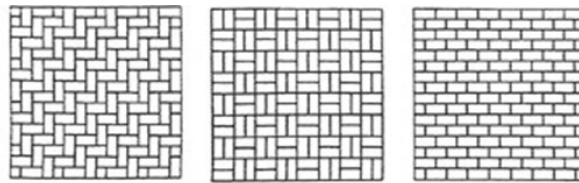
shall not compete with the character of the building. The plant materials shall be maintained so that the building remains visible from the right-of-way.



(k)

The historic home on the left is accented by appropriate symmetrical planting. The planting is well maintained and all prominent architectural features remain visible from the street. Historic fences and walls, (including original)

shall be considered in the design of replacement fences. Masonry and stone walls require repointing of mortar joints as necessary.



Common, historic brick masonry patterns (left to right): herringbone, basket weave, running bond

- (1) Newly constructed fences and walls shall complement the historic building and site. The design shall be sensitive to scale, mass, and materials.
- (2) Fences and walls shall not be constructed more than 6' high on side and rear yards, and 3' in height at the front setback.
- (3) Acceptable materials for fences in highly visible areas include, but are not limited, to wood picket fence, wrought iron and open brick fences.
- (4) Unacceptable fence and wall materials include bare concrete block, railroad ties, landscape timbers, chain link, vinyl, and plastic composite materials.



The freshly painted wooden picket fence on the left is an example of an appropriate material and height within the Residential Historic District.

- (l) New construction. New infill development shall be compatible with existing setbacks and orientation within the Residential Historic District and shall have compatible architectural styles.
 - (1) New infill construction shall complement and be compatible with the existing scale of and sensitive to the uses of adjacent buildings. Building materials shall complement those in the Residential Historic District and shall be sensitive to its architectural character.
 - (2) Buildings shall be constructed to maintain the current “street wall” of neighboring properties.
 - (3) New parking areas shall be constructed out of sight, to the rear of existing structures. Parking at the front of the building is unattractive and discourages pedestrian activity, and so is not permitted.

- (m) Architectural style.

Numerous architectural styles are present in the Residential Historic District, defining its character. Examples of several styles are shown below.



Gothic Revival – 165 Second Street



Tudor Revival – 135 Second Street



Craftsman – 105 Second Street



Four-Square – 30 Front Street



Colonial Revival – 180 Second Street



Greek Revival – 440 Main Street



Gabled ell with Queen Anne detailing – 360 Main Street



Decorative metal sign



Wooden Historic Designation Sign



Pole or Street sign

ARTICLE V. PROVISIONS GOVERNING BUSINESS DISTRICTS

Section 1. B-1 Town Center Business District

1. Applicability

The standards set forth in this section are to be considered minimum standards only, and shall not be construed to be the sole basis for approval of or a grant by right to proceed with development.

The Planning Commission or the Legislative Body may require more stringent standards if it determines that there are unique characteristics of the proposed development and/or the surrounding properties that warrant the application of additional standards.

FURTHER, FOR THE PURPOSE OF THESE REGULATIONS, the provisions of this Section shall apply only to the division, development or redevelopment of land and/or structures within the area designated within the Town Center Business District. The continued use and maintenance of existing uses and structures and the new construction and/or use of accessory structures and uses shall be permitted in accordance with the applicable provisions of the Zoning Regulations.

2. Permitted Uses

(a) Commercial Land Uses shall be limited to the following:

- (1) Banks and other Financial Services
- (2) Offices
- (3) Retail Sales
- (4) Personal and Professional Services
- (5) Restaurants without Drive-through Facilities
- (6) Bed and Breakfast Establishments
- (7) Art Studios and Galleries
- (8) Neighborhood Motor Vehicle Service Station

(b) Community or Institutional Facilities

- (1) Community Clubs and Centers

- (2) Churches
- (3) Cemeteries
- (4) Libraries
- (5) Day Care Centers
- (6) Community Parks and Common Open Space

3. Accessory Structures and Uses

- (a) General Standards: All Accessory Structures and uses as provided for the (R) Districts of the Zoning Ordinance.
- (b) Parking: Parking shall be regulated as follows:
 - (1) On street parking may be counted toward the total number of required spaces as follows:
 - a. Single family areas no more than one required parking spaces per lot shall be permitted on-street
 - b. Commercial areas may include on street parking directly in front of the structure applying for the use of the parking.
 - (2) Commercial uses - Three spaces per 1,000 square feet of floor area.
 - (3) Office uses - Two spaces per 1,000 square feet of floor area.
 - (4) Commercial parking in addition to on-street parking shall be located in areas to the rear or side of a commercial business.
 - (5) All parking lots shall be landscaped around the perimeter.
 - (6) All loading facilities shall be located away from public view and shall be screened from view of the public roads and adjacent properties.
- (c) Signs: Signs are an accessory use to any permitted use in the Town Center Business District.

(1) Signs Permitted

a. Residential Areas

1. Maximum Total Area:

- (i) Institutions: thirty-five (35) square feet.
- (ii) Residential: one (1) square foot

2. Maximum Number

- (i) Institutions: two (2)
- (ii) Residential: one (1)

b. Non Residential Areas

1. Attached Signs

- (i) Maximum Number: two (2)
- (ii) Maximum Size: twenty-four (24) square feet
- (iii) Maximum Height: fifteen (15) feet

2. Location

- (i) Front Facade
- (ii) Side Facade
- (iii) Windows
- (iv) Awning
- (v) Projecting

3. Detached Signs

- (i) Maximum Size: twenty-four (24) square feet
- (ii) Maximum Height: six (6) feet

4. Building Directory Signs:

- (i) Maximum Size: three (3) square feet
- (ii) Number: one (1) per building that contains multiple tenants

5. Other

No individual tenant identification shall exceed one (1) square foot.

(2) Prohibited Signs

- a. Billboards, off-premise advertising signs.

- b. Portable or temporary signs including those mounted on movable skids or wheels.
- c. Signs on roofs, dormers and balconies.
- d. Signs employing mercury vapor, low pressure and high pressure sodium, metal halide lighting, plastic panel rear-lighted signs.

(3) Special Sign Standards

a. Projecting Signs

- 1. Maximum Size: six (6) square feet
- 2. Number: one (1) per building
- 3. Ground Clearance: The distance between the lower edge of the sign and the ground shall be no less than ten (10) feet.
- 4. Maximum Projection: No sign shall project more than three (3) feet from the facade of the building to which it is attached. No sign shall project over the street right-of-way.

b. Awning Signs

- 1. Maximum Size:
 - (i) twenty-four (24) square feet if used as principle attached sign.
 - (ii) four (4) square feet if it an auxiliary sign and must be on valance of awning
- 2. Number: When it is the principal sign, it is counted as one of the permitted attached signs per business.
- 3. Lighting:
 - (i) Awning shall not be translucent and back lighted.
 - (ii) Awnings may be indirectly lighted from unexposed sources.

c. Detached Signs

1. Setback: A permitted detached sign shall be setback 10 feet from the street right of way line.
2. Design: The sign shall be architecturally compatible with the building.

d. Special Signs: Restaurants and cafes shall be permitted one of the following in addition to any other permitted signs.

1. A wall mounted menu sign not exceeding two (2) square feet.
2. A sandwich board sign not exceeding five (5) square feet shall be located within four (4) feet of the business entrance, but not on public right of way.

4. Bulk Requirements

(a) The following general requirements shall apply for commercial buildings and shall be used with Site Plan Review procedures.

- (1) Maximum Building Height- three (3) stories or forty-five (45) feet, whichever is less.
- (2) Minimum Building Height - the predominant height of buildings shall be at least two (2) stories or twenty-eight (28) feet. Single-story buildings shall be a minimum of eighteen (18) feet in height.
- (3) Commercial buildings shall be built with a minimum of seventy percent (70%) of the front facade at the building set-to-line. Direct pedestrian access at grade from public walkways into commercial business shall be required.
- (4) Restaurants and cafes may provide outdoor service provided such service and seating area is located within seven (7) feet of the front building facade, or is located in courtyards at the rear or side of the building.
- (5) Buildings shall be set back a minimum of ten (10) feet and a maximum of twenty (20) feet from the public right-of-

way.

- (6) Setback of a non-residential use abutting single family residential shall be a minimum of ten (10) feet.
- (7) Refuse containers shall be located away from and completely screened from view from adjacent properties and public roads.
- (8) On commercial and office buildings, utility features such as electrical wiring and meters shall also be located away from public view and shall be screened using architectural features or landscaping.
- (9) On commercial and office buildings, all heating and air conditioning equipment including that located on the roof shall be screened through the use of integrated architectural features and/or landscaping. A Mansard roof treatment shall not be used.
- (10) The Planning Commission may impose further bulk requirements at the time of site plan review.

(b) Other Bulk Requirements

- (1) Electric Utilities:
Electric distribution within developments shall be provided by means of underground service.
- (2) Building Other:
All mechanical apparatus, refuse containers, utility meters, conduit, A/C units and other utility elements shall be located to the rear, away from public view. Similarly, plumbing and mechanical vents shall be located to the rear of roofs, away from view of the public street.
- (3) Building Relationship to Street:
Buildings shall be located to front toward and relate to public streets, or public spaces, both functionally and visually, buildings should be designed to emphasize the front face and entrance of the building facing the public street or internal open space.
- (4) Fences and Walls
Walls and fences shall be architecturally compatible with the style, materials and colors of the principal building on

the same lot. Stone walls or brick walls with a stone or cast stone cap are encouraged. Solid wooden fences a maximum of six (6) feet in height are permitted in rear and side yards only. No fence greater than forty-two (42) inches in height shall extend beyond the front building line into any front yard including both front yards of a corner lot.

(c) Site Lighting

Site lighting shall be provided in a manner which enhances the security and convenience of businesses and their patrons while avoiding, to the extent possible, the conflict of intense lighting glaring onto residential uses.

- (1) Maximum Height: twenty (20) feet.
- (2) Lighting shall be directed downward and away from residential areas.
- (3) Light standards and fixtures should be designed to complement the street light standards.

Section 2. B-2 General Commercial District

The B-2 (General Commercial) District shall be considered a general highway commercial-service oriented district. Within the areas designated B-2 (General Commercial) on the Zoning Map of Rossville, Tennessee, the following provisions shall apply:

1. Uses Permitted

(a) Retail trade

- (1) Retail trade - building materials, hardware, and farm equipment
- (2) Retail trade - general merchandise
- (3) Retail trade - food
- (4) Retail trade - automotive, marine craft, aircraft and accessories
- (5) Retail trade - apparel and accessories
- (6) Retail trade - furniture, home furnishings and equipment
- (7) Retail trade - eating and drinking
- (8) Other retail trade, NEC*
* Not Elsewhere Coded

(b) Services

- (1) Finance, insurance and real estate services
 - (2) Personal services
 - (3) Business services, excluding warehousing and storage services
 - (4) Repair services
 - (5) Professional services
 - (6) Contract Construction services
 - (7) Educational services
 - (8) Miscellaneous services
- (c) Amusements
 - (d) Recreational Activities
 - (e) Transient lodgings
 - (1) motels
 - (2) tourist courts
 - (3) hotels
 - (f) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings and utilities.
 - (g) Educational services
 - (h) Miscellaneous services
 - (i) Public Assembly
 - (j) Accessory buildings customarily incidental to the permitted use.
 - (k) Signs as permitted in Article VIII.3

2. Special Exceptions

No uses are permitted

3. Uses Prohibited

Any use not specifically permitted by the Ordinance.

4. Minimum Lot Area

All Uses

No minimum providing all yard,

density, and parking requirements are met.

5. Minimum Lot Width Measured at the Building Line

All Uses No minimum providing all yard, density, and parking requirements are met.

6. Minimum Depth of Front Yards

All Uses Fifty (50) ft

7. Minimum Width of Side Yards

All Uses Twenty-five (25) ft.

8. Minimum Depth of Rear Yard

All Uses Twenty (20) feet, provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) feet.

9. Maximum Lot Coverage by All Buildings

All Uses Forty-five (45) percent

10. Maximum Number of Principal Buildings

All Uses No maximum providing the provisions of V.2.4 through V.2.9 are met.

11. Maximum Height

(a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries chimneys, church spires, flagpoles, radio and television antennas, and water tanks, or stand pipes provided they comply with the provision of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend into the required front, side or rear yard.

13. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

Section 3. BR-O Residential Business – Office District

1. Applicability

The standards set forth in this Section are intended to provide for a limited range of office and personal service businesses designed to provide a transition between more intense activity and adjacent residentially used property. Adaptive reuse of existing residential structures is encouraged where practical. New construction and / or use of accessory structures and uses shall be permitted in accordance with the applicable provisions of this Section and the Zoning Regulations.

2. Use Permitted

- (a) Single Family Residential Use
- (b) Commercial Land Uses shall be limited to the following:
 - (1) Professional Offices
 - (2) Medical and Dental Clinics
 - (3) Veterinary Clinics
 - (4) Personal and Professional Services
 - (5) Art Studios and Galleries
 - (6) Bed and Breakfast Establishments
- (c) Community or Institutional Facilities
 - (1) Community Clubs and Centers
 - (2) Churches

- (3) Libraries
- (4) Day Care Centers (Adult and Child)
- (5) Public Use Facilities

3. Accessory Structures and Uses

- (a) General Standards: All Accessory Structures and uses as provided for the (R) Districts of the Zoning Ordinance.
- (b) Parking: Parking shall be regulated in accordance with the provisions of Article VIII. Section 1 and the following additional provisions:
 - (1) Parking shall be located in areas to the rear or side of the principal structure. No parking shall be permitted between the principal structure and the public right-of-way.
- (c) Signs: Signs are an accessory use to any permitted use in the Residential Business – Office District.
 - (1) Signs Permitted
 - a. Attached Signs
 - (i) Maximum Number: one (1)
 - (ii) Maximum Size: six (6) square feet
 - (iii) Maximum Height: six (6) feet
 - b. Location
 - (i) Front Facade
 - (ii) Side Facade
 - (iii) Windows
 - (iv) Awning
 - (v) Projecting
 - c. Detached Signs
 - (i) Maximum Size: twelve (12) square feet
 - (ii) Maximum Height: six (6) feet
 - d. Building Directory Signs:
 - (i) Maximum Size: three (3) square feet
 - (ii) Number: one (1) per building that contains multiple tenants

- e. Other
No individual tenant identification shall exceed one (1) square foot.

(2) Prohibited Signs

- a. Billboards, off-premise advertising signs.
- b. Portable or temporary signs including those mounted on movable skids or wheels.
- c. Signs on roofs, dormers and balconies.
- d. Signs employing mercury vapor, low pressure and high pressure sodium, metal halide lighting, plastic panel rear-lighted signs.

4. Bulk Requirements

- (a) The bulk requirements shall be as required for uses permitted in Subsections 5-12 of the R-1 Residential District.
- (b) Other Requirements:
 - (1) Building Design:
Buildings shall be designed to reflect a traditional residential style. Design that is responsive to the historic architectural designs found in Rossville is encouraged.
 - (2) Electric Utilities:
Electric distribution within developments shall be provided by means of underground service.
 - (3) Building Other:
All mechanical apparatus, refuse containers, utility meters, conduit, A/C units and other utility elements shall be located to the rear, away from public view. Similarly, plumbing and mechanical vents shall be located to the rear of roofs, away from view of the public street.
 - (4) Fences and Walls:
Walls and fences shall be architecturally compatible with the style, materials and colors of the principal building on the same lot. Stone walls or brick walls with a stone or cast stone cap are encouraged. Solid wooden fences a maximum

of six (6) feet in height are permitted in rear and side yards only. No fence greater than forty-two (42) inches in height shall extend beyond the front building line into any front yard including both front yards of a corner lot.

- (5) Site Lighting:
Site lighting shall be provided in a manner which enhances the security and convenience of businesses and their patrons while avoiding, to the extent possible, the conflict of intense lighting glaring onto residential uses. Lighting shall not exceed fourteen (14) feet in height and shall face downward and away from residential areas.
- (6) Refuse containers:
Refuse containers shall be located away from and completely screened from view from adjacent property and public roads.

Section 4. (B-H) Business Historic District. Within the areas designated B-H on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply.

1. Intent

The intent of the B-H Business Historic District is to protect, enhance and perpetuate those distinctive and significant commercial structures which are representative of the Town's historical, cultural, social, economic, political, archaeological and architectural identity.

2. Uses Permitted

(a) Retail trade

- (1) Retail trade - building materials, hardware, and farm equipment
 - (2) Retail trade - general merchandise
 - (3) Retail trade - food
 - (4) Retail trade - apparel and accessories
 - (5) Retail trade - furniture, home furnishings and equipment
 - (6) Retail trade - eating and drinking
 - (7) Other retail trade, NEC*
- * Not Elsewhere Coded

(b) Services

- (1) Finance, insurance and real estate services
- (2) Personal services

- (3) Business services, excluding warehousing and storage services
 - (4) Professional services
 - (5) Educational services
- (c) Recreational Activities
- (d) Single Family Residential – provided that the ground floor be utilized for retail or office uses with no more than 10% of the ground floor to be allocated for entrance or access to the residential unit.
- (1) Live/Work units
 - a. All living space within the live/work unit needs to be contiguous with, and an integral part of, the working space, with direct access and internal access between the two areas. This may also be accomplished via a shared vestibule for the business and residential unit.
 - b. The live/work unit is intended to function as a single space for a single tenant and will not allow for use or subletting to different users of the retail or office space and the residential space.
- (d) Transient lodgings
- (1) bed and breakfast facilities
- (e) Public uses, including but not limited to municipal, State or Federal uses such as schools, museums, office buildings and utilities.
- (f) Educational services
- (g) Public Assembly
- (h) Accessory buildings customarily incidental to the permitted use.
- (i) Signs as permitted in Article IX.3

3. Special Exceptions

No uses are permitted

4. Uses Prohibited

Any use not specifically permitted by the Ordinance.

5. Scope of Review

(a) Reviewable Items

- (1) Alterations/changes in building shape, size, materials, color and massing
- (2) Additions
- (3) New Construction
- (4) Demolition
- (5) Fences (new or additions)
- (6) Signs
- (7) Awnings
- (8) Swimming pools and decks
- (9) Miscellaneous structures (shops, garages, accessory buildings)
- (10) Right-of-way improvements
- (11) Exposed utilities
- (12) Alterations to streetscape and furnishings

(b) Non-Reviewable Items

- (1) Routine Maintenance
- (2) Repair of damaged materials
- (3) Repainting
- (4) Window or door replacement if no change in size, shape, material and location of openings
- (5) Fence repair (if same style, height, etc.)

6. Minimum Lot Area

The minimum lot area shall be as approved by the Planning Commission.

7. Minimum Lot Width Measured at the Building Line

The minimum lot width shall be as approved by the Planning Commission.

8. Minimum Depth of Front Yards

(a) The minimum front yard depth shall be as approved by the Planning Commission.

(b) Where an existing accessory structure in the Residential Historic District is replaced, a replacement accessory structure is permitted in the same location, irrespective of any applicable required

setbacks, provided:

- (1) Pictorial and architectural measured drawings are provided of the accessory structure, illustrating its relationship with the adjoining property line(s) prior to its demolition;
- (2) Replacement of the accessory structure in the same location does not interfere with regulated sight lines adjacent to any public rights-of-way.

9. Minimum Width of Side Yards

The minimum side yard width shall be as approved by the Planning Commission.

10. Minimum Depth of Rear Yard

The minimum rear yard width shall be as approved by the Planning Commission.

11. Maximum Lot Coverage by All Buildings

The maximum lot coverage shall be as approved by the Planning Commission.

12. Maximum Number of Principal Buildings

The maximum number of principal buildings shall be as approved by the Planning Commission.

13. Maximum Height

- (a) No structures shall exceed two (2) stories or twenty-eight (28) feet in height to the top of the parapet as measured from one (1) foot above base flood elevation as established by FEMA. This limitation shall not apply to belfries chimneys, church spires, flagpoles, radio and television antennas, and water tanks, or stand pipes provided they comply with the provision of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line or right-of-way.

14. Accessory Buildings

Accessory Buildings shall conform to the following standards:

- (a) No accessory buildings shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) Accessory buildings shall provide a side yard with a minimum width of ten (10) feet, or in conformance with the setback of an existing accessory building.
- (d) Accessory buildings shall provide a rear yard with a minimum width of ten (10) feet or in conformance with the setback of an existing accessory building.

15. Signs

- (a) Permitted Signs
 - (1) Pole signs
 - (2) Free Standing
 - (3) Historic Markers
 - (4) Signs for public or quasi-public facilities
 - (5) Address Plaques
 - (6) Sandwich board
 - (7) Wall sign
- (b) Size
 - (1) The maximum size shall be no more than 10% of the total square footage of a building's façade.
 - (2) The maximum height of a free standing sign shall be 6 feet.
- (c) Temporary
 - (1) Political- Shall not be installed 90 calendar days prior to an election (including early voting) and removed 7 calendar days after the election or run-off elections.
 - (2) Special event/grand opening. Signs shall not exceed 10 square feet and shall be allowed for a maximum of 21 days for no more than 5 times a year.
 - (3) Construction signs shall be a maximum of 32 square feet in size with a maximum height of 8 feet. Construction signs shall be removed within 7 days of receipt of the certificate of occupancy.
- (d) Location
 - (1) No sign shall be located in, nor extend into, any street right-of-way.
 - (2) If not curb is provided, signs shall be no closer than eight (8) feet to the edge of pavement.

- (3) A flush mounted signboard may extend the width of the storefront but shall not be more than 2 ½ feet high.

(e) Prohibited Signs

- (1) Flashing or Moving signs
- (2) Electronic signs
- (3) Internally lit
- (4) Billboards
- (5) Roof Mounted
- (6) Animated
- (7) Bus Stop/bench signs
- (8) Neon Tubing
- (9) Awning
- (10) Window
- (11) Permanent fringed or pennant string banners
- (12) Inflatable
- (13) Persons or people carrying or displaying signage
- (14) Vehicle

16. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Article IX.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

17. Architectural Guidelines

- (a) Storefronts. The functional and decorative features that contribute and define the historic character of the buildings shall be preserved and maintained. All materials that comprise the storefront shall be preserved by appropriate maintenance and cleaning.

Building materials in keeping with the existing historical materials will help bring cohesion to the area. Traditional, textural materials such as brick, stone, wood and modern materials that imitate the traditional are acceptable. The materials should be of high quality, durable construction and easily maintained. Visual interest can be added by the use of architectural details such as cornices, columns, pilasters, water tables and material changes which also keeps a building human-scaled.

- (1) When repairs are needed, ensure that all replacement materials are compatible in style, form, and function. Only

use original or substitute materials that convey the same aesthetic as the remaining parts of the storefront.

- (2) Do not replace an entire storefront when repair or limited replacement is feasible.



The storefront example to the left has all of the typical elements of a historic storefront – numerous openings, pedestrian-scaled elements, welcoming display windows and entrances, with details that add interest and character.

- (b) Windows. The style of existing windows in the district should be reflected in the style of windows on new buildings, and should be retained when replacing the windows of existing structures.



The image to the left is of an existing window in the B-H district. The rich detailing evident in numerous mullions and distinctive proportions should be emulated with new construction or renovations.

- (c) Canopies, Awnings, and Balconies. Awnings, canopies and balconies may be used at appropriate locations and their installation must avoid damage to the building or important architectural features.

- (1) Canvas, cotton, or poly blend awning materials are permitted. The use of vinyl awnings is not permitted.

- (2) Awning shapes and dimensions shall correspond to the openings they are covering.
- (3) Awning fabric must compliment the materials and style of the building.
- (4) Canopy material and supports must complement the architectural features of the building.
- (5) A balcony maybe added to a building only if there is documentation that suggests the original structure had a balcony. The creation of a false sense of history by adding elements that were not original to the building shall not be permitted.



The awning pictured to the left is an appropriate scale and pattern for the historic downtown. The fabric materials and style coordinate well with that of the building.

Any canopy on a building within the Business Historic District should be preserved and maintained since it is an identifiable architectural detail.



- (d) Service Areas and Utilities. Utility and service areas, such as electrical equipment, HVAC equipment, and trash collections areas, must be screened from the right-of-way with appropriate

materials such as walls, berms, opaque fencing, or evergreen hedges.

- (1) Trash collection areas should be located at the rear of the property and be enclosed by a permanent structure of appropriate height on all four sides with an operable door or gate for access.
- (2) All screening should be compatible in material and style with the architecture of the building. Design enclosures and screens simply, so as not to compete with the architectural character of the building. Items that cannot be screened should be painted to match the building.
- (3) The use of sound abating screening, such as solid walls will reduce the impact of noisy equipment, such as generators or compactors, on the community.
- (4) All rooftop equipment should be screened by the use of a parapet wall or by part of the rooftop form. Rooftop screening needs to be architecturally integrated into the rest of the building and not look like an afterthought.



The parapet on the building to the left helps hide HVAC units and other mechanical systems that could be placed on the roof.

- (e) Parking. Adequate parking within the Business Historic District must be provided without compromising the overall character of the district.

- (1) New parking areas must be designed so as to be out of view from the main public right-of-way. Parking at the rear of properties is preferred.
 - (2) Parking areas must be screened with plant material to soften the appearance. Design parking lots/areas to conform to existing setbacks while maintaining the “street wall” of the building facades within the downtown commercial area.
 - (3) Loading and unloading along major streets is inconvenient and disruptive to pedestrians and vehicular traffic. When possible, loading areas should be to the rear or side of buildings along alley ways.
- (f) Lighting. Adequate lighting shall provide a sense of security while maintaining the ambience of the Business Historic District. Any historic light fixtures must be maintained and preserved. Lighting shall meet the minimum Illuminating Engineering Society (IES) standards, and shall not exceed 200% of the recommended values.

Requirement – Minimum horizontal illuminance 0.2 FC (basic) 0.5 FC (enhanced Security) with a uniformity ratio, max to min. of 20:1 basic and 15:1 for enhanced security.

- (1) Design lighting, to cater to the pedestrian and avoid shining into pedestrians’ eyes.
- (2) Encourage lighting of shop windows during night hours. This adds to the overall lighting as well as showcasing products in windows.
- (3) Do not use excessively bright lighting that can cause a glare and an unpleasant walking experience.
- (4) Choose lighting fixtures that complement the architectural style of the building.
- (5) Only illuminate, for pedestrian safety, what needs to be illuminated and avoid excessive amounts of light. Signage lighting needs to be directed solely at the sign which will direct attention to the sign itself. Prevent glare from entering onto adjacent properties, or into pedestrian or driver’s eyes.
- (6) All light sources should be shielded. Exposed light bulbs or internally lit signs are not permitted.

- (7) The type of the light should be warm white. Cold white and sodium lights are not permitted.
- (8) Conceal all wiring and conduits.
- (9) Maximum pole height shall be 15' for sidewalks and pedestrian spaces and 25' for parking areas.



The signage lighting pictured to the left is an appropriate method of lighting within the Business Historic District

- (g) Site Features and Landscaping. Pervious and impervious areas within the historic property shall be preserved and maintained, including landscaping, walks, and driveways.
 - (1) New walk installations shall use traditional pavement materials which complement the historic character of the district.
 - (2) Walks and driveways shall maintain the placement and design intent of the original building site.
 - (3) Landscape materials shall be used to soften the appearance of newly introduced hardscape features to help minimize any impact to the historic site.
 - (4) Plant materials should provide screening and buffering of unsightly areas such as mechanical units but should not compete with the character of the building.
 - (5) Plant materials shall be maintained so that the building

remains visible from the right-of-way.



The Historic Downtown Square in Collierville, Tennessee represents a successful marriage of plantings and appropriate site features within an historic downtown.

- (h) Signage. Signs that contribute to the historic character of a building or the Historic District must be preserved and maintained.
 - (1) New signage must be compatible in material, scale, and style of the character of the Business Historic District.
 - (2) Commercial building signage should be integral to the building. The use of simple and tasteful sandwich boards is appropriate during business hours.



A building with appropriately located and scaled signage.

- (3) Building signage should be appropriately scaled for the size of the façade, be located on flat, unadorned parts of the building and not cover any architectural details.
- (4) The signage band should be located above transom windows and below second story windows or should be located above the second story windows and below any architectural details.
- (5) Pedestrian-level signage is very important in the built

environment and should be used whenever possible. These include perpendicular signs hanging from a bracket attached to the façade of the building or hanging from a canopy as well as permanent painted signs on the glass of doors and first and second story windows. Street numbers should also be prominently displayed and visible from the street.

(6) All signs must adhere to the Town ordinance.

- (i) New Construction – Setbacks, Orientation, Scale and Massing. New buildings should be placed so as to create a uniform frontage. Building setbacks should be no more than 5'-0" from the property line to allow easy pedestrian access from the sidewalk. Setbacks of up to 10'-0" are permitted for use as shared pedestrian access between two or more adjacent establishments, and a 25'-0" setback can be used for outdoor dining or public open spaces.

Side setbacks of 0'-0" are acceptable to help attain the street-wall effect. Buildings should align with streets and the front of the building should relate to adjacent building fronts. Corner buildings and lots should be treated as having two fronts. Service and parking areas located at the rear of the building allow more pedestrian activity at the fronts of the buildings. Good accessibility includes increasing the use of movement to stimulate pedestrian traffic, giving priority to the pedestrian, and providing parking for both vehicles and bicycles.

- (1) Infill development should be compatible with existing setbacks and orientation within the Business Historic District, and should have compatible architectural styles with the existing neighborhood.
- (2) New infill construction must complement and be compatible with the existing scale and building materials of adjacent buildings.
- (3) Buildings shall be constructed to maintain the current "street wall" in keeping with the neighboring properties.
- (4) New parking areas shall be constructed out of sight, to the rear of buildings, as parking at the front of the building is unattractive and discourages pedestrian activity.
- (5) New building materials shall be sensitive to the architectural character of the adjacent properties and the Business Historic District.



The Historic Downtown Square in McKenzie, Tennessee represents a successful marriage of setbacks and orientation, signage, scale and massing, planting, and appropriate site features within an historic downtown

- (j) Architectural Style. A wide variety of architectural styles are evident in the Business Historic District, as noted here.



2-story architecture – 505 Main Street



Art Deco – 70 Front Street



Gothic Revival – 340 Main Street



Wall Sign



Decorative Metal Free Standing Sign



Pole or Street Sign



Wooden Historic Sign



Sandwich Board



Hanging Sign

ARTICLE VI. PROVISIONS GOVERNING MANUFACTURING DISTRICTS

Section 1. M-1 General Industrial District

The M-1 (General Industrial) District is designed to allow a broad range of industrial uses complemented by other uses such as wholesale sales, and limited retail sales and services, within the Town of Rossville. This district is not intended to allow uses which may be considered hazardous because of the use of, or production of, toxic or highly flammable materials. Within the areas designated M-1 (General Industrial) on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Uses Permitted

(a) Wholesale Trade including:

- (1) Motor vehicles and automotive equipment - wholesale.
- (2) Drugs, chemicals, and allied products - wholesale.
- (3) Dry goods and apparel - wholesale.
- (4) Groceries and related products - wholesale.
- (5) Farm products (raw materials) - wholesale except for livestock, horses, and mules - wholesale.
- (6) Electrical goods - wholesale.
- (7) Hardware, plumbing and heating equipment, and supplies - wholesale.
- (8) Machinery, equipment, and supplies - wholesale.
- (9) Other wholesale trade, *NEC - Limited to:
 - a. Metals and minerals (Except petroleum products and scrap) - wholesale.
 - b. Tobacco and tobacco products -wholesale.
 - c. Beer, wine and distilled alcoholic beverages - wholesale
 - d. Paper and paper products - wholesale.

- e. Furniture and home furnishings - wholesale
 - f. Lumber and construction materials – wholesale
 - g. Other wholesale trade, NEC - except for scrap and waste materials - wholesale
 - * Not Elsewhere Coded
- (b) Retail trade - limited to:
- (1) Retail trade - eating and drinking
 - (2) Retail trade - materials, hardware and farm equipment.
- (c) Business services - limited to:
- (1) Dwelling and other building services
 - (2) Warehousing and storage services
- (d) Repair Services
- (e) Professional services - limited to:
- (1) medical laboratory services
 - (2) dental laboratory services
 - (3) other medical and health services
- (f) Contract construction services
- (g) Governmental services
- (h) Agricultural related activities - limited to: animal husbandry services
- (i) Manufacturing - including
- (1) Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for:
 - a. Leather tanning and finishing
 - (2) Furniture and fixtures - manufacturing

- (3) Printing, publishing and allied industries
- (4) Rubber and miscellaneous plastic products - manufacturing
- (5) Fabricated metal products - manufacturing
- (6) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks - manufacturing
- (7) Miscellaneous manufacturing, NEC.
- (j) Motor Vehicle Transportation
- (k) Communication
- (l) Utilities
- (m) Other transportation, communication and utilities, NEC
- (n) Signs as permitted in Article VIII.3.

2. Special Exceptions

The following use is permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein:

(a) Uses permitted

- (1) Sexually Oriented Businesses

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the official Major Road Plan for Rossville.
- (2) All area, yard density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

- (4) The Board of Zoning Appeals shall have the power to require such changes in required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed buildings, the authority to specify building materials, colors or similar considerations.

3. Uses Prohibited

Any use not specifically permitted by this Ordinance

4. Minimum Lot Area

- (a) All uses: No minimum providing all yard, density, and parking requirements are met.

5. Minimum Lot Width at the Building Line

- (a) All uses: No minimum providing all yard, density, and parking requirements are met.

6. Minimum Depth of Front Yard

- (a) All uses: Fifty (50) feet

7. Minimum Width of Side Yard

- (a) All uses: Twenty-five (25) feet provided that when the M-1 (General Industrial) lot adjoins a residential district at the side yard, the minimum side yard shall be forty (40) feet.

8. Minimum Depth of Rear Yard

- (a) All uses: Twenty-five (25) feet provided that when the M-1 (General Industrial) lot adjoins a residential district along the rear yard, the minimum rear yard shall be forty-five (45) feet.

9. Landscaping

The first ten (10) feet of any required yard shall be devoted to landscaping. This provision shall not apply to required rear or side yards except when the rear or side yards adjoin a residential district.

10. Maximum Lot Coverage of Buildings

(a) All uses: Sixty-five (65) percent

11. Maximum Number of Principal Buildings

(a) All uses: None providing the provisions of VI.1.4 through VI. 1.9 are met.

12. Maximum Height

(a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

(a) No accessory building shall extend beyond the required front yard or the front line of the principal building.

(b) No accessory building shall extend into the required side or rear yard.

14. Site Plan Review

(a) Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the building inspector. If approved, any modifications required by the building inspector shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

Section 2. M-1a Restricted Industrial District

The M-1a (Restricted Industrial) District is designed to allow a broad range of

industrial uses geared to warehouse distribution, light manufacturing, an intermodal facility, and limited retail sales and services, within the Town of Rossville. This district is not intended to allow uses which may be considered hazardous because of the use of, or production of, toxic or highly flammable materials. Within the areas designated M-1a Restricted Industrial District on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Uses Permitted

(a) Wholesale Trade including:

- (1) Drugs, chemicals, and allied products - wholesale.
- (2) Dry goods and apparel - wholesale.
- (3) Groceries and related products - wholesale.
- (4) Farm products (raw materials) - wholesale except for livestock, horses, swine, poultry and mules - wholesale.
- (5) Electrical goods - wholesale.
- (6) Hardware, plumbing and heating equipment, and supplies - wholesale.
- (7) Machinery, equipment, and supplies - wholesale.
- (8) Other wholesale trade, *NEC - Limited to:
 - a. Tobacco and tobacco products -wholesale.
 - b. Beer, wine and distilled alcoholic beverages - wholesale
 - c. Paper and paper products - wholesale.
 - d. Furniture and home furnishings – wholesale
 - e. Lumber and construction materials – wholesale
 - g. Other wholesale trade, - except for scrap and waste materials – wholesale

* Not Elsewhere Coded

- (c) Business services - limited to:
 - (1) Dwelling and other building services
 - (2) Warehousing and storage services
- (d) Contract construction services
- (e) Governmental services
- (f) Churches and places of worship
- (g) Office uses
- (h) Cemeteries
- (i) Retail Trade
 - (1) Banks and other financial institutions
 - (2) Art Studios and Galleries
 - (3) Photographic studio
 - (4) Personal and Professional services
 - (5) Nursery and greenhouse
 - (6) Retail trade - eating and drinking;
 - (7) Retail trade - materials, hardware and farm equipment;
- (j) Mini storage warehouse
- (k) Community Clubs and centers, parks and open space
- (l) Hospital
- (m) Schools – public, private and universities
- (n) Repair Services
- (o) Professional services - limited to:
 - (1) medical laboratory services
 - (2) dental laboratory services
 - (3) other medical and health services

- (p) Manufacturing – including
 - (1) Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for:
 - a. Leather tanning and finishing
 - (2) Furniture and fixtures – manufacturing
 - (3) Printing, publishing and allied industries
 - (4) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks – manufacturing
 - (5) Miscellaneous manufacturing, NEC.
- (q) Agricultural related activities - limited to:
Animal husbandry services except confinement feeding of livestock and poultry.

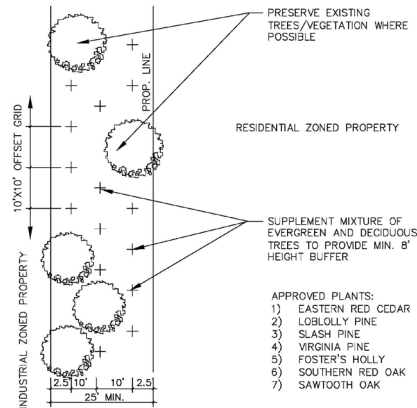
2. Uses Prohibited

- (a) Sexually oriented businesses
- (b) Storage of non-containerized hazardous materials
- (c) Landfill, sanitary or construction
- (d) Disposal of hazardous materials
- (e) Stockpile of stone, gravel, minerals, etc., except in connection with track maintenance
- (f) Animal processing facility
- (g) Communications towers.
- (h) Impound lot for vehicles

3. Conditional Uses (requiring Board of Zoning Appeals approval)

- (1) Rubber and miscellaneous plastic products – manufacturing
- (2) Fabricated metal products – manufacturing

4. Minimum Lot Area
 - (a) All uses: No minimum providing all yard, density, and parking requirements are met.
5. Minimum Lot Width at the Building Line
 - (a) All uses: One hundred (100) feet.
6. Minimum Depth of Front Yard
 - (a) All uses: Fifty (50) feet
7. Minimum Width of Side Yard
 - (a) All uses: Twenty-five (25) feet provided that when the Industrial Development Overlay District lot adjoins a residential district at the side yard, the minimum side yard shall be forty (40) feet.
8. Minimum Depth of Rear Yard
 - (a) All uses: Twenty-five (25) feet provided that when the Industrial Development Overlay District lot adjoins a residential district along the rear yard, the minimum rear yard shall be forty-five (45) feet.
9. Landscaping
 - (a) The first ten (10) feet of any required front yard shall be devoted to landscaping.
 - (b) There shall be a twenty five (25) foot landscape area when adjacent to any residential district see plate A.



LANDSCAPE PLATE A
N.T.S.

10. Maximum Lot Coverage of Buildings

(a) All uses: Fifty (50) percent

11. Maximum Number of Principal Buildings

(a) All uses: None providing the provisions of VI.2.4 through VI.2.9 are met.

12. Maximum Height

(a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, lighting fixtures, radio and television antennas, and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory building shall extend into the required side or rear yard.
- (c) The accessory building shall be of the same material and style as

the principal structure.

14. Site Plan Review

- (a) Except with regard to the intermodal facility, prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

Section 3. M-2 Heavy Industrial District

The M-2 (Heavy Industrial) District is designed to allow a broad range of industrial uses complimented by other uses such as wholesale sales, and limited retail sales and services, within the Town of Rossville. This district is intended to allow uses which may need to be somewhat isolated because of the permitted use production activity. Within the areas designated M-2 (Heavy Industrial) on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Uses Permitted

- (a) Wholesale Trade including:
 - (1) Farm products (raw materials) - wholesale except for livestock, horses, and mules - wholesale
 - (2) Machinery, equipment, and supplies - wholesale
 - (3) Other wholesale trade, NEC - Limited to:
 - a. Metals and minerals (Except petroleum products and scrap) - wholesale
 - b. Petroleum bulk stations and terminals - wholesale
 - c. Tobacco and tobacco products - wholesale
 - d. Lumber and construction materials -wholesale
- (b) Retail trade - limited to:
 - (1) Retail trade - eating and drinking

- (c) Business services - limited to:
 - (1) Warehousing and storage services -excluding:
 - a. Stockyards
- (d) Repair Services -
- (e) Contract construction services
- (f) Governmental services
- (g) Agricultural related activities
- (h) Manufacturing - including:
 - (1) Food and kindred products - manufacturing
 - (2) Textile mill products - manufacturing
 - (3) Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for:
 - a. Leather tanning and finishing
 - (4) Lumber and wood products (except furniture) manufacturing
 - (5) Furniture and fixtures - manufacturing
 - (6) Paper and allied products - manufacturing - limited to:
 - a. Converted paper and paperboard products (except containers and boxes) - manufacturing
 - b. Paperboard containers and boxes - manufacturing
 - c. Building paper and board manufacturing
 - (7) Printing, publishing and allied industries
 - (8) Chemicals and allied products - manufacturing limited to:
 - a. Drug - manufacturing
 - b. Soap, detergents and cleaning preparations,

perfume, cosmetics and other toilet preparations -
manufacturing

c. Paints, varnishes, lacquers, enamels, and allied
products - manufacturing

(9) Rubber and miscellaneous plastic products -
manufacturing

(10) Stone, clay and glass products -manufacturing

(11) Primary metal products - manufacturing

a. Rolling, drawing and extruding of non-ferrous
metals

(12) Fabricated. metal products - manufacturing

(13) Professional, scientific and controlling instruments;
photographic and optical goods; watches and clocks -
manufacturing

(14) Miscellaneous manufacturing, NEC

(i) Motor Vehicle Transportation

(j) Communication

(k) Utilities

(l) Other transportation, communication and utilities, NEC

(m) Signs as permitted in Article VIII.3.

2. Special Exceptions

No uses are permitted

3. Uses Prohibited

Any use not specifically permitted by this Ordinance.

4. Minimum Lot Area

(a) All uses: No minimum providing all yard,
density, and parking requirements

are met.

5. Minimum Lot Width at the Building Line

- (a) All uses: No minimum providing all yard, density, and parking requirements are met

6. Minimum Depth of Front Yard

- (a) All uses: Fifty (50) feet

7. Minimum Width of Side Yard

- (a) All uses: Twenty-five (25) feet provided that when the M-2 (Heavy Industrial) lot adjoins a residential district at the side yard. The minimum side yard shall be forty (40) feet.

8. Minimum Depth of Rear Yard

- (a) All uses: Twenty-five (25) feet provided that when the M-2 (Heavy Industrial) lot adjoins a residential district along the rear yard. The minimum rear shall be forty-five (45) feet.

9. Landscaping

The first ten (10) feet of any required yard shall be devoted to landscaping. This provision shall not apply to required rear of side yards except when the rear or side yards adjoins a residential district.

10. Maximum Lot Coverage of Buildings

- (a) All uses: Sixty-five (65) percent

11. Maximum Number of Principal Buildings

- (a) All uses: None, providing the provisions of VI.3.4 through VI.3.10 are met

12. Maximum Height

- (a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory building shall extend into the required side yard.

14. Site Plan Review

- (a) Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the building inspector. If approved, any modifications required by the building inspector shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

Section 4. BP-P Planned Business Park District

1. Purpose

This district is intended to foster stability and growth in light industry, research and development and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The Planned Business Park District is designed to include a mix of research, light industry and support uses that are arranged on campus-like settings. The district is designed to accommodate relatively large contiguous land areas that can be developed according to a unified plan rather than on a lot-by-lot, building by building basis. The uses and standards in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, and assure the compatibility of the business park with adjacent land uses.

2. Areas Eligible for BP-P District Designation

Any land area greater than five (5) acres within an area designated for Planned Business Park uses on the Future Land Use or other official map adopted by the legislative body may be eligible for designation as a Planned Business Park District by the legislative body in accordance with the procedures set forth in this Section.

3. Permitted Uses

In addition to the uses listed in the M-1 Light Industrial District, the following additional uses are permitted in the BP-P District:

- (a) A planned business park, occupied by any combination of the following uses:
 - (1) Light industry.
 - (2) Merchandise showrooms, indoor.
 - (3) Offices.
 - (4) Public buildings.
 - (5) Radio or TV studios, including communications towers.
 - (6) Research laboratories, but not outdoor testing facilities or storage.
 - (7) Utility structures providing services within the park, including telephone switching centers, electric transmission lines, gas piping, water pumping stations, and other necessary structures.
 - (8) Vocational school or technical college.
 - (9) Warehouses, but not single use developments which can be located in other zoning classifications, but excluding dead vehicle storage, trucking companies and moving storage companies.
 - (10) Wholesale distribution centers.
- (b) Any of the following accessory uses located within any building within a planned business park, and primarily

intended to serve employees and visitors of the park:

- (1) Cafeterias or restaurants, but not restaurants with drive-in or drive-through facilities.
- (2) Banks or similar financial institutions.
- (3) Day care centers.
- (4) Living quarters for a custodian, caretaker or watchman.
- (5) Personal service establishments, including health and fitness centers, primarily intended to serve occupants of business and research uses allowed in the BP-P District.

4. Development Standards

All development proposed within the Planned Business Park District shall comply with the standards set forth in Article VIII, Section 2 (Procedures and Requirements for Site Plan Review), as well as with the standards set forth below.

(a) Minimum Area Requirements

- (1) Five (5) contiguous acres under common ownership, or as otherwise authorized in Subsection 4. (b) of this Article.
- (2) Individual lot or building site: one (1) acre.

(b) Minimum Yard and Frontage Requirements

- (1) Minimum front yard abutting arterial street right-of-way: forty (40) feet.
- (2) Minimum front yard abutting collector street: fifteen (15) feet.
- (3) Minimum front yard abutting private drive: eight (8) feet.
- (4) Minimum side and rear yard abutting property zoned or used for residential purpose: twenty-five (25) feet.

- (5) Minimum side and rear yard abutting property zoned or used for nonresidential purpose: fifteen (15) feet.
- (6) Minimum frontage on public right-of-way: two hundred (200) feet.
- (7) All yards shall be landscaped as a minimum in accordance with the provisions of Article VIII, Section 5 of this Ordinance.

(c) Height Limits

- (1) Except as provided in Subsection (2) of this Section: forty-five (45) feet.
- (2) The maximum height limitations in subsection a of this Section shall not apply to heating and ventilation equipment, communication towers or utility structures, except that no structure exceeding forty-five (45) feet shall be located within two hundred (200) feet of any property zoned or used for a residential purposes.

(d) Maximum Floor Area Ratio (FAR)

The total FAR of all buildings within a BP-P District shall not exceed: 0.50.

(e) Common Open Space Requirements

- (1) A minimum of fifteen percent (15%) of the gross land area within a Planned District shall be set aside as common open space to provide for the recreational needs of employees and visitors of the Planned District. Open space areas shall not contain less than thirty thousand (30,000) square feet of contiguous area including linear internal connections, but shall not include required perimeter landscaping.
- (2) Required open space shall be usable for active recreational activities, such as jogging, golf or tennis, or passive recreation uses, such as sitting, scenic viewing or lunch breaks. Open space areas

shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, tennis courts or other recreational or landscaping amenities.

- (f) Ownership and Maintenance of Common Elements
 - (1) Common elements, such as undedicated private drives, recreational and parking facilities, open space lakes, storm water detention facilities and private sanitary and storm sewers, shall be either:
 - (a) maintained by the owner of the Planned District, pursuant to a maintenance agreement approved by the Town Attorney; or
 - (b) conveyed to and maintained by a common owner or property owners' association, pursuant to covenants or a maintenance agreement approved by the Town Attorney.
 - (2) If common elements are to be maintained by a property owners' association, the developer shall establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to show compliance with these district regulations, but shall not be reviewed as to form, legality or methods of enforcement. Those covenants must, at a minimum:
 - (a) Create a property owners' association and require mandatory membership;
 - (b) Provide for the maintenance of individual sites, common areas, open spaces and private drives; and
 - (c) Provide for minimum development and operational standards for each site which require adherence to local ordinances and establish uniform landscaping, signage, site design, parking and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer.

(g) Off-Street Parking and Loading Space Requirements

- (1) Minimum number of spaces. See Section VIII.1.2 (required parking and queuing spaces by use) and Section VIII.1.4 (required loading spaces by use and zoning district).
- (2) Location of parking areas. Off-street parking areas shall be conveniently accessible to uses within a Planned District. Parking areas are not permitted within front yards or setbacks adjacent to major streets.
- (3) Landscaping. Parking areas shall be landscaped according to the provisions of Article VIII, Section 5 of this Ordinance.

(h) Outdoor Storage / Display

Outdoor storage / display areas may be permitted as an accessory use on an individual lot within a Planned District, provided that such storage is completely screened from view by permanent buildings and other adjoining uses within and outside the Planned District as well as from public rights-of-way. The screening must be effective at the time it is installed, even if plant materials are used for all or part of the screening. Access through the screening for vehicles is permitted, but is limited to one thirty-foot (30') wide location per three hundred (300) feet of street frontage. No outside storage areas shall be permitted within any required setback or yard or between the building and the public street / private drive right-of-way. In no event may the amount of land area devoted to outside storage exceed twenty percent (20%) of an individual lot area.

(i) Screening Requirements

Refuse containers, dumpsters, rooftop and outdoor HVAC equipment shall be screened with vegetation, fencing or berms, or an architectural element of the building so they are not visible from any street, private drive or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened by means of perimeter landscaping, as provided in Subsection (j), below.

(j) Landscaping Requirements

The landscaping and screening requirements of the Planned Business Park (BP-P) District shall be governed by Article VIII, Section 5 of this Ordinance.

5. Site Plan Review Procedures

- (a) In existing BP-P District. Applications and site plans for approval of any permitted use shall be submitted to the Planning Commission and approved in accordance with the administrative site plan procedures in this Ordinance.
- (b) In proposed BP-P District. Applications for BP-P District approval shall be submitted to the Planning Commission and approved in accordance with the procedures set forth in Section 2 of this Article.

6. Circulation System Requirements

Separate circulation systems shall be provided for pedestrians, automobiles and delivery trucks.

- (a) Pedestrian circulation. In addition to sidewalks required on public streets by the Town of Rossville Subdivision Regulations, sidewalks shall be provided along other public or private roadways or drives, between buildings, and to parking areas or transit stops in order to facilitate and encourage pedestrian circulation. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to protect the public safety and provide safe and convenient pedestrian routes. The applicant may suggest and have approved an alternative pedestrian system, provided it meets the intent of this Subsection.
- (b) Automobile circulation. The street circulation system serving a Planned District shall be internally oriented and shall ensure full interconnection to the surrounding street network of arterials and collectors and to contiguous properties developed or expected to develop with compatible uses.
- (c) Delivery truck circulation. Truck traffic and its related circulation system shall be separated, whenever feasible, from automobile and pedestrian circulation systems.

Separate delivery entrances and circulation routes shall be clearly identified with appropriate signage.

- (d) Emergency vehicles. The street circulation system within a Planned District should be designed to ensure easy access for and maneuvering of emergency vehicles.

7. Sign Regulations

- (a) The general sign regulations of Article VIII, Section 3 shall apply in the Planned Development districts, in addition to the standards set forth in this Section.
- (b) All signs within a planned development district shall be either:
 - (1) wall signs, not exceeding fifteen percent (15%) of the wall area; or
 - (2) ground signs, not exceeding six (6) feet in height and landscaped with at least two (2) evergreen shrubs for each sign face. (See illustration below.)
 - (3) Maximum number: one (1) ground sign at each entrance to the park, one (1) attached wall-sign or one (1) free-standing ground sign for individual uses within the park, and any number of directional signs or signs needed to identify areas within the business park or aid in the safe and efficient traffic circulation within the park.
 - (4) Maximum gross surface area of individual signs: eighty (80) square feet.
 - (5) Location: Signs shall be approved for size and location in conjunction with final plan approval. Signs shall be set back at least fifteen (15) feet from a street right-of-way.
 - (6) Prohibited sign types within a planned development district include: animated signs, off-premise signs, pole signs, portable signs, roof signs, A-frame signs, sidewalk signs, flashing signs, banners, streamers and other attention-getting devices.
 - (7) A uniform sign plan shall be submitted and

approved for each planned business park. The uniform sign plan shall specify consistent sizes, materials and colors of signs to be used throughout the property, or shall establish a hierarchy of different types of signs, consistent for all signs in each category. The design, colors and materials used for signs shall be compatible with the buildings which the signs serve.

8. Architectural Design Guidelines

- (a) Buildings within a Planned District should conform to a unified and consistent architectural style.
- (b) Metal “shed” type warehouse buildings or unfinished concrete block buildings are strongly discouraged. Natural materials, such as concrete, brick, granite or wood are more compatible with the purposes and character of the Planned Development District.
- (c) The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential and traffic circulation.
- (d) Architectural design guidelines shall be submitted and approved for the entire park. Full disclosure of these design guidelines shall be made to any future owners prior to purchase. The property owners and their agents shall remain entirely responsible for the maintenance of the architectural design of the park.

ARTICLE VII. PROVISIONS GOVERNING OVERLAY DISTRICTS

Section 1. PROVISIONS GOVERNING THE (F-H) FLOOD HAZARD OVERLAY DISTRICT: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.0 Statutory Authorization, Findings of Fact, Purpose and Objectives

(a) Statutory Authorization.

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-211, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Rossville, Tennessee Mayor and Board of Alderman, does ordain as follows:

(b) Findings of Fact.

(1) The Rossville Mayor and Board of Alderman wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

(2) Areas of Rossville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(3) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(c) Statement of Purpose.

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- (1) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- (2) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(d) Objectives.

The objectives of this Ordinance are:

- (1) To protect human life, health, and property;
- (2) To minimize expenditure of public funds for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- (7) To ensure that potential home buyers are notified that property is in a floodable area; and,

- (8) To maintain eligibility for participation in the National Flood Insurance Program.

2.0 Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application, given its stated purpose and objectives.

“Accessory Structure” shall represent a subordinate structure to the principal structure and, for the purpose of this Ordinance, shall conform to the following:

- (a) Accessory structures shall not be used for human habitation.
- (b) Accessory structures shall be designed to have low flood damage potential.
- (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (e) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.

“Act” means the statutes authorizing the National Flood Insurance Program (NFIP) that are incorporated in 42 U.S.C. 4001-41 28.

“Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be considered “New Construction”.

“Appeal” means a request for a review of the Building Inspector’s interpretation of any provision of this Ordinance or a request for a variance.

“Area of Shallow Flooding” means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three (1-3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velotown flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of Special Flood-related Erosion Hazard” is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After

the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

“Area of Special Flood Hazard” is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, Al -30, AE or A99.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor sub-grade (below ground level) on all sides.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Building”, for purposes of this Ordinance, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See “structure”)

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of equipment or materials.

“Elevated Building” means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

“Emergency Flood Insurance Program” or “Emergency Program” means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

“Erosion” means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

“Exception” means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

“Existing Construction” any structure for which the “start of construction” commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the National Flood Insurance Program (NFIP).

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the National Flood Insurance Program (NFIP).

“Existing Structures” see “Existing Construction”

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters;
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Elevation Determination” means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

“Flood Elevation Study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of areas having special flood hazard have been designated as Zone A.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

“Floodplain” or “flood-prone Area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flood Protection System” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“Flood-proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Flood-related Erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

“Flood-related Erosion Area” or “Flood-related Erosion Prone Area” means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

“Flood-related Erosion Area Management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Floor” means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

“Functionally Dependent Use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a Tennessee inventory of historic places and determined as eligible in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee System” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest Floor” means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle” unless such transportable structures are placed on a site for 180 consecutive days or longer.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

“Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum to which base flood elevations shown on a community’s FIRM are referenced.

“National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

“New Construction” any structure for which the “start of construction” commenced on or after the effective date of this Ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance, or the effective date of the first floodplain management ordinance, and includes any subsequent improvements to such structure.

“North American Vertical Datum (NAVD)” as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

“100-year Flood” see “Base Flood”.

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

“Recreational Vehicle” means a vehicle which is:

- (a) built on a single chassis;
- (b) four hundred (400) square feet or less when measured at the largest horizontal projections;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and,
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special Hazard Area” means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the

installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for Tennessee.

“Structure”, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any repairs, reconstructions, rehabilitations, additions, alterations, or other improvement to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

For the purpose of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair

project or; (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Substantially Improved Existing Manufactured Home Parks or Subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Variance” is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation” means the height, in relation to the NGVD of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of riverine areas.

3.0 General Provisions

(a) Application.

This Ordinance shall apply to all areas within the incorporated area of Rossville, Tennessee.

(b) Basis for Establishing the Areas of Special Flood Hazard.

The Areas of Special Flood Hazard identified on the Rossville, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Panel Number 470050 0416C - Effective Date November 5, 2008; Rossville, Tennessee, Federal Emergency Management Agency, Flood Boundary and Floodway Maps; and Fayette County Tennessee (Unincorporated Areas), Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Panel Numbers 470352 0416C, and 470352 0417C - Effective Date November 5, 2008, along with all supporting technical data and subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Rossville, Tennessee Zoning Map, designated as (F-H) Flood Hazard.

(c) Requirement for Development Permit.

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

(d) Compliance.

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

(e) Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation.

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(g) Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Ordinance does not imply that Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Rossville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

(h) Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of

Rossville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

4.0 Administration.

(a) Designation of Ordinance Administrator.

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

(b) Permit Procedures.

Application for a development permit shall be made to the Administrator on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

(1) Application Stage.

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations (BFEs) are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFEs are available, or to the highest adjacent grade when applicable under this Section.
- c. Certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 1, 4.0 (b) (2).
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction Stage.

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor

shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level upon completion of the lowest floor or flood-proofing. Within unnumbered A zones, where flood elevation data are not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When flood-proofing is utilized for a non-residential building said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(c) Duties and Responsibilities of the Administrator.

Duties of the Administrator shall include, but not be limited to:

- (1) Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (2) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- (3) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of

a watercourse, and submission of evidence of such notification to FEMA.

- (4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (5) Record the elevation in relation to mean sea level, or highest adjacent grade where applicable, of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 1, 4.0 (b) (2).
- (6) Record the actual elevation in relation to mean sea level, or highest adjacent grade where applicable, to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 1, 4.0 (b) (2).
- (7) When flood-proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 4 (b) (2).
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (9) When base flood elevation data or floodway data have not been provided by FEMA then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data are not available, the Administrator shall require the lowest floor of a building to be elevated or flood-proofed to a level of at least (3) three feet above the highest adjacent grade (lowest floor and highest adjacent grade

being defined in Section 1, 2.0 of this Ordinance). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Section 1, 4.0 (b).

- (10) All records pertaining to the provisions of this Section shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

5.0 Provisions for Flood Hazard Reduction.

(a) General Standards.

In all flood prone areas the following provisions are required:

- (1) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance shall meet the requirements of “new construction” as contained in this Ordinance; and,
- (10) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance shall be undertaken only if said non-conformity is not further extended or replaced.

(b) Specific Standards.

These provisions shall apply to all areas of special flood hazard as provided herein:

- (1) Residential Construction. Where base flood elevation data are available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure the unimpeded movement of floodwater shall be provided in accordance with standards of Section 1, 5.0 (b).

Within unnumbered A zones, where base flood elevations have not been established and where alternative data are not available, the Administrator shall require the lowest floor of a building to be elevated or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 2 of this Ordinance). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Section 1, 4.0 (b).

- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data are available, shall have the lowest floor, including basement, elevated or flood-proofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data are not available, the Administrator shall require the lowest floor of a building to be elevated or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 2 of this Ordinance). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Section 1, 4.0 (b).

Buildings located in all A-zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 1, 4.0 (b).

- (3) Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - i. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finish grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 1, 5.0 (b) of this Ordinance.

(4) Standards for Manufactured Homes and Recreational Vehicles.

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. When base flood elevations are available, the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or
 - ii. Absent base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home which has incurred “substantial damage” as the result of a flood or that has been substantially improved must meet the standards of Section 1, 2.0 (4) of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- e. All recreational vehicles placed on identified flood hazard sites must:
 - i. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.)
 - iii. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) calendar days.

- 5. Standards for Subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:
 - a. All subdivision proposals shall be consistent with the need to minimize damage.
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and / or five (5) acres in area.

(c) Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated.

Located within the Areas of Special Flood Hazard established in Section 1, 3.0 (b), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted, however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase in the water surface elevation of the base flood level, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- (2) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 1, 5.0.

(d) Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.

Located within the Areas of Special Flood Hazard established in Section 1, 3.0 (b), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be

supported by technical data that conforms to standard hydraulic engineering principles.

- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 1, 5.0 (b).

(e) Standards for Streams without Established Base Flood Elevations or Floodways (A Zones).

Located within the Areas of Special Flood Hazard established in Section 1, 3.0 where streams exist, but no base flood data have been provided (A Zones), OR where a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Section 1, 3.0, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Section 1, 5.0. ONLY if data are not available from these sources, then the following provisions (2 and 3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (3) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing buildings shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with the standards of Section 1, 5.0, (b) and “Elevated Buildings”.

(f) Standards For Areas of Shallow Flooding (AO and AH Zones).

Located within the Areas of Special Flood Hazard established in Section 1, 3.0 (b), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood elevation number specified on the Flood Insurance Rate Map (FIRM) in feet above the highest adjacent grade. If no flood elevation number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with the standards of Section 1, 5.0 (b) and "Elevated Buildings."
- (2) All new construction and substantial improvements of non-residential buildings may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be flood-proofed and designed watertight to be completely flood-proofed to at least one (1) foot above the specified FIRM flood elevation, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no flood elevation number is specified, the lowest floor, including basement, shall be flood-proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 1, 4.0 (b).
- (3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- (4) The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

- (g) Standards For Areas Protected by Flood Protection System (A-99 Zones).

Located within the Areas of Special Flood Hazard established in Section 1 3.0 (b) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) the following provisions apply:

- (1) All provisions of Section 1, 4.0 and Section 1, 5.0 (a) shall apply.

- (h) Standards For Unmapped Streams.

Located within Rossville, Tennessee are unmapped streams where Areas of Special Flood Hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

- (1) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (2) When new flood elevation data are available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 1, 4.0.

6.0 Variance Procedures.

The provisions of this Ordinance shall apply exclusively to Areas of Special Flood Hazard.

- (a) Board of Zoning Appeals.

- (1) The Rossville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued

designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

- (3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
- a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

(5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions for Variances.

(1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(2) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; or (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(4) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

Section 2. PD Planned Development District

1.0 Planned Developments

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses.

Through the requirements of a development plan, it is the intent that property under this section will be developed through a unified design

providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this Section if such increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section is not intended as a panacea and should not be utilized as a device for making increased densities more acceptable or as a means of circumventing the Town's development regulations.

2.0 Objectives

The Board of Mayor and Aldermen may, upon proper application, grant a special permit for a Planned Development for a site of at least ten (10) acres to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures to ensure uses compatible to the area surrounding the development prior to the issuance of a Special Use Permit to obtain one or more of the following objectives:

- (a) Promote flexibility in design and permit planned diversification in the location of structures.
- (b) Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
- (c) Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
- (d) Continue and coordinate architectural styles, building forms and building relationships within the planned developments.
- (e) Insure a quality of construction commensurate with other developments within the Town.
- (f) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- (g) Rational and economic development in relation to public services.
- (h) Efficient and effective traffic circulation both within and adjacent to the development site.

- (i) Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- (j) Provision of attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.

3.0 Relation Between Planned Developments and Zoning Districts

- (a) Planned Development Permitted in All Districts. Planned Developments shall be permitted in all districts.
- (b) Modification of District Regulations. Planned Developments may be constructed in any zoning district subject to the standards and procedures set forth below:
 - (1) Except as expressly modified by the Mayor and Board of Aldermen by approval of a preliminary development plan, a Planned Development shall be governed by the regulations of the zoning district or districts in which the said Planned Development is located.
 - (2) Preliminary development plan approval for the Planned Development may provide for such exceptions from the zoning district regulations governing use, area, setback, signage, loading, width and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Development; provided no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:
 - a. Inadequate or unsafe access to the Planned Development.
 - b. Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity.
 - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public

facilities which serve or are proposed to serve the Planned Development.

- d. A development which will be incompatible with the purposes of this Ordinance.

Such exceptions shall supersede any conflicting Subdivision Regulations and zoning district restrictions in which the Planned Development is located. Provided, however, in no case shall the uses or densities be varied, except as herein provided, and all setbacks along the boundary of the Planned Development shall not be less than those allowed in the zoning district in which the Planned Development is located.

4.0 Coordination with Subdivision Regulations

The uniqueness of each proposal for a planned development may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission.

Modifications may be incorporated only with the review of the Rossville Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Final Development Plan for a PD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

- (a) It is the intent of the Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Development under this section of the Zoning Ordinance.
- (b) The development plans submitted under Subsection 10 must be submitted in a form which will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
- (c) The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all Planned Developments and all actions of the Mayor and Board of Aldermen pertaining to Planned Developments shall be based upon a recommendation by the Planning Commission.

5.0 General Standards and Criteria

The Board of Mayor and Aldermen may grant a permit which modifies the applicable district zoning regulations and subdivision regulations upon recommendations by the Planning Commission which shall be forwarded pursuant to the provisions contained in this section.

- (a) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and Rossville Comprehensive Plan.
- (b) An approved water supply, community waste water treatment and disposal and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.
- (c) The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses and any part of the proposed development not used for structures, parking, and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- (d) Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the preliminary development plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- (e) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements, unless conveyed to a public body which agrees to maintain such.

6.0 General Provisions

The following general provisions shall apply to any Planned Developments created by Special Permit by the Board of Mayor and Aldermen.

- (a) Application for Planned Development Permit Required. Each application for a Special Permit for a planned development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations may be granted upon review and recommendation of the Planning Commission and approval by Mayor and Board of Aldermen.

- (b) Waiver of Board of Zoning Appeals Action. No action of the Board of Zoning Appeals shall be required in the approval of a special permit for a planned development.
- (c) Ownership and Division of Land. No tract of land may be considered for or approved as a Planned Development unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of PD, the landowner of an adopted PD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.
- (d) Professional Design. The Rossville Planning Commission shall not consider any development plan for any proposed planned development, either on a preliminary or final basis, nor shall the Rossville Board of Mayor and Aldermen concur with any preliminary development plan for a proposed planned development unless such proposed plan included a certification that the services of one or more design professionals were utilized in the preparation of the master plan in addition to a licensed civil engineer.

A preliminary development plan shall certify that in addition to a licensed civil engineer, the services of one or more of the following professionals were utilized in the design and planning process.

- (1) An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association.
- (2) A practicing landscape architect licensed by the State of Tennessee.
- (3) A practicing architect licensed by the State of Tennessee.

A final development plan shall certify that the services of one of the professionals indicated in (1), (2), or (3) above were utilized in the preparation of the final plan.

(e) Development Period: Staging. 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 adopted final development plan.

(1) Start of Development. Within one year from and after the date of the action establishing a PD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If actual construction is not commenced within this one (1) year period, the final development plan may be terminated as provided herein.

(2) Completion Period. The Rossville Planning Commission may recommend and the Board of Mayor and Aldermen may establish a reasonable period of time for the completion of the Planned Development at the time the special permit is granted.

a. If no actual construction has begun or no use has been established in the Planned Development, the Board of Mayor and Aldermen may in its discretion, terminate the final development plan by giving written notice to the applicant and the final development plan shall be of no further effect.

b. Upon the request of the applicant and review of the recommendation of the Planning Commission, the Mayor and Board of Aldermen may extend for a reasonable time, not to exceed one year, the period for the commencement of actual construction or the establishment of a use of the Planned Development.

If a development plan is terminated under the provisions of this section, the planned development designation shall be removed from the Official Zoning Map. The zoning regulations applicable before the development was approved shall then be in effect.

(3) Staging of Development. The Board of Mayor and Aldermen may elect to permit the staging of development

in which case, the following provisions shall be complied with:

- a. Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Rossville Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The development staff shall also prepare a cost estimate of the recommended improvements for bonding purposes.
 - b. The commencement of actual construction of any stage of the planned development shall be governed by the provision of Subsection 6.E.1.
 - c. After commencement of actual construction, the Building Inspector shall review all applications for building permits. Only such building permits that are in compliance with the overall development phasing program shall be issued. The Building Inspector shall review, at least every (3) months, the progress of all construction and compare it to the overall development phasing program. If it is determined that the rate of construction of residential units or nonresidential structures substantially differs from the phasing program, the Building Inspector may issue such orders to the developer as are deemed necessary and upon continued violation of this subsection, may suspend the developer from further construction until compliance is achieved.
- (f) Common Open Space and Public Facilities. The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.
- (1) Common open space must be usable for recreational purpose or must provide visual, aesthetic environmental

amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Development considering its size, density, expected population, topography and the number and type of structures to be provided.

- (2) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any building, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
- (3) The development phasing sequence which is part of the preliminary development plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Residential Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- (4) No common open space of a Planned Residential Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Rossville Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Residential Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- (5) All land shown on the final development plan as common open space may be either:

- a. conveyed to a public body, if said public body agrees to accept conveyance and to main the common open space and any buildings, structures or improvements which have been placed on it; or
- b. conveyed to an organization for ownership and maintenance subject to the following:
 - 1. The Rossville Planning Commission and Rossville Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Town of Rossville and the said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.
 - 2. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Town may serve written notice upon such organization and/or the owners or residents of the planned development and hold a public hearing. After thirty (30) days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Official determines that the organization is prepared for the maintenance of the common open space

such agency shall continue maintenance for yearly periods.

3. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on said properties.
 4. If the common open space is deeded to a Homeowners' and/or Property Owner's Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - i. The Association must be established before the homes are sold.
 - ii. Membership must be mandatory for each home buyer and any successive buyer.
 - iii. The open space restrictions must be permanent, not just for a period of years.
 - iv. The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - v. Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.
- (6) Dedication of Public Facilities. The Rossville Planning Commission and the Rossville Board of Mayor and Aldermen may, as a condition of approval and adoption and in accordance with the final development plan, require that suitable areas for streets, public rights-of-way, schools,

parks and other public areas be set aside, improved and/or dedicated for public use.

(g) Bond Requirements for Improvements

(1) The Planning Commission may require that a performance bond be furnished and filed with the Town of Rossville for private and public improvements. An escrow agreement and account approved by the Planning Commission shall be required in the amount of one hundred (100) percent of the estimated construction cost and engineering. Said escrow shall accompany the request for final plan approval to insure completion of all improvements including, but not limited to public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting, and screening.

(2) The Planning Commission may recommend and the Mayor and Board of Aldermen may require an escrow account to be maintained by the developer, for a period not to exceed two (2) years following the completion of any or all common open space and/or public facilities included in the Planned Development, to ensure the maintenance of such open spaces or public facilities by the Homeowner's Association or other responsible party, upon a determination that the character or nature of such open space or public facility would be hazardous to the public, if not properly maintained. The fund required may be an amount up to one hundred (100%) percent of the estimated cost of proper maintenance for the open areas or facilities for the time period designed.

(h) Development Contract. Before a final development plan is approved by the Town, the developer and owner must enter into a development contract with and satisfactory to the Town of Rossville Board of Mayor and Aldermen relative to all required improvements.

(i) Relation to Utilities, Public Facilities. PD Districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located

with respect to schools, parks, playgrounds and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.

- (j) Relation to Major Transportation Facilities. PD district shall be so located with respect to major streets and highways or other transportation facilities as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside such districts.
- (k) Vehicular Movement and Standards. The street design of any PD should include a clearly defined hierarchical street system. Streets, drives, parking and service areas must provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts. In general, tract size shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.
 - (1) Vehicular access to other streets from off- street parking and service areas shall be combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.
 - (2) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets without PD's shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
 - (3) Private streets. The methods for designing and constructing private streets are flexible. Construction plans must be approved by the Town. If no agreement between the developer and the Town Engineer can be reached, then private streets must be designed and build according to the Town of Rossville's "Subdivision Standards".
- (l) Pedestrian Movement. Access for pedestrian and cyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points. When pedestrian access points do not occur at street intersections, they shall be marked and

controlled and when such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings, except at designated points. Bicycle, and/or bridle paths, if provided, shall be in relation to the pedestrian way system so that street crossings are combined.

Walkways shall form a logical, safe and convenient system for pedestrian access to all project facilities and off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations, shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety appropriately marked and otherwise safeguarded. If substantial bicycle traffic is anticipated, bicycle paths shall be incorporated in the walkway system. Pedestrian ways, appropriately located, designed and constructed, may be combined with other easements and used by emergency or other service vehicles, but shall not be used by other automobile traffic.

(m) Planning Relationships with Adjoining Development

(1) The design of any Planned Development should reflect an effort by the developer to plan land uses within the Planned Development so as to blend harmoniously with adjacent land uses.

(2) Fences, walls or vegetative screening shall be provided along the edges of Planned Developments where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the Planned Development. In both cases, screening shall be designed to control the existing or potential adverse views from existing or potential first floor residential windows in the Planned Development or other residential district. Screening requirements may be waived where terrain makes protection against overview impracticable.

(n) Site Planning. Site planning within any PD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the

development, including, but not limited to area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental consideration.

All reports and plans shall be submitted to the Town for review and approval, and shall be made a part of the final development plan.

Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space, inside and outside buildings to intended uses and structural features.

- (o) Signs permitted in the PD shall be as permitted by the underlying District and regulated by the “Rossville Sign Ordinance”.
- (p) Accessory Off-Street Parking and Loading. Accessory off-street parking and loading in the PD shall be regulated by Article VIII, Section 1.0 of this Zoning Ordinance.

7.0 Specific Standards and Criteria for Planned Residential Developments

In addition to the general standards and general provisions set forth above, planned residential developments shall comply with the requirements and standards which follow.

- (a) Permitted Uses. It is the intent of this Ordinance that any application for any site or parcel of land to be developed as Planned Residential Developments shall be made in the name of a single owner applicant. Within the Planned Residential Development (PRD) District, the following uses are permitted subject to review of the Planning Commission and approval of the Mayor and Board of Aldermen.
 - (1) Any permitted use, accessory use, or conditional use allowed in any residential district.
 - (2) In PRDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed one and one-half (1-1/2) acres.

All such commercial areas shall meet the following additional requirements:

- a. Access from public streets shall be from major or collector streets as shown on the most recent Major Road Plan.
 - b. The building design shall be compatible with the remainder of the PRD.
 - c. No outside storage shall be permitted and trash disposal facilities shall be completely enclosed by walls or materials that complement all other buildings.
 - d. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards of appropriate width shall also be maintained.
 - e. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the buildings and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall meet the size requirement of the Sign Ordinance.
 - f. Any loading service area shall be in the rear of the building.
 - g. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.
- (b) Residential Densities. In Planned Residential Developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. Within any PD/R classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area. The base densities are as follows:

<u>Zone</u>	<u>Density</u>
FAR	0.80 units per acre
R-1	2.10 units per acre
R-2	3.27 units per acre
R-3	7.26 units per acre

- (1) An increase in density not to exceed sixteen (16) percent may be granted for the dedication of the six (6) percent of the total PD to the Town of Rossville. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan which must be submitted by the developer and approved by the Planning Commission. The Town reserves the right to accept or decline any proposed land dedication. The minimum lot size for donation to the Town of Rossville shall be two (2) acres.

- (2) Any increase in density not to exceed ten (10) percent may be granted for incorporating the following provisions into the development:
 - a. Providing additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts and other major facilities.

 - b. Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.

 - c. Providing additional landscaping, where applicable on the public land with a minimum of six (6) shade trees per acre with a height of between eight (8) to ten (10) feet.

- (3) An increase in density, not to exceed ten (10) percent may be granted for providing superior aesthetics within a development by:
 - a. Combining distinctiveness and excellence in architectural setting and design.

 - b. Exceptional design of the automobile circulation system to include a minimum of paved surfaces.

- c. Providing enclosed or sub-surface parking where applicable.
 - d. Providing a comprehensive fencing or screening system which offers the greatest possible degree of privacy.
- (4) Provisions for increases in density granted under this section shall be accomplished at such stages during construction of each development phase as expressly required by the Special Permit or, if there is no expressed requirement, at such stages as the Town may require. In every development, however, provisions for increases in density shall be one hundred percent (100%) accomplished at the time fifty percent (50%) of the dwelling units per development phase are occupied.
- (5) The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:
- a. Inconvenient or unsafe access to the Planned Development.
 - b. Traffic congestion in the streets within or adjoining the Planned Development.
 - c. An excessive burden on parks, recreation areas, schools, police and fire protection and other public facilities which serve or are proposed to serve the Planned Development.
 - d. Any condition which might pose a threat to the health, safety, or welfare of the residents of the Planned Development or the general public or frustrate the orderly development of the surrounding area.
- (6) The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not performing as agreed upon.
- (c) Accessibility of Site. All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Residential Development, but

may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

- (d) Off-Street Parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or hedges and screening walls.
- (e) Pedestrian Circulation. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system to provide an appropriate degree of separation of pedestrian and vehicular movement.
- (f) Privacy. The Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Residential Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

8.0 Specific Standards and Criteria for Planned Commercial or Industrial Developments

A permit for a Planned Commercial or Industrial Development may be issued by the Board of Mayor and Aldermen for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels, and other similar facilities ordinarily accepted as commercial center uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria and the general provisions set forth in Subsections 5.0 and 6.0, Planned Commercial or Industrial Development shall comply with the following standards:

- (a) Residential Use. Except for hotels and motels, no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This provision shall not be applicable in Planned Development purposes approved for mixed uses.

- (b) Screening. When structures or uses in a Planned Commercial or Industrial Development abut a residential district or permitted residential buildings in the same development, required screening shall be provided.
- (c) Display of Merchandise. All business, manufacturing and process shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way provided, however, that when an automobile service station or gasoline sales are permitted in a Planned Commercial Development, gasoline may be sold from pumps outside of a structure.
- (d) Accessibility. The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.
- (e) Landscaping. Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining buildings.

9.0 Mixed Use Planned Development

Planned Developments which do not qualify as a Planned Residential Development and which are not exclusively for Commercial or Industrial Uses shall be subject to all of the applicable standards contained in Subsections 7.0 and 8.0 of this Section.

10.0 Procedures for Planned Development Approval

The provisions of this Subsection govern the procedures for approval of all Planned Developments.

(a) Pre-Application Procedures

- (1) At least one (1) month prior to filing any application for a Planned Development, the prospective applicant shall request a pre-application conference with the Department of Development Services.

- (2) To obtain information each applicant shall confer with appropriate department heads in connection with the preparation of the Planned Development application. The general outline of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Development application. Thereafter, the department heads shall furnish the applicant comments regarding such conferences, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Development application.

(b) Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Development within six (6) months of the pre-application conference. A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application. The proposed development plan shall contain all items required by this Ordinance and shall include those items which the Planning Commission shall specify in rules published from time to time, as well as the following:

(1) Written Documents

- a. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- b. A statement of planning objectives to be achieved by the PD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- c. A development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and be completed.

If the Planned Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

1. the approximate date when construction of the project can be expected to begin;
 2. the order in which the phases of the project will be built; and
 3. the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- e. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of residential construction (including separate figure for commercial or industrial facilities); economic feasibility studies or market analysis where necessary and other studies as required by the Planning Commission.
- f. A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations, otherwise applicable to the property to permit the development of the proposed Planned Development or, (2) the bulk regulations under which the Planned Development is proposed.
- g. A tabulation setting forth:
1. Maximum total square feet of building floor area proposed for commercial uses and for industrial uses, by general type of use;
 2. Maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial or industrial uses; minimum public and

private open space; streets; and, off-street parking and loading areas.

(2) Site Plan and Supporting Maps

A site plan and any maps necessary to show the major details of the proposed PD must contain the following minimum information:

- a. the existing site conditions, including contours at two (2) foot intervals, water courses, flood plains, unique natural features and forest cover.
- b. proposed lot lines and plot designs.
- c. the location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, density per type and nonresidential structures, including commercial or industrial facilities to include preliminary elevations and/or architectural renderings of typical structures and improvements. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final detail at this stage.
- d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses.
- e. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the final development plan stage.)
- f. The existing and proposed pedestrian circulation system, including its interrelationships with the

vehicular circulation system, indicating proposed treatments of points of conflict.

- g. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage).
- h. A general landscape plan indicating the treatment of materials used for private and common open spaces.
- i. Enough information on land areas adjacent to the proposed PD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape.
- j. The proposed treatment of the perimeter of the PD, including materials and techniques used such as screen, fences and walls.
- k. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PD.

The Town may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (a) through (k) in order to reasonably adopt these requirements to a particular Planned Development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the Town prior to final development plan approval.

(c) Preliminary Development Plan Approval Process and Effect of Approval.

- (1) At least thirty (30) days prior to the Planning Commission meeting, at which it is to be considered, the owner of the property or his agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission

shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve; disapprove; or approve the Planned Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.

- (2) Any owner or his agent may appeal to the Board of Mayor and Aldermen any recommendation or condition the Planning Commission imposes in the recommendations by filing written, notice of appeal at least seven (7) days prior to review by the Board of Mayor and Aldermen. However, the applicant shall submit a preliminary development plan incorporating any and all conditions not appealed within ninety (90) days after the Planning Commission's decision on the requested Planned Development or the application shall be deemed withdrawn.
- (3) The recommendation of the Planning Commission and any notices of appeal shall be forwarded to the Board of Mayor and Aldermen within ten (10) days of the Planning Commission meeting or within ten (10) days of the date the applicant submitted a preliminary development plan incorporating the required conditions, whichever date occurs later.
- (4) The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing. The Board of Mayor and Aldermen shall render a decision on any appeal and shall approve; disapprove, or approve the proposed Planned Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.
- (5) The approved preliminary development plan shall bind the applicant, owner and mortgagee, if any, and the Town of Rossville with respect to the contents of such plan.
- (6) The Rossville Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

(d) Construction Plans

The Construction plans for either the entire development or a phase of the development shall be reviewed by the Planning Commission in accordance with the Subdivision Regulations.

(e) Final Development Plan Approval Process

- (1) An application for approval of final development plan of the entire Planned Development, if it is to be completed in one phase, or a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting and in sufficient time so that the applicant may develop the Planned Development in accordance with the phasing schedule, if any, of the approved preliminary development plan.
- (2) The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:
 - a. A plan suitable for recording by the Town Clerk.
 - b. Proof referred to on the plan and satisfactory to the Town Attorney as to the provision and maintenance of common open space.
 - c. All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - d. Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and gross floor area for commercial and industrial uses.
 - e. Location and type of landscaping.
 - f. Location and dimensions of utility and drainage facilities.
 - g. All other requirements of a Final Plan under the Rossville Subdivision Regulations.
- (3) The Rossville Planning Commission shall review the plan and determine whether the final plan substantially

conforms or substantially deviates from an approved preliminary development plan in accordance with the following:

- a. A final plan shall be found to conform substantially to an approved preliminary development plan if:
 1. It provides for less density than the approved outline plan; or
 2. It provides greater open space by the elimination of a reduction in the size of residential, commercial or industrial buildings.
 - b. A final development plan with other minor changes from the approved preliminary development plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that any increase in density or intensity of use, any decrease in open and recreational space, any deviation from the approved conditions and/or any modification of the development staging shall be deemed to be a substantial deviation and require such final plan to be approved by the Planning Commission.
- (4) A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission, the applicant may file a final development plan, which substantially conforms to the approved preliminary plan or the applicant may file for an amendment to the approved preliminary development plan.
 - (5) After a final development plan is approved by the Planning Commission, the Town shall record such plan after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of Rossville Subdivision Regulations and the required signatures for a recordation have been secured.
- (f) Site Plan Review. All site plan reviews required under the provisions of this Zoning Ordinance shall be completed prior to application for approval of any final development plan for any Planned Development.

- (g) Zoning Administration – Permits. The Building Official may issue building permits for the area of the Planned Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Development unless the open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner’s Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan, if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and ordinances.
- (h) Reapplication if Denied. If any application for a Planned Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Development may not be filed within eighteen (18) months of the date final action was taken on the previous application, unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.
- (i) Procedure for Amendment. A Planned Development and the approved preliminary development plan may be amended in accordance with the procedure which governed its approval as set forth in this Section.
- (j) Completion Certificate. Upon completion of a Planned Development in accordance with the approved final development plan, the Building Official shall issue a certificate certifying its completion.

Section 3. GB Greenbelt Overlay District

1.0 Purpose and Intent.

It is the intent of this overlay district to preserve the rural character associated with the Town of Rossville and enhance the aesthetic natural qualities of the gateway corridor extending along U.S. Highway 57. The purpose of the district is to establish development standards to ensure the maintenance of open space, support extension of pedestrian walkways and bikeways, provide for naturalized landscape planting and guide building design and site planning in support of these objectives.

2.0 Standards of Non-Residential Development.

- (a) Minimum Depth of Greenbelt.....200 feet
- (b) Minimum Building Setback.....150 feet
- (c) Maximum Impervious Surface (I.S.R.).....60 percent
- (d) Minimum Walkway / Bikeway Easement20 feet
- (e) Minimum Walkway / Bikeway Pavement10 feet
- (f) Minimum Canopy Tree Planting / Preservation24/acre
- (g) Minimum Understory Planting / Preservation18/acre
- (h) Minimum Sign Setback.....30 feet

3.0 Standards for Residential Development.

- (a) Minimum Depth of Greenbelt.....150 feet
- (b) Minimum Building Setback.....150 feet
- (c) Maximum Impervious Surface (I.S.R.)..... N/A
- (d) Minimum Walkway / Bikeway Easement20 feet
- (e) Minimum Walkway / Bikeway Pavement10 feet
- (f) Minimum Canopy Tree Planting / Preservation20/acre
- (g) Minimum Understory Planting / Preservation12/acre
- (h) Minimum Sign Setback.....30 feet

4.0 Greenbelt planting. Greenbelt planting should emphasize a choice of native plant materials planted in a naturalized form allowing for views of the building architecture. Similarly the walkway/bikeway design is encouraged to have a curvilinear design including split paths to accent landforms or landscaping. Reverse frontage design of residential development unless in the context of a conservation subdivision design is strongly discouraged. Frontage roads to serve residential lots or large lots with shared drives are a recommended alternate design.

Section 4. I-D Industrial Development Overlay District

The Industrial Development Overlay District is designed to allow a broad range of industrial uses geared to warehouse distribution, light manufacturing, an intermodal facility with access limited to Highway 72, and limited retail sales and services, within the Town of Rossville. This district is not intended to allow uses which may be considered hazardous because of the use of, or production of, toxic or highly flammable materials. Within the areas designated Industrial Development Overlay District on the Zoning Map of the Town of Rossville, Tennessee, the following provisions shall apply:

1. Uses Permitted

- (a) As permitted in the underlying zoning district, including

Intermodal facility for the transfer of freight, containers and trailers between rail and highway transportation modes, and other activities supporting interstate railroad operations, including but not limited to: tracks leading to facility, storage and pad tracks; on-site storage for containers, trailers, chassis and other equipment customarily incidental to the permitted use; cranes and other loading and unloading devices and vehicles customarily incidental to the permitted use; office buildings related to the operation of the facility; maintenance buildings or other accessory buildings customarily incidental to the permitted use; fueling station; communications tower and lighting fixtures; public utilities; employee parking; transportation scales; and security stations/offices, subject to the following additional restrictions:

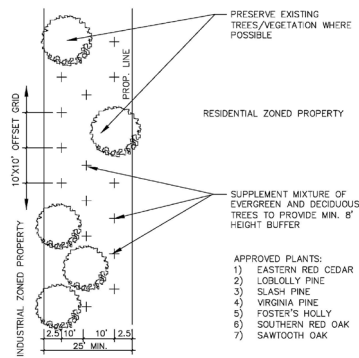
(b) The following uses are Conditional Uses and require site plan approval by the Planning Commission as outlined in Article VIII., Section 2 of the Town of Rossville Zoning Ordinance as it relates to the area five hundred (500) feet west of the residential buffer along Knox Road for Parcel 6-182.

- (1) Manufacturing – including
 - a. Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for leather tanning and finishing
 - b. Furniture and fixtures – manufacturing
 - c. Printing, publishing and allied industries
 - d. Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks – manufacturing
 - e. Miscellaneous manufacturing, NEC.
 - f. Agricultural related activities - limited to: animal husbandry services except confinement feeding of livestock and poultry.

4. Uses Prohibited

- (a) As prohibited in the underlying zoning district

5. Minimum Lot Area
 - (a) All uses: No minimum providing all yard, density, and parking requirements are met.
6. Minimum Lot Width at the Building Line
 - (a) All uses: One hundred (100) feet.
7. Minimum Depth of Front Yard
 - (a) All uses: Fifty (50) feet
8. Minimum Width of Side Yard
 - (a) All uses: Twenty-five (25) feet provided that when the Industrial Development Overlay District lot adjoins a residential district at the side yard, the minimum side yard shall be forty (40) feet.
9. Minimum Depth of Rear Yard
 - (a) All uses: Twenty-five (25) feet provided that when the Industrial Development Overlay District lot adjoins a residential district along the rear yard, the minimum rear yard shall be forty-five (45) feet.
10. Landscaping
 - (a) The first ten (10) feet of any required front yard shall be devoted to landscaping.
 - (b) There shall be a twenty five (25) foot landscape area when adjacent to any residential district see Plate A.



LANDSCAPE PLATE A
N.T.S.

11. Maximum Lot Coverage of Buildings

(a) All uses: Fifty (50) percent

12. Maximum Number of Principal Buildings

(a) All uses: None providing the provisions of VI.1.4 through VI.1.11 are met.

13. Maximum Height

(a) Except for structures supporting intermodal or other interstate railroad operations, no structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, lighting fixtures, radio and television antennas, and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

14. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory building shall extend into the required side or rear yard.
- (c) The accessory building shall be of the same material and style as the principal structure.

15. Site Plan Review

- (a) Except with regard to the intermodal facility, prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the planning commission. If approved, any modifications required by the planning commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Rossville.

16. Access and Circulation

- (a) All traffic generated by the industrial district and intermodal facility shall not have access to Highway 57 and Knox Road.
- (b) Access is to be from Highway 72.
- (c) All proposed streets shall be constructed to the standards of the Town of Rossville.

17. Site Lighting

- (a) Except for the intermodal facility site lighting shall be restricted to:
1. Maximum height shall be 35'.
 2. A photometric plan shall be submitted at the time of site plan review.
 3. Maximum footcandles shall be 0.5 at the property line.
 4. Hooded or shielded lighting shall be provided.

ARTICLE VIII. SPECIAL PROVISIONS

Section 1. Off-Street Parking and Loading Spaces

1. General Provisions

- (a) In all districts, when any building or structure is constructed or at the time any main building or structure is enlarged or increased in capacity by additional dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking shall be provided of at least two hundred (200) square feet per space with vehicular access to a street or alley. The Town reserves the right to control entrance and exit over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted uses, and shall not hereafter be reduced or encroached upon in any manner.
- (b) A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth herein.
- (c) Parking spaces maintained in connection with an existing and continuing main building or structure on the effective date of this Ordinance, shall be continued and may not be counted as serving a new structure or addition.
- (d) A residential off-street parking space shall consist of a driveway and either a parking space carport or garage and shall be located on the lot is intended to serve.
- (e) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with 4” compacted gravel surface in accordance with specifications approved by the Building Inspector. The parking area shall be surfaced within one (1) year of the date of the permit is issued.

2. The Minimum Off-Street Parking Requirements are as follows:

- (a) Dwelling, One family, Two family and Mobile Home:
two (2) spaces per unit
- (b) Dwelling, Multi-family: one and one-half (1 -1/2) spaces for each one bedroom unit

two (2) spaces for each two and three bedroom unit

three (3) spaces for each unit having four or more bedrooms

(c) Hotels, Motels, Tourist Courts and similar Transient Lodging:
one (1) space per unit plus one (1) space per each two (2) employees

(d) Wholesale Trade: one (1) space per 1,000 foot gross floor area

(e) Retail business and service establishments except eating and drinking and professional services:

One (1) space per three hundred (300) square feet of gross floor area excluding storage areas.

(1) Eating and drinking one (1) space per three seats. in the dining area for a full service restaurant

One (1) space per 15 square feet of usable floor area for a fast food restaurant plus one (1) for each two (2) employees based on the largest shift.

(2) Professional Services

a. Hospitals including nursing homes and sanitariums:
One (1) space for each employee, two (2) spaces for each bed plus one (1) space for each emergency vehicle.

b. Other Three (3) spaces per employee including the professionals

(f) Education Services

(1) Nursery School One (1) space per five (5) children accommodated.

- (2) Elementary, Junior High and Equivalent Private or Parochial Schools
 - One (1) space per employee plus one (1) space for each 150 square feet of floor area in the seating area of any auditorium.

- (3) Senior High Schools, and Equivalent Private or Parochial Schools and Post Secondary Schools
 - One (1) space per employee plus one (1) space per three students and one (1) space for each 150 square feet of floor area in the seating area of the auditorium, gymnasium or cafeteria intended to be used as an auditorium.

- (4) Other Education Services
 - One (1) space for each 150 square foot of usable floor area

- (5) Cultural Activities
 - a. Museums and Galleries
 - One (1) space per 200 square feet of usable floor area
 - b. Libraries
 - One (1) space per 400 square feet of gross floor area

- (6) Public Assembly
 - a. Movie and other theaters and other places of Public Assembly
 - One (1) space for each three (3) seats in the main auditorium or one (1) space for each 50 square feet of seating floor area if seating is not fixed
 - b. Sports Assembly
 - One (1) space for each three (3) seats or six (6) feet of benches.

- c. Religious Activities One (1) space per four (4) seats in the auditorium
- (7) Industrial Uses One (1) space per 1,500 square feet of floor area or one space per two employees on the largest shift whichever is greater
- (8) All other uses As determined by the Planning Commission upon site plan review

3. In all developments, handicapped parking spaces shall be provided which have a minimum width of twelve (12) feet. The number of handicapped parking spaces in relation to the total number of spaces is listed below:

Total Spaces in Lot	Required Number of reserved spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
over 1000	20 plus 1 for each 100 over 1000

4. In commercial and industrial areas loading space shall be provided with the following design and numbers.
- (a) In commercial establishments, a minimum of one loading space with the minimum size of twelve (12) feet by thirty (30) feet for the space shall be provided.
 - (b) There shall be a minimum fifteen (15) feet overhead clearance for all loading spaces.
 - (c) For all establishments having loading docks there shall be a minimum size space of fourteen (14) feet by fifty-five (55) feet for each dock. In addition to the space there shall be an apron or maneuvering area with sixty (60) feet depth to allow the trucks to

maneuver into the loading dock without entering public streets.

- (d) In the Industrial Districts (M-1 and M-2), there shall be loading spaces provided of a minimum size of fourteen (14) feet by fifty-five (55) feet and maneuvering space as mentioned in 4. (c) in the numbers mentioned below.

<u>Gross Floor Area (In Square Feet)</u>	<u>Loading and Unloading Space Required:</u>
0—1,400	None
1,401 — 20,000	One (1) Space
20,000 — 100,000 and over	One (1) space plus (1) space for each additional 20,000 square feet in excess of 20,001 square feet with no more than five (5) spaces required

Section 2. Procedures and Requirements For Site Plan Review

The following procedures and standards are established for those sections of this Ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy for any affected land structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by the Zoning Ordinance.

1. Site Plan Submission and Review

- (a) Site plan review is required under three separate instances by the Zoning Ordinance. These instances include:
 - (1) Review and approval by the Rossville Building Inspector prior to the issuance of a building permit.
 - (2) Review and approval by the Rossville Board of Zoning Appeals prior to the approval of a permitted special exception.
 - (3) Review and approval by the Rossville Planning Commission as required by this Ordinance.

2. Review Procedure

- (a) In instances of review by the Rossville Planning Commission or Board of Zoning Appeals the following procedure shall apply:

- (1) The owner or developer shall submit twelve (12) copies of the proposed site plan to the Building Inspector fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals. The site plan shall be reviewed in light of the provisions of this Section and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or chairman of the Board of Zoning Appeals, whichever is applicable.
- (2) Prior to the regular Planning Commission or Board of Zoning Appeals meeting, copies of the proposed site plan will be distributed by the Building Inspector to other affected Town departments to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Board of Zoning Appeals. The owner, developer, or agent will be invited to attend the meeting when there are unresolved problem areas.

3. Building Inspector Review

- (a) In instances of review by the Rossville Building Inspector prior to the issuance of a building permit the following procedure shall apply.
 - (1) Prior to the issuance of a building permit, a site plan shall be submitted to the Building Inspector. The site plan shall be reviewed.
 - (2) Contents of the Site Plan
 - a. The site plan shall include:
 1. Name of development or address.
 2. Name and address of owner of record and the applicant.
 3. Present zoning of the site and abutting property.
 4. Date, graphic scale, and north point with reference to source of meridian.
 5. Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of-way.

6. The total land area.
 7. Topography of existing ground, and paved areas and elevations in relation to mean sea level of streets, alleys, utilities sanitary and storm sewers and buildings and structures. Topography to be shown by dashed line illustrating two-foot contours as required by the Building Inspector and by spot elevations where necessary to indicate flat areas.
- b. The Site Plan shall show the location of the following when existing:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Building and structures.
 3. Public sewer systems.
 4. Slopes, terraces and retaining walls.
 5. Driveways, entrances, exits, parking areas and sidewalks.
 6. Water mains and fire hydrants.
 7. Trees and shrubs.
 8. Recreational areas, and swimming pools.
 9. Natural and artificial water courses.
 10. Limits of flood plains.
- c. The Site Plan shall show the location, dimensions, site and height of the following when proposed:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Buildings and structures including the front (street) elevation of proposed buildings.
 3. Public sewer systems.
 4. Slopes and terraces, and retaining walls.
 5. Driveways, entrances, exits, parking areas and sidewalks.
 6. Water mains and fire hydrants.
 7. Trees and shrubs.
 8. Recreational areas.
 9. Distances between buildings.
 10. Estimates of the following when applicable:
 - a) Number of dwelling units.
 - b) Number of parking spaces.
 - c) Number of loading spaces.

- d) Number of commercial or industrial tenants and employees.
- e) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
- f) Proposed grading, surface drainage terraces, retaining wall heights,
- g) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures, proposed topography of site shall be shown by two or five foot contours as required by the Building Inspector.

d. In instances where the proposed construction is an individual Single-family home the site plan shall include the following:

- 1. All property lines and their surveyed distances and courses
- 2. All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
- 3. Total land area.
- 4. Present zoning of site and abutting properties.
- 5. Name, address of owner of record and applicant.
- 6. Provisions for utilities (water, sewer, etc.).
- 7. Location and dimensions of the proposed structures.

4. Planning Commission Review

(a) In instances of review by the Rossville Planning Commission prior to the issuance of a building permit, the following procedure shall apply.

(1) The Planning Commission, at a minimum, shall apply the following criteria and standards in the review of site plans and may impose additional requirements as deemed necessary and appropriate:

- a. Access and Circulation
 - 1. The number, location and design of curb cuts shall be approved by the Town Engineer.
 - 2. Internal circulation shall be provided between adjacent parcels used for similar purposes.
- b. Utilities shall be extended to adjacent properties as deemed appropriate by the Town Engineer
- c. Transportation system improvements may be required as deemed necessary and appropriate by the Town Engineer, and may include right-of-way dedication, widening of pavement, the construction of turning lanes, introduction of signalization, or reconstruction of roadway to correct any horizontal or vertical sight obstruction.
- d. Drainage improvements may be required as deemed necessary and appropriate by the Town Engineer and may include on-site storm water detention.
- e. Building and Site Design
 - 1. Scale and Design. The building mass, height and proportions should be in character with neighboring buildings, and to the extent practical and desirable reflect compatible architectural features such as windows, doors, columns, dormers, porches, etc.
 - 2. Minimum Building Height. Single story buildings shall be a minimum of eighteen (18) feet in height.
 - 3. Roofs. In general, roofs should be pitched and shingled to create and support a village design environment. Asphalt shingles or wood shakes are compatible roofing materials, as is standing seam metal in the appropriate context. Roofing material should be dark natural or earth tone in color. Mechanical equipment should be concealed

within the volume of the roof or enclosed within penthouse structures or other architectural features of the building.

4. An essential characteristic of Rossville architecture is a traditional appearance of building walls and openings. Walls define the overall form of buildings, while openings give them a human scale and appearance of being occupied. Buildings have “faces” on the street. Architectural elements such as doorways, dormers, gables, porches, and the like should be used to effectively articulate facades and reduce the scale of larger structures.
5. Exterior Materials: Building exteriors should be designed and constructed to complement a village design environment. Brick and stone in combination with wood or composition siding are considered appropriate while concrete block and metal siding are not. All building elevations should be constructed using a uniform application of exterior materials.
6. Utilities. All utility features such as electrical wiring and meters and all heating and air conditioning equipment including that located on the roof shall be screened from public view by the use of architectural features consistent with the design of the building and / or landscaping.
7. Refuse. Refuse containers shall, where practical, be located away from and completely screened from view from adjacent properties and public roads by the use of a combination of fencing and landscaping.
8. Lighting. Light standards shall not exceed fourteen (14) feet in height.
9. Loading. Loading areas shall be screened from view of adjacent properties and public

roads.

f. Signs. (see Article VIII, Section 3)

g. Landscaping (See Article VIII, Section 5).

h. Outdoor Storage

1. Outdoor storage shall be confined to the area located behind the rear building wall of principle structure and shall not exceed the floor area of the principle structure.
2. Screening of all outdoor storage areas shall consist at a minimum six foot (6') tall site proof wooden fence and site proof gate and an eight foot (8') wide landscape screening area planted with evergreen planting spaced eight feet (8') on center. Acceptable plant materials are limited to American Holly, Easter Red Cedar, Virginia Pine, Japanese Black Pine or Southern Magnolia, 8-10 feet in height when planted.
3. No outdoor storage of material, parts finished products, debris or any other materials shall be permitted to be placed or located in required landscape or screening areas.

(2) Prior to the issuance of a building permit a site plan shall be submitted to the Planning Commission. The site plan shall be reviewed for compliance with the provisions of this Section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(3) Contents of the Site Plan

a. The Site Plan shall show the following:

1. Name of development or address.
2. Name and address of owner of record and the applicant.
3. Present zoning of the site and abutting property.

4. Date, graphic scale, and north point with reference to source of meridian.
 5. Courses and distances of center of all streets and all property lines.
 6. All buildings restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
 7. The total land area.
 8. Topography of existing ground, and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed line illustrating two-foot contours as required by the Planning Commission and by spot elevations where necessary to indicate flat area.
 9. Two spaces for signed approval of Planning Commission.
- b. The Site Plan shall show the location of the following when existing:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Building and structures.
 3. Public sewer systems.
 4. Slopes, terraces and retaining walls.
 5. Driveways, entrances, exits, parking areas and sidewalks.
 6. Water mains and fire hydrants.
 7. Trees and shrubs.
 8. Recreational areas, and swimming pools.
 9. Natural and artificial water courses.
 10. Limits of flood plains;.
- c. The site plan shall show the location, dimensions, site and height of the following when proposed:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Buildings and structures including the front (street) elevation of proposed buildings.
 3. Public sewer systems.
 4. Slopes, terraces, and retaining walls.
 5. Driveways, entrances, exits, parking areas

- and sidewalks.
- 6. Water mains and fire hydrants.
- 7. Trees and shrubs.
- 8. Recreational areas.
- 9. Distances between buildings.
- 10. Estimates of the following when applicable.
 - a) Number of dwelling units.
 - b) Number of parking spaces.
 - c) Number of loading spaces.
 - d) Number of commercial or industrial tenants and employees.
 - e) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - f) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures, proposed topography of site shall be shown by two or five foot contours as required by the Building Inspector.

5. Board of Appeals Review

- (a) In instance of review by the Rossville Board of Zoning Appeals prior to the issuance of a building permit, the following procedure shall apply.

- (1) Prior to the issuance of a building permit a site: plan shall be-submitted to the Board of Zoning Appeals. The site plan shall be reviewed for compliance with the provisions of this Section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

- (2) Contents of the Site Plan

- a. The Site Plan shall show the following:

- 1. Name of development or address.
- 2. Name and address of owner of record and the applicant.
- 3. Present zoning of the site and abutting

- property.
 4. Date, graphic scale, and north point with reference to source of meridian.
 5. Courses and distances of center of all streets and all property lines.
 6. All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
 7. The total land area.
 8. Topography of existing ground, and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed line illustrating two foot contours as required by the Planning Commission and by spot elevations where necessary to indicate flat area.
 9. Two spaces for signed approval Board-of Zoning Appeals.
- b. The Site Plan shall show the location of the following when existing:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Building and structures.
 3. Public sewer systems.
 4. Slopes, terraces and retaining walls.
 5. Driveways, entrances, exits, parking areas and sidewalks.
 6. Water mains and fire hydrants.
 7. Trees and shrubs.
 8. Recreational areas, and swimming pools.
 9. Natural and artificial water courses.
 10. Limits of flood plains.
- c. The site plan shall show the location, dimensions, site and height of the following when proposed:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Buildings and structures including the front (street) elevation of proposed buildings.
 3. Public sewer systems.
 4. Slopes, terraces, and retaining walls.

- S. Driveways, entrances, exits, parking areas and sidewalks.
- 6. Water mains and fire hydrants.
- 7. Trees and shrubs.
- 8. Recreational areas.
- 9. Distances between buildings.
- 10. Estimates of the following when applicable:
 - a) Number of dwelling units.
 - b) Number of parking spaces.
 - c) Number of loading spaces.
 - d) Number of commercial or industrial tenants and employees.
 - e) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - f) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures, proposed topography of site shall be shown by two or five foot contours as required by the Building Inspector.

Section 3. Sign Regulations

1. Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. This chapter is not intended to censor speech or to regulate viewpoints, but instead is intended to regulate, in a content-neutral manner, any secondary effects of speech that may adversely affect aesthetics, traffic, and pedestrian safety. The purpose of this chapter is to:

- (a) Encourage the effective use of signs as a means of communication in the Town;
- (b) Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;

- (d) Minimize the possible adverse effect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Allow signs that are compatible with their surroundings and that aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (g) Regulate signs in a manner so as to prevent the interference with, the obstruction of the vision of, and/or the distraction of motorists, bicyclists, and/or pedestrians;
- (h) Allow for traffic control devices to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of ordinances and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- (i) Protect property values by precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (j) Protect property values by ensuring that the types and numbers of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (k) Preserve and enhance the historic character of the Town; and
- (l) Enable the fair and consistent enforcement of these sign ordinances.

2. 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.

Artwork: A two- or three-dimensional representation that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed

Balloon-type Devices: A stationary or mobile inflated device used to attract attention.

Banner: See Sign, Banner.

Billboard: See Sign, Off-site.

Building Façade: See Façade.

Building Wall: The entire surface area, including windows and floors, of an exterior wall of a building.

Business Historic District: The planning area within the boundaries of the Rossville Business Historic District. Referred to throughout this document as (B-H) as described in Rossville Zoning Ordinance's Article V, Section 4.

BZA: The Town of Rossville Board of Zoning Appeals. Referred to throughout this document as (BZA).

Commercial: Any nonresidential use of land involving commerce or commercial activity such as wholesale or retail trade, or the provision of services.

Copy: Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

Copy Area: The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

Design Compatibility: A condition occurring between two of the same or two different sign types where the individual tenant spaces in a shopping center harmonize together through the use of signs with a common scale, heights from the finished grade, illumination, materials, type and color of returns, and sign color scheme and type (channel letter, halo-lit, and the like), placement on sign bands built into the building facade, or other signage features.

Electronic Message Board: Any sign that display still images, scrolling images, or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Elevation: The front, side, or rear of a structure.

Façade: The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Fence: A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

Flag: Bunting or fabric of distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent flagpole or otherwise displayed from a building.

Formed Plastic Letters: Letters or graphics that are formed from a sheet of plastic that is warmed and shaped in a mold.

Glazing: The portion of an exterior building surface occupied by glass or windows.

Illumination: The calling of attention to a sign or device by means of brightening or shining with light or a luminous substance.

Logo: A symbol or other small design adopted by an organization to identify its products, services, and the like.

MBOA: The Town of Rossville Mayor and Board of Aldermen. Referred to throughout this document as (MBOA).

Menu Board: A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Multi-phase Development: A development consisting of two or more distinct phases intended to occur in a sequential order.

Multiple Franchise Business: A business that, pursuant to franchise agreements, markets the goods or services of more than one company or manufacturer.

Multiple Tenant Building: A single building that contains two or more distinct occupants internally separated by firewalls or demising walls.

Neon: Lights, tubes, or other devices used to emit neon light.

Nonconforming Sign: See Sign, nonconforming.

PZC: The Town of Rossville Planning and Zoning Commission. Referred to throughout this document as (PZC).

Plastic: The general and commonly used term for a wide range of synthetic or semi-synthetic organic amorphous solid materials including, but not limited to, acrylic, Sintra® and Lexan®.

Premises: A house or building, together with its land and outbuildings, occupied by a business or considered in an official context.

Public Right-of-Way: Property dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this chapter, such public rights-of-way shall be considered to extend a minimum of ten (10) feet from the edge of the pavement, or to the dedicated right-of-way boundary, whichever is farther.

Roof Line: The apex, or highest point, of the roof. In a series of roofs, the apex of the lowest roof will be considered.

Scoreboard: A structure that is located within an athletic field that displays changing scores, related information, and additional content that may include, without limitation, the names and logos of sponsors.

Sign: Any device, fixture, placard, or structure that uses color, form, graphics, illumination, text, symbol, and/or writing to advertise, attract attention to, announce, identify, or identify the purpose of a person or entity, or to communicate information of any kind. The following shall not be considered signs subject to sign regulation: artwork; holiday lighting and decorations, including strips or strings of lights outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building, displayed between Thanksgiving Day and New Year's Day of each calendar year and fifteen (15) days prior to and after this time period; and memorial plaques, cornerstones, historical tables, and the like (see also Article VIII.3.6).

Sign, Abandoned: A sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of sixty (60) days or more; a sign that has been blank for sixty (60) days or more; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Sign, A-Frame: A freestanding, upright sign on a rigid supporting frame in the form of a triangle or an inverted "V".

Sign, Animated: Any sign that moves or that appears to move by any means, including fluttering or rotating. Such signs shall also include, but not be limited to, pennants, ribbons, streamers or propellers.

Sign Area: See sign face calculation in Article VIII.3.8.b.6.

Sign, Attached: A sign that is permanently affixed to or painted on a building, canopy, or wall and that has a permanent or changeable copy face.

Sign, Awning: A sign that is part of or attached to the face or valance of an awning and that is constructed in the same fabric or material as the awning.

Sign, Banner: A sign made of flexible material that advertises a business, an event, or a product for sale.

Sign, Bench: A sign affixed to or painted on a bench.

Sign, Cabinet: An internally illuminated sign structure consisting of a cabinet that holds a display. Cabinet signs also include, but are not limited to, backlit displays and light boxes.

Sign, Canopy: See Sign, Awning.

Sign, Changeable Copy (automatic): A sign that is electronically controlled.

Sign, Changeable Copy (manual): A sign on which copy is changed manually.

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 Depth: On an attached sign, the distance from the face of the letters to the surface to which they are attached.

Sign, Development: A sign located at the entrance to a residential development and constructed of masonry or natural materials, except for attached letters or logos.

Sign, Development-in-Progress: A temporary sign that may include, without limitation, the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the premises, whose construction is active, or announcing the future development.

Sign, Digital Picture Frame: A desktop picture frame that displays digital images through a digital screen.

Sign Face: see Sign Area.

Sign, Freestanding:

- (a) A sandwich board sign; or
- (b) A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

Sign, Government Imitation: A sign that copies, imitates, or in any way approximates an official highway sign or carries the words “Stop” or “Danger.” Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

Sign, Ground-mounted: see Sign, Free-standing.

Sign, Hand-held: A sign that is held by or otherwise mounted on a person.

Sign, Hanging: A sign installed under an awning, canopy, porch overhang, or marquee that hangs either parallel or perpendicular to a building.

Sign, Home Occupation: A sign erected for the purpose of identifying an allowed home occupation.

Sign, Integral: A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

Sign, Marquee: A sign that is attached to a structure constructed of rigid materials that may be attached to and supported by a building and/or that is also supported by columns, poles, or braces extending to the ground.

Sign, Menu Board: A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Sign, Moving: A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices.

Sign, Nonconforming: A sign lawfully constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or any sign that was lawfully erected in compliance with the sign ordinances in effect at the time it was erected, but that is no longer in compliance.

Sign, Obsolete: See Sign, Abandoned.

Sign, Off-site: Signs that are not located on the lot to which the use pertains or signs advertising products or services for sale which are not located on the same site where the sign is located (billboards).

Signs, On-premises, or On-site: Signs advertising products or services for sale on the same site where the sign is located.

Sign, Parked Vehicle: Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way and that are visible for more than two consecutive hours or more than four total hours between sunrise and sunset. This term does not include signs that advertise the sale of the vehicles on which they are placed or those which are placed on or affixed to vehicles but that are incidental to the primary use of the vehicle or trailer. See Sign, Political, for special provisions for political signs.

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 Policy, Comprehensive: A plan establishing parameters for the size, location, and design of signs in a planned development.

Sign, Political: A temporary sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forthcoming public election or referendum. Political signs are exempt from permit requirements of this ordinance, subject to all applicable restrictions under Article VIII, Section 10.

Sign, Portable: A temporary sign or device that is located on the ground, is easily movable, and is not permanently attached to the ground. Portable signs include, but are not limited to, counterbalance signs, trailer signs, and any variations thereof. See Sign, Political for special provisions for political signs.

Sign, Project: A sign that displays solely numbers and/or letters and that is erected to display the identity of five (5) or more occupants in a single building, business or office complex with a total of at least ten thousand (10,000) square feet in the project; with or without individual street frontage; and with a common parking lot or private drive.

Sign, Projecting: A sign mounted on beams, brackets, or poles projecting from a building.

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, Real Estate: A temporary sign pertaining to the sale, lease, or rental of property. This term includes, but is not limited to, real estate directional, open house, and open house directional signs.

Sign, Roof: An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Sign, Routed Face: A sign face, the background of which is an opaque material that has been routed to create the letters and/or graphics, and backed with plastic.

Sign, Routed Push-through: A sign face, the background of which is routed and the letters and/or graphics are inserted into the routed background.

Sign, Sandwich Board: see Sign, A-Frame.

Sign, Service Station Canopy: A sign attached to a roof-like structure supported by poles or columns for the purpose of providing shelter for gas pumps and surrounding fuel area.

Sign, Single Tenant: A sign that displays or advertises an individual (single) business that is located on one lot.

Sign, Snipe: Any sign, other than a convenience sign, that is affixed by any means to trees, utility poles, fences or other objects.

Sign, Special Event: A sign associated with a special event or outdoor event.

Sign Surface Area: See Sign Area.

Sign, Temporary: A sign that is intended for temporary use and a limited period, as allowed by this chapter. 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, window signs, and special event signs.

Sign, Temporary Construction Zone: A sign that is intended for temporary use and a limited period, as allowed by this chapter, for premises that are, in the opinion of the PZC, significantly disturbed by state or local road widening projects or utility line or sidewalk repairs / installations / relocations.

Sign, Trailer: A sign attached to or painted on a trailer and visible from the public right-of-way for more than two consecutive hours or more than four total hours between sunrise and sunset. See Signs, Political for special provisions for political signs.

Sign, Trash Receptacle: A sign affixed to, or painted on, a trash receptacle and containing only the company name or logo of the trash-collecting firm.

Sign, Wall: A sign designating the name of the business, institution, or organization which is attached to, in a rigid manner, and parallel to a building wall or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not extend more than twelve (12) inches from such building or structure.

Sign, Window: A sign placed within, affixed to, in contact with, or located within three feet of a window and intended to be seen from the exterior.

Street Frontage. The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

String Lighting: Lighting used to outline a structure and to attract attention for commercial purposes.

3. Applicability.

This chapter shall apply within all zoning districts. However, if the sign guidelines for the B-H District or R-H District conflict with provisions in

this chapter, then those guidelines shall take precedence within the B-H or R-H District. In addition, if the MBOA has approved a comprehensive sign policy as part of a planned development outline plan, then that sign policy shall take precedence within that approved planned development.

4. General Visual Quality.

These ordinances establish the physical characteristics of signage and prescribe a level of visual quality in sign design, especially where new signage is in substantial conformance with its surroundings. Anyone planning a sign shall consider the following:

- (a) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;
- (b) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive;
- (c) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.
- (d) All signage shall be designed in earthtone colors or white. No bright, florescent, or neon colors permitted. Exceptions are allowed for National Brands which are subject to a reduction in size of 25% allowable signage per sign type or Zoning District.

5. 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. It is unlawful to erect or maintain signs which resemble an official traffic or safety sign and it shall

also be unlawful to display the words “Stop”, “Go Slow”, “Caution”, “Danger”, “Warning” or other words commonly used to draw attention to traffic or roadway hazards by governmental or construction signs;

- (f) Inflatable animated characters, lighter than air devices, or similar balloon-type devices;
- (g) LED electronic message center window signs;
- (h) Moving signs, including any sign which moves or has any moving or animated image, flashing lights, or continuously changing message, except for signs providing time and temperature readings offered for observance by the general public;
- (i) Flashing signs, including signs which do not have a light source of continuous intensity;
- (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, 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
- (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 PZC/BZA 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: no signs shall be located between two and a half (2-1/2) and ten (10) feet in height in relation to the

road surface within any required front yard;

- (t) Signs on natural features such as trees, other living vegetation, and rocks;
- (u) Trailer 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 Article VIII, Section 6, Sexually Oriented Businesses.
- (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 forty-eight (48) square inches incorporated into a gas pump;
- (dd) Internally illuminated window signs within ten feet of the interior of a window; and
- (ee) Off-premises commercial advertising signs.
- (ff) Canopy signs associated with Gas Stations, including logos and color banding.

6. Exemptions.

These sign ordinances do not pertain to the following:

- (a) Public signs;
- (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 (10) feet from a

window;

- (d) Flags attached to residential structures in residential zones;
- (e) Official national, state or municipal flags, property displayed.
- (f) Freestanding flag poles in residential zones;
- (g) Scoreboards;
- (h) 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;
- (i) Temporary outdoor lighting used as holiday decorations;
- (j) Artwork;
- (k) Memorial plaques;
- (l) Historical tables;
- (m) For service stations solely engaged in the retail distribution of petroleum and petroleum products the following signs are exempt:
 - (1) One (1) non-illuminated permanent price sign per street frontage, the sign not to exceed two (2) 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 (2) non-illuminated self-service or full-service signs per pump island, the signs not to exceed two (2) square feet in sign area nor to be located at a height more than eight (8) 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 (2) square feet per pump island; and
 - (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 PZC.

- (5) Digital display signs with a combined area of no more than forty-eight (48) square inches per pump.
- (n) Gravestones; and
- (o) Signs wholly within buildings.

7. Sign Permit Application and Issuance.

(a) Applicability.

- (1) From and after the effective date of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge or convert any sign without first obtaining a sign permit as required by this Ordinance.
- (2) If any temporary or permanent sign is not otherwise exempted in Article VIII.3.7.b, it shall be unlawful to construct, alter, or relocate such temporary or permanent sign without a valid sign permit approved by the PZC and issued by its Building Inspector.
- (3) A property owner, business occupant, or organization allowed more than one sign shall obtain a separate permit for each sign.
- (4) In instances where a sign is proposed for construction, alteration, relocation, or demolition within the B-H District, no sign permit shall be issued until the project has been approved by the PZC.
- (5) For any sign with lighting, including ground lighting, the Town requires an electrical permit and inspections pursuant to the provisions of the Electrical Code, as adopted by the Town of Rossville. In cases where an electrical permit is required, it shall be obtained at the same time as the sign permit.

(b) Exemptions from sign permits.

- (1) The following signs may be constructed, altered, relocated, or demolished without a sign permit, but shall be subject to all applicable requirements in Article VIII, Section 3.
 - a. Real estate signs;
 - b. Political signs;

- c. Convenience signs;
 - d. Integral signs;
 - e. Attached ballfield fence signs;
 - f. Temporary signs in residential areas and for institutional uses that are six (6) square feet or smaller permitted by this chapter;
 - g. Horizontal directional signs on and flush with paved areas;
 - h. Signs posted in conjunction with door bells or mailboxes, not exceeding thirty-six (36) square inches in surface area;
 - i. Address signs, not more than one (1) for each street frontage of each principal use on a lot and none exceeding seventy-two (72) square inches in area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which the signs are placed in order to facilitate emergency identification for public service employees; and
 - j. In buildings located in non-residential zones, signs that are placed greater than three (3) feet behind the interior surface of glass and that are legible from the public right-of-way.
- (2) The following activities may be conducted without obtaining a sign permit.
- a. Cleaning and other normal maintenance and repair of a sign or sign structure, or other customary maintenance performed periodically to a properly permitted sign unless a structural change is made.
 - b. Painting or repainting of a sign or sign structure located outside the R-H District or B-H District.
- (c) Procedure. All applications for signage shall be reviewed by the PZC prior to the issuance of a sign permit.

- (1) Initiation. An application for a sign permit shall be initiated by the property owner or other person having authority to file an application.
- (2) Application for a sign permit. An application for a sign permit shall be made in accordance with application requirements established by the PZC. Signs within the B-H or R-H Districts must meet the appropriateness requirements as outlined in IV.5, Residential Historic District, and V. 4, Business Historic District. Approval by the PZC is required prior to issuance of the sign permit. All applications are required to include the following information to ensure compliance with all appropriate laws and regulations of the Town of Rossville that will include the following:
 - a. Name and address of owner of the sign.
 - b. Name and address of owner and of the person or persons in possession of the premises where the sign is located or to be located.
 - c. A drawing, clear and legible, drawn to a scale 1" = 10'-0" with a description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction required permits, when such signs are on the same premises.
 - d. Signature of applicant
 - e. Signature of property owner shall be followed by statement to read as follows:

I am aware and in agreement with the application for the above requested sign. I am aware that the responsibility for conformance with the provisions of the Rossville Zoning Ordinance shall revert to me if the applicant should no longer be located at the above address. This responsibility may include removal of the sign as required by the Ordinance.
- (3) PZC decision on sign permit. Within thirty (30) days of receiving a complete sign permit application, the PZC shall review the application and shall approve it, approve it with stated conditions, or reject it.

- (d) Approval criteria. The PZC shall review an application for a sign permit based on the standards set forth in Article VIII.3.
- (e) Approval for sign construction, alteration, relocation, or demolition. Construction, alteration, relocation, or demolition of a sign or sign structure authorized by a sign permit shall be completed within a period of one hundred eighty (180) days of the date of the sign permit approval. Upon written request, one extension of one hundred eighty (180) days may be granted by the PZC if the applicant can show good cause.
- (f) Nullification. A sign permit shall become null and void if the sign varies in any respect from the approved design or location, or if work is not commenced within one hundred twenty (120) calendar days from the date of issuance of such permit.
- (g) Fees. The permit fee for each sign allowed under the requirements of this chapter shall be fixed from time to time by the MBOA.
- (h) Review of permitting decisions. Permit applicants may appeal unfavorable decisions or interpretations rendered pursuant to this section to the BZA, as set forth in Article X.5.1.

8. Requirements Applicable to All Zoning Districts.

(a) Illumination.

Sign illumination shall only be achieved through the following standards. The BZA shall hear and decide any appeals of staff decisions related to the interpretation of this section.

(1) General.

All illuminated signage shall be externally lit with the exception of signs containing or consisting of channel letters as allowed in Article VIII.3.8.3, below.

(2) External Illumination.

- a. Signs that are externally illuminated shall have the light source shielded from adjacent buildings and streets, and no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public. Illumination shall be achieved via a steady, stationary white light of reasonable

intensity that is directed solely at the sign. No sign shall have blinking, flashing or fluttering lights or other illuminating device, which has a changing light intensity, brightness or color.

- b. Ground signs that are externally illuminated with ground mounted lighting shall have the fixtures fully screened with evergreen landscaping, in addition to mechanical light source shielding.
- c. Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with the current adopted National Electrical Code.

(3) Internal Illumination.

Only those signs as set forth in VIII.3.9 may be illuminated internally by one of the following methods. No other form of internal illumination is permitted.

- a. Individual channel letters and logos shall be permitted but only with the following physical characteristics:
 - 1. White, earth tone or translucent plastic (e.g., acrylic, Lexan®, Sintra®) faces, aluminum returns, and a white internal light;
 - 2. Black or silver dual color film on white plastic faces, aluminum returns, and a white internal light; and
 - 3. Logos shall not exceed twenty-five percent (25%) of the sign area.
- b. Individual reverse-channel (also known as "halo-lit" or "reverse lit") aluminum letters with opaque faces and returns of any color and white internal light.
- c. Routed face signs shall be permitted but only with the following physical characteristics (see Article VIII.3.10 for limitations on use of this sign design):
 - 1. Metal face of earth tone color and white internal light; and
 - 2. Backed with white, translucent plastic (e.g.,

acrylic, Lexan®, Sintra®) or black dual color film on white plastic.

- d. Routed signs with push-through letters shall be permitted but only with the following characteristics (see Article VIII.3.10.g for limitations on use of this sign design):
 - 1. Metal sign face of earth tone color and white internal light; and
 - 2. Pushed through clear plastic (e.g., acrylic, Lexan®, Sintra®) letters with opaque vinyl faces of earth tone color with a maximum return depth of one-half (1/2) inch.

(4) Prohibited forms of illuminated signage.

- a. Exposed neon, or technologies such as LED that simulate neon, are prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.
- b. Plastic-faced cabinet signs, whether internally or externally illuminated, with the exception of menu boards not visible from the public right-of-way.
- c. The internal illumination of any sign not expressly allowed pursuant to the provisions of Article VIII.3.9.
- d. Any form or color of individual channel letters or reverse channel letters not expressly permitted Article VIII.3.8.a.3

(b) Sign design; calculation of sign area and height.

- (1) Attached letters and graphics. When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.
- (2) Clearance from electrical lines. Signs shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of at least eight feet from electrical lines and in accordance with the provisions

of the current adopted National Electrical Code, as revised.

- (3) Double-faced signs. When two signs of the same shape and dimensions are mounted or displayed in a “V” shape, then all sign faces shall be included in calculating the aggregate sign area.
- (4) Freestanding/ground signs. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign face area. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.
 - a. Sign base.
 1. All ground signs, with the exception of ornamental ground signs, shall have a minimum base of two (2) to three (3) feet below the sign.
 2. The sign base, with the exception of ornamental ground signs, must be solid in appearance with no exposed poles.
 3. The design and materials of the sign base shall coordinate with the architecture of the building with which it is associated.
 4. Landscaping of the solid sign base with planters and/or shrubbery in all directions is required to soften the appearance of the sign and provide a transition to the ground.
 - b. Sign location. Grounds signs shall be separated from adjacent ground signs by one hundred (100) feet, with the exception of project signs, when allowed, that shall be separated by one thousand (1,000) feet.
- (5) Wall signs.

- a. Wall signs shall not obstruct or crowd architectural elements and details that define the design of the building.
 - b. The sign placement and architectural features of adjacent buildings shall be respected.
 - c. Within the B-H District, wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted, unless a PZC has approved a new building.
- (6) Sign Face Area. The entire area of a sign face shall be measured by a single, uninterrupted polygon (a square, rectangle, semicircle, or parallelogram) comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding architectural embellishment, the base, supports, and other structural members. In the case of three-dimensional letters, or painted letters directly on the wall surface (with a Certificate of Appropriateness in the B-H District), the surface area shall be that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.



Figure VIII.3-1: Example of how a sign area is determined by drawing a polygon (indicated by the dashed line) around all type and markings associated with the sign.

- (7) Design of Sign Face. The following provisions shall regulate sign compatibility and physical characteristics:
- a. Ground signs shall not be in the shape of a sponsor name or motif (e.g., soda bottles, hamburgers, boot, and so forth).
 - b. Individual, plastic-faced channel letters shall have only white, silver or black faces with aluminum

returns of bronze, black, white or silver. Otherwise, color is not regulated if the sign is designed per Article VIII.3.8.a, Illumination.

(c) Building Standards for Permanent Signs.

(1) Compatibility, quality, and impact.

- a. Building materials for signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses.
- b. Ground sign materials shall match the materials of the associated building.
- c. Signs proposed for a building, or group of buildings, that contains two or more distinct occupants internally separated by firewalls or demising walls, shall be compatible with the signs of adjacent existing businesses. Compatibility of sign design shall be accomplished by individual tenant spaces in a shopping center harmonizing together through the use of signs with a common scale, heights from the finished grade, illumination, materials, type and color of sign faces and returns, and sign type (channel letter, halo-lit, and the like), placement on sign bands built into the building façade, or other signage features.

(2) Appropriate materials for permanent, attached signs. The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation for permanent attached signs:

- a. Wood;
- b. Metal;
- c. Plastic only when used as part of the following.
 - 1. Channel letter faces and logos;

2. Backing for routed face signs;
 3. Routed push-through letters and logos; or
 4. Cut out or laser cut letters.
- (3) Appropriate materials for permanent, freestanding/ground signs. The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation for permanent freestanding/ground signs:
- a. Brick;
 - b. Natural stone, including panels, or imitation stone;
 - c. Stained, split-face block;
 - d. Wood;
 - e. Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split-face block, or stone;
 - f. Metal panels, when used in combination with brick, split-face block, or stone; and
 - g. Plastic or other synthetic materials when used in combination with brick, split-face block, or stone. The PZC may specify an acceptable alternative to brick, split-face block, or stone that is composed of quality synthetic materials approximating the look and dimensions of authentic brick, split-face block, or stone.
- (4) Prohibited materials. The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:
- a. Exposed metal poles, when not enclosed by a masonry veneer;
 - b. Smooth-face concrete blocks, whether painted or unpainted;
 - c. Metal panels, when used without brick, split-face block, or stone;

- d. Plastic, or other synthetic materials, when used without brick, split face block, or stone, or an acceptable alternative thereto as specified by the PZC;
 - e. Reflective materials; and
 - f. Formed plastic letters.
- (5) Structural requirements. All signs constructed or placed within the Town shall comply with all current Building Codes adopted by the Town. An electrical permit must be obtained for installation of any sign requiring electrical service or connection.
- (d) Premises and Sign Maintenance.
- (1) Premises maintenance. Signs and the premises surrounding them shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.
 - (2) Structure maintenance. Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition, including the periodic application of paint or other weatherproofing materials to prevent rust or other decay.
 - (3) Sign area or other maintenance. The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, out of plumb or level, illegible, or otherwise decayed condition.
 - (4) Maintenance of banners and flags. Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached and secured properly at all times.
 - (5) Removal of attached signs. Upon removal of an attached sign, the wall or face of the building on which the sign was attached shall be repaired or resurfaced to restore the wall or face to its original condition prior to installation of the sign.

(e) Visibility.

- (1) No obstruction. Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light, or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement, particularly at entrances, exits and intersections.
- (2) Protection of vegetation and trees. No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:
 - a. Within public right-of-way, unless the work is done pursuant to the express written authorization of the Town or state, whichever is appropriate; or
 - b. On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or
 - c. In any area where trees or shrubs are required to remain under an approved development contract.

9. 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 Article VIII.3.10.

Table VIII.3-1. Allowed Sign Standards

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area (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								
Ballfield Fence	All	NA	NA	Top of fence to which it's attached	NA	See Article VIII.3.7b and 10.a	No	No
*Awning (Permit Required)	All Non-residential	One (1) per building side facing a street and/or at a main pedestrian entrance(s) to the building	See conditions	Shall not project above or below awning or roofline; max sixteen (16) feet when located within two hundred (200) feet of a residential district	Shall not extend beyond ten (10) feet from building	See Article VIII.3.10.b	Yes See Article VIII.3.9.b	No
Convenience	All Non-residential	NA	Four and one-half (4.5)	Six (6)	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Flags (Permit Required)	All Non-residential	One (1) per building	See chart VIII.3.10.u	Twenty (20) foot pole height for roof mounted	NA	See Article VIII.3.10.u	No	No
Hanging (Permit Required)	All Non-residential	One (1) per building side facing a street and/or at a main pedestrian entrance(s) to the building	See conditions VIII.3.10.d.2 Parallel 10 s.f. Perpendicular 4 s.f.	Minimum 7' above sidewalk	NA	See Article VIII.3.10.d	Yes See Article VIII.3.9.b	No
Marquee (Permit Required)	All Non-residential	One (1) per building side facing a street and/or at a main pedestrian entrance(s) to the building	See conditions	Maximum thirty (30) feet; shall not project below fascia, or above parapet or roofline; max. sixteen (16) foot height when located within two hundred (200) feet of a residential district	NA	See Article VIII.3.10.c	Yes See Article VIII.3.9.b	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area (in sq. ft. per side, total)	Maximum Height (in feet)	Minimum Setback (in feet)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Multiple Franchise Businesses (Permit Required)	All Non-	See conditions	See conditions	NA	NA	See Article VIII.3.10.f	Yes See also Article VIII.3.10.o	Yes
Projecting (Permit Required)	All Non-residential	One (1) per building side facing a street	Six (6), twelve (12)	See conditions	Maximum 4 feet from building	See Article VIII.3.10.t	Yes	No
Service Station Canopy (Permit Required)	SCC, GC, CB, NC, MU	One (1) per canopy side facing a street	25% of Canopy Space	Maximum thirty (30) feet; shall not project above or below canopy	NA	See Article VIII.3.10.s	Yes See Article VIII.3.9.b	No
Wall and attached if not otherwise regulated (Permit Required)	All Non-residential	One (1) per building side facing a street and/or at a main pedestrian entrance(s) to the building	See VIII. 3 10. f. 3 & 4	Shall not project above or below awning or roofline; maximum sixteen (16) feet when located within two hundred (200) feet of a residential district		See Article VIII.3.10.g	Yes See Article VIII.3.9.b	Yes
Window (Permit Required)	All Non-residential	See conditions	15% of aggregate window area	Six (6)	See conditions	See Article VIII.3.10.e	No	No
FREESTANDING/GROUND								
Development (Residential) (Permit Required)	Residential	Two (2) per entrance	Thirty-two (32), sixty-four (64)	Six (6)	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	See Article VIII.3.10.h	Yes	No
Flags (Permit Required)	All Non-residential	Three (3) per lot	See Chart VIII 3.10.u.2	Forty (40) foot pole height for ground set	Outside right-of-way or equal to the height of the pole, whichever is farther	See Article VIII.3.10.u	Yes, after the first flag See Article VIII.3.9.b	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area (in sq. ft. per side, total)	Maximum Height (in feet)	Minimum Setback (in feet)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Convenience	All Non-residential	One (1) per entrance/exit	Four and one-half (4.5), nine (9)	Six (6)	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	NA	No	No
Menu Board (Permit Required)	SCC, GC, MPO	One (1) per drive-through lane for restaurants with drive-through but no curbside service/ one (1) per bay for restaurants with curbside service	Thirty (30) for restaurants with drive-through but no curbside service; six (6) per bay for restaurants with curbside service	Six (6)	Shall be contained within the buildable area of the premises	See Article VIII.3.10.i	No	Yes
Project Sign (Multiple Tenant) (Permit Required)	All Non-residential	One (1) per lot per street for lots w/ one thousand (1,000) feet of frontage or less. For lots with > one thousand (1,000) feet of frontage, one (1) sign per one thousand (1,000) feet or a portion thereof.	See conditions	See Article VIII.3.10.j	Twenty (20) feet from right-of-way	See Article VIII.3.10.j	No	Yes, but for existing, legally non-conforming signs only
Multiple Franchise Businesses (Permit Required)	All Non-	One (1)	See conditions	Ten (10)	Twenty (20) feet from right-of-way	See Article VIII.3.10.f	Yes See Article VIII.3.10.f	Yes, but for existing, legally non-conforming signs only
Sandwich Board (Permit Required)	SCC, GC, MPO, CB, NC	One (1) per business, tenant or occupant	Ten (10), twenty (20)	Four (4)	Outside of required pedestrian sidewalk clearance	See Article VIII.3.10.k	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area (in sq. ft. per side, total)	Maximum Height (in feet)	Minimum Setback (in feet)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Single Tenant Sign	All Non-residential	One (1) per lot per street frontage	28 s.f.	Six (6)	Ten (10) behind right-of-way or property line		Yes	Yes
Ornamental Ground Sign (Permit Required)	All Non-residential	One (1) per lot per street for lots w/ one thousand (1,000) feet of frontage or less. For lots with > one thousand (1,000) feet of frontage, one (1) sign per one thousand (1,000) feet or a portion thereof.	Thirty-two (32), sixty-four (64) for sign face area	Six (6)	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	See Article VIII.3.10.v	Yes	No
Ground signs not otherwise regulated (Permit Required)	All Non-residential	One (1) per lot per street for lots w/ one thousand (1,000) feet of frontage or less. For lots with > one thousand (1,000) feet of frontage, one (1) sign per one thousand (1,000) feet or a portion thereof.	Thirty-two (32), sixty-four (64) for sign face area	Six (6)	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	See Article VIII.3.9.b	Yes See Article VIII.3.9.b	Yes
TEMPORARY								
Development-in-progress (Permit Required)	All	One (1) per entrance and one (1) per phase or section of development	Thirty-two (32), sixty-four (64) for sign face area	Six (6)	No less than ten (10) feet from face of curb or edge of pavement	See Article VIII.3.9.m	Yes	No
Window	All	15% of aggregate window area	See conditions	Six (6)	See conditions	See Article VIII.3.9.e	No	No
Temporary, with the exception of political and special event, in all residential zoning districts if not otherwise regulated	All Residential	Two (2)	For all parcels: six (6), twelve (12); however, for parcels two (2) acres or greater, one (1) sign may be twelve (12), twenty-four (24)	Five (5); however, for parcels two (2) acres or greater, one (1) sign may be six (6) feet in height	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	See Article VIII.3.9.n	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area (in sq. ft. per side, total)	Maximum Height (in feet)	Minimum Setback (in feet)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Temporary, with the exception of political and special event, in all non-residential zoning districts if not otherwise regulated (Permit Required)	All Non-residential	One (1) per business or tenant	Thirty-two (32), sixty-four (64) for sign face area	Six (6), unless attached to a building or in a window	Outside right-of-way or ten (10) feet from back of curb or edge of pavement, whichever is farther	See Article VIII.3.9.o	No	No
Political signs	All	One (1) per campaign or candidate per frontage	See conditions	Five (5) See conditions	Outside right-of-way or any pedestrian easement	See Article VIII.3.9.p	No	No
Temporary in a construction zone	All	See conditions	See conditions	See conditions	See conditions	See Article VIII.3.9.q	No	No
Special Event Signs (Permit Required)	All	See conditions	See conditions	See conditions	See conditions	See Article VIII.3.9.r	No	No

- (b) Aggregate sign area.
 - (1) Except for multiple franchises or multiple tenant buildings, each nonresidential building is entitled to a maximum aggregate square footage of signage for each visible building side to be calculated as follows:
 - (a) For the first one hundred (100) linear feet of visible frontage, three quarters (0.75) square feet of signage for each linear foot; plus
 - (b) twenty five (0.25) one-hundredths square feet of signage for each additional linear foot of building frontage in excess of one hundred (100) linear feet.
 - (c) A and B above apply to primary road frontages, or the side where the primary entrance to the building is located. Secondary Road frontages are permitted by approval from the Board of Adjustment.
 - (2) Notwithstanding the foregoing, the maximum aggregate square footage of signage per building, regardless of the number of visible building sides, shall be two hundred and fifty (250) square feet.
 - (3) Visible building side shall mean:
 - a. The horizontal length measured from the side of a building on a public or private street frontage of the heated and enclosed structure upon a premise, not including out-buildings or appurtenant structures; or
 - b. The horizontal length of a building on the side with a principal pedestrian entrance.
 - (c) Civic/institutional uses permitted in residential districts or planned developments that cite uses in non-residential districts shall follow the sign ordinances for non-residential districts.

10. Sign-specific Conditions.

The following conditions supplement the standards set forth in Table VIII-2.

- (a) Attached ballfield fence signs. The following additional provisions

shall apply to all signs attached to ballfield fences:

- (1) Signs shall face into the ballfield; and
 - (2) All backs of ballfield fence signs in a given ballfield shall be the same color.
- (b) Attached awning signs. The following additional provisions shall apply to all attached awning signs:
- (1) Awnings with backlighting are prohibited;
 - (2) Awning signs shall be placed on the valance area only; and
 - (3) The minimum space between the edge of the letter and the top and bottom of the valance shall be one and one-half (1.5) inches.
- (c) Attached marquee signs. The following additional provisions shall apply to all attached marquee signs:
- (1) No illumination shall be allowed for attached marquee signs;
 - (2) Maximum letter height shall be thirty (30) inches;
 - (3) Maximum width shall be twenty-five percent (25%) of marquee face;
 - (4) Marquee signs shall be placed on the fascia area only; and
 - (5) The minimum space between the edge of the letter and the top and bottom of the fascia shall be one and one-half (1.5) inches.

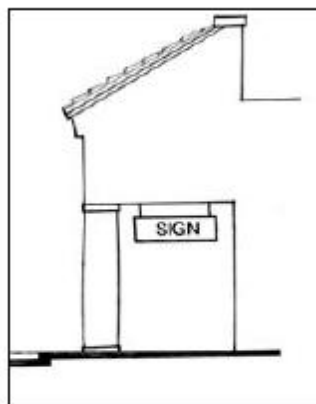


Figure VIII.3-2: Example of hanging sign.

(d) Hanging signs. Hanging signs may hang either parallel or perpendicular to a building and shall adhere to the following provisions:

- (1) Parallel hanging signs shall be no more than ten (10) square feet in area.
- (2) Perpendicular hanging signs shall be:
 - a. No more than four (4) square feet per side; and
 - b. No less than seven (7) feet above the sidewalk.

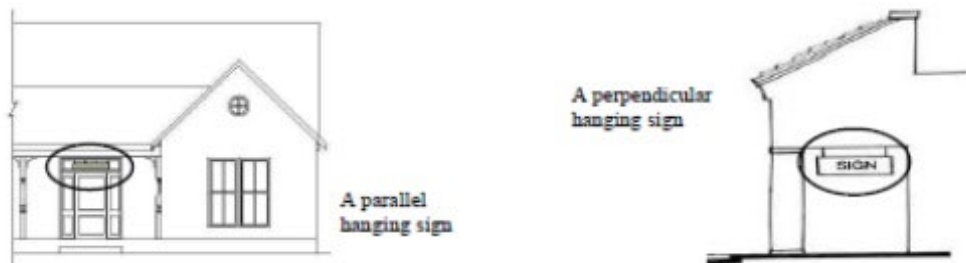


Figure VIII.3-3: Examples of parallel and perpendicular hanging signs.

(e) Window signs. All window signage, whether temporary or permanent, shall comply with the following requirements:

- (1) Temporary signs shall be located fully within the interior of the building;
- (2) Temporary or permanent signs may be attached directly to or mounted within three (3) feet of the inside of commercial-type businesses;
- (3) Except as provided in this section, window signage may be constructed of vinyl, paper, cloth, or other like material;
- (4) Signs, whether temporary or permanent, shall not exceed fifteen percent (15%) of the aggregate window and door area. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed fifteen percent (15%). Each building elevation shall be considered separately; and
- (5) LED, or similar technology, electronic message center window signs are prohibited.

- (6) The maximum height of a window sign shall be 6' from the sidewalk or door stoop.
- (f) Multiple franchise businesses. The following additional provisions shall apply to all multiple franchise business signs, if not otherwise regulated:
- (1) Businesses shall provide documentation demonstrating that they offer multiple franchises (e.g., “makes” of automobiles) and that there are signage requirements associated with specific franchise agreements;
 - (2) The PZC may approve signs for other types of businesses that contain multiple franchises under these provisions if the franchisee(s) demonstrate that:
 - a. Its franchise agreement contains specific signage requirements; and
 - b. Such requirements cannot otherwise be met unless these provisions are utilized.
 - (3) One (1) wall sign shall be allowed for the business name with a total of one (1) square foot per linear foot of building (sales/showroom/office building only) per street frontage façade;
 - (4) One (1) wall sign shall be allowed for each franchise with a maximum aggregate sign area not to exceed two hundred (200) square feet per building (sales/showroom/office building only) street frontage façade and/or at a main pedestrian entrance to the building;
 - (5) The aggregate sign area calculated for each building street frontage may be shared among the dealership, or other multiple franchise business, and each of its franchises on the building elevation facing the same street frontage;
 - (6) One (1) freestanding/ground sign shall be shared by the dealership, or other multiple franchise business, regardless of the number of public streets the property fronts, with a total sign area of one (1) square foot per ten (10) linear feet of street frontage along the property line including multiple street frontages. Maximum allowable sign area for this freestanding/ground sign shall not exceed seventy-five (75)

square feet;

- (7) A freestanding ground sign shall have a two (2) foot masonry base;
 - (8) The face of the freestanding/ground sign shall be rectangular in shape; and
 - (9) The base of the freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign.
- (g) Wall signs and attached signs, if not otherwise regulated. The following additional provisions shall apply to all attached signs, if not otherwise regulated:
- (1) Signs shall not be located closer than two (2) feet from any other business located on the ground floor of the same building; and
 - (2) Signs shall not be located closer than four (4) feet in any direction from any other business sign.
- (h) Freestanding residential development signs. The following additional provisions shall apply to all freestanding residential development signage:
- (1) Freestanding residential development signs shall be located within a common open space lot or a private lot with an easement dedicated to a property owners' association.
 - (2) One (1) residential development sign shall be allowed if located within a central median at an entrance if within a common open space and not within the public right-of-way.
 - (3) Only one (1) residential development sign shall be allowed on each side of an entrance.
 - (4) Residential development signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls.
 - (5) With the exception of the B-H District where signs with pole bases are in keeping with historic signs, an encompassing finished masonry frame shall be required:

- a. The base shall not exceed twenty-five percent (25%) of the sign face area; and
 - b. In no case shall this percentage change the permitted sign face area.
- (i) Menu boards.
- (1) For menu boards used in conjunction with a restaurant providing drive-through or curb-side services the structure shall be included on a site plan.
 - (2) Internally illuminated, plastic faced cabinet sign menu boards are allowed provided they are screened from the public right-of-way or are not visible from the public right-of-way.
- (j) Project signs. The following additional provisions shall apply to all multi-tenant project signs, if not otherwise regulated:
- (1) When five (5) or more businesses, tenants or occupants are contained with or without individual street frontage with a common parking lot or private drive and a total of at least ten thousand (10,000) square feet in the project, a project sign shall be installed rather than a ground sign. One (1) parcel with less than five (5) tenants that does not qualify for a project sign shall share a single ground sign per Article VIII.3.10.1;
 - (2) For developments that qualify for more than one project sign, there shall be a minimum of one thousand (1,000) feet between project signs;
 - (3) The height of the project sign shall be determined as follows:

Table VIII.3-2 Maximum Dimensions of Project Signs		
Building Square Footage	Maximum Project Sign Height (in feet)	Maximum Project Sign Width (in feet)
15,000 or less	10	10
15,001 or greater	15	10

- (4) Project signs shall be located a minimum of twenty (20) feet from the right-of-way;
- (5) The base of the sign shall be fully landscaped with planters

- and/or shrubbery in all directions not less than the dimensional width of the sign;
- (6) The face of the project sign shall be rectangular in shape;
 - (7) Project signs shall be designed to match the architecture of the building or development;
 - (8) The base of all project signs shall be two (2) feet in height and of masonry or stone construction; and
 - (9) The project sign shall be on the same parcel as the multiple tenant project.
- (k) Sandwich board-type signs. The following additional provision shall apply to all sandwich board-type signs:
- (1) Sandwich board-type signs shall be constructed of metal or wood;
 - (2) Wood signs shall be constructed of medium density overlay (MDO) or a similar quality material, not grained plywood;
 - (3) Edges shall be covered with molding; and
 - (4) Erasable slate chalk boards are allowed.
- (l) Freestanding/ground signs, if not otherwise regulated. The following additional provisions shall apply to all freestanding/ground signs, if not otherwise regulated, including a multiple tenant project sign for one parcel with less than five tenants that does not qualify for a project sign.
- (1) Freestanding/ground signs shall have a minimum of one hundred (100) feet between signs on adjacent lots;
 - (2) Freestanding/ground signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;
 - (3) The maximum overall area of a freestanding/ground sign, including the finished masonry frame, shall be one hundred (100) square feet;
 - (4) Freestanding/ground signs, other than ornamental ground signs, shall have a two (2) foot masonry base; and

- (5) The base of any freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions to soften the appearance of the sign and to provide a transition to the ground.
- (m) Development-in-progress signs. The following additional provisions shall apply to all temporary development-in-progress signs:
 - (1) Signs in nonresidential projects shall be permitted only for sites with either a Town-approved site plan or only during the period for which there is an active building permit, or development agreement; and
 - (2) Signs in residential projects shall only be permitted with a Town approved site plan (for multifamily) or recorded subdivision with incomplete infrastructure and/or unbuilt lots remaining.
 - (3) A setback of less than ten (10) feet may be approved by the Development Director under circumstances where there are physical site constraints that would prevent compliance with this section.

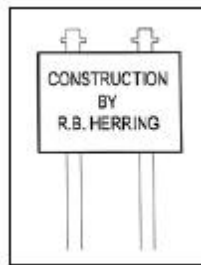


Figure VIII.3-4: Example of a development-in-progress sign

- (n) Temporary, with the exception of political, in all residential zoning districts if not otherwise regulated.
 - (1) Real estate signs shall be removed within seven (7) days of the closing of the sale, rental or leasing of the premises, or as determined by the PZC in the case of multiple lease or rental spaces in a single project;
 - (2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to sixty (60) days per calendar year.

- (o) Temporary, with the exception of political, in all non-residential zoning districts if not otherwise regulated. The following additional provisions shall apply to all temporary signs outside of a building in non-residential zoning districts, if not otherwise regulated:
 - (1) A premises shall display temporary signage outside of a building, other than a real estate sign or a political sign, no more than sixty (60) days per calendar year and no more than one (1) sign at a time (Examples: one [1] sign = sixty [60] days; two [2] signs = thirty [30] days each; three [3] signs = twenty [20] days each, etc.) and shall require a permit; and
 - (2) For multiple tenant developments, temporary signs for tenants shall be mounted on the tenant's leased space either in the window as a temporary window sign or on the tenant's building frontage.
 - (3) For multiple tenant developments, temporary signs for the development and requested by the property owner may be placed within the common area.
 - (4) New ownership of an existing business using temporary material(s) to cover/mask former business signage has sixty (60) days to be replaced with approved permanent signage providing existing sign area conforms to this ordinance.
- (p) Temporary construction zone signs. The following ordinances shall apply to sites that are, in the opinion of the PZC, significantly disturbed for long durations (over sixty [60] days) by state or local road widening projects or utility line or sidewalk repairs/installations/relocations. Tenants located on properties that meet these criteria will be allowed to use one of the two methods of temporary construction signage noted below.
 - (1) Window signs. Temporary window signs shall not exceed fifty percent (50%) of the aggregate window and door area allowable until the roadway section is completed, at which time the Town will provide a thirty-day (30-day) notice that these temporary signs shall be removed. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous area shall not exceed fifty percent (50%) of the contiguous area. Each building

elevation shall be considered separately.

- (2) Other (freestanding/ground signs, attached to building). The continuous display of any single temporary sign, other than a real estate sign or a political sign, shall be permitted until the roadway section is completed at which time the Town will provide a thirty-day (30-day) notice that these temporary signs shall be removed. Except for limitations on the duration, requirements for temporary signs for nonresidential developments per Article VIII.3.9.a and paragraphs (n) and (o) of this section shall be applicable. Where a multifamily property with four (4) or more dwelling units is affected by roadway construction, the continuous display of any single temporary sign, other than a real estate sign or a political sign, shall be as allowed for nonresidential developments and are allowable until that roadway section is completed, at which time the Town will provide a thirty-day (30-day) notice that these temporary signs shall be removed.

- (q) Political signs. The following shall apply to political signs as regulated by the State of Tennessee, Public Chapter NO. 294, House Bill NO. 1199.

- (1) Ground-mounted political signs shall:

- (a) Commercial Property – Have a maximum sign area of sixteen (16 sq. ft) square feet per side with a total of thirty-two square feet (32 sq. ft);

2. Residential Property – Have a maximum sign area of four square feet (4) per side with a total of eight square feet (8 sq. ft)

3. Have a maximum height of five (5) feet; and

4. Shall be limited to only one (1) sign per candidate/campaign, for each street frontage of a premises or for each street frontage of an undeveloped lot, parcel, or tract of land.

5. No political sign shall be posted more than sixty (60) days in advance of the date voting begins in the election to which it refers.

6. All such political signs shall be removed within one (1) day after the election to which they refer have been held.
7. Candidates winning a primary election may keep their signs up thru the general election.
8. The office of the building inspector may order the removal or relocation of any such sign, which may constitute a hazard to the public traveling on public streets.
 - (2) Political signs regulated on City property. No political sign shall be placed on City property, subject to the following exceptions and restrictions:
 - (a) Political signs may be placed on City property designated as official poll locations for a primary, general, or special election, but not more than twenty-four (24) hours in advance of the election date.
 - (b) Campaign material may not be displayed nearer than 100 feet to any polling place, except on private property. The display of campaign posters, signs, or other campaign materials, distribution of campaign materials, and solicitation of votes for or against any person or political party or position on a question are prohibited. No campaign posters, signs or other campaign literature may be displayed on or in any building or on the grounds of any building in which a polling is taking place. Additionally, all restrictions of T.C.A. 2-7-111(b)(1) and T.C.A.2-7-(b) shall be observed.
 - (c) Political signs must be removed promptly following a primary, general, or special election, but in no instance may Political Signs remain at a designated poll location more than twenty-four (24) hours following the election date.
 - (d) Only one tent space will be allocated per candidate (not to exceed a 12'x12' space) in the areas of Town Hall and EMS facility. Candidates shall be allowed to set up no more than twenty-four (24) hours prior to the opening of the polls on Election Day; and further, the tents must be removed within 24 hours following the election date.

- (e) Anyone violating the rules of this Ordinance is subject to the removal of the tent structure from City Property by the Chief of Police.
- (3) Political signs regulated on private property. Signs may be placed on privately owned property with the consent of the property owner.
- (a) No person shall paste, paint, rope, bill, nail, pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion or part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony or upon any other structure in the limits of any street or public right-of-way in the city including but not limited to any divided roadway median, traffic island and/or traffic circle/roundabout, except such as may be required by this code or other city ordinance.
 - (b) No political sign may be placed upon or attached in any way to any tree, utility pole or rock, provided that no such sign shall be placed on any fence or fence post which presents any safety or line of sight issues for drivers as determined by the chief building official for the city.
 - (c) No such sign may be placed upon a public sidewalk.
- (r) Special event signs. The following additional provisions shall apply to all temporary special event signs:
- (1) Temporary signs, on or off-premises, associated with a special event are prohibited unless the event is formally registered with the Town in one of the following ways:
 - (a) MBOA approval, or approval with conditions.
 - (2) Special event signs shall be erected no more than fourteen (14) days prior to the registered special event and removed within two (2) days after the event
 - (3) A permit is required for a special event sign (see Article VIII.3.7.b.1.f for exemptions).
 - (4) Off-premises special event signs shall comply with the

following requirements:

- (a) The maximum number of off-premises special event signs per lot shall be one (1);
 - (b) The maximum sign area of off-premises special event signs shall be six (6) square feet; and
 - (c) The maximum height of off-premises special events signs shall be five (5) feet.
- (5) On-premises special event signs visible off the lot shall comply with the following requirements:
- (a) The maximum number of on-premises special event signs per lot shall be one (1) per street frontage;
 - (b) The maximum sign area of an on-premises special event sign shall be thirty-two (32) square feet;
 - (c) The maximum height of an on-premises special events sign shall be six (6) feet; and
 - (d) Special event signs not visible off the lot are exempt from these requirements.
- (s) Projecting signs. The following additional provisions shall apply to projecting signs:
- (1) Projecting signs shall be at least ten (10) feet above the sidewalk; and
 - (2) Projecting signs shall not be placed above the cornice line of the first floor level unless they have a clearance of less than ten (10) feet.
- (t) Flags. Flag sizes shall be in proportion to the pole height and shall comply with the following.
- (1) All flag poles and poles shall comply with the National Association of Architectural Metal Manufacturers' Guide Specifications for Design of Metal Flagpoles Manual.
 - (2) Pole and flag size shall comply with the following table:

Table VIII.3-3

Ground-Set Poles	
Exposed Pole Height (feet)	Flag Size (feet)
15 - 20	3 x 5
20 - 30	4 x 6
30 - 35	5 x 8
35 - 40	6 x 10
Roof and Wall-mounted Poles	
Exposed Pole Height (feet)	Flag Size (feet)
Up to 14	3 x 5
15 - 20	4 x 6

- (u) Ornamental ground signs. The following additional provisions shall apply to ornamental ground signs.
 - (1) All ornamental ground signs shall have a minimum distance of eighteen (18) inches between the bottom of the sign and the surrounding grade.
 - (2) The design and materials of an ornamental ground sign shall coordinate with the building with which it is associated.
 - (3) The sign base of an ornamental ground sign may be landscaped when appropriate according to the **Town's Design Guidelines**.
 - (4) Only ground mounted external illumination shall be allowed for ornamental ground signs.

11. Non-conforming Signs.

- (a) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site, a change in the use of the business(es), or a tenancy change requiring the demolition or reconstruction of the sign), the signs on that property must be brought into compliance with the provisions of this subchapter, with the following exceptions:
 - (1) The replacement of portions of the removable plastic face

on a project sign shall be allowed for signs lawfully constructed prior to (**this New Ordinance Date**) provided that such new portion utilizes the same size, shape, color and material of the replaced portion.

(2) A nonconforming freestanding/ground sign that does not meet masonry base requirements (size, materials), shall be allowed to replace portions of the sign face provided that the new sign face meets the illumination provisions of Article VIII.3.8.a and the sign base is solid in appearance with no exposed poles.

a. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for those activities as specified in Article VIII.3.8.b.2 or in Article VIII.3.11.a) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as a prohibited sign as set forth in Article VIII.3.5.

(b) **Illegal or Abandoned Signs.** A sign illegally erected or any sign abandoned from use may be legally removed by order of the Building Inspector sixty (60) days after issuance of a written notification to the owner or property owner.

Any such removal shall require that a charge be assessed the sign owner or property owner.

12. Administration and Penalties.

(a) **Enforcement.** The Town Planning Director, or other departments or officers of the Town designated from time to time by the **MBOA**, is authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the Building Inspector or his or her duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Rossville to perform any duty imposed upon him or her by this subchapter. The Building Inspector shall be authorized to pursue all such remedies as are available under the law and shall not be limited to those remedies listed below.

- (1) Notice of Violation; Repair or Removal. The Building Inspector, or his or her duly authorized representative, shall send a letter by certified mail to the owner, agent, and/or person having the beneficial interest in the building or the premises on which the subject sign is located, ordering that such sign be brought into conformance or removed within thirty (30) days of receipt of the letter or such other reasonable period of time as the Town Planning Director may determine to be appropriate under the circumstances. If the sign is not brought into conformity or removed by the end of the thirty-day (30-day) period, the Town Planning Director may cause the same to be removed or repaired, as the case may be, at the expense of the owner of the sign and the owner of the premises on which the sign is located, each of whom shall be jointly and severally liable for such expense.
 - (2) Signs in public right-of-way. Signs illegally placed in any public right-of-way shall be forfeited to the public and shall be immediately confiscated by the Building Inspector.
 - (3) Unsafe Signs. The Building Inspector, or his or her duly authorized representative, may cause any sign or sign structure to be removed immediately upon written notice at the expense of the owner of the sign and the owner of the premises on which the sign is located if the sign is an immediate hazard to persons or property by virtue of its construction.
- (b) Appeals to BZA. As set forth in Article X, the BZA shall hear and decide appeals from any order, requirement, decision or determination made by the Building Inspector or any other official charged with the responsibility of enforcing the provisions of this chapter.
 - (c) Penalties. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum prescribed by Tennessee law. Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where any matter in violation of this section shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

13. Severability.

- (a) Generally; severability where less speech results. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section, even if such severability would result in less speech, whether by subjecting previously exempt signs to this section's permitting requirements, or otherwise.
- (b) Severability of provisions pertaining to prohibited signs and sign types. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this Article, this ordinance or in any adopting ordinance, if any part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter that pertains to prohibited signs.
- (c) If any court of competent jurisdiction invalidates the application of any provision of this Article to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (d) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- (e) Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this Article, and that the officer, commission, or board would not have granted the authorization to which the

condition or limitation pertained except in belief that the condition or limitation was lawful.

Section 4. Tree Protection and Grading

1. Purpose and Intent

The purpose and intent of this subchapter is to promote the health, safety and public welfare of the inhabitants of the Town of Rossville and consistent with forestry policy and practice for urban areas promulgated by the Division of Forestry of the State of Tennessee. This subchapter is based on the premises that trees are part of our heritage and our future and that they are an essential part of the quality of life within the Town.

The standards herein are established in order to create greater human comfort by providing shade, to cool the air and otherwise temper the effects of summer heat, to restore oxygen to the atmosphere, to reduce glare and noise levels, to promote clean air quality by increasing dust infiltration, to improve surface drainage and minimize flooding, to ensure that activities in one area do not adversely affect activities within adjacent areas, to emphasize the importance of trees as a visual screen, to beautify and enhance improved and undeveloped land, to maintain the ambience of the Town and to ensure that tree planting and removal does not reduce property values, all of which aide in protecting the health, safety and general welfare of the Town.

This subchapter shall apply to all public as well as private developments to include developers, builders and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure, as well as the grading in anticipation of such development. Exclusions to this subchapter are homeowners of an existing single family residence on parcels of land within an approved and recorded subdivision.

2. Administration

(a) This subchapter shall be administered by the Town Planner. The Town Planner shall be supported by other departments and divisions within the Town.

(b) Specific areas of responsibility are assigned as follows.

(1) Building Official.

a Provide overall enforcement of this section through the Building Official.

- b. Provide inspection of required tree planting in new residential areas, and non-residential site development.

(2) Planning and Engineering Divisions.

- a. Review development plans in accordance with the provisions of this section as a part of the review process of site development plans.
- b. Provide inspection of development sites to ensure compliance with grading and tree protection requirements.
- c. Provide inspection of required tree planting in non-residential sites.

- (c) Planning Commission review development plans for conformance of this subchapter.

3. Definitions

- (a) Critical Root Zone (CRZ) is an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.
- (b) DBH (diameter at breast height) is the diameter of a tree trunk measured in inches at a height of four and one-half (4 ½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 ½) feet, then the trunk is measured at its most narrow point beneath the split.
- (c) Tree Protection Zone. The Tree Protection Zone is that area of a parcel located beyond ten (10) feet from the foundation of a residence for the front and rear yards.

4. Protection of Existing Tree Cover

- (a) In all developments due regard shall be shown for landmarks and similar community assets which, if preserved, will add attractiveness and value to the property, as well as reflect the Town's commitment to trees. This includes the preservation of existing trees whenever practical and the judicious planting of new tree materials.

- (b) No trees shall be removed from any development unless the trees are within a dedicated street right-of-way, within a recorded utility or drainage easement or are required to be removed in accordance with grading plans approved by the Town's development staff.
- (c) Residential: within any Tree Protection Zone, no existing trees eight (8) inches DBH or larger shall be removed.
- (d) Adequate protection shall be given to trees to be preserved on a construction site and shall follow guidelines established by the National Arborist Association.
 - (1) Grading, filling and trenching should be adjusted to reduce root or soil compaction.
 - (2) Prior to any tree removal or commencement of construction, all trees on public or private construction sites that are scheduled for preservation shall be flagged by a colored ribbon and be guarded by a Tree Protection Barrier and shall remain until completion of work. The temporary barrier shall be a minimum of four (4) feet in height and shall be constructed of a durable material such as chain link fencing, or as approved by the building official. The barrier shall be placed either at the drip line or the edge of the critical root zone, whichever is farthest from the trunk.
 - (3) No materials, trailers, vehicles, equipment or chemicals shall be stored, operated or dumped within the protected area.
 - (4) When removing branches from protected trees to clear for construction or pruning to restore the nature shape of the tree, the guidelines of the National Arborist Association Pruning Standards shall be followed. Protected trees shall be pruned, sprayed and fertilized as necessary to compensate for any loss of roots and to stimulate root growth and prevent disease. Any damage to tree crowns or root systems shall be repaired immediately after damage occurs.

5. Tree Planting Specifications

- (a) Residential subdivision development. In new residential subdivisions where front yard setbacks are void of trees, the

developer/builder shall install street trees to the following specifications.

- (1) General. The minimum tree planting requirements within the required front yard setback shall include a deciduous tree two inch caliper measured at a point six inches above the ground level (American Association of Nursery Standards of Measurement) for every forty (40) linear feet of frontage. A maximum of two trees shall be required per lot with the actual number depending on lot width as specified on the final subdivision plan.
- (2) Species selection. All street trees shall be of a kind (species) referenced below:
 - a. Deciduous Trees.
 1. Large Deciduous Shade Trees
 - Ash, Green (*Fraxinus pennsylvanica*)
 - Ash, White (*F. americana*)
 - Cypress, Bald (*Taxodium distichum*)
 - Elm, Lacebark (*Ulmus parviolia*)
 - Oak, Laurel (*Quercus laurifolia*)
 - Oak, Pin (*Q. palustris*)
 - Oak, Sawtooth (*Q. acutissima*)
 - Oak, Shumard (*Q. shumardii*)
 - Oak, Southern Red (*Q. falcata*)
 - Oak, Water (*Q. nigra*)
 - Oak, White (*Q. alba*)
 - Oak, Willow (*Q. phellos*)
 - Planetree, London (*Platanus acerifolia*)
 - Tulip Poplar (*Liriodendron tulipifera*)
 - Tupelo, Black-gum (*Nyssa aquatica*)
 2. Large Deciduous Flowering Trees
 - American Yellow-wood (*Cladrastis lutea*)
 - Cherry, Kwanzan (*Prunus serrulata* 'Kwanzan')
 - Cherry, Yoshino
 - Crape Myrtle (*Lagerstroemia indica*) – **larger varieties**
 - Saucer Magnolia (*Magnolia soulangeana*)
 - Washington Hawthorn (*Crataegus viridis*)
 - American Hornbeam (*Carpinus caroliniana*)
 3. Small Deciduous Trees

Amur Maple (*Acer ginnala*)
Japanese Maple (*A. palmatum*)
Tatarian Maple (*A. tataricum*)

4. Small Deciduous Flowering Trees
 - Serviceberry (*Amelanchier* spp.)
 - Eastern Redbud (*Cercis canadensis*)
 - White Fringetree (*Chionanthus virginicus*)
 - Dogwood, Flowering (*Cornus florida*)
 - Dogwood, Kousa (*C. kousa*)
 - Smoketree (*Cotinus coggygia* 'Royal Purple')
 - Common Witchhazel (*Hamamelis* spp.)
 - Crape Myrtle (*Lagerstroemia indica*) –
smaller varieties only
 - Star Magnolia (*Magnolia stellata*)
 - Flowering Crabapples (*Malus* sp.)

b. Evergreen Trees.

1. Large Evergreen Trees
 - Pine, Austrian (*Pinus nigra*)
 - Pine, Virginia (*Pinus virginiana*)
 - Southern Magnolia (*Magnolia grandiflora*)
 - Canadian Hemlock (*Tsuga canadensis*)
2. Small Evergreen Trees
 - Holly, Foster's (*Ilex x attenuate* 'Fosteri')
 - Holly, Savannah (*I. x attenuata* 'Savannah')

(3) Installation/maintenance.

- a. Trees scheduled for planting must be quality specimens whose physical site requirements are compatible to the intended development. When practical, builders shall confer with prospective home builders on their preference of tree specimens.
- b. Residential subdivisions. All trees planted under the provisions of this subchapter must be installed within the guidelines of the International Society of Arboriculture. If a tree results in death as a result of improper installation within sixty (60) days from the date the tree is installed, then the developer or builder will be responsible for replacement.
- c. Other than single family. Tree replacement for all

land uses other than single family shall be in conformance with Section (2), above.

d. Utility easement reservation.

1. No street trees other than those with a mature height of less than twenty-five (25) feet shall be planted within twenty (20) feet of any overhead utility wire, in conformance with Section (2), above.
2. No street tree shall be planted over or within ten (10) lateral feet of any dedicated easement, including underground water line, sewer line, transmission line or other utility, excluding telephone, cable TV and individual service lines.

e. Location requirements.

1. In street plantings, no tree shall be planted closer than ten (10) feet to a fire hydrant, utility pole or street light. No tree shall be planted within fifteen (15) feet of a driveway/street intersection.
2. Trees planted adjacent to sidewalks or curbs should not be planted any closer than three (3) feet for small trees, five (5) feet for medium trees and seven (7) feet for large trees.

6. Grading Plan Permit

- (a) General. It shall be unlawful to remove any tree or to commence any grading, earthmoving or changing of elevation of property without first having applied for and received a permit in accordance with the provisions of this subchapter.
- (b) When required. A permit shall be required for all grading, earthmoving, changing of elevation of property or removal of (15%) fifteen percent or more of trees eight (8) inches or greater in a diameter at a point four and one-half (4 ½) feet above the ground level.

7. Submittal of Application for Permit

- (a) Prior to the issuance of a permit for grading or tree removal, an applicant must submit a development plan to the Planning Commission with a written statement of the proposed work to be accomplished and a site plan prepared by a licensed surveyor, landscape architect, architect or engineer which shall include:
 - (1) The general location of tree covered areas within the site, which shall be shown on all preliminary master subdivision plans and preliminary site plans;
 - (2) Location, size and variety of all trees proposed to be removed with a DBH of eight (8) inches or greater shall be included on all construction drawings and final site plans;
 - (3) A grading and drainage plan illustrating the nature and extent of the proposed grading, earth-moving or change in elevation; and
 - (4) Applicant's plan for controlling on-site generated sedimentation, erosion and runoff;
 - (5) Tree protection measures consistent with the requirements of this subchapter;
 - (6) The number, species, size (DBH) and location of additional trees to be planted on the site.

- (b) A grading permit application shall be approved if it can be determined that:
 - (1) The grading plan will be performed in accordance with good flood, erosion and sedimentation control practices and good forestry practices;
 - (2) The application addresses the preservation of existing trees;
 - (3) The application provides for sufficient and timely replanting of trees to compensate for the removal of trees and other vegetation;
 - (4) The applicant intends to complete development according to a reasonable time schedule and will take steps to prevent any negative impacts resulting from the work proposed.

8. Approval

The Planning Commission shall review and approve or deny the application within thirty (30) working days after the day same is submitted. In the event of denial of the application, the specific reasons for denial of same shall be set forth in writing and a copy of same shall be furnished to the applicant.

9. Right of Appeal

Any dissatisfied applicant shall appeal such denial of his or her application to the Board of Mayor and Aldermen of the Town of Rossville within ten days after the date of the notice of denial and shall make written application to the Board of Mayor and Aldermen of the Town of Rossville to consider his or her application.

10. Violations

Any person, firm, partnership or corporation violating any of the provisions of this subchapter shall be fined no more than fifty dollars (\$50) or the maximum amount permitted by law for each tree and a separate offense shall be deemed committed for each day of violation of this subchapter. The foregoing provision relative to a fine shall not in any way prevent the Town of Rossville from seeking injunctive relief against a violator of this subchapter, and the violation of this subchapter shall be deemed a nuisance for injunctive relief purposes.

Section 5. Landscaping

1. Landscaping Requirements: General, Where Required

Except in F.A.R. (Forestry, Agricultural, Residential), R-1 (Single Family Residential) and R-2 (Medium Density Residential) zoning districts, no new site development, building, structure or vehicular use area shall hereafter occur, be erected, constructed or used, nor shall any existing building, structure or vehicular use area be expanded, unless minimum landscaping and screening is provided as required by the provisions of this Section.

Landscaping standards may be satisfied within required setbacks.

2. Plan Review and Approval

Whenever any property is affected by these landscape and screening requirements, the property owner or developer shall submit a site plan in

accordance with Section 2.4 above for review and approval by the Planning Commission. The Planning Commission shall follow the requirements of this Section in approving or disapproving any plan required herein.

The contents of the plan shall include the following:

- (a) Dimensions and acreage of each lot or plot or portion thereof to be built upon or otherwise used;
- (b) Layout of the entire project, including the proposed uses of all buildings and their relationship to surrounding properties;
- (c) Layout of all off-street parking and loading areas, including the location of entry and exit points, the internal vehicular circulation pattern and the location and dimension of required parking and loading spaces;
- (e) Location of all utilities and easements.
- (e) Location and dimensions of existing and proposed streets and highways;
- (f) Location, name (botanical and common), size and spacing of all existing plant materials to be retained and proposed plantings and screenings. The plan shall clearly distinguish between existing plant materials to be retained and proposed plantings;
- (g) Location of walls, fences and railings and an indication of their height and construction materials;
- (h) Details illustrating landscaping installation and irrigation; and
- (i) Title; north arrow; scale; names of owner, developer and person responsible for plan preparation; and the date that the plan was drawn, including subsequent revision dates.

No building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Town Planner.

3. Type of Landscaping Regulations

In order to accomplish the purposes of this Article, the following regulations shall be utilized:

- (a) Street frontage landscaping requirements,
- (b) Parking lot landscaping requirements,
- (c) Buffer and screening requirements,
- (d) Refuse collection facilities landscaping requirements, and
- (e) Total development site landscaping.

4. Street Frontage Landscaping Requirements

On the site of a building or structure or open lot use providing an off-street surface parking, loading or other vehicular use area, where such area will not be entirely screened visually from all adjacent public rights-of-way by an intervening building or structure, landscaping shall be required along any property boundary that abuts the public right-of-way of a public street, road or highway. Such landscaping shall be provided as follows:

- (a) A landscaping area consisting of a bermed area a minimum of two and one-half (2.5) feet in height and at least twenty-five (25) feet in depth shall be located between the abutting right-of-way and any off-street surface parking, loading or other vehicular use area, except where permitted driveway openings and pedestrian ways are to be provided.

The landscaping area shall be planted in accordance with the following standards:

- (1) One (1) recommended large tree shall be planted for each forty (40) linear feet of the landscaping area, and a hedge or other durable landscape material of at least three (3) feet in height shall be planted within the landscaping area so as to provide a continuous landscape; or
- (2) A combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be utilized to form the continuous landscape element; and
- (3) All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence shall be planted in grass and/or ground cover.

5. Parking Lot Landscaping Requirements-Peripheral

In addition to the requirements of Subsection 4, peripheral landscaping shall be provided along any side of an off-street surface parking, loading or other vehicular use area that abuts adjoining property and not a right-of-way or a public street, road or highway. Such landscaping shall be provided as follows:

- (a) A landscaping area at least five (5) feet in depth shall be located between the abutting property lines and the parking, loading or other vehicular use area, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the landscape area shall be located between the parking, loading or other vehicular use area and the utility or drainage easements.

The landscaping area shall be planted in accordance with the following standards:

- (1) One (1) recommended tree shall be planted for each fifty (50) linear feet of the landscaping area; or
 - (2) A hedge or other durable landscape material of at least three (3) feet in height shall be planted within the landscape area so as to provide a continuous landscape element; or
 - (3) A combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be utilized to form the continuous landscape element; and
 - (4) All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or ground cover; and
 - (5) Parked vehicles may overhang a landscaped area no more than two and one-half (2-1/2) feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences and earth berms shall be so located as to prevent their damage and/or destruction by overhanging vehicles.
- (b) The provisions of Subsection 5.(a) shall not be applicable in the following situations:
 - (1) Where any off street surface parking, loading or other vehicular use area will be entirely screened visually from any point of view by an intervening building or structure

from abutting property; or

- (2) Where planting and/or walls or fences are required to satisfy screening/buffers standards between different land uses.

6. Parking Lot Landscape Requirements-Interior

Ten percent (10%) of the interior of any parking, loading or other vehicular use area shall be landscaped. The location of such landscaping is at the option of the owner or developer; provided, however, the following standards shall apply:

- (a) A minimum landscaped area equivalent to eight (8) percent of the building floor area shall be provided adjacent to the front and sides of the building. A mixture of trees and shrubs shall be planted in the area adjacent to the building.
- (b) No more than ten (10) parking spaces shall be permitted in a continuous row without being interrupted by a landscaped island of not less than ten (10) feet in width and two hundred (200) square feet in area. Such landscape island shall be planted with one (1) recommended large tree;
- (c) Every fourth row of parking shall be separated by a median strip for landscaping and pedestrian purposes of not less than ten (10) feet in depth. Such median strips shall be planted with at least one (1) recommended large tree per median strip except that one (1) recommended large tree for every fifty (50) feet or fraction thereof shall be planted in median strips that exceed fifty (50) feet in length. For purposes of this standard double-backed parking areas shall be considered two (2) rows;
- (d) Each parking row shall terminate in a landscape island of not less than ten (10) feet in width and two hundred (200) square feet in area. Such landscape island shall be planted with one (1) recommended large tree; and
- (e) Parked vehicles may overhang a landscaped area no more than two and one-half (2-1/2) feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped islands. Landscaping, walls, fences, and earth berms shall be so located as to prevent their damage and/or destruction by overhanging vehicles.

Planting required by Subsection 4 and the peripheral landscaping

standards required by Subsection 5 shall not be used to satisfy the interior parking lot landscaping requirements.

7. Buffers

Buffers shall be required to separate a proposed use from different land uses, zoning designations or roads.

(a) Buffers, Generally

Buffers shall vary in depth and in landscaping requirements according to the existing use or zoning district of the adjoining property. It shall be required of the more intense use or zoning to provide and maintain the required landscape buffer.

Buffers shall be located along the perimeter of a lot or parcel and shall extend to the boundary line of the parcel or lot. Buffers shall not be located on any portion of an existing public or private street right-of-way. Where utility rights-of-way or drainage easements exist along property lines, the buffer shall be located adjacent to the utility right-of-way or drainage easement.

(b) Schedule of Required Buffers

The types of buffers as specified below shall be used as the basis for the Schedule of Required Buffers.

An opaque buffer is intended to create a strong impression of spatial separation and to preclude visual contact. A semi-opaque buffer is intended to maintain a sense of spatial separation and to partially block visual contact.

Compliance of planted buffers will be evaluated on the basis of average height and density of landscape materials upon maturity. Compliance of existing vegetative buffers shall be judged on the basis of field observation.

(1) Buffer Type A shall be provided and maintained between an institutional or multifamily residential use and any adjacent single-family residential use or zoning.

(2) Buffer Type B shall be provided and maintained between commercial uses in the B-1 and B-2 Districts and any adjacent residential use or zoning.

(3) Buffer Type C shall be provided and maintained between

any industrial use and any adjacent residential use or zoning except as provided in (4) below.

- (4) Buffer Type D shall be provided and maintained between any industrial use without outdoor storage and having a spatial separation greater than one hundred (100) feet between any building, drives, or parking and any adjacent residential use or zoning.

(c) Buffer Types

- (1) Buffer Type A shall maintain a depth of fifteen (15) feet and shall be semi-opaque. Upon maturity, the buffer shall not contain any completely unobstructed openings more than ten (10) feet in width.
- (2) Buffer Type B shall maintain a depth of twenty-five (25) feet and shall be semi-opaque in all seasons of the year. Upon maturity, the buffer shall not contain any unobstructed openings more than ten (10) feet in width.
- (3) Buffer Type C shall maintain a depth of fifty (50) feet and shall be opaque in all seasons of the year.
- (4) Buffer Type D shall maintain a depth of fifty (50) feet and shall be semi-opaque in all seasons of the year. Upon maturity, the buffer shall not contain any unobstructed openings more than ten (10) feet in width.

8. Refuse Collection Facility

Refuse collection facilities shall be screened from view by an opaque enclosure composed of landscaping fence or wall or combination of the same, except as follows:

- (a) Where screened from view by an intervening building or structure; and
- (b) Excluding views from adjacent properties zoned or used for industrial purposes.

9. Total Development Site Landscaping

The combined landscaped areas for street frontage, parking lots, buffer and screening, and refuse collection facilities shall contain an area equivalent to thirty-five (35) percent of the gross development site area.

10. Safety

Pedestrian and vehicular safety in and around parking lots shall be considered when reviewing the landscaping plan for compliance with the requirements of this article.

- (a) Street frontage and parking lot landscaping shall be designed to provide ready visibility into the parking facility from adjacent public sidewalks and public rights-of-way and shall not create blind or hidden areas within the facility.
- (b) Street frontage and parking lot landscaping shall be designed to provide visibility to pedestrians of vehicles circulating within, entering or leaving the parking facility.

11. Maintenance of Required Landscaping

Upon installation or protection of required landscape materials, appropriate measures shall be taken to insure their continued health and maintenance. Required landscape areas and buffers shall be free of garbage and trash, weeds, pests and disease. Required plant materials that do not remain healthy shall be replaced consistent with these provisions.

All landscaping shall be watered either by an automatic underground irrigation system or with an outside hose attachment (quick coupler) provided within one hundred (100) feet of all landscaping.

The property owner shall replace required plants which die. Plants which are found by the Town Planner either to be dead or unacceptable in size shall be replaced within three (3) months of notification or by the next planting season, whichever comes first.

Replacements shall be as shown on the approved landscape plan. Failure to replace materials within the time period specified in said notice shall constitute a violation of this Ordinance.

12. Conflict

Where these provisions conflict with other landscape and buffer provisions contained within the Zoning Ordinance, the stricter provision shall govern.

13. Recommended Plant List

Large Deciduous Trees:

Trees maturing at more than 50 feet in height (N=native plants, preferred)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Recommended Cultivars</u>
Ash, Green (N)	<i>Fraxinus pennsylvanica lanceolata</i>	'Marshall's Seedless,' 'Newport,' 'Summit'
Basswood (N)	<i>Tilia americana</i>	
Cypress, Bald (N)	<i>Taxodium distichum</i>	
Elm, Lacebark	<i>Ulmus parvifolia</i>	
Filbert, Turkish	<i>Corylus colurna</i>	
Ginkgo (Male)	<i>Ginkgo biloba</i>	'Autumn Gold,' 'Lakeview'
Gum, Sweet (N)	<i>Liquidambar styraciflua</i>	
Gum, Black (N)	<i>Nyssa sylvatica</i>	
Honey Locust, Thornless (N)	<i>Gleditsia triacanthos inermis</i>	'Skyline,' 'Shademaster,' 'Greenglory,' 'Moraine'
Katsura Tree	<i>Cercidiphyllum japonicum</i>	
Kentucky Coffee Tree (N)	<i>Gymnocladus dioica</i>	
Linden, Little Leaf	<i>Tilia cordata</i>	'Greenspire'
Linden, Silver	<i>Tilia tomentosa</i>	
Maple, Norway	<i>Acer platanoides</i>	'Cleveland,' 'Summer Shade'
Maple, Red (N)	<i>Acer rubrum</i>	'Autumn Flame,' 'October Glory,' 'Red Sunset'
Oak, Sawtooth (N)	<i>Quercus acutissima</i>	
Oak, Scarlett (N)	<i>Quercus coccinea</i>	
Oak, Shumard	<i>Quercus shumardii</i>	
Oak, Southern Red (N)	<i>Quercus borealis</i>	
Oak, Water (N)	<i>Quercus nigra</i>	
Oak, Willow (N)	<i>Quercus phellos</i>	
Pagoda Tree, Japanese	<i>Sophora japonica</i>	
Planetree, London	<i>Platanus x acerifolia</i>	
Poplar, Tulip (N)	<i>Liriodendron tulipifera</i>	
Sycamore (N)	<i>Platanus occidentalis</i>	
Zelkova, Japanese	<i>Zelkova serrata</i>	'Parkview,' 'Village Green'

Small Deciduous Trees:

Trees maturing at less than 30 feet in height (N= native plants, preferred)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Recommended Cultivars</u>
Buckeye, Red (N)	<i>Aesculus pavia</i>	
Devil's Walking Stick (N)	<i>Aralia spinosa</i>	
Dogwood, Flowering (N)	<i>Cornus florida</i>	
Golden Rain Tree	<i>Koelreuteria paniculata</i>	
Hawthorn, Thornless Cockspur	<i>Crataegus crusgalli</i>	'Crusader'
Hawthorn, Washington (N)	<i>Crataegus phaenopyrum</i>	'Clark'
Hawthorn, Winter King	<i>Crataegus viridis</i>	'Winter King'
Holly, Possumhaw (N)	<i>Ilex decidua</i>	
Hornbeam, Hop	<i>Ostrya virginiana</i>	
Ironwood (N)	<i>Carpinus caroliniana</i>	
Maple, Trident	<i>Acer buergerianum</i>	
Myrtle, Crepe	<i>Lagerstroemia indica</i>	'Cherokee,' 'Muskogee,' 'Potomac,' 'Natchez'
Parrotia, Persian	<i>Parrotia persica</i>	
Paw Paw (N)	<i>Asemia triloba</i>	
Pistache, Chinese	<i>Pistacia chinensis</i>	
Plum, Wild (N)	<i>Prunus americana</i>	
Redbud, Eastern (N)	<i>Cercis canadensis</i>	
Service Berry (N)	<i>Amelanchier arborea</i>	
Sourwood (N)	<i>Oxydendrum arboreum</i>	

Large Evergreen Trees:

Trees maturing at more than 30 feet in height (N= native plants, preferred)

<u>Common Name</u>	<u>Botanical Name</u>
Cedar, Eastern Red (N)	<i>Juniperus virginiana</i>
Magnolia, Southern (N)	<i>Magnolia grandiflora</i>
Pine, Austrian	<i>Pinus nigra</i>

Pine, Eastern White (N)	<i>Pinus strobes</i>
Pine, Scotch	<i>Pinus sylvestris</i>
Pine, Japanese Black	<i>Pinus thunbergii</i>
Pine, Virginia (Scrub) (N)	<i>Pinus virginiana</i>

Small Evergreen Trees:

Trees maturing at less than 30 feet in height (N= native plants, preferred)

<u>Common Name</u>	<u>Botanical Name</u>
Holly, Foster #2	<i>Ilex opaca</i> 'Fosteri #2'
Holly, Savannah	<i>Ilex opaca</i> 'Savannah'
Holly, Yaupon	<i>Ilex vomitoria</i>
Magnolia, Sweet Bay	<i>Magnolia virginiana</i>

Shrubs easily maintained at 3- to 4-foot height

<u>Common Name</u>	<u>Botanical Name</u>	<u>Recommended Cultivars</u>
Abelia, Edward Goucher	<i>Abelia x grandiflora</i>	'Edward Goucher'
Barberry, Wintergreen	<i>Berberis julianae</i>	
Boxwood, Japanese	<i>Buxus microphylla</i>	'Koreana,' 'Wintergreen'
Euonymus, Manhattan	<i>Euonymus kiautschovicus</i>	'Manhattan'
Holly, Dwarf Burford	<i>Ilex cornuta</i> 'burfordii nana'	
Holly, Dwarf Chinese	<i>Ilex cornuta</i> 'rotunda'	
Holly, Japanese	<i>Ilex crenata</i>	'Compacta,' 'Green Island,' 'Green Luster,' 'Hetzii,' 'Convexa'
Holly, Dwarf Yaupon	<i>Ilex vomitoria</i>	'Stokes', 'Schilling'
Juniper, Dwarf Pfitzer	<i>Juniperus chinensis</i>	'Pfitzeriana nana'

Shrubs easily maintained at 6- to 8-foot height

<u>Common Name</u>	<u>Botanical Name</u>	<u>Recommended Cultivars</u>
Holly, Needlepoint	<i>Ilex cornuta</i> 'Needlepoint'	'Willowleaf'
Holly, Box Leaf	<i>Ilex crenata</i>	'Buxifolia'
Holly, Brilliant	<i>Ilex x aquipernyi</i>	'Brilliant'
Myrtle, Wax	<i>Myrica cerifera</i>	
Osmanthus, Gulf Tide	<i>Osmanthus heterophyllus</i>	'Gulftide'
Viburnum, Burkwood	<i>Viburnum x 'Burkwood'</i>	
Viburnum, Willow Wood	<i>Viburnum x rhytidophyllum</i>	'Willowwood'

Shrubs easily maintained at 6- to 8-foot height

<u>Common Name</u>	<u>Botanical Name</u>	<u>Recommended Cultivars</u>
Elaeagnus, Thorny	<i>Elaeagnus pungens</i>	'Fruitlandii'
Holly, Cassine	<i>Ilex x casseine</i>	
Holly, Chinese	<i>Ilex cornuta</i>	'Burfordii,' 'Nellie R. Stevens'
Holly, Yaupon	<i>Ilex vomitoria</i>	

Section 6. Sexually Oriented Businesses

1. Intent

- (a) Purpose. It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of the Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually

oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

(b) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of *City of Renion v. Playtime Theaters, Inc.*, *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Council finds:

- (1) Sexually oriented businesses lend themselves to ancillary, unlawful, and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (2) Certain employees of sexually oriented businesses defined in this Ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (3) Sexual acts, including masturbation, and oral and anal sex occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- (4) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses,

including, but not limited to syphilis, gonorrhea, human immune deficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

- (7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immune deficiency virus (HIV) in the United States- 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December, 31, 1992.
- (8) As of July 31, 1998, there were 7,689 reported cases of AIDS and 3,904 deaths resulting from AIDS in the State of Tennessee. There were 2,522 reported cases of AIDS in Shelby County as of July 31, 1998.
- (9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the State of Tennessee with 9,363 reported cases of HIV. There were 3,651 reported cases of HIV in Shelby County as of July 31, 1998.
- (10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November 1990. There were 934 reported cases of Early Syphilis in Shelby County in 1997. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over half a million cases being reported in 1990. There were 4,876 reported cases of Gonorrhea in Shelby County in 1997.
- (11) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (12) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (13) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the

operators of the facilities to self-regulate those activities and maintain those facilities.

- (14) Numerous studies and reports have determined the semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.
- (15) The findings noted in paragraphs number 1 through 14 raise substantial governmental concerns.
- (16) Sexually oriented business has operation characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns.
- (17) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the Town. It is appropriate to require reasonable assurance that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring herein.
- (18) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
- (19) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (20) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest, in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

- (21) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent or who are likely to be witnesses to such activity.
- (22) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Ordinance.
- (23) The general welfare, health, morals, and safety of the citizens of the Town will be promoted by the enactment of this Ordinance.
- (24) The general welfare, health, morals, and safety of the citizens of the Town will be promoted by the enactment of this Ordinance.

2. Definitions

Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated, sub-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore, Adult Novelty Store, or Adult Video Store: means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or other printed matters, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” or
- (b) instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Cabaret: means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) persons who appear in a state of nudity or semi-nude; or
- (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (c) films, motion pictures, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Motel: means a hotel, motel, or similar commercial establishment which:

- (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours)

Adult Motion Picture Theater: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which

are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Employee: means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Escort: means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Establishment: means and includes any of the following:

- (a) the opening or commencement of any sexually oriented business as a new business;
- (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) the additions of any sexually oriented business to any other existing sexually oriented business; or
- (d) the relocation of any sexually oriented business.

Licensee: means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Nude Model Studio: means any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or

any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Tennessee or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (a) that has no sign visible for the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (b) where in order to participate in a class a student must enroll at least three days in advance of the class; and
- (c) where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or a State of Nudity: means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Person: means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-Nude or Semi-Nude Condition: means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual Encounter Center: means business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration.

- (a) physical contact in the form of wrestling or tumbling between person of the opposite sex; or
- (b) activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business: means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified Anatomical Areas: means, but is not limited to, the following:

- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (c) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity: means any of the following offenses:

- (a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (b) for which:
 - (1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is a misdemeanor offense;
 - (2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or
 - (3) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are or two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

- (c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified Sexual Activities: means any of the following:

- (a) the fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
- (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (c) excretory function as part of or in conviction with any of the activities set forth in (a) through (b) above.

Substantial Enlargement: of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25 %), as the floor areas exist on the date this Ordinance takes effect.

Transfer of Ownership or Control: of a sexually oriented business means and includes any of the following:

- (a) the sale, lease, or sublease of the business;
- (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) the establishment of a trust, gift, or other legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon death of the person possessing the ownership or control.

3. Classification

Sexually oriented businesses are classified as follows:

- (a) Adult Arcades;
- (b) Adult Bookstores, Adult Novelty Stores, or Adult Video Stores;
- (c) Adult Cabarets;
- (d) Adult Motels;
- (e) Adult Motion Picture Theaters;

- (f) Adult Theaters;
- (g) Escort Agencies;
- (h) Nude Model Studios; and
- (i) Sexual Encounter Centers.

4. License Required

- (a) It is unlawful:
 - (1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Town pursuant to this Ordinance.
 - (2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the Town pursuant to this Ordinance.
 - (3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Ordinance.
- (b) An application for a license must be made on a form provided by the Town.
- (c) All applicants must be qualified according to the provisions of the Ordinance. The application may request and the applicant shall provide such information (including fingerprints) as the enable the Town to determine whether the applicant meets the qualifications established in this Ordinance.
- (d) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20 %) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a licensee if a license if granted.

- (e) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
- (1) If the applicant is:
 - a. an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen (18) years of age;
 - b. a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - c. a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the same of the registered corporate agent, and the address of the registered office for service of process.
 - (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he/she must state 1) the sexually oriented business's fictitious name and 2) submit the required registration documents.
 - (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in the Ordinance, and if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
 - (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this Ordinance or other similar sexually oriented business Ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation

that is licensed under this Ordinance whose license has previously been denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.

- (5) Whether the applicant or a person residing with the applicant holds any other licenses under this Ordinance or other similar sexually oriented business Ordinance from another city or county and, if so, the names and locations of such other licensed businesses.
- (6) The single classification of license for which the applicant is applying.
- (7) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- (8) The applicant's mailing address and residential address.
- (9) A recent photograph of the applicant(s).
- (10) The applicant's driver's license number, Social Security number, and/or his/her state federally issued tax identification number.
- (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to accuracy of a plus or minus six (6) inches.
- (12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within one thousand (1,000) feet of the property to be certified, the property lines of any established religious institution / synagogue, school, or public park or recreation area within one thousand (1,000) feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

- (13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, or other video reproductions, or live entertainment which depict specified anatomical areas, then the applicant shall comply with the application requirement set forth in Section 14.
- (f) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Town the following:
- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual.
 - (2) Age, date, and place of birth;
 - (3) Height, weight, hair and eye color;
 - (4) Present residence address and telephone number;
 - (5) Present business address and telephone number;
 - (6) Date, issuing state and number of driver's permit or other identification card information;
 - (7) Social Security number; and
 - (8) Proof that the individual is at least eighteen (18) years of age.
- (g) Attached to the application for a sexually oriented business employee license as provided above shall be the following:
- (1) A color photograph of the applicant clearly showing the applicant's face and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
 - (2) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country has ever had a license,

permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

- (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this Ordinance and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

5. Issuance of License

- (a) Upon the filing of said application for a sexually oriented business employee license, the Town shall issue a temporary license to said applicant. The applicant shall then be referred to the appropriate Town departments for an investigation to be made on such information as is contained on the application. This application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the Town shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following finds is true:
 - (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - (2) The applicant is under the age of eighteen (18) years;
 - (3) The applicant has been convicted of a “specified criminal activity” as defined in the Ordinance;
 - (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this Ordinance; or
 - (5) The applicant has had a sexually oriented business employee license revoked by the Town within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary

license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section 10.

- (b) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Town that the applicant has not been convicted of any specified criminal activity as defined in this Ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 6.
- (c) Within thirty (30) days after receipt of a completed sexually oriented business application, the Town shall approve or deny the issuance of a license to an applicant. The Town shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following finds is true:
 - (1) An applicant is under eighteen (18) years of age.
 - (2) An applicant or a person with whom the applicant is residing is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - (4) An applicant or a person with whom the applicant is residing has been denied a license or the Town to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 - (5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this Ordinance.
 - (6) The premises to be used for the sexually oriented business have not been approved by the health department, fire

department, and the building official as being in compliance with applicable laws and ordinances.

- (7) The license fee required by this Ordinance has not been paid.
 - (8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance.
- (d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the classification for which the license is issued pursuant to Section 3. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
 - (e) The health department, fire department, and the building official shall complete their certification that the premises are in compliance within twenty (20) days of receipt of the application by the Town.
 - (f) A sexually oriented business license shall issue for only one classification as found in Section 3.

6. Fees

- (a) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by an application fee of one thousand dollars (\$1,000). In addition to the renewal fee, a late penalty of one hundred dollars (\$100) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one-half (1/2) of the fees shall be returned excluding the late penalty charges.
- (b) In addition to the application and investigation fee above, every sexually oriented business that is granted a license (new or renewal) shall pay the Town an annual license fee of five hundred dollars (\$500) within thirty (30) days of license issuance or renewal. Failure to pay annual license fee within thirty (30) days of license issuance or renewal shall result in the immediate revocation of license by the Town. If the application is denied, one-half (1/2) of the fees shall be returned.

- (c) Every application for a sexually oriented business employer license (whether for a new license or for renewal of an existing license) shall be accompanied by a one thousand dollar (\$1,000) application, investigation, and license fee. In addition to the application, investigation, and license fee, a late penalty of one hundred dollars (\$100) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the license is denied, one-half (1/2) of the fees shall be returned excluding the late penalty charges.
- (d) All license applications and fees shall be submitted to the Town Clerk of the Town of Rossville.

7. Inspection

- (a) An applicant or license shall permit representatives of the Police Department, Health Department, Fire Department, Development Department, or other Town departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.
- (b) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

8. Expiration of License

- (a) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 4. Application for renewal shall be made at least thirty (30) days before the expiration date; the expiration date of the license will not be affected.
- (b) When the Town denies renewal of a license, the applicant shall not be issued a license for one year from the date of the denial. If, subsequent to the denial, the Town finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final.

9. Suspension

- (a) The Town shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:
 - (1) violated or is not in compliance with any section of this Ordinance; or
 - (2) refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

10. Revocation

- (a) The Town shall revoke a license if a cause of suspension in Section 9 occurs and the license has been suspended within the preceding twelve (12) months.
- (b) The Town shall revoke a license if it determines that:
 - (1) a licensee gave false or misleading information in the material submitted during the application process;
 - (2) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (3) a licensee has knowingly allowed prostitution on the premises;
 - (4) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - (5) except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
 - (6) a licensee is delinquent in payment to the Town, County, or State for any taxes or fees past due.
- (c) When the Town revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Town finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

- (d) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

11. Transfer of License

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

12. Location of Sexually Oriented Businesses

- (a) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than M-1, General Industrial District and M-2, Heavy Industrial District, as defined and described in the Zoning Ordinance of Rossville, Tennessee.

- (b) A person commits an offense if the person operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:

- (1) a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;

- (2) a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;

- (3) a boundary of any residential district as defined in, but not limited to, the following residential zoning classifications in the Zoning Ordinance of Rossville, Tennessee.

- a. FAR, Forestry, Agricultural, Residential District

- b. R-1, Residential (Single Family) District

- c. R-2, Residential (Medium Density) District
 - d. R-3, Residential (Mobile Home) District
 - e. PD, Planned Development District
- (4) an occupied residential “dwelling” as defined in Article IX, Section 2, Definitions, Zoning Ordinance of Rossville, Tennessee;
 - (5) a public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian / bicycle paths, wilderness areas, or other similar public land within the Town which is under the control, operation, or management of the Town park and recreation authorities;
 - (6) the property line of a lot devoted to use as a “residence” as defined in Article IX, Section 2, Definitions, Zoning Ordinance of Rossville, Tennessee;
 - (7) an entertainment business which is oriented primarily towards children or family entertaining; or
 - (8) a licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
- (c) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
 - (d) A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 - (e) For the purpose of subsection (b) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented

business is conducted, to the nearest property line of the premises of a use listed in subsection (b). Presence of a town, county, or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this Section.

- (f) For purposes of subsection (c) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures of objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- (g) Any sexually oriented business lawfully operating on February 1, 1999, that is in violation of subsection (a) through (f) of this Section shall be deemed a conforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a nonconforming use. If two or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.
- (h) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a sexually oriented business license of a use listed in subsection (b) of this Section within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

13. Additional Regulations for Adult Motels

- (a) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a refutable presumption that the establishment is an adult motel as that term is defined in this Ordinance.
- (b) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business

license, he rents or sub-rents a sleeping room to a person, and within ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.

- (c) For purposes of subsection (b) of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

14. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms

- (a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Town may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises had not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of the manager’s station may be made without the prior approval of the Town.

- (4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in the manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted to access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and at all times to ensure that no patron is permitted access to any of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.
- (7) No viewing room may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level.
- (9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present on the premises.
- (10) No licensee shall allow openings of any kind to exist between viewing booths or rooms.

- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
 - (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 - (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - (14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight (48) inches of the floor.
- (b) A person having a duty under subsections (1) through (14) of subsection (a) above commits a misdemeanor if he knowingly fails to fulfill that duty.

15. Additional Regulations for Escort Agencies

- (a) An escort agency shall not employ any person under the age of eighteen (18) years.
- (b) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.

16. Additional Regulations for Nude Model Studios

- (a) A nude model studio shall not employ any person under the age of eighteen (18) years.
- (b) A person under the age of eighteen (18) years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.
- (c) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity, in an area of a nude model studio premises which can be viewed from the public right of way.

- (d) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

17. Additional Regulations Concerning Public Nudity

- (a) It shall be a misdemeanor for a person to knowingly and intentionally in a sexually oriented business appear in a state of nudity or depict specified sexual activities.
- (b) It shall be a misdemeanor for a person to knowingly or intentionally in a sexually oriented business appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.
- (c) It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to an employee, while said employee is semi-nude in a sexually oriented business.
- (d) It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer.

18. Prohibition Against Children in a Sexually Oriented Business

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

19. Hours of Operation

No sexual oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) AM and eight o'clock (8:00) AM on weekdays and Saturdays, and one o'clock (1:00) AM and noon (12:00) PM on Sundays.

20. Exemptions

- (a) It is a defense to prosecution under Section 16 that a person appearing in a state of nudity did so in a modeling class operated:
 - (1) by a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation;

- (2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) in a structure:
 - a. which has no sign visible from the exterior of the structure and no other advertising that includes a nude person is available for viewing, and
 - b. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class, and
 - c. where no more than one nude model is on the premises at any one time.

21. Injunction

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 12 of this Ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of two hundred dollars (\$200.00) or thirty (30) days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

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ARTICLE IX. DEFINITIONS

Section 1. Definitions in General

Except as specifically defined herein all words use in this Ordinance have their customary dictionary definitions where not consistent with the context of the Ordinance. The term “shall” is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular number; the word “building” shall include the word “structure”. In case of conflict between the definitions contained in this Ordinance or the dictionary definitions, the definition herein shall prevail.

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of Rossville. The Standard Land Use Coding Manual provided as an appendix of this Ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts.

Section 2. Definitions

Accessory Building and Use: A detached building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use including swimming pools and satellite dishes.

Agriculture: See Code 81 of the Standard Land Use Coding Manual.

Agricultural Related Activities: See Code 82 of the Standard Land Use Coding Manual.

Alley: A thoroughfare which affords only a secondary means of access to the abutting property and has a right- of- width of thirty (30) feet or less.

Amusement: An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual).

Automobile Storage Yard: Any land used for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Base Flood: See one-hundred year flood.

Billboards: See Signs - off site.

Buffer Strip: A strip of land established to protect one type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open uses.

Building: Any structure designed or built for the support enclosure, shelter or protection of persons, animals, chattels, or property.

Building, Height of: For a flat roof building, the vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure. For a pitched roof building, the vertical distance as measured from the finished grade of the front line of the building to the mean height between the eave and ridge.

Building Line - Front, Side Rear: Lines which define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Business Service: An establishment which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service. (See Code 63 in the Standard Land Use Coding Manual).

Clinic: An establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises. (See codes 6511, 6512, and 6417 in the in the Standard Land Use Coding Manual).

Commercial: Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services.

Communication: See Code 47 in the Standard Land Use Coding Manual.

Community Facilities: See Public Uses, Public Utility

Condominium-Residential: A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums. (See Code 71 in the Standard Land Use Coding Manual).

Density: Number of units per acre allowed by this Zoning Ordinance.

District: Any section or sections of the Town of Rossville for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

Driveway: A paved or gravel way, on private property providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term “dwelling” shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling-Mobile Home: See Mobile Home

Dwelling, Single-Family - Detached: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

Dwelling, Two-Family: A building designed to be occupied by two families, living independently of each other and having one wall common to both dwelling units.

Dwelling, Multiple-Family: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other. (Also see Condominiums, Residential and Dwelling, Townhouse).

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior on the ground floor. (Also see Condominium, Residential).

Dwelling Unit: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living and sleeping purposes, which is part of a two-family, or multi-family structure;

Education Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance, and music schools, (See Code 68 in the Standard Land Use Coding Manual).

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or

overhead gas, electrical, steam, or water transmission or distribution system, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, and connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Exterior Boundary: See Exterior Yard.

Exterior Yard: A yard adjacent to the site or exterior boundaries of a mobile home park, a multi-family or planned commercial development which are clear of any structures.

Family: One or more persons related by blood, marriage, or other legal arrangement, or a group of unrelated individuals, not to exceed two persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual)

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodway Fringe Area: Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

Flood-proofing: Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

Floodplain: A relatively flat or low, area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this Ordinance, the land subject to inundation by the 100-year flood, i.e. the 100-year flood plain.

Garage, Private: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: An agency of the Federal, State, or the Local Government or any combination thereof.

Governmental Services: See Code 67 of the Standard Land Use Coding

Manual.

Grade: The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Gross Floor Area: The total floor area within the walls of structure.

Group Quarters: See Code 12 in the Standard Land Use Coding Manual.

Habitable Space: Areas within the building designed and/or used as living quarters for human beings.

Hazardous Substance: Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Section 68—27—102 of the Tennessee Code Annotated, or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

Health Officer: The health officer of Fayette County.

Height: See Building height of.

Incidental Home Occupation: A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than twenty (20) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. Incidental home occupations shall include: arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales or merchandise such as Amway or Avon in which clients generally do not come to the residence.

Industry: See Manufacturing.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

Kindergartens: See Nursery School

Landscaping: A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present an aesthetic buffer between

properties and adjoining uses or street areas.

Live/Work Unit: A residential unit used as both living accommodation, which includes cooking space and sanitary facilities in conformance with applicable building standards, and adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons who may reside in the unit. The live/work unit shall be occupied by one family who owns or manages the business associated with live/work unit. No renting or subleasing to individuals who are not associated with the business is allowed.

Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot: A legally recorded parcel of land.

Lot Area: The total horizontal area included within lines.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection. (See A in illustration 3)

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 3)

Lot of Record: A parcel legally recorded in the Office of the Fayette County Register of Deeds prior to the date of the adoption of this Ordinance.

Lot Coverage: The lot area covered by all buildings located therein.

Lot Width: The horizontal measurement at the building line.

Manufacturing: The production of a product at a field site (see Code 21 through 39 in the Standard Land Use Coding Manual).

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual)

Mobile Home: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be

changed in the view of this Ordinance by removal of the wheels and/or carriage of placement on a permanent foundation, A travel trailer is not to be considered as a mobile home.

Mobile Home Park: Any plot of ground upon which two or more mobile homes are parked for occupancy as dwelling units.

Motor Vehicle Transportation: See Code 42 of the Standard Land Use Coding Manual.

Non-Conforming Use: Any use of buildings or premises which lawfully existed prior to the adoption of, or amendment of this Ordinance, but which no longer comply with the use regulations of the district in which is located.

Noxious Matter: Material (in gaseous, liquid, solid particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 14—10—101 through 14—10—5 as well as all pertinent rules regulations, and standards of the Tennessee Department of Human Services.

Nursery School: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

- (a) Family Day Care Home: A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age, who are not residents of the household. A license is not required for a home providing care for fewer than 5 children.
- (b) Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.
- (c) Day Care Center: A place operated by a person, social agency, corporation, institution or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

One-hundred Year Flood: A flood which has, on the average, one-percent chance

of being equaled or exceeded in any given year. It is sometimes referred to as the “One-percent chance flood”.

Pads: The surface on which trailer is located consisting of concrete footings and a support of the trailer.

Personal Services: Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual).

Philanthropic Institution: An organization which distributes funds for humanitarian purposes or which is supported by public donations and which has as its principal activity the promotion of human welfare. This shall include, but not be limited to: civic clubs; organizations such as Lions, Moose, Elks, United Way, etc.

Professional Services: Services carried out by professionals including legal and physician services. (See Code 65 in the Standard Land Use Coding Manual).

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meetings halls, recreation centers and areas; temporary festivals theaters; public parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, play fields and parks.

Public Uses: Facilities such as, but not limited to, parks, schools, and offices owned and operated by governmental bodies.

Public Utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of furnishing of heat, chilled air chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485).

Recreation Activities: See Code 74 of the Standard Land Use Coding Manual.

Recreational Vehicle: A trailer towed behind a car or self propelled vehicle intended for use as a temporary recreational dwelling.

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops. (See Code 64 in the Standard Land Use coding Manual).

Retail Trade: Those establishments engaged in selling merchandise for personal

or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual).

Schools Parochial: An institution of learning owned and/or operated by a recognized church or religious institution.

Signs: Any device designed to inform or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on or off-site as allowed under the regulations this Ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure or, if ground mounted, shall include a base, poles, mounts or attachments from the ground level upward.

Sign – Attached: A sign permanently attached to a building, awning, canopy, marquee or wall.

Sign – Center: An on-premise sign which identifies the name of an integrated center and/or the establishments of a center of two or more establishments served by common, immediate off-street parking and/or shared access.

Sign - Ground Mounted: A sign mounted on the ground or a support independent of a building.

Signs, off-site: Signs advertising products or services for sale but not on the same site as the sign is located (Billboards).

Signs, on Premises, on Site: Signs advertising products or services for sale on the same site as the sign is located.

Site Plan, Sketch Plan, General Plan: A plan delineating the overall scheme of the development of a tract including all items as specified in this Ordinance.

Special Exception: A use allowed on appeal to the Board of Zoning Appeals.

“Story”: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. The basement not used for human occupancy shall not be counted as a story.

“Half Story”: A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

Street or Road: A way for vehicular traffic, whether the road is designed as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane,

alley or other way, and for the purpose of these regulations roads” are divided into the following categories.

- (a) Arterial Street: A major street used primarily for heavy through traffic which will be so designated on the Rossville Major Road Plan.
- (b) Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Rossville Major Road Plan.
- (c) Cul-de-sac or Dead-end Street: A local street with only one outlet for which there are no plans for extension and no need for extension.
- (d) Marginal Access Street: A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from traffic.
- (e) Minor Residential or Local Streets: A neighborhood or commercial area street used primarily for access to the abutting properties.

Street Line: The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Street Center Lines: The center of the surface roadway of the surveyed center line of the street.

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is constructed to be towed on its own chassis comprised of a frame and wheels, to be used with or without a permanent foundation but with the necessary connections for utility services.

“Total Floor Area”: The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Toxic Materials: Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Transient Lodging: Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual.

Usable Floor area: Measurement of usable floor area shall be the sum of gross

horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

- (1) For the purpose of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers.
- (2) Where detailed floor plans are not available, the following shall apply:
 - a. Commercial Building - usable floor area shall equal seventy-five percent (75%) of the gross floor area.
 - b. Office buildings other than medical office buildings - Usable floor area shall equal eighty percent (80%) of the gross floor area.
 - c. Medical Office Buildings - Usable floor area shall equal eighty-five percent (85%) of the gross floor area.

Use: The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use “ or its equivalent shall not be deemed to include any non-conforming use.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (See code 48 in the Standard Land Use Coding Manual.)

Variance: A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in a practical difficulty or necessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding (facilities provided that they are located within the building. (See Code 8221 and

8222 Standard Land Use Coding manual).

“Yards”: Any open space on the same lot with a principal building open, unoccupied and unobstructed by any building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

- (a) “Front Yard”: The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards. (See illustration 1).
- (b) “Side Yard” The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line. (See Illustration 1).
- (c) “Rear Yard”: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued. (See Illustration 1).

Zoning Districts: Any section of the Town for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

ARTICLE X: BOARD OF ZONING APPEALS

Section 1. Establishment.

1. The Rossville Board of Zoning Appeals (“BZA”) is hereby established in accordance with Tennessee Code Annotated Section 13-7-205 to review actions of the Town’s building official, to hear and decide applications for uses permitted on appeal as special exceptions under the Zoning Ordinance, to hear and decide requests for variances from the Zoning Ordinance, and to take such other actions as may be authorized by state law.
2. All proceedings and actions of the BZA shall be in accordance with applicable statutes, including Tennessee Code Annotated Sections 13-7-205 through 13-7-208, as such Sections may be amended from time to time.

Section 2. Organization.

1. Members. The BZA shall consist of five (5) members, who shall include the Mayor or an Alderman of the Town of Rossville, one (but not more than one) member of the Town’s Planning Commission, and three (3) other members. The Mayor shall nominate, and the Board of Mayor and Aldermen shall elect, all members of the BZA. Members of the BZA shall serve without pay.
2. Terms of Office. The Mayor or Alderman and the Planning Commission member of the BZA (the “officeholder members”) shall serve terms on the BZA concurrent with their terms of office. The terms of office of the three other members shall be three (3) years, except as set out in Subsection (3) below. Upon the expiration of the term of office for which any officeholder member of the BZA has been elected or appointed, such person’s term on the BZA shall expire, and the Mayor and Board of Aldermen shall nominate and elect an officeholder member to serve on the BZA during such person’s term of elected or appointed office. Officeholder members who are re-elected or re-appointed as Mayor, Alderman or Planning Commissioner shall be eligible to be re-elected to the BZA.
3. Staggered Terms. In order to provide for staggered terms for BZA members other than the elected official members, the terms of all BZA members serving at the time of adoption of this Ordinance, other than the elected official members, shall expire as of the December, 2011 regular meeting of the Board of Mayor and Aldermen, at which time three members shall be appointed to serve terms as follows:

- (a) One member shall be appointed to serve a three (3) year term, until the regular meeting of the Board of Mayor and Aldermen in December, 2014.
- (b) One member shall be appointed to serve a two (2) year term, until the regular meeting of the Board of Mayor and Aldermen in December, 2013.
- (c) One member shall be appointed to serve a one (1) year term, until the regular meeting of the Board of Mayor and Aldermen in December 2012.

Beginning with its regular meeting in December 2012, the Board of Mayor and Aldermen shall each year appoint one member of the BZA to serve a three (3) year term. That appointee will replace the member whose term then expires. All persons who serve as members of the BZA shall be eligible for re-appointment.

- 4. Vacancy. Any vacancy caused by the resignation, death or removal of a member of the BZA shall be filled for the remainder of the unexpired term by nomination of the Mayor and election by the Board of Mayor and Aldermen.
- 5. Temporary vacancy. The Mayor, with the concurrence of a majority of the members of the Board of Mayor and Aldermen, may appoint up to two (2) special members to the BZA to fill temporary vacancies at any regular or special meeting of the Board of Mayor and Aldermen to insure that a quorum of the BZA is present. The special appointment shall be in writing signed by the Mayor, stating the date of the meeting(s), not to exceed two, for which the appointment is effective.
- 6. Removal. Members of the BZA may be removed by majority vote of the Board of Mayor and Aldermen for continued and/or repeated absences from BZA meetings or for just cause. Any member whose removal is proposed shall have the right to a public hearing before the Board of Mayor and Aldermen.
- 7. Conflict. Any member of the BZA who has a direct or indirect interest in any property that is the subject matter of, or that is or may be affected by, a decision of the BZA shall not participate in the discussion, decision or other proceedings of the BZA with respect to such property. Such member shall disclose such conflict prior to consideration of the matter by the BZA. Failure to disclose such conflict shall constitute grounds for removal from the BZA.

Section 3. Proceedings of the BZA/Appeal from Action of the BZA.

1. Election of Officers. Upon appointment, and annually thereafter, the BZA shall meet and organize and shall elect its own chair and vice-chair, and such other officers as the members shall deem necessary, who shall serve for one year or until their successors are elected. The persons so elected shall be eligible to be re-elected to serve one or more succeeding terms.
2. Meetings. In addition to the annual meetings provided for in Subsection 1 above, meetings of the BZA shall be held at the call of the Chair and at such other times as the BZA may determine, at a time agreeable to the members.
3. Notice of Meetings. No action shall be taken by the BZA as to any case until after public notice of the date, time and place of the meeting and the matter to be considered is given. Such notice shall be published in a newspaper of general circulation in the Town at least ten (10) days before the date set for the public hearing, and a written notice of the date, time and place of the hearing shall be sent by certified or registered mail to the appellant/applicant and all directly affected property owners at least ten (10) days before the hearing.
4. Meetings Open to Public. All meetings of the BZA shall be open to the public.
5. BZA Procedures/Recordkeeping. The BZA shall adopt rules of procedure and shall keep records of applications and appeals and of the BZA's resolutions, transactions, motions and actions, including statements of reason for the BZA's actions and such findings of fact and statements of material evidence as the BZA may deem pertinent, all of which shall be a public record.
6. Quorum/Voting. Three (3) members of the BZA shall constitute a quorum and the concurring vote of a majority of the members in attendance at any meeting at which a quorum is present shall be required to take any action. For example, if five (5) members are present, the affirmative vote of three (3) members will be required to take action. If three (3) members are present, the affirmative vote of two (2) will be required to take action. In the absence of the required number of votes, the action requested shall be deemed denied. At the request of the applicant/appellant, a new hearing date may be set if a quorum is not present to consider the matter appealed.
7. Other Town Offices or Agencies. The BZA may call upon any other office or agency of the Town for information in the performance of its duties, and it shall be the duty of such other office or agency to render such information to the BZA as may be reasonably required.

8. Advisory Opinion. The Town's Planning Commission shall be permitted, if the request to the BZA is made in writing, to submit an advisory opinion on any matter before the BZA, and such opinion shall be made part of the record of the public hearing.

Section 4. Powers.

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals from an action or decision of the Building Inspector or other official where it is alleged by the appellant that there is error in any order, requirement, permit decision, determination or refusal made by the Building Inspector or other administrative official in carrying out or enforcement of any provisions of the Zoning Ordinance, and for interpretation of the zoning map.
2. Special Exceptions. To hear and decide applications for special exceptions to the terms of the zoning regulations, in harmony with the general purpose and intent of such regulations, as specified in the Zoning Ordinance.
3. Variance. To hear and decide applications for variance from the terms of the Zoning Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of the adoption of the Zoning Ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of piece of property the strict application of the provisions of the Zoning Ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of the Zoning Ordinance. Financial disadvantage to the property owner is not proof of hardship within the purpose of zoning and as further explained below.

The BZA shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (a) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of the Zoning Ordinance were carried out;
- (b) The conditions upon which the petition for a variance is based would not be applicable generally, to other property within the

same district;

- (c) The variance will not authorize activities in a zoning district other than those permitted by the Zoning Ordinance;
- (d) Financial returns alone shall not be considered as a basis for granting a variance;
- (e) The alleged difficulty or hardships has not been created by any person having an interest in the property after the effective date of the Zoning Ordinance;
- (f) That granting the variance requested will not confer on this applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or building in the same district;
- (g) The variance is the minimum variation from the regulations that will make possible the reasonable use of the land, building, or structure;
- (h) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.
- (i) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area;
- (j) The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district and
- (k) Under no circumstances shall the BZA grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district.

4. Authority to Impose Conditions and Restrictions. The BZA may impose such conditions and restrictions upon the premises for which a special exception or a variance is granted as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of the Zoning Ordinance.

Section 5. Applications and Appeals to BZA: How Taken.

Any person or entity who seeks to use real property in a manner permitted by the Zoning Ordinance only upon the grant of a special exception by the BZA, and any person or entity aggrieved by any decision of the Building Official, or by any governmental officer, department, board or bureau affected relating to a permitted use of property under the provisions of the Zoning Ordinance, may appeal the Building Inspector's denial of such use to the BZA.

1. Appeal from Decision of Building Inspector.

The Building Inspector shall specify in writing to an applicant his approval or rejection of any matter submitted to him with respect to the Zoning Ordinance and the use of property thereunder, and within thirty (30) days from the date of such approval or rejection, the applicant may appeal from the decision of the Building Inspector by filing with the BZA a notice of appeal, specifying the grounds thereof. Such notice of appeal shall be filed with the Town Clerk and Recorder, who shall immediately transmit it to the members of the BZA and the Building Inspector.

Upon receipt of the notice of appeal, the Building Inspector shall transmit to the BZA members all papers constituting the record of actions taken prior to the request for an appeal and the provision(s) of the Zoning Ordinance upon which his action or decision is based. The BZA shall promptly set a date for a hearing on the appeal, shall give public notice of the date, time and place of the hearing, as well as individual notice to the appellant and the Building Inspector, and shall decide the matter within a reasonable time. At the hearing, the appellant and the Town shall have the right to be represented by counsel and to call witnesses.

2. Decision on Variance or Other Matter. In any decision made by the BZA on a variance or other matter, the BZA shall:

- (a) Indicate the specific section of the Town's Zoning Ordinance under which the variance is being considered and state its findings beyond such generalities as "in the interest of public health, safety and general welfare"; and
- (b) In cases where there is a claim of hardship, specifically identify the hardship that warrants the grant of a variance or other request by the Board.

3. Appearance by Appellant/Right to Representation.

At the public hearing of any matter before the BZA or the Board of Mayor and Aldermen, the appellant shall appear in his own behalf and may be

represented by counsel, an agent with proof of authority to represent the appellant, and if desired an appropriate professional, such as an engineer, land planner, and other similar persons. The BZA shall have the right to be represented by counsel and to hear evidence from an appropriate professional. To maintain orderly procedure, each side shall proceed without interruption from the other. The appellant's case shall be heard first, and any parties opposed shall then be heard. Members of the BZA or the BZA's counsel may ask questions of any person who appears.

4. Appeal of BZA Decision. Any officer, agency or department of the Town, or any other party aggrieved by a decision of the BZA, may appeal such decision to a court of competent jurisdiction as provided by state law.

5. Right to Entry Upon Land. Members of the BZA and employees or representatives of the BZA, in the performance of the BZA's work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required or permitted by law."

Section 6. Fees.

Fees for applications and appeals to the BZA shall be set from time to time by ordinance by the Board of Mayor and Aldermen. Unless otherwise set, the fee for an application or appeal to the BZA shall be three hundred dollars (\$ 300.00), which amount shall be paid upon the submission of the application or appeal. Fees for appeals to the Board of Mayor and Aldermen from a decision of the BZA shall be set by the Board of Mayor and Aldermen by ordinance.

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ARTICLE XI. AMENDMENTS

Section 1. General

The Board of Mayor and Alderman, may from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original zoning Ordinance or whenever the public necessity, convenience and general welfare require such amendment.

Section 2. Initiation of Amendment

Amendments may be initiated by the Board of Mayor and Alderman, Planning Commission or by an application of one or more owners or agents of property affected by the proposed amendment.

Section 3. Application for Amendment - Fee

An application by an individual for an amendment shall be accompanied by a fee as set by the Mayor and Board of Alderman of the Town of Rossville and shall also be accompanied by maps, drawing, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. Specifically, the application shall contain the following information.

- (a) Name, address and telephone number of applicant;
- (b) If different from the applicant, the name, address and telephone number of the owner or other person having a contractual interest in the property for which a zoning district amendment is requested.
- (c) A plot plan and legal description of each parcel of property proposed to be reclassified;
- (d) A vicinity map showing the subject property and all adjacent properties. Such vicinity map shall indicate the owner's name and dimensions of each parcel shown.
- (e) A list of the names and addresses of the owners of each parcel of property shown on the vicinity map;
- (f) Present zoning classification-and use of each parcel of property for which a zoning amendment is requested.
- (g) If an amendment to the zoning map is requested, the zoning classification

requested for each parcel which is the subject of the application;

- (h) If an amendment to the text of the Zoning Ordinance is requested, the language of the proposed text amendment and a statement of the reason for the requested amendment.

Section 4. Review and Recommendation by the Planning Commission

The Planning Commission shall review and make recommendations to the Board of Mayor and Alderman on all proposed amendments to the Ordinance.

Section 5. Grounds for an Amendment

The Planning Commission in its review and recommendation and the Board of Mayor and Alderman in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

- (a) The amendment is in agreement with-the general plan for the area;
- (b) It has been determined that the legal purposes for which zoning exists are not contravened;
- (c) It has been determined that there will not be adverse effect unless such adverse effect can be justified by the overwhelming public good or welfare;
- (d) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 6. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Ordinance prior to the final reading by the Board of Mayor and Alderman Notice of such hearing shall be displayed as follows:

The Town Recorder shall give notice in a newspaper of general circulation within the Town of Rossville at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

Section 7. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map which is part of this

Ordinance, the Building Inspector shall cause such amendment to be placed upon the zoning map noting thereon the Ordinance number and effective date of such amendatory ordinance.

Section 8. Effect of Denial of Application

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- (a) Upon initiation by the Board or Planning Commission;
- (b) When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- (c) When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

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ARTICLE XII. ADMINISTRATION AND ENFORCMENT

Section 1. Administration. The Provisions of this Ordinance shall be administered by a Building Inspector appointed by the Chief Legislative Body. They shall have the power to make inspections of buildings or premises necessary to carry out these duties in the enforcement and administration of this Ordinance.

Section 2. Building Permits are required and it shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.

(a) Site Plan is to be submitted by the applicants for a building permit. The site plan shall be drawn by a licensed surveyor or licensed engineer showing the actual dimensions and shape of the lot to be built on; any proposed excavations and drainage treatments; the size and location on the lot of buildings already existing, if any, the location and dimensions of the proposed use, building or alteration; the location of all driveways and entrances; and the location and provisions for parking as required by the Ordinance.

(b) Additional Building Permit Information shall include such other information as may be required by the Building Inspector. The information shall include the existing and proposed uses of the buildings and land, the number of families, housekeeping units or rental units on the lot; and other such matters as may be necessary to determine conformance with and provided for the enforcement of this Ordinance. No building permit shall be issued until the Building Inspector receives written approval of the proposed provisions for water supply and sewage disposal for the proposed use.

(c) Issuance of building permit. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance and other ordinances of Rossville Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the case. The issuance of a building permit shall in no case be construed as waiving any provisions of this Ordinance. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by the date on the project described therein.

A complete record of such application sketches and plans shall be maintained in the Office of the Building Inspector.

Section 3 Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use of structure shall be used or occupied until the Building Inspector

shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within fourteen (14) days of receipt by the Building Inspector of a written notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state such refusal in writing with the cause.

Section 4. Permits and Applications. Permits and applications shall be utilized as shown on the following pages.



TOWN OF ROSSVILLE, TENNESSEE
BUILDING INSPECTOR
Building Permit
 360 Morrison St. PO Box 27 Rossville, TN 38066
 (901) 853-4681 (phone) (901) 854-3976 (fax)

Job Address				
1. Legal description	Lot No.	Block	Tract (see attached sheet)	
2. Owner	Street Address	City, State	Zip Code Phone	
3. Contractor	Street Address	City, State	Zip Code Phone	
4. Architect or Designer	Street Address	City, State	Zip Code Phone	
5. Engineer	Street Address	City, State	Zip Code Phone	
6. Lender	Street Address	City, State	Zip Code Phone	
7. Use of Building				
8. Class of Work: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove				
9. Describe Work:				
10. Change of Use from				
Change of Use to				
11. Valuation of Work: \$ _____		PLAN CHECK FEE	PERMIT FEE	
SPECIAL CONDITIONS:		Type of Const.	Occupancy Group Division	
		Size of Bldg. (Total) Sq. Ft.	No. of Stories Max. Occ. Load	
		Zoning	Use Zone Fire Sprinklers Required Yes No	
APPLICATION ACCEPTED BY	PLANS CHECKED BY	APPROVED FOR ISSUANCE BY	No. of Units OFF-STREET PARKING SPACES Covered Uncovered	
<p style="text-align: center;">NOTICE</p> <p>This permit becomes null and void if work or construction authorized is not commenced within six (6) months, or if construction or work is suspended or abandoned for a period of one (1) year at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.</p>		Special Approvals	Required	Not Required
		Planning Commission	_____	_____
		Health Department	_____	_____
		Fire Department	_____	_____
		Other (specify)	_____	_____
Signature of Contractor or Authorized Agent		Date		
Signature of Owner (If Owner Builder)				

WHEN PROPERTY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT



TOWN OF ROSSVILLE, TENNESSEE
 BUILDING INSPECTOR
Application for Building Permit
 360 Morrison St. PO Box 27 Rossville, TN 38066
 (901) 853-4681 (phone) (901) 854-3976 (fax)

Permit Number _____ Date _____

Owner _____ to build on _____ ,

Lot number _____ , of the _____ Subdivision

Residence _____ Business _____ New _____ Existing _____ # rooms _____ Addition _____

Accessory _____ Garage _____ Demolition _____ Move _____ Other _____

Lot is _____ ft. X _____ ft. Size of building _____ ft. X _____ ft.

Construction: Frame _____ Brick Veneer _____ Masonry _____ Concrete Block _____
 Steel Beam & Metal _____ Other _____

Heating: Gas _____ Oil _____ Electricity _____ Coal _____ Wood _____ Other _____

Water Available _____ Sewer Available _____ Electricity Available _____ Gas Available _____

Flood Elevation (if applicable) _____

I certify that the information shown is correct and that if a permit is granted I hereby agree to abide by all the requirements of the City's Building Code, Zoning Ordinance, and other City Laws affecting the proposed structure. It is understood that off street parking is to be provided by the applicant.

 Signature of Applicant

 Owner, Contractor, Architect, Agent

 Address

 Telephone Number

**This application approved on _____ for
 construction cost of _____.**

Amount of Fee _____

 Building Inspector

- A. Foundation inspection completed on _____
- B. Frame inspection completed on _____
- C. Final inspection completed on _____
- D. Certificate of Occupancy issued on _____

**NO APPLICATIONS WILL BE ACCEPTED UNLESS THEY ARE COMPLETED IN ACCORDANCE WITH THE ABOVE
 REQUIREMENTS, AND ACCOMPANIED BY THE APPROPRIATE FILING FEE.**



TOWN OF ROSSVILLE, TENNESSEE
BUILDING INSPECTOR
Application for Certificate of Occupancy
360 Morrison St. PO Box 27 Rossville, TN 38066
(901) 853-4681 (phone) (901) 854-3976 (fax)

Application Number _____

To the Building Inspector:

In accordance with Article XII, Section 2 of the Rossville, Tennessee Zoning Ordinance, the undersigned hereby applied for a Certificate of Occupancy to use the premises located at _____

for the uses described as follows:

I understand that at any time the use of this property is changed or expanded to a use or uses other than as described above, this Certificate of Occupancy is automatically void and a new Certificate of Occupancy will be required

Owner or Agent

Address: _____

After an inspection of the property located at the above address, a Certificate of Occupancy is **APPROVED** for the above described use,

Building Inspector

After an inspection of the property located at the above address, a Certificate of Occupancy is **NOT APPROVED** for the above described use for the following reasons:

Building Inspector

NO APPLICATIONS WILL BE ACCEPTED UNLESS THEY ARE COMPLETED IN ACCORDANCE WITH THE ABOVE REQUIREMENTS, AND ACCOMPANIED BY THE APPROPRIATE FILING FEE.



TOWN OF ROSSVILLE, TENNESSEE
 PLANNING COMMISSION
Rezoning Application
 360 Morrison St. PO Box 27 Rossville, TN 38066
 (901) 853-4681 (phone) (901) 854-3976 (fax)

**APPLICATION TO THE ROSSVILLE BOARD OF MAYOR AND ALDERMEN
 FOR A CHANGE IN THE ZONING OF PROPERTY LOCATED
 WITHIN THE CITY LIMITS OF ROSSVILLE, TENNESSEE**

DATE: _____

1. Name of Site Plan / Project: _____
2. Site location: A. Street address: _____
 B. Legal description: _____
3. Applicant: _____ Daytime Phone _____ Fax _____ Email _____
 Mailing address: _____
4. Owner(s) of Record: _____ Daytime Phone _____ Fax _____ Email _____
 Mailing address: _____
5. Agent or Representative: _____ Daytime Phone _____ Fax _____ Email _____
 Mailing address: _____
6. Area in acres (each parcel): _____
7. Existing zoning (each parcel): _____
8. Proposed zoning (each parcel): _____
9. Proposed uses (each parcel): _____
10. This rezoning is requested because (provide justification): _____

(additional justification may be attached to this form)

Agent certification:

I hereby certify the above to be true and complete to the best of my knowledge.

Agent or Representative: _____

Owner authorization:

I, _____, Owner(s) of the property, hereby authorize the filing of this application.

Owner(s) signature(s) _____

Submittal Requirements:

The following information shall be submitted with this application. Except for the completed application form, all information shall be provided on sheets measuring 8½" x 11" unless otherwise noted. Additional information may be required as determined by the Planning Commission and / or Staff:

1. Completed original application form and eleven (11) copies.
2. Plot plan and property description.
3. Cover letter or narrative describing the purpose of the request and eleven (11) copies.
4. Twelve (12) copies of the Site Plan, in accordance with the requirements identified in the Planning Commission Site Plan Review Checklist and other information as may be deemed necessary and appropriate.
5. Vicinity map of the property, showing the subject property and all parcels located within a three hundred (300) foot radius of the subject property. Each parcel shall indicate owner names and the streets, roads or alleys which each parcel fronts upon.
6. Two (2) sets of adhesive-backed mailing labels and one (1) paper copy of the names and addresses of the owners of each of the parcels located within a three hundred (300) foot radius of the subject property.
7. Fee: _____

8. Application filed in the Office of the Town Clerk in Rossville, Tennessee on this _____ day of _____, 200_____.
 Received by: _____

ACTION OF ROSSVILLE MUNICIPAL PLANNING COMMISSION

The above application for rezoning was reviewed by the Rossville Municipal Planning Commission at its (regular) (special) meeting held on _____, 20____, at which time the following action was taken:

1. Recommendation to Board of Mayor and Aldermen of Rossville that
 - (a) Request for rezoning be granted _____
 - (b) Request for rezoning be denied _____
2. Other action (describe): _____

Rossville Municipal Planning Commission

By _____

ACTION OF BOARD OF MAYOR AND ALDERMEN

The Board of Mayor and Aldermen of Rossville reviewed the above described recommendation of the Rossville Municipal Planning Commission at the (regular) (special) City Board meeting held on _____, 20____, at which time the following action was taken:

1. Public Hearing on rezoning request was scheduled for _____, 20____ at _____ (a.m.) (p.m.)
2. Other action (describe): _____

Board of Mayor and Aldermen, Rossville, Tennessee

By _____

NO APPLICATIONS WILL BE ACCEPTED UNLESS THEY ARE SUBMITTED FIFTEEN (15) DAYS PRIOR TO THE PLANNING COMMISSION MEETING, COMPLETED IN ACCORDANCE WITH THE ABOVE REQUIREMENTS, AND ACCOMPANIED BY THE APPROPRIATE FILING FEE.

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ARTICLE XIII. LEGAL STATUS PROVISIONS

Section 1. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

Section 2. Relation to Other Laws and Private Restrictions

- (a) Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, resolution, ordinance, rule or regulations of any kind, the regulations which are more restrictive shall apply.
- (b) This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are most restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

Section 3. Ordinance Provisions do not Constitute Permit

Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

Section 4. Provisions are Cumulative

The provisions of this Ordinance are cumulative with additional limitations imposed by all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any such matter appearing in this Ordinance.

Section 5. Separability

It is hereby declared to be the intention of the Town of Rossville, Tennessee, that the several provisions of this Ordinance are separable in accordance with the following.

- (a) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provision of this Ordinance not specifically included in said judgement.
- (b) If any court of competent jurisdiction shall adjudge invalid the application

of any provision of this Ordinance to a particular property, building or other structure, such judgement shall not affect the application of said provisions to any other property building or structure not specifically included in said judgement.

Section 6. Application of Regulation

No building or other structure shall be constructed, erected, placed or maintained and no land use commenced within the Town except as specifically or by necessary implication, authorized by this Ordinance. Special exception uses are allowed only on permit granted by the Board of Zoning Appeals. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

Section 7. Scope of Regulation

(a) New Uses, Lots, Buildings or Other Structures

Upon the effective date of this Ordinance, any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this Ordinance.

(b) Existing Uses, Lots, Building or Other Structures

Any existing use, lot, parcel, building or structure legally established prior to the effective date of this Ordinance which does not comply with the provisions shall be subject to the nonconforming use provisions in Article III of this Ordinance.

(c) Alteration of Existing Buildings and Other Structures

All structural alterations or relocation of existing building or structures occurring after the effective date of this Ordinance and all enlargements of or additions to existing. uses occurring here-after shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

Section 8. Violation and Penalty

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or

shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

Section 9. Effective Date

This Ordinance shall be in force and effect from and after its passage on second and final reading and adoption, the public welfare requiring it.

9.1 Approved and certified by Planning Commission

Chairman of Planning Commission

ATTEST: _____

Secretary of Planning Commission

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